

# PLANNING COMMITTEE



**WEDNESDAY, 25 JUNE 2025 - 1.00 PM**

**PRESENT:** Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner and Councillor E Sennitt Clough, Councillor M Purser (Substitute) and Councillor P Murphy (Substitute).

**APOLOGIES:** Councillor N Meekins.

Officers in attendance: Matthew Leigh (Head of Planning), David Rowen (Development Manager), Tom Donnelly (Senior Development Officer), Victoria Searle (Legal Officer) and Jo Goodrum (Member Services & Governance Officer).

## **P16/25**      **PREVIOUS MINUTES**

The minutes of the 28 May 2025 were signed and agreed as an accurate record.

## **P17/25**      **F/YR23/0648/F** **LAND SOUTH OF 127-141 COATES ROAD, COATES** **HYBRID APPLICATION: FULL PLANNING PERMISSION TO ERECT 18 X** **DWELLINGS (2 X SINGLE-STOREY 2-BED, 1 X 2-STOREY 2-BED, 2 X SINGLE-** **STOREY 3-BED, 4 X 3-STOREY 3-BED, 7 X 2-STOREY 4-BED 1 X 2-STOREY 6-** **BED AND 1 X 3-STOREY 6-BED) INCLUDING 2 X SELF-BUILD DWELLINGS AND** **THE FORMATION OF 3 X ACCESSES AND A PEDESTRIAN FOOTPATH.** **OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS** **TO ERECT 2 X SELF-BUILD DWELLINGS**

Tom Donnelly presented the report.

The Legal Officer provided an update on the habitat considerations and the relationship with Natural England. She stated that the Council is subject to a duty to consider the impact of the development on two special protection areas (SPAs) which are close to the application site though not within it. The Legal Officer added that the applicant has commissioned and submitted a shadow habitats regulations assessment and the Council shared that with Natural England in its capacity as a statutory consultee. She feels the applicant would take the view that this shadow habitat regulations assessment shows that this development would not have an adverse effect on either of the nearby SPAs but Natural England appears to have taken a slightly different view and is of the view that more information is needed for the Council to be fully satisfied that the application will not have an adverse effect on these two SPAs. The Legal Officer continued that given Natural England's particular specialism in habitats and species and in nature conservation more generally, committee should show reasonable deference to their opinion and are required to give considerable weight to their advice but nevertheless the decision is not Natural England's, the decision is for the committee to make and it is entitled to depart from Natural England's advice as long as there is cogent and compelling reasons for doing so. She referred to case law on cogent and compelling reasons and she is aware that there is a 2024 outline permission for a similar scheme on this site and it might be tempting to treat that as establishing the principle of development on this site and to a certain extent it does but drew members attention to a recent court of appeal case where it said where you have what might be considered a multi-stage consent that local planning authorities need to think about habitats impacts and the assessment of those impacts at each stage of the process, although this case law is being appealed. The Legal Officer stated that she is giving committee a little caution about relying too much on the 2024 fallback

position outline consent and she feels that the recommendation should be amended slightly to include a delegation to the Head of Planning to satisfactorily address the outstanding request for further information to satisfy the Council that a habitats regulations assessment can be passed before granting planning permission.

Members received a presentation, in accordance with the public participation procedure, from Roman Falinski, a supporter to the proposal. Mr Falinski explained that he has followed the application and its history over several years, with him currently residing in Coates and has regularly walked his dog around the area. He made the point that he has never seen any sort of habitat in that area, and added that when he previously lived in Whittlesey, there was a development which was due to be built and, in his view, that had even more reasons to have its planning permission refused but it was subsequently approved.

Mr Falinski explained that the application site did have all sorts of different habitat in the field and made the point that he does not see that as a reason in this case where Natural England have said for it to be looked at this site again as the local residents will state that there is nothing in the field and there never has been. He stated that he is interested in the application because he is looking to purchase a plot of land on the site subject to it being approved and it will be a self-build where he can employ local tradespeople from the area and he is looking for quality craftsmanship similar to the Phase 1 development which is, in his view, outstanding compared to anything else in the area and he asked the committee to support the proposal.

Members received a presentation, in accordance with the public participation procedure, from Peter Webber, a supporter to the proposal. Mr Webber explained that the reason that he is interested in the development is because there are bungalows and single storey dwellings and as he has recently undergone a kidney transplant, he is looking to move into the area and there are very few types of those dwellings being built. He stated that he had hoped to have been able to purchase a dwelling on the adjacent site but was unable to and added that he used to work in Perkins in Peterborough and he has known the area for the past 30 to 40 years.

Members received a presentation, in accordance with the public participation procedure, from Gordon Smith, the agent. Mr Smith explained that whatever he had prepared to read in order to address the committee has been turned upside down by the most advanced information given by officers concerning the habitats assessment. He added that to attend a Planning Committee and be advised of something quite major is inhibiting any approval of the development.

Mr Smith stated that the outline permission took four years before the legal agreement was signed, following the approval given by the committee, and the delays were not because of the Council but were because of the County Council who did not have a solicitor or officers to deal with it. He referred to the habitats assessment and stated that he perceives that as being an incredible delay to the delivery of the site.

Mr Smith stated that Postland Developments have delivered Minuet Paddocks immediately to the east and it is a quality, interesting scheme, and something to be proud of. He made the point that with regards to the habitat assessment what is being asked for is the best part of a year of studies and the cost implication is tremendous and that a subplot here is a viability of the scheme and the cost to the developer in terms of delay as they are a small builder.

Mr Smith explained that committee have been advised that the decision is down to them providing that they have cogent and compelling reasons and by considering the objection which has been put forward from Natural England, with, in his view, the compelling and cogent reasons would be that there is a fallback outline planning permission which deals with the principle of putting a development on the site. He explained that he has also produced his own shadow habitat assessment, and his own ecologist was surprised that he had undertaken an assessment for a site such as this which is on the edge of a built-up area, with the habitats which would be looked at

would be swans and geese and whether they land here and whether the development would inhibit that behaviour.

Mr Smith stated that as the outline permission has already been granted, in his view, it is something that has already been dealt with and it is a matter of principle. He asked the committee that when determining the application that there are compelling and cogent reasons to grant planning permission based on fallback outline permission, the fact that a habitat assessment has been produced and that there are no objections from the Council's Wildlife Officer.

Mr Smith stated that the developer, Postland Developments, are a local company based in Coates and who operate in Fenland and South Lincolnshire, with them building about a dozen small sites at a time and employ local people, purchase materials from local suppliers and purchase British products, making the point that they are locally engaged and are not a remote regional or national company. He added that they will build a quality scheme which is evident from the scheme built out next door and the scheme will help the custom build market due to the fact that four of the units will be for custom build, two will be in the outline part of the site and two have been designed.

Mr Smith explained that a fifth of the houses are for the custom builder and the developer does not land bank and they will develop the site as they have a development team and have employees as they need to keep working as soon as they lose their skilled workers, they then have to go to the contract market and in that case, they do not get the same quality of worker. He stated that the developer can deliver promptly and with regards to the length of time a legal agreement can take, which was four years from the outline permission, he would hope that was an unusual case, but he does not think that it is, with if the committee choose to delay the application then that could be five years for the developer, and he would hope that the legal agreement would be faster this time.

Members asked Mr Smith the following questions:

- Councillor Mrs French asked Mr Smith if he could explain to the committee the delays caused with the previous legal agreement which took four years where he was proportioning the blame to the County Council due to there being lack of a solicitor. Mr Smith stated that he does not know what the issue was as there were no staff there at the time but the application came to the committee in 2020 and four years later the legal agreement was received. He explained that part of the legal agreement meant that it had to go to the County Council as the Highway Authority needed to agree to their issues being covered in the legal agreement and despite him providing the information there were no answers provided. Councillor Mrs French stated that she is still baffled and after being a County Councillor for eight years she can assure Mr Smith that there are numerous staff and legal staff at the County Council. She added that she is unsure why the Legal Agreement had to be signed by the County Council as that normally comes with the reserved matters under Section 278 for highways work and she added that she is still not satisfied.
- Councillor Mrs French stated that with regards to Natural England they are a statutory body, and the committee do consider the views of statutory bodies. She expressed the opinion that it would have been beneficial for members of the committee to have had the statement provided in writing which was read out by the Legal Officer as it has come as a surprise to everybody.
- Councillor Mrs French made reference to lack of Section 106 contributions regarding education, with the development could having up to 30 children who will reside there and she questioned where those children will attend school and why is it felt acceptable that there are no contributions towards education for them? Mr Smith explained that the whole issue concerning the Section 106, and the viability is being dealt with regards to what the scheme can afford and what there is in the scheme. He added that from the developer's point of view the scheme based on the current planning viability practice is unviable and that is if the whole offer is sought. Mr Smith explained that a long period of discussion has taken place including valuers on the Council side who are independent of the developer and independent of the Council officers', who exchanged reports and concluded that a fair sum

was £133,000 for all Section 106 contributions whereas the original amount was £300,000. He made reference to the legal agreement and explained that the education authority was also party to that legal agreement too and, therefore, the lapse was not just down to the Highway Authority.

- Councillor Gerstner stated that he would like clarity with regards to the Section 106 monies and the viability study. He added that there was an agreement in place on the previous application for £300,000 and this was less than a year ago and he would like to know what has changed since that point in time. Mr Smith explained that the applicant would be able to provide a more detailed explanation, however, he believes that is down to construction costs which have vastly increased, and lots has changed with regards to the viability of the scheme. He added that the previous legal agreement which went on over a long period of time would have proceeded through various development cycles and the frustrating issue when dealing with viability is that it is at a point in time and currently that is what the values are based on sales price, construction cost and how it balances out. He added that is what the valuers would have looked at. Mr Smith explained that with regards to what has changed there are elements which change all the time and aspects are still changing and it will be very different next year too.
- Councillor Gerstner stated that being a former Coates resident he knows the area well, the White Cross Stone is going to be protected and is going to have a plaque on it, asking if this was correct? Mr Smith responded that this was correct, it is on the plan and they know about it. Councillor Gerstner asked that it is being protected during the construction period because it sits right at the entrance? Mr Smith indicated that it would.
- Councillor Gerstner referred to there being some difficulty selling some of the phase one housing. Mr Smith responded that the difficulty in selling often depends on the price and the prices anticipated for this site have now dropped from the first developer assessment, with prices changing all the time.
- Councillor Benney expressed his surprise at the information committee has been given last minute and asked at what point was he made aware of Natural England's standpoint on this application? Mr Smith responded that they knew about it as soon as it came in as they observe the Council's website and they tried to contact Natural England to review what they really meant but it is very difficult for them to get hold of. He stated that they took action rapidly and reluctantly produced a report that they thought was unnecessary, the shadow habitats assessment, it is something he believes the Council should do but they undertook it. Mr Smith made the point that they took action, it took a time to get a reply and they tried to point out to Natural England the circumstances of this site, it is on the edge of a built up area and based on their own studies so far there are no known impediments to development but they have stuck to their guns and want a further assessment. He added that this report will cost thousands of pounds and add another year to the development. Councillor Benney stated his question has not been answered, the fact that it appeared on a website does not tell him at what point they became aware. Mr Smith responded that the case has gone for a fair period of time and he does not have that date with him but believes it went on the website about a year ago.
- Councillor Marks referred to the roads on the site itself and asked if they are going to be adopted? Mr Smith responded that the grey area on the plan at the top of the site is the only area that the County want to be adopted but the rest of the development has been designed to adoptable standards and it is a point to be clarified as to whether that is to be adopted or left as a private road. He added that the recommendation covers the issue from the point of view of a scheme for refuse collection and asks them to resubmit all their drainage information. Councillor Marks stated that Fenland is plagued with private roads that have been built allegedly to adoptable standards and on previous applications committee has asked that for example the last 3 houses until the road is brought up to adoptable standard cannot be lived in. Matthew Leigh stated that committee has imposed conditions similar to this but it is site specific and it does depend upon the scale of the scheme and he would suggest that 3 would be comparable for a scheme of this size. Councillor Marks asked if they would be prepared to accept this as a condition? Mr Smith indicated that this would be

acceptable.

- Councillor Gerstner stated that the A605 is a very busy road and asked if there would be some sort of refuge coming out of the site to help people cross the road to access the footpath on the opposite side. Mr Smith responded that refuges in themselves can sometimes be a hazard but it is down to Highways who will look at detail at any precise geometry to the road that needs to be altered but what they know at the moment is that they are probably going to have to relocate the speed limit sign so this part of the road becomes part of the 30mph. He added that major crossings, islands etc has never been discussed, which he thinks is due to the nature of the road. Councillor Gerstner stated that he is not talking about a major crossing, just a small refuge where people can stand and has a good splay so they can see either direction as is if there is no refuge at the end of the road to cross over it could be a concern. Mr Smith responded that current behaviour needs to be observed with the 14-house site next door and having sat there for a long time at busy times people do want to turn right but the visibility is such that people see that vehicle as there is clear visibility. He feels that Highways are well versed in doing whatever they can to improve safety but does not think it is necessary for the Council to instruct on this other than to raise it as an issue for the County to scrutinise.
- Councillor Marks referred to construction and it being a busy road and asked that a road sweeper be put in place from day one? Mr Smith confirmed that it would and were the issue to arise they would be compelled to build a hardstanding as a drop zone for debris so that is the bit of road that would be cleaned not the public highway. He added that if there is debris on the road the County Highways could compel them to clean it up under their powers. Councillor Marks hoped that they would clean it up before Highways get involved and have a sweeper on site from day one as there has been numerous sites where there has been mud on the road and numerous issues so he would request this being part of this application.
- Councillor Marks referred to Natural England's comments and presumes the developer is the same developer who built the site next door and asked if Natural England responded on that application? Mr Smith confirmed that they did not.

Members asked questions of officers as follows:

- Councillor Mrs French asked why it has taken 4 years for a Section 106 as she has never known one to take this long and she does not accept it being lack of County Council officers. David Rowen responded that it is not material to the determination of this planning application, it relates back to the previous application on the site, however, the Section 106 Agreement did take an inordinately long period of time, there were delays with the County Council end in terms of their legal team turning around the agreement but there were also some delays on the applicant's side as well. He feels it is unfair to completely attribute the blame for that delay to the County Council, for example during the process of the Section 106 Agreement several of the plots on site were sold off so there were more signatories required.
- Councillor Benney made the point that committee have never received a legal warning like this before on an application and listening to the agent this was a year ago now. He puts faith in officers and there are sometimes incomplete applications with minor issues but something like this is a major thing from what committee has been told. Councillor Benney expressed the view that the fact the application has come before committee today he feels that officers would not have sent an application to committee with a major fault. He asked for officers' opinion on this and can a decision be reached today with the amendment to the wording as suggested by the Legal Officer and to get the wording right from the Head of Planning so a decision can be made on this today. He made the point that legal advice is advice and it is up to the individuals whether any notice is taken or not and from an officer's perspective this application has been looked at, it has been submitted for some time and again requested their opinion, does it change the recommendation or is it still for approval. Matthew Leigh responded that as explained by the Legal Officer this is a relatively new piece of case law, it was the Legal Officer that raised it with officers and if officers had been

aware of this before the agenda was published he would have been very reluctant for members to grant this as the recommendation. He continued that in relation to delegating the decision to officers, this is proposed to be delegated in relation to the Section 106 at the moment and there will still be a time if members were to grant it today for the decision to be issued and they would envisage that these could run in tandem with the additional information required. Matthew Leigh stated that it is important to note that it is not necessarily an objection regarding lack of information and engagement and there is confidence that there is a potential to overcome this, if there was not then the recommendation would be one of refusal but it is felt there some level of safety in moving it forward and it is within members' gift to delegate this issue to officers to resolve prior to determination. He stated that there is not a risk and it is not an unreasonable approach to dealing with the application. Councillor Benney clarified that the recommendation still stands to grant planning permission so long as authority is delegated to the Head of Planning to make sure that the paperwork trail is completed and ready. Matthew Leigh indicated this to be the case.

- Councillor Benney made the point that this issue is a big thing to be dropped on committee without any prior notification. He added that there is also an appeal on this decision which could be thrown out or be upheld and if that is hanging in the balance then this application is also, but the wheels of democracy should not stop because of an appeal case nor does it and, therefore, making a decision today is the right thing to do giving delegated authority to officers. Councillor Benney asked if he was correct in his way of thinking? The Legal Officer apologised to committee for springing her advice on them today and appreciates that committee did need prior warning of this. She made the point that officers work incredibly hard to get their papers together and circulated in good time and she did not forewarn them early enough that this issue needed to be addressed so the fault lies with her and not officers. The Legal Officer hoped that the compromise position being proposed gives the committee some comfort and that the principle can be established and it be resolved to grant subject to the delegations, which is not dissimilar to the position that officers originally recommended. She stated that there is no legal barrier to proceeding with resolving Natural England's questions on the HRA simultaneously with the Section 106 and she would hope that it would not protract the time between the resolution to grant and granting, although from her experience the Section 106 would probably take longer than this. Councillor Benney reassured the Legal Officer that it was not a criticism as they get updates the day before the meeting but it is quite significant due to the fact that it was a lengthy update with the consequences and the remedy to it, which carries weight and any judicial review will look at the process of arriving at the decision and that is why he required the sound advice.
- Councillor Mrs French referred to previous incomplete applications and feels this application is not complete as the relevant information has not been received.
- Councillor Gerstner stated that it appears the applicant was aware of this change a year ago. He referred to the Section 106 that has been put in place over 12 months, he appreciates that agreement has been concluded but he is uncomfortable with developments like this that all of sudden have a viability concern, these are good high-end developments, the developer has a good name and they can and do fetch a premium, with house prices in Coates not being the most expensive but they are in the premier division. Councillor Gerstner would have thought it would have attracted, especially on the education side, a lot more 106 money. Matthew Leigh responded that the policies set within the Local Plan require affordable housing, infrastructure contributions such as highways, NHS, education, etc., and they work with statutory consultees and the Council's own independent consultant to understand what the need is. He stated that planning requires at a starting point that an application should reflect the harm of the development, such as education as an example, but unfortunately Fenland does struggle with viability and viability is a material consideration in the determination of a planning application. Matthew Leigh added that the previous permission would not have been policy compliant per se in relation in every aspect but they have come forward with a viability report with this application stating that there is only a certain amount of excess money that is to be shared out. He continued that this report

stated a figure, it was independently assessed, the Council take the advice provided but it is not the Council's consultant and this required an uplift in the figures because the consultant found there was more money than had been stated, however, it is significantly short.

Matthew Leigh advised that the recommendation takes into account the planning history, provision of dwellings and viability, with the shortfall in policy being acceptable but viability is a material consideration and if members feel that this is an issue then committee has the gift to refuse if harm can be demonstrated. He stated that the NHS consultation response clearly explains why they need their contribution, education is normally a little more difficult as to some extent there is a spreadsheet and they give you a figure and if members were to refuse it officers would have to work very hard with education for evidence and there is also an under provision of affordable housing so if members are not happy with this it can be a reason for refusal.

- Councillor Marks stated he has undertaken a quick maths calculation and it seems to be £200,000 short on the 106 money, going from £350,000 down to £133,000 and when listening to what the agent said some of the properties have already been sold and asked would that have been taken into consideration at the time the viability was undertaken as if people are already buying them there has to be viability in the price being asked. David Rowen responded that he cannot vouch for how the independent consultant has undertaken the assessment, however, as part of that assessment property prices would have been submitted and the assessor should have looked at those property values assessing whether they were realistic and accurate.
- Councillor Murphy stated that, having been on the committee for a long time, he has never seen anything like this happen before and he cannot see where the outcome is going to be any better, with if it carries on for another year it is going to be even worse. He asked if officers can see how anything better can be achieved than is on the table now? David Rowen responded that as the agent indicated viability is a snapshot in time and nobody can predict the future, all the committee can base its decision on and accept is the information that has been submitted and the assessment that has been undertaken. Councillor Murphy expressed the opinion that committee would be better accepting it now than it will in a year's time. Matthew Leigh clarified that it is not known.
- Councillor Benney stated that has been much talk about viability, there are companies that make a living out of challenging viability and local authorities know that there can be legal challenges to 106 agreements and if it is not a viable site and cannot make he thinks a 12% profit they cannot borrow the money and then build and, therefore, there could be no housing, which is not what the committee is here for and one of the Council's responsibilities is to deliver housing. He made the point that there has been inflation of 10% over the last two years and house prices have not risen that much to match that level of inflation so there is the fact that house prices have not gone up to match the viability that is there, build costs and materials have significantly increased and that reduces the number down so if the numbers do not work and committee goes against it, it could end up with a legal challenge. Councillor Benney continued that the Council has to defend all its decisions so it has to be realistic in expectations and in terms of the NHS it is the national health service and if people move here they are moving from somewhere else in the country which just means it is down to the NHS to move that service from one place to another so, in his view, if the money is not available for this it is down to Central Government. He asked if what he was saying was right and there is also a point that the land values part of the viability calculations use London land value as a benchmark for undertaking a viability report? Matthew Leigh responded that he would say no on mostly all of it, his understanding is that Government's published land values figures are used and they reflect each district and base figures are used as a benchmark for the value of properties in an area. He referred to the point regarding challenge, he stated it would not be a legal challenge, if members or the Council refused based around viability that would be an appeal rather than a legal challenge and this all comes down to evidence, a shortfall in provision can be clearly demonstrated and that would not be issue to show evidence so he believes there would not be a risk of costs at appeal but whether or not the Inspector would agree with the Council

that a shortfall in affordable housing, education and NHS contributions was enough to dismiss the appeal it not known, it is a balancing exercise. Matthew Leigh reiterated that viability is a struggle in the district but matters in relation to NHS are material consideration as the Council has a policy and Government's guidance is clear that a development should reflect this and could be a reason for refusal as it could be putting people in a situation where there is a struggle or inability to have access to a doctor as the two surgeries in close proximity are at capacity but officers have undertaken an assessment and said it does not warrant a reason for refusal but it is a material consideration for the committee and the responsibility of the applicant to negate harm. Councillor Benney expressed the opinion that this differs slightly to what his predecessor told members and thinks training on Section 106 might be a good thing for committee to ensure it is clear on policies and how it works. The Legal Officer stated that viability is incredibly challenging in lots of places and particularly in this District but at the same time committee will be aware that Fenland is in a relatively positive position of having a 5-year housing land supply and that does impact how viability is weighed along with other material considerations in the balance. She continued that because it can be demonstrated 5-year housing land supply the presumption in favour of sustainable development and tilt balance does not apply so there is more discretion here than many other local authorities who cannot demonstrate that 5-year housing land supply to weigh contributions to infrastructure, open space, services in the balance in a fair and equal way. The Legal Officer stated that committee is entitled to and may weigh viability and the contribution towards mitigating the harm of the development against the benefits of the development and that is a weighting exercise for the committee. She does not feel that the committee is in the territory of tipping into legal error, this is very much a matter of planning judgement where so long as committee does not act irrationally it has a significant amount of discretion. The Legal Officer brought to the committee attention, on the issue of NHS contributions, to the fact that there was a significant case about 18 months ago with NHS funding and the position generally is that the NHS should fund its own revenue costs, which is funded out of general taxation and generally Section 106 contributions or developer contributions should not sought towards NHS revenue and running costs, but what is sometimes needed is the delivery of physical infrastructure and capital expenditure, such as a new GP practice to support a new community, the NHS should pay the doctors and nurses to work in the surgery and fund the medicines and bandages but it is not unreasonable to ask the development to make a contribution towards the capital cost of building a new GP practice which the NHS will then take the costs of running. Councillor Benney stated that this clarifies it and agrees that developers should pay for infrastructure but there are times when it has been looked at before and committee was told it could not go against it because in the emerging Local Plan there was a viability report that came back and said anything below the A47, £2,000 per unit and above that nothing to pay and thinks this is the most recent document there is in planning. He appreciates that although this is not a live document it is appearing in the paperwork and is what committee has been told but it also comes back to this legal challenge again on viability and whilst he would love to obtain more from this scheme, it needs to be balanced against the delivery of homes, which are needed. Matthew Leigh agreed that there was a document in existence about 5 years ago that looked into viability for the District, which was given material consideration at the time, but things have changed significantly and now since November last year the Council is asking for site specific viability on all applications.

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

- Councillor Mrs French expressed the opinion that there is lack of Section 106 and she does not know where developers think the money is going to come from. She made the point that there is a new infrastructure plan reform on the horizon and this is one thing that has been highlighted repeatedly, developers obtain their outline planning application, promise the world and then when it comes to reserved matters or a full application they backtrack. Councillor Mrs French referred to the agent saying that it is up to Highways to clean road and she disagrees it is up to the developer to clear the highways and developers need to



realise if they do not they are going to get fined because councillors will push for them to be fined. She stated that herself and the Chairman have gone through various developments and had to get the Highways involved to clean the roads. Councillor Mrs French expressed the view that she is not convinced that she can support this proposal yet.

- Councillor Marks stated he echoes Councillor Mrs French's feelings.
- Councillor Gerstner expressed the view that there is an application before committee that is not quite complete and in all his life living in the area he has never seen a swan or goose in that field, although it may be on the flight path but he does not know. He feels that every development in that zone surely would be subject to the same rule and how come all of a sudden this rule has arisen from the authority and the site adjacent was not subject to it and it is lack of consistency. Councillor Gerstner expressed the opinion that it has to be accepted, although he does not like it, how the independent consultant has come up with the viability. He feels it is a quality development, it is not going to land banked and the Nene and Ouse Washes are some considerable way away and he cannot understand how this issue has arisen.
- Councillor Marks agreed it is a quality design, however, questioned how they have got it so wrong with the figure for the Section 106 money, which to him is a concern.
- David Rowen stated in response to Councillor Gerstner's comments this is legislation that has only come in over the last few years so some of the older permissions that have been granted were not subject to this and some of the other applications in the vicinity, such as the Drybread Road application in the last 12 months, there was a requirement for that assessment to be carried out, which was undertaken. He feels the confusing factor here is that the site has got a planning permission in place as set out in the officer's report and it was considered that because of that fallback position that superseded the request that Natural England had submitted, however, as the Legal Officer has explained there is now this new emerging piece of case law that sets out that is not the correct approach to take.
- Councillor Gerstner clarified that what is being said is that a proper report is undertaken and if that report is running it would delay the granting of the application but as the Legal Officer stated the committee can give powers to the Head of Planning to implement that condition and irrespective of the inconvenience to the applicant, committee could pass this except for the issues around the Section 106 money and put conditions in place to satisfy Natural England. David Rowen responded that is the recommendation that officers are now looking to put in place as they are not seeing, particularly given that some of the other sites which have probably more closely related to the Nene Washes have been dealt with in terms of this legislation, anything here that is a showstopper in terms of progressing this application, it is purely getting the information to address this issue and it is hoped that information could be submitted to run concurrently with the legal agreement meaning there will be very limited further delays to being able to determine the application positively should the committee resolve to grant the application.
- Councillor Mrs French suggested that the application could be deferred or refused because it is incomplete.
- Councillor Benney stated that he puts his faith in the officers, they have given committee a recommendation, with the Section 106 and the numbers being what they are and members are not qualified to challenge them. He feels with the Legal Officer's recommendation to change the wording of the recommendation gives the officers the authority to make sure everything is correct. Councillor Benney expressed the view that the officer has undertaken a good job on the application, the development next door is an excellent development and he is sure these will be nice houses when they are built. He feels the officers are the experts and there is a recommendation to approve with the amendments highlighted by the Legal Officer and it should be approved.
- Councillor Mrs French stated that she does not disagree with what Councillor Benney has stated but she would certainly not want to see this application approved unless there are strong conditions attached to it and one being the maintenance plan instructing that this busy road is cleared. She referred to the agent blaming County Council officers and officers in this authority too which she takes exception to, that type of discussion should not be

brought into the public domain. Councillor Mrs French stated that it has taken x amount of years to get to this Section 106 and if this is not resolved within 6-9 months for example, it comes back to this committee or officers just flatly refuse it.

- Councillor Benney stated that he agrees with Councillor Mrs French but equally to put a time limit on this is unfair, there are applications that take years especially with Section 106 agreements as it is a complicated document and they do take time. He feels that officers will know if it is not progressing and can bring it back to committee with another recommendation, if 6 months is given it might take 7 and all that work that officers have put in will have to be started all over again if it is resubmitted.
- Councillor Marks clarified that he has spoken to the Legal Officer and a time limit can be applied should it be felt necessary to do so.
- Councillor Benney made the point that committee have been told that it could take a year to resolve the Natural England issue, if it takes two years it is not ideal and he would like it to be signed and started tomorrow but a lot of work is put into this and some of time lag is attributed to people not answering e-mails and waiting for things to happen and the agent is not in charge of that, with it sometimes being how busy other people and other consultees are and putting a time limit on it could be counterproductive.
- Councillor Mrs French disagreed with Councillor Benney, it can be time limited but the agent did refer to the fact that he did not think he should have to undertake it and Natural England should do it but this is nonsense, with Natural England being an important statutory consultee, especially with biodiversity net gain. She stated that she will support the application but only on the understanding of a 12-month limit because then the developer and agent will get their act together and get the information back to Natural England that is required.
- The Legal Officer stated that the committee can recommend that the delegations to officers are time limited and would expire after a certain period but that does create some legal risk as there may a position where it needs to come back to committee and a fresh decision made, either on the application or whether to extend the time limit, which may lead committee into slightly murky territory in a year's time if it is not quite there but committee may take the view that is a problem for a year's time and deal with it at that time. She continued that the alternative is that the committee could agree that they want officers to report back to them on Natural England and the Section 106 within 12 months and then committee is not calling into question the substance of the recommendation or the resolution to grant but making it clear that committee wants more democratic oversight.
- Councillor Mrs French asked if this satisfies the officers? Matthew Leigh responded that if that is the gift of the committee officers will support the committee where it can.
- Councillor Mrs French asked for a 10-minute recess for officers to come up with the conditions to be applied to this proposal. Matthew Leigh stated his understanding that it was only in relation to the construction environmental management plan for which there is already a condition suggested and the standard condition in relation to adoptable standards for the roads and access ways prior to the occupation of the last three dwellings so feels there is nothing much further to discuss but does agree that legally officers are able to do what she has suggested. Councillor Marks expressed the opinion that the wording needs to be correct for Natural England so that is worth a 10-minute break to get the correct wording.
- David Rowen expressed confusion about the need for a recess for the wording in relation to Natural England, the Legal Officer read that out earlier and that will be what goes verbatim into the recommendation section of the minutes in terms of delegating to the Head of Planning to satisfactorily resolve that and it is part of the process, which he believes Councillor Mrs French was in the process of making, to capture that committee wish for this matter to be reported back within 12 months for a progress update report. Councillor Marks made the point that there has been a lot of wording sprung upon committee from Legal and he would like to understand what that wording is and committee needs to be clear on it.
- Following a 10-minute recess, Matthew Leigh read out the new wording of the recommendation. Councillor Marks stated that the only other items are for the three houses not to be occupied until the road is brought up to adoptable standards, the road sweeper

during construction but believes this will already be included, and Councillor Mrs French wanted it brought back to committee after 12 months for a progress report.

**Members agreed that authority be delegated to satisfactorily address the matters under the habitat regulations and to finalise the terms and completion of the Section 106 legal agreement and planning conditions to the Head of Planning and, following the satisfaction of the requirements under the habitat regulations and the completion of the Section 106, the application be APPROVED subject to the draft planning conditions.**

**Furthermore, authority is delegated to refuse the application in the event that the applicant does not satisfactorily address the matters under the habitat regulations and/or does not agree any necessary extensions to the determination period to enable the completion of the Section 106 legal agreement or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable, or that the applicant is unwilling to agree to any necessary pre-commencement conditions associated with the FULL element of the permission, as per the requirements of S100ZA of the Act.**

*(Councillor Gerstner declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Whittlesey Town Council and occasionally attends Planning Committee meetings but this application has not been on the agenda at any meeting he has attended)*

*(Councillor Sennitt Clough was not present at the start of this application and took no part in the discussion and voting thereon)*

**P18/25**

**F/YR25/0238/O**

**NORTH WEST OF CHERRYTREE HOUSE, FALLOW CORNER DROVE, MANEA  
ERECT UP TO 6NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS  
RESERVED) INVOLVING THE DEMOLITION OF EXISTING BUILDINGS**

Tom Donnelly presented the report.

Members received a presentation, in accordance with the public participation procedure, from Shanna Penney, the agent. Ms Penney explained that the application is for outline planning permission for up to six dwellings and the officer's report states that the principle of development is acceptable. She added that members may recall the Planning in Principle (PIP) application was granted by the committee for five dwellings on the land to the immediate east of the site.

Ms Penney referred to the presentation screen and pointed out the neighbouring PIP is entirely reflective of what she is proposing both in terms of the suggested layout of development in depth and in general density. She explained that the neighbouring site is located entirely within Flood Zone 3, whereas the current application is located only partially in Flood Zone 3, with the remainder of the land being in Flood Zone 1.

Ms Penny referred to the presentation screen which points out the officer recommendation for the neighbouring PIP and it states that the back land nature of the development would be out of keeping with the character of the area and it further states that there is insufficient information to allow for development in Flood Zone 3, clarifying that no sequential test was submitted for the PIP. She referred to the presentation screen which displayed the extract from the decision notice for the PIP which shows that it was granted and the committee's reason for going against the officer's recommendation was 'the committee in consideration of the scheme deemed that the benefits of the scheme were considered to outweigh the harm caused to the character and appearance of the area. The development was therefore considered to comply with the Fenland Local Plan 2014'.

Ms Penney expressed the view that the similarities between her site and the PIP next door are such that the PIP is a material planning consideration, with her scheme having the added benefit that they have provided a sequential test and that there will be the removal of an industrial non-conforming use within a residential area. She added that in the committee report at paragraph 9.13 it says that the technical details for the PIP have not been submitted and as such only limited weight should be afforded to it in terms of the back land nature of the development but referred members to the presentation screen which shows an extract taken from the Government's planning practice guidance, which states that permission in principle is an alternative way of obtaining planning permission and the first stage relates to the principle of development and the second stage relates to technical details, with it at no point suggest that the first stage is a lesser permission.

Ms Penney explained that the adjoining PIP was granted on the 30 May 2024 and is, therefore, extant for nearly two more years. She added that contrary to the officer's report and given the Government guidance and despite the lack of technical details, in her opinion, she suggested that the length of time the adjoining PIP remains extant for means that it is allowed to be a material planning consideration.

Ms Penney made the point that when factoring those aspects in the tandem nature of the development is already established in this location as is the principle of development in Flood Zone 3. She expressed the opinion the proposal is entirely reflective of the character of the approval next door which has been demonstrated by a sequential test that there are no alternative sites which are suitably available to accommodate the development, with the proposal being for 6 plots which would remove a non-conforming business use from a residential locality, and this would represent a solution to the site which is in keeping and consistent with other decisions in the area.

Ms Penney asked members of the committee to afford the same considerations to this site as was given to the site next door by granting planning permission.

Members asked Ms Penney the following questions:

- Councillor Mrs French asked for an explanation with regards to the non-conforming use term which she has used in her presentation and whether she is implying that the business has not got planning permission? Ms Penney stated that the existing use for the site is industrial and is Class B2 which is noisy use typically. She added that by removing it from a residential area it would be to the benefit of the surrounding area.
- Councillor Mrs French asked how long the business has been located at the site? Ms Penney explained that it has been on site for a number of years and was there on its own originally and was purposefully sited there as it was noisy use but over time the area has evolved, and it is now residential.

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

- Councillor Mrs French stated that because of the new houses which have already been constructed and the other PIP application, in her view, by removing the building would actually be a community benefit and she would like to support the proposal in its entirety.
- Councillor Gerstner stated that he agrees with Councillor Mrs French and agreed that there has already been a PIP application which seemed to be acceptable. He explained that he cannot see any other way to move forwards other than grant the application and he feels that it would be a benefit.
- Councillor Purser stated that he agrees that the application will benefit the community and clean up the area whilst benefiting the residents who live in the locality, and he will support the application.
- Councillor Benney stated that the application further down the road was approved and Fallow Corner Drove is being developed. He expressed the opinion that there is other development at the end that is not of linear design and just because there is not a development of one particular style does not mean that something does not fit in or work.

Councillor Benney expressed the view that it is a good use of land and if he was living next door to the site then he would be pleased to have houses on the site, rather than an industrial unit which may be quiet at the moment but if it is occupied by another business it may turn out to be noisy all the time.

- Councillor Benney stated that by removing the hard standing it will help with the surface water issue. David Rowen explained that he is not aware of any recognised surface water issue which has been identified. Councillor Benney stated that in the officer's report it states that there is a lot of hard standing.

**Proposed by Councillor Mrs French, seconded by Councillor Sennitt Clough and agreed that the application be GRANTED against officers' recommendation.**

Members do not support the officer's recommendation of refusal of planning permission as they feel that the benefits of the proposal outweigh the objections by removing a noisy industrial building and adding a nice residential development, with a precedent already having been set.

*(Councillor Marks declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Manea Parish Council but takes no part in Planning. Councillor Marks further declared that the applicant is a customer of a business that he is director of and took no part in the discussion and voting thereon. Councillor Benney chaired this application)*

**P19/25      F/YR25/0206/F**  
**LAND WEST OF CROSS ROAD, KNIGHTS END ROAD, MARCH**  
**ERECT 1X SELF-BUILD/CUSTOM BUILD DWELLING AND DETACHED GARAGE**

David Rowen presented the report.

Members received a presentation, in accordance with the public participation procedure, from Murray Graham, the applicant, and Rory Canham, the agent. Mr Graham stated that he purchased the 4-acre parcel of land in 2007 with the sole intention of keeping horses and chickens and for hobbies in a family, relaxing and stress freeway, with it never being the intention in the early years to apply for planning permission as the land was used just for stables. He explained that he is a March resident and has lived in the town all his life, with his wife being a third generation March resident.

Mr Graham stated that when he purchased the land in 2007 it was a small 4-acre parcel of agricultural land and was not sustainable for farmers on a commercial scale and his aspiration was to develop the land in a way which supported the environment. He explained that over the years a huge amount of work has been undertaken to transform the land which has included planting over 2000 native hedgerow plants across the front and some of the side boundaries, with some mature native trees also being planted in consultation with various organisations and following advice from environmental agencies he has planted all the boundaries with seed mix to encourage flora and fauna, and the boundaries are allowed to grow wild for most of the year.

Mr Graham explained that a few years ago he decided to plant 200 sapling tree and in addition there are two or three native honeybee colonies located in the bottom right-hand corner of the field. He stated that he has been adding nest boxes across the land to encourage nesting birds, and he leaves the stable doors open during the summer months to allow swallows and swifts to nest in the barns.

Mr Graham made the point that there are no main services on the land and that has been the case since 2007 and added that as a result he is using solar power and surface water for the animals. He stated that the reason he is looking to change the land use now is that he has suffered from many thefts and has submitted four crime reports because of break ins, with there being additional intruders on the site over the last few years and the losses he has encountered are estimated to be

around £20,000 so far.

Mr Graham explained that Crime Prevention Officers have attended the site, and he has taken the advice provided to him and implemented that, including CCTV on the site and extra security measures have been included on the buildings and doors on the site. He stated that even with all of those additional precautions in place there are still instances of intrusions on the site with ongoing break ins because of the rural proximity the intruders are going on to the site during the night and go undisturbed for large periods of time which has resulted in large significant losses.

Mr Graham explained that when he has suffered from the thefts, the offenders do not worry about the associated damage that they do, and he explained that the offenders have broken down fences in the past and have built bridges over the dykes to remove equipment from his storage containers. He added that offenders have also driven through crops of sugar beet fields to gain access to his equipment and the CCTV system that he has on site does not act as a deterrent, with the offenders wearing hoods and balaclavas.

Mr Graham expressed the view the only way in which he is going to be able to protect his property is by living on site and his intention is to keep giving back to the land by planting more trees and adding more bird boxes as well as planting more shrubs and native hedgerows.

Members asked Mr Graham and Mr Canham the following questions:

- Councillor Mrs French stated that she knows that side of March quite well and she asked whether the Internal Drainage Boards have been consulted with regards to the dykes and ditches. Mr Canham asked whether that was in connection with drainage for the proposal. Councillor Mrs French stated that if you are surrounded by dykes and ditches then there does need to be consultation undertaken and she questioned how the surface water from the site is going to be dealt with. Mr Canham stated that the proposal indicates soakaways and treatments plants and, therefore, the water will be kept away from all dykes and will be similar to the current situation. Councillor Mrs French asked for confirmation that the surface water will not be going into any of the dykes at all? Mr Canham confirmed that is correct, they will also be grey water harvesting where at all possible in accordance with what is already on site.
- Councillor Marks stated that, from the presentation, security appears to be a major issue, however, there does not appear to be any mention of crime reference numbers in the report, and asked for confirmation as to why that information is missing? Mr Canham explained that this was referred to in the design access statement, but it did not include any crime reference numbers as he was unable to obtain that information.
- Councillor Gerstner stated that he is a Chairman of Neighbourhood Watch scheme, and he explained that if something is not reported then it is not recorded. He added that Mr Graham had explained that he has been a victim of crime where he has lost in the region of £20,000 and if he had been in that position he would certainly have reported it. Mr Graham stated that he concurs with that view, and the four thefts that have taken place including the £20,000 loss which he referred to have all been covered by Police reporting and are all covered by crime report numbers. He made the point that during his presentation he was also referring to the multiple intrusions on the site which have been reported but he did not receive a crime number. Mr Graham added that all the thefts have been reported which needed to be done for insurance purposes.
- Councillor Gerstner asked Mr Graham to confirm that the plan will be to build and live in the dwelling himself and what are the likely timescales for the dwelling to be built should planning be approved? Mr Graham stated that he has owned the land since 2007, and the dwelling will be a family house which he will live in for the rest of his life. He added that with regards to timescales, if approved then the costing exercise needs to be undertaken but he would want to move at pace to commence the development.

- Councillor Sennitt Clough stated that Mr Graham had mentioned in his presentation that he had received advice from environment agencies regarding what to plant and how to develop the site and asked Mr Graham to clarify whether he actually meant organisations? Mr Graham confirmed that the organisations he consulted with included the Woodland Trust who came and undertook a survey and provided a recommendation concerning what should be planted and where as well as advice concerning the diversification of the boundaries. Councillor Sennitt Clough stated that demonstrates how committed Mr Graham is to the site and how to develop it in the best way possible. She added that the trees and hedges will go towards assisting with any flooding issues should they occur.
- Councillor Benney stated that when the site was purchased in 2007, it was agricultural land, and asked Mr Graham whether he had taken into consideration the security of the land before he purchased it? Mr Graham stated that when he purchased the land it was fenced to keep the horses on site and when he built the stables, the security was considered, however, over a number of years it has become apparent that gates can be lifted off and be destroyed as well as wooden gate posts can be hooked up to a transit van and ripped out of the ground. He explained that as he has gone through that learning curve, he has installed brick pillars and welded the gates and a specialist welding companies have visited the site and secured the storage containers as well as introducing type 10 padlocks on all of the buildings and stables. Mr Graham stated that due to the security problems he is no longer able to leave any equipment on the site and in order to maintain the land it requires equipment such as small vintage tractors, ride on mowers and petrol-powered tools and these have to be taken to his home address following the end of every use.
- Councillor Benney asked whether it is a commercial enterprise which is in operation or is it more hobby based and just for his family's personal recreation? Mr Graham stated that he makes no money, and he keeps horses, chicken and bees. He made the point that if he charged the correct price for a jar of honey it would be £700 a jar, and he stated that he makes no money out of the piece of land and he never has done. Mr Graham explained that he has no intention of making any money from his land, but he does want to protect what is his and what he has worked hard for.
- Councillor Murphy stated that the land was purchased in 2007 and eighteen years later, the decision has been made that you now wish to add a building onto the land, and he questioned how many years it will be before the dwelling is built? Mr Graham explained that he sought pre-application advice several years ago from the council and Peter Humphrey Associates have visited the site over the last 10 years and have made suggestions in terms of what he needs to do with regards to making a planning application at some point. He stated that he would want to move quickly if approval was given, however, he cannot say that he would start building within the next 6 months as he has not yet had the property costed or secured a builder but the sooner he is on site the better as it means he can protect his property.
- Councillor Mrs French stated that Peter Humphrey Associates are a very well-known established company, and she asked Mr Graham to confirm what advice Mr Humphrey provided to him bearing in mind that the Fenland Local Plan was adopted in 2014 and it clearly states that there will be no development in the open countryside. Mr Graham stated that the advice given replicates the point made by Councillor Mrs French and that given the current circumstances it would be very unlikely that he would receive planning permission. He added that the reason that he is in attendance is to demonstrate to the committee that the piece of land is no longer viable because of all the thefts that are taking place and the only way that he can continue to be passionate about the hobbies that his family have is to live on site. Mr Graham stated that if officers come back with some recommendations he would except those as he wants to do everything possible to be sensitive to nature but also be able to secure the property.
- Councillor Marks stated that Mr Graham has made the point that he wishes to be sensitive to nature, however, the proposal is to erect a dwelling in the middle of nowhere and he questioned whether that is seen as being sensitive to nature? Mr Graham explained that the proposal will include solar panels, grey water recovery and he will continue to plant

boundaries and more trees, and, in his view, he can offset some of the potential harm. Mr Canham added that he has added some modest architectural size and massing to the proposal which has been referred to in the officer's recommendation given the fact that the site is 4 acres and he has tried to create a modest detached dwelling for the applicant. He expressed the opinion that he has deliberately not created something that is excessively big and large which would be unnecessary for the site.

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

- Councillor Mrs French stated that she sympathises with the applicant for having to endure the break ins and burglaries on his land, however, the site is in the open countryside. She added that she is pleased to hear that the advice provided to the applicant from Peter Humphrey Associates was the correct advice. Councillor Mrs French made the point that there is nothing within the officer's report with regards to reported crimes and she added that she cannot support the application as it will set a very dangerous precedent across the whole of Fenland.
- Councillor Benney stated that, with regards to LP3 of the Local Plan which refers to building in the open countryside, it can be interpreted in different ways, however, it is in the middle of the open countryside and the site is 4 acres of agricultural land. He stated that the reason a Legal Officer is present at the committee is because if the committee grant planning permission, the legal entity of the land is changed. Councillor Benney expressed the view that the application site is agricultural land, and the application is for a dwelling in the wrong place.
- Councillor Gerstner stated that on many occasions the committee have granted applications which are located in Flood Zone 3 and according to the officer's report this application fails to comply with the sequential test. He added that when considering that fact as well as the application being located in an elsewhere location, whilst he feels sorry for the applicant who has taken steps with regards to biodiversity, in his view, the location is not the right place to build a dwelling.
- Councillor Sennitt Clough stated that she would like to support the application as she has seen how genuine the applicant is with regards to the commitment he has to the site, however, it would set a dangerous precedent for building in the countryside. She stated that she would like it noted that she has a lot of empathy for the applicant, and she would have liked to have supported the proposal.
- Councillor Purser stated that he also sympathised with the applicant and had concerns with regards to the potential hazard from the hay bales on the site. He added that he agrees with the other members of the committee that it would set a precedent, and he will support the officer's recommendation.
- Councillor Murphy stated that he concurs with the other points raised by members of the committee.
- Councillor Purser stated that it also appears the site is being used solely for hobby purposes rather than a business.

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

*(Councillors Mrs French and Purser declared, 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)*

**P20/25**

**F/YR25/0251/PIP**

**LAND SOUTH WEST OF WOODBURY, MANEA ROAD, WIMBLINGTON**  
**PERMISSION IN PRINCIPLE FOR 5 X DWELLINGS**

This item was withdrawn.



David Rowen presented the report.

Members received a presentation, in accordance with the public participation procedure, from Mr Phil Clark, a supporter of the proposal. Mr Clark explained that he was in attendance on behalf of his father who was not able to attend the meeting due to illness. He stated that the application is for a considerate bungalow at the bottom of the garden of 108 High Street in March which has been the family home for 43 years.

Mr Clark stated that the existing house is now becoming impractical due to his parent age and the fact that the house is split over three storeys and the size of the house is becoming too big, with the purpose of the bungalow being to provide them with a more suitable home within the town where they have lived for the last 43 years. He made the point that his parents understand the concerns which have been raised, and he added that nearby properties have access with lesser widths than their driveway one of which is the pub next door which has a car park, with the High Street remaining unchanged from the time he has ever lived in the house including a 30mph speed limit.

Mr Clark explained that his parents raised him and his siblings in the property, and they have grown up, lived and worked from the house which have meant multiple cars leaving the house daily. He stated that to the best of his parents' knowledge throughout the 43 years that they have lived in the property there has been no serious accidents or incidents on the High Street.

Mr Clark explained that his parents feel that the application does not have any impact and there have been others approved on the road. He added that his parents have tried to take all the advice which has been provided to them concerning the design to reduce any impact that the proposed bungalow may have.

Members asked Mr Clark the following questions:

- Councillor Marks stated that he would like to take the opportunity on behalf of the committee to pass on their best wishes to Councillor Clark.
- Councillor Sennitt Clough asked Mr Clark whether he still resides in the property? Mr Clark stated that he does not reside there currently, but it is where he grew up and he lived there up until 2004 or 2005.
- Councillor Marks asked Mr Clark, from his experience of having lived in a Listed Building, how suitable does he feel that it would be to renovate or modify to include stairlifts and is the house on more than three levels if it has any further steps inside? Mr Clark explained that there are various steps inside the building and one main wooden staircase which is partly timber frame and part masonry although he is unsure how old the building is. He explained that it is a solid wall construction and there is no insulation, and it has single pane windows, and he recalls that he remembers as a child that the floors are all creaky.
- Councillor Marks stated that the Highways Team are concerned with regards to the 2.9 metre access point and he asked whether Mr Clark is aware of any difficulties when taking vehicles in and out of the driveway. Mr Clark explained that he is aware that there have been concrete lorries who have used the access for deliveries, and he is not aware of anybody having any issues entering and exiting and the only issue would be if somebody parked across the driveway which is why the white lines were introduced as a preventative measure.
- Councillor Purser stated that from recollection he believes that the house is 150 to 200 years old and he asked what the intention would be with regards to the current property at the front? Mr Clark stated that he does not know, however, it is his understanding that the

house would be sold, and his parents would move into the bungalow and then put the house up for sale.

- Councillor Marks referred to the presentation screen and stated that one of the photographs demonstrates that there are a number of newer properties to the rear and he asked whether Mr Clark knew how close those properties were located to the boundary of the application site? Mr Clark stated that he does not know the distance but believes the property had an extension added to their property and that is the closest building to the rear.
- Councillor Purser stated that buildings at the back are located in Stonecross Way.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that there have been no objections to the application from members of the public and the site is all located within Flood Zone 1. He added that there have been no objections made by either the Tree or Ecology Officer and at 10.20 of the report it states that that there is no overlooking or overshadowing onto neighbouring properties.

Mr Hall explained that the proposed bungalow would not be able to be seen from the street scene which has been referred to by officers in their report for the adjacent site which had dwellings approved, with, in his opinion, the proposal relating more to Stonecross Way and Elwyndene Road at the rear of the site rather than the High Street. He referred to the presentation screen and highlighted the Grade 2 Listed Building and pointed out that two dwellings were passed in 2008 which was a conversion of an existing outbuilding to two one-bedroom dwellings which is set back from the Listed Building and is detached from the Listed Building.

Mr Hall referred to the yellow dot on the presentation screen which indicated a building located two doors away from the application site, which is a fish and chip shop, and two additional properties were approved there in 2012 joined to the Listed Building. He explained that the green dot on the presentation screen relates to the pub car park which also has a restricted access and has 15 parking spaces which were approved in 1997.

Mr Hall stated that the purple dot on the screen relates to an application in 2024 where seven flats which were 3 storeys high were approved and directly opposite there is, in his opinion, one of the best Grade 2 Listed Buildings in March. He stated that directly to the south of that there is a further Listed Building adjacent at 93 High Street and when you walk up and down the High Street there are further examples which include 38/40 High Street which was the former Minstrels Nightclub and is Grade 2 Listed in a Conservation Area where 8 flats were approved in the rear of the curtilage in 2014.

Mr Hall added that at 36 High Street there were seven two storey dwellings which were approved which are also located in a Conservation Area and in a Grade 2 Listed Building, accessed in the rear of what would have been the curtilage of 36 High Street. He expressed the opinion that many of those examples are far closer to the Grade 2 Listed Building than the current proposal, with the proposed bungalow being 60 metres away from the principal Grade 2 Listed Building which the officer has mentioned in the report.

Mr Hall referred to the presentation screen and explained that the first photo displayed is two doors down from the application site and it is a Grade 2 Listed Building with access off of the High Street, with, in 2012, it having an outbuilding approved to be converted to a new dwelling in the rear and also a new dwelling which was built on the end of that also approved in 2012. He explained that the access is less in terms of width than the application site and two additional buildings were built out there which is also listed.

Mr Hall added that in 2008 there was a highways objection to that proposal due to the width in the access and increase in vehicle movements, however, the application was approved under delegated powers. He referred to the presentation screen and pointed out the pub car park which is directly to the north of the application site, and explained that it was approved in 1997 for 15 car

parking spaces in the rear and the access is also quite restricted.

Mr Hall explained that the next photograph shows Norland House and that is located directly next door to the application site and is Grade 2 Listed, maybe Grade 2 Star Listed and approval was given in 2008 for 2 one bedroom dwellings at the rear of the site which converted a barn, with the access point is 2.5 metres wide which is 500mm less than the access in the current application. He stated that the Highways Authority at that time recommended refusal due to manoeuvrability and width of the access and the application was approved under delegated powers.

Members asked Mr Hall the following questions:

- Councillor Benney stated that he undertook a site visit and along with Councillor Mrs French they measured the access, and 108 High Street was 50mm wider than the pub access next door. He explained that he drove into the pub car park without any issue and then turned around again without any problems, however, they did not look at the other side and he asked Mr Hall to reiterate the widths of the buildings on the other side as there appears to be a conflict where permission was given to one building for car parking for 15 spaces. Mr Hall explained that the presentation screen shows the site which is directly next door to the application site which is to the south and is called Norland House and the access is 2.5 to 2.6 metres wide which is what is stated in the officer's report. He referred to the presentation screen and explained that the site located two doors away from the application site has an access point which is a lesser width than the access for the current application and two properties were passed in the rear of that building where one was an outbuilding which was converted but the other dwelling was building an end terrace onto what was there.
- Councillor Murphy stated that nowadays building in the back gardens must be a common occurrence and people do build in the back in order to have a smaller house than they have at the front. He added that the rear garden is 160 feet long which is a long way down and is quite exposed as there is an orchard or garden down one side of it which is virtually the whole length, with the site not being overlooked, is on its own and, in his view, will not cause any issues whatsoever. Councillor Murphy made the point that exiting the site will cause no issues as it stands back anyway and you can see if something is coming and asked Mr Hall whether he agrees? Mr Hall confirmed that he agrees with Councillor Murphy.
- Councillor Marks asked Mr Hall if he is aware whether this has been another Cambridgeshire County Council Highways desk top survey or does he know whether officers visited the site? Mr Hall explained that he does not know, but does not think that they visited the site.
- Councillor Marks asked Mr Hall whether he believes that the existing property could be altered and changed in any way to make it more suitable for elderly and disabled residents. Mr Hall explained that it is a Grade 2 Listed Building which is set over three floors, and he is unaware whether there is basement or cellar. He added that the dwelling contains a lot of original features, and explained that he could apply for Listed Building consent, however, it would not be very easy to adapt the existing building.
- Councillor Marks stated that he is reflecting back on a previous committee where a Grade 2 Listed Building was involved and he asked Mr Hall if he could explain how close to the existing house will the bungalow be located should permission be granted by the committee? Mr Hall stated that that application in Morley Way in Wimblington was for 5 dwellings and the Listed Building was 30 metres away from the new bungalows. He added that this dwelling will be 60 metres away which is 180 feet and is a long way from the existing dwelling.

Members asked officers the following questions:

- Councillor Mrs French stated that in the Conservation Officer's report it refers to the fact that a heritage statement has been submitted with the application that just about meets the requirement of Section 207 of the NPPF, and she asked officers to confirm what is needed

to complete it. David Rowen stated that his interpretation is that the submitted report is not of a particularly high standard, but it just about does the job. Councillor Mrs French stated, therefore, it could satisfy it.

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

- Councillor Mrs French stated that she visited the site with Councillor Benney and measured the access which she recalls is 3 inches larger than what is stated in the officer's report. She expressed the view that where the proposed dwelling is going to be located is a long way away from the actual Listed Building and in her view, there was more harm done probably when Stonecross Way was built which was many years ago. Councillor Mrs French expressed the opinion that she cannot see an issue with the proposal as there is the pub next door which has 15 car parking spaces and there are other buildings which are closer to that, and she may consider supporting the proposal.
- Councillor Benney stated that as people grow older it gets more difficult to live in multi floor dwellings, the applicant owns the house and the land and if wishes to build a house at the bottom of his garden and live in it then he wishes the applicant the best of luck. He added that in terms of access the pub next door has parking spaces for 15 cars and in 1997 a new Local Plan was introduced but the highway requirements have not changed. Councillor Benney stated that when considering the other accesses along the High Street and the fact the committee passed an application near Leonardos Pizza outlet some time ago which also has a Listed Building in front of it, in his opinion, it is a minor reason compared to the earlier application where development was in the open countryside. He made the point that whenever you build something there is always a detrimental side and this will affect the Grade 2 Listed Building but, in his opinion, it will not be so detrimental that it could not be built. Councillor Benney expressed the view that the dwelling will be far enough away from the Listed Building, and he does take on the board the officers view, but he is considering the human side of the application which does need to be taken into consideration. He expressed the opinion that he does not see any considerable harm and the committee have passed tighter applications compared to this including the building at Chatteris, where there was, in his view, a very unsightly building which had been constructed next to a Grade 2 Listed Building under delegated authority and does more harm than the application being determined now. Councillor Benney added that his opinion is subjective, but he will be supporting the application.
- Councillor Purser referred to a house in St Peters Road where he has noticed that there have been bungalows built with a much smaller entrance to them and, in his view, St Peters Road is far more dangerous than the current application and he is considering supporting the application.
- Councillor Marks stated that he presumes that the Highways Authority have not visited the site and have only carried out a desk top survey. He added that whilst the access is tight, he does not see much of an issue and a car can still access the access without any issues. Councillor Marks explained that if required a car could pull up on to the frontage and wait there and whilst it would take up some of the pavement, pedestrians could be easily seen. He made the point that the proposed dwelling is to be located in the back and, therefore, it does not detract from the Listed Building and, in his opinion, from looking at the distances you would struggle to see the Listed Building from anywhere around that and he will be supporting the application.
- Matthew Leigh clarified that the setting of a Listed Building varies depending on the Listed Building, making the point that if you are in a very tight area such as London the setting of one Listed Building would be quite small whereas a large building on its own in isolation the setting would be much greater. He explained that the amenity space and garden areas are generally in most cases part of the setting of a Listed Building and just because it cannot be seen from public views would not impact on the setting of a Listed Building per se. Matthew Leigh added that it is not about the visual characteristics of the Listed Building it is about the legal definition of what would be the setting. He added that Councillor Benney had accepted that there is an element of harm and he does not think that you can argue that there is not

some level of harm from building in the garden of a Listed Building but then consideration must be given to the two tests laid out in the NPPF. Matthew Leigh explained that officers have recommended that the harm is at the lower end of the two test and, in his opinion, the two tests wording is quite different, making the point that there is substantial harm which is obviously very significant and is at paragraph 214 and then there is less than which is dealt with under paragraph 215 and that deals with anything that basically is not significant down to almost non-existent. He explained that it is a very broad term but as decision makers whether it is officers, members or Planning Inspectors consideration needs to be given to the level of harm on that scale and then take into account paragraph 215 which states that 'where a proposal will lead to less than substantial harm to the significance of its designated heritage asset, the harm should be weighed against the public benefits of the proposal'. Matthew Leigh stated that if members are looking to allow planning permission then members need to be conscious of what the requirements of the NPPF are and members need to balance the level of harm, which cannot be argued that there is none, and he is sure that everyone agrees that it is less than substantial on the scale. He stated that to some extent it is a subjective matter but members need to consider the public benefits, and generally personal circumstances are not considered to be public benefits and should only be considered in very special circumstances, and age and ill health are not normally taken into consideration to weigh in favour of a development.

- The Legal Officer stated that she totally concurs with explanation provided by Matthew Leigh, and she added that members have the test before them that they need to apply. She added that officers have identified the correct policy provisions in the NPPF and they have set out the tests correctly and provided an accurate explanation of how the tests are typically applied. The Legal Officer added that from a legal perspective there is not much more to be added and this is now a matter for planning judgement in terms of the level of the harm that members assess and then how members weigh any public benefits that they can identify. She made the point that the advice provided by officers with regards to what benefits might be taken into account are correct and, therefore, it is now a matter for the committee to weigh the balance itself.
- Councillor Gerstner stated that he is sure that the applicant is aware that it is 61 metres from the Listed Building and he will need to take his bins quite some considerable distance for collection.
- David Rowen stated that a number of the access points referred to by Mr Hall, the agent, all have a slightly different context or different history to them. He added that the pub was referenced but historically the yard to the pub has been round the back and, therefore, there would be some vehicular movements associated with that. David Rowen added that the issue with the current application is that there is one dwelling at the moment which is served by the access and effectively the use of the access is being doubled which is where the Highway Authority have raised concerns. He stated that as Mr Hall also acknowledged a number of the decisions that he highlighted were historic some dating back to the 1990s and all of them have slightly different contexts, backgrounds and usages at the time and a decision has to be made on a case-by-case basis.
- Councillor Marks referred to the presentation screen and stated that there appears to be a modern building behind the roadside and he asked whether officers know the distance of that building from the Listed Building in front of it. David Rowen stated that he does not know the distance but added that it is somewhat irrelevant and he made the point that if Councillor Marks was trying to demonstrate that the particular dwelling was within the setting of the Listed Building in question, each building has its own setting and in some scenarios having a new building within a few metres maybe appropriate and in others it would not be. Councillor Marks expressed the opinion that it should be taken into consideration as it is next door and within a very close area.
- Councillor Mrs French stated that the design of that dwelling includes the star and the cross and it is an old building and not relatively new.
- Matthew Leigh stated that he does not know the history, however, Mr Hall did state in his presentation that one dwelling was a conversion which would be completely different to a

new building for any material consideration and the weight that it should be given.

- Councillor Marks stated that if it was a barn previously there are more vehicles entering and exiting. David Rowen stated that having looked at the history of some of the properties and when they were originally granted a planning permission there is definitely a reference in there to already existing multiple dwellings being accessed down the narrow access points. He added that potentially when the actual conversions took place there was no actual intensification of use or any intensification was certainly less than doubling it.
- The Legal Officer advised members that when making a proposal they need to be very clear and need to identify some public benefits because it is a balance weighed against public benefit.
- Councillor Benney stated that additional housing is a public benefit.
- Councillor Marks stated that it is subjective and added that the committee believe that it is keeping with somebody within the curtilage of their own home. Matthew Leigh stated that is a personal benefit not for public benefit. Councillor Marks stated that it will mean that a further property will be made available once the bungalow is developed out as the house will then become available and, therefore, it becomes a public benefit for people to purchase the house.
- Councillor Murphy stated the proposal is just for somebody who wishes to build in their back garden like so many others have done all over the town and all over the country without any personal benefit to anybody else and they just want to do it on their own property. He expressed the view that there is no personal benefit to anybody else in March and the benefit is only to the person who wants to build in his own back garden.
- Councillor Marks clarified that the Legal Officer has stated that members need to outline the public benefit the proposal will bring, and, in his view, it is releasing another property into the market and that to him is one public benefit.
- Councillor Sennitt Clough stated that she is the Chairman of the Culture, Arts and Heritage Committee, and heritage is a concern for her. She added that she has been considering the application with an open mind and at previous meetings members have discussed Listed Buildings. Councillor Sennitt Clough stated that Listed Buildings are expensive to run, and they need to be viable and in this case the house is no longer viable for the family who are living in it. She expressed the view that from her perspective the public benefit is that they are offering a solution by building alternative accommodation which allows the building to potentially be sold and, therefore, will not be left to deteriorate in its condition. Councillor Sennitt Clough stated that it is not known whether the current owners will be able to continue to maintain the property and it is very important for the building to remain in a good condition and for it to be kept as part of the town of March. She made the point that from her perspective the public benefit is viability going forward.
- Councillor Marks stated that he understands the points made by Councillor Sennitt Clough and added that the committee are trying to consider what public benefit is there by releasing the property into the open market which, in his view, must be a public benefit. He added that whether the residents can afford to live there is not a planning consideration whereas releasing one property is a public benefit.
- Matthew Leigh stated that with regards to the point made concerning viability and Listed Buildings, there is no evidence to suggest that there is an issue with the Listed Building or any evidence concerning the viability with the occupiers of the building. He stated that position brought forward by the committee would mean that in theory development could take place everywhere adjacent to a Listed Building because there could be a risk and there is no evidence around that for this application. Matthew Leigh explained normally when there is situation like this it would be classed as an enabling development and there is no legal definition as it is just a term which has come forward through the planning profession. He added that normally a certain course of action would be undertaken in order to raise funding to offset something else and then there would be a legal agreement and that money is then protected to deliver that. Matthew Leigh stated that is the only way he could suggest would work but there is no evidence in relation to the application that would tie into that.

- Councillor Benney stated that the public benefit is more housing and additional housing is needed.

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

Members do not support the officer's recommendation of refusal as they feel that the detriment to the Listed Building is very much at the lower end scale of harm and they also feel that there is consistency when taking into account the other applications in the vicinity, that will weigh more in favour than that of the public benefit.

*(All members present declared that the applicant is a fellow councillor, but they do not socialise with him and will consider the application with an open mind)*

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

*(Councillors Mrs French and Purser declared, 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)*

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

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

**P22/25      F/YR25/0347/F  
20 NENE PARADE, MARCH  
ERECT 2X SELF-BUILD/CUSTOM BUILD DWELLINGS INVOLVING DEMOLITION  
OF EXISTING DWELLING AND GARAGE WITHIN A CONSERVATION AREA**

David Rowen presented the report and drew members attention to the update report which had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that the existing property is an out of keeping 1960's bungalow which the applicant purchased and when the applicant purchased the property, he had a structural engineers report undertaken in August 2024 which concluded under Building Regulation Digest 251, assessment of damage of low-rise buildings, that the damage to the property is severe and it has suffered from foundation settlement and ground subsidence. He explained that the report concluded that the property would require demolition and the purchase was a cash property due to the fact that the property is non mortgageable.

Mr Hall added that there are no objections raised by the Planning Officer or the Conservation Officer concerning the demolition of the property. He referred to the presentation screen and pointed out that the property has slipped off its damp proof course which is something that cannot be remedied very easily and the photograph which shows the interior of the dwelling demonstrates that the whole floor inside the building has dropped, the other photo demonstrated a large diagonal crack in the masonry, and it shows that it has not only cracked through, but it is also distorted quite heavily which would mean the demolition and rebuild of the property.

Mr Hall explained that over the last ten years the applicant has had two major health issues and at the current time he cannot always work full time, with the applicant currently living on Whittlesey

Road in March, and he wishes to move to the town centre with this site being the ideal location and being in Flood Zone 1. He stated that there was one original objection to the proposal which was with regards to the unofficial turning head in one of the driveways being lost and he is aware that residents in the vicinity do use it, however, the application will keep that and will widen it.

Mr Hall added that the site will also benefit from a rear access right of way to Lambs Place which then leads to Creek Road. He stated that there is no objection in the officer's report from the Conservation or Planning Officer with regards to setting two dwellings on the site, but he referred to the presentation screen, pointing out the application site and the row of properties which are on the same side as the application site and immediately adjacent there is a one and a half storey property with Dormer windows which is the same as the proposal.

Mr Hall added that along the road there are various styles of properties, and he pointed out the photograph of the bungalow proposed to be demolished where the large Sainsburys Supermarket can be seen in the background which is a very large building, with there being a public walkway public cut through between the application site and Sainsburys. He referred to the site plan on the presentation screen and indicated the red hatching which is the bungalow proposed to be demolished and the grey hatching to the northwest is the Sainsburys site which is right next door to the site, with the character of the area needing to be taken into consideration as that building is massive in scale and is far higher than the proposed site.

Mr Hall expressed the view that the officer's report is quite positive and states that there is no impact on neighbouring amenity in terms of loss of light, overbearing or loss of privacy. He added that there are no concerns with regards to the amenity space of each plot and the Tree Officer has confirmed that the proposal is satisfactory in relation to all of the trees and all of them are going to be kept as some of them have got Tree Preservation Orders attached to them and they are located outside of the application site.

Mr Hall stated that one of the gardens proposed is 17 metres long and the other one is 34 metres long which is far greater than the third area which is required. He made the point that there are no objections from any of the consultees to the application except from the Conservation Officer.

Mr Hall stated that that the property that is being demolished is a 1960s bungalow, and the report has confirmed that there is no impact on the adjacent properties, with the proposal being a similar height to adjacent properties. He made the point that he is happy to agree the type of brick, roof tiles and any brick detailing with officers and he reiterated that there are no objections to the two properties on the site.

Members asked Mr Hall the following questions:

- Councillor Gerstner stated that the bungalow was built in the 1960's and now appears to have substantial subsidence damage and he asked Mr Hall to clarify whether there have been any attempts to underpin the property or has it undergone any other major works to try to correct it? Mr Hall explained that he has seen a Structural Engineers report and the whole building would require renovation as parts of it would need to be taken out and all of the floors broken out. He added that the building is distorted, has slipped off the damp course and it would not be cost effective to repair. Mr Hall explained that when you underpin a property there is a requirement to obtain insurance again and the property could be blighted, and some insurers would only provide specialist insurance could prove to be expensive if indeed the property is able to be insured again.
- Councillor Mrs French stated that the bungalow is awful, and she asked whether Mr Hall feels that the drawings provided demonstrate a sympathetic design in a Conservation Area. Mr Hall expressed the opinion that he feels that is an improvement as the heights are similar, he has taken dormer windows off of other properties along there and he added that there are other things that he could add to the proposal such as brick plinths, and he would be happy to work with officers to consider if it was a concern. Councillor Mrs French



expressed the view that she does think that it is an improvement, but she does not think it is enough.

- Councillor Purser stated that he does have concerns with regards to the condition of the road along Nene Parade and the riverbank. He asked whether construction traffic and delivery vehicles are going to be using Lambs Place or down Nene Parade? Mr Hall stated that at the current time the property has access down Nene Parade, and he is aware that the riverbank is not in the best of conditions. He added that the property has got access off Nene Parade but also a right of way down Lambs Place and off of Creek Road so there would be two access points for construction traffic which would have to be limited to very small vehicles due to the difficulties of getting down Nene Parade.
- Councillor Marks expressed the view that with regards to the proposed design which is an improvement but there could be further improvements made so that it is aesthetically better. He asked Mr Hall to explain what further improvements could be made to the design so that it blends more to the Conservation Area? Mr Hall explained that some further brick detailing could be added as well as stone sills, brick plinth and he added that the size of the properties would not need to be altered. Councillor Marks asked Mr Hall whether he worked with officers to come up with the current design? Mr Hall confirmed that he did not submit a pre-application and upon submission of the application and four or five weeks after that he emailed the Planning Officer, and the officer advised that the application was proceeding towards determination.

Members asked officers the following questions:

- Councillor Mrs French stated that she does not personally like the proposed design and she does not think it is sympathetic to the area. She asked officers whether it would be an application that could be deferred in order for officers to work with the agent to achieve a better design. Matthew Leigh stated that the applicant chose not to go through the pre-application process and to submit something to the Council for determination, with the NPPF encouraging pre-application advice and engagement which there is a fee for. He explained that by submitting the application officers have provided their recommendation and, in his view, the application would require a large number of alterations and amendments. Matthew Leigh added that the agent has stated that he does not disagree with the officer and whilst there is no official objection to the provision of two dwellings on the site, it is the proposed dwellings and his advice is that members should determine the application before them, however, if it is a case of approve or defer for a redesign then he would encourage members to defer the application for a redesign.
- Councillor Marks expressed the view that there is a 1960's dwelling on the site and he feels as though the application has been submitted for a modern type building which would have been compared to what else is there and is in the vicinity. Matthew Leigh explained that Conservation Areas did not exist until 1967 and then it was different to the current day. He added that any application which was submitted prior to that would not have been located in a Conservation Area and, therefore, the need to preserve and enhance would not have been a requirement. Matthew Leigh stated that planning has changed significantly over the years and the 1990 Act brought in the need to preserve or enhance the special character and appearance of the Conservation Area, making the point that it is well known that there are many Conservation Areas with many buildings that do not reference or enhance the area and that is why sometimes Conservation Areas are imposed as there are instances where degradation starts and buildings start to deteriorate which is when Article 4 legislation could be implemented to remove permitted development rights. He explained that just because there is a building or an example of not perfect architecture included in a scheme does not mean that the Conservation Area should be forgotten and he does not think that the proposal is more of a modern approach in a traditional area.

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

- Councillor Benney stated that he recalls attending a meeting some years ago where the Agent made the point that you should be able to read architecture and by looking down a

road you should be able to tell the period of when the houses were built due to the material used and the methods of construction that were used at that time. He made the point that the existing bungalow is a very good classic example of 1960's architecture and unfortunately it is now in a poor condition. Councillor Benney expressed the view that the proposed two houses are in line and in keeping with today's building standards and by making a few additions it will not mean that the footprint of the build will alter. He added that if those additions such as brickwork and sills were added then he would happily support the proposal but he would not be happy to see the application refused in order that the applicant needed to start again and could officers could work with the agent to make the proposed dwellings look more aesthetically pleasing.

- Matthew Leigh stated that he does agree to some extent with regards to being able to read a property and things are different when you are in a traditional street and in an area where all the houses are the same and there is an infill gap there it would still be expected that a property reflects that character. He explained that even though houses may date from the 1920's and one hundred years have passed, you would expect to see something very similar to that because that is the prevailing character of the area. Matthew Leigh added that this site is in a Conservation Area, and there is the need to preserve and enhance the special character of the area, with the design of the properties, in his professional view, not being very good examples of architectural design and style at the time and the officer report has highlighted that they have limited architectural merit. He made the point that he would advise members to look at the dominance of the roof scape compared to the ground floor level as it would not be a particularly good sign of good architecture, and the dormers are relatively dominant in the street scene. Matthew Leigh explained that in the officer's report it states that the pitch is relatively low and extended out and the double garage on the property on the lefthand side is, in his opinion, not subservient and a small addition to the property. He made the point that overall he would struggle to recommend the dwellings for approval in a normal street and in a Conservation Area, in his professional opinion, the proposal does not preserve or enhance the area which the committee needs to consider. Matthew Leigh explained that there is no objection to properties on the site or to the demolition and the provision of two properties on the site, however, it is the design of the properties which members need to consider. He added that Mr Hall made a point of stating that there is no overlooking which is not a problem, however, there is a significant issue with regards to the appearance of the properties in a Conservation Area and the materials do not reference the area.
- Councillor Benney asked officers whether they could work with Mr Hall to make changes to the design to include stone sills or is that something that officers cannot do? Matthew Leigh expressed the view that it needs more than just some minor tweaks including the requirements of looking at the proportions of the garage but should members wish to delegate to officers or defer subject to a redesign then that is members choice, however, in his opinion, members should determine what is in front of them. He stated that the applicant has not undertaken a pre-application and has submitted a scheme that does not meet the architectural standards that the Council require as a district. Matthew Leigh expressed the view that the Conservation Area should not be eroded and the places which actually have value, and he stated that is his professional opinion.
- Councillor Marks referred to the presentation screen and added that he is finding it hard to decipher the dwellings as demonstrated in the drawings. David Rowen stated that he agrees that the drawing and plans are not ideal and, in his professional opinion, he wholeheartedly agrees with the points made by Matthew Leigh that the dwellings are significantly out of keeping in terms of design in this location. He added that without wishing to critique Mr Hall, one of the suggestions that he put forward was to look at putting brick plinths in. David Rowen referred to the presentation screen and pointed out that none of the dwellings either side of the proposed dwellings have brick plinths and with regards to reference to detail in trying to make the dwellings a little more sympathetic to the Conservation Area that in itself appears to indicate that there needs to be a great deal more thought given to dealing with the site and the design of the dwellings themselves.

- Councillor Mrs French stated that she does not like the design and the committee have two choices, in her view, of either refusing the application or deferring it for the agent to undertake a total design which is sympathetic to the area, and she added that she would like to see the application deferred.
- Councillor Murphy stated that he agrees that the design is not ideal, but he questioned how much needs to be enhanced when there is a very large supermarket located on one side and an electricity substation located on the other side.
- Matthew Leigh stated that that members are dealing with this site and this application, and he added that officers are not saying that the Conservation Area is perfect but, in their view, they do not think that it should be made worse. He added that the proposal is not attractive, and officers are not objecting to the principle, but their opinion is that a better scheme needs to come forward.
- Councillor Marks stated that he is still struggling to picture them in situ and the drawing provided, in his opinion, is very poor and he is having difficulty seeing whether the proposed dwelling match in with the street scene.
- Councillor Benney stated that normally before development commences the materials need to be agreed including the colour of brick and, in his view, consideration could be given to changing the colour of the brick so that it matches in with the terraced houses at the side of the site. He expressed the view that it would be a small change to make if the actual footprint does not alter and, in his opinion, the street consists of two up two down housing which does not accord to modern living anyway. Councillor Benney expressed the opinion that if the application cannot be deferred for the amendments and changes to be made to the design then he would look for the application to be approved as it is.
- David Rowen stated that there is a greater element to the changes to improve the design of the proposal as outlined by Matthew Leigh who provided a detailed critique of the various issues including the scale, roof pitches, Dormer details, attached garage and the visual dominance. He added that with regards to enhancing the Conservation Area there is a requirement to do that and he advised the committee to consider that rather than trying to bring down the quality of architectural standard to the lowest common denominator and, in his opinion, the committee ought to be using the lowest common denominator as an example of why there needs to be higher quality going forward.
- Councillor Marks stated that he has sought the advice of the Head of Planning and if the committee are minded deferring the application then the officers would be happy to work with the applicant and agent.
- Councillor Mrs French stated that she disagrees with the point made by Councillor Benney as there is no way that she is going to support the application in its current form as the design is poor and she would propose that the application is deferred for decent plans to be submitted.

**Proposed by Councillor Mrs French, seconded by Councillor Murphy and agreed that the application be DEFERRED for the scheme to be redesigned.**

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

*(Councillors Mrs French and Purser declared, 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)*

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

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

4.50 pm

Chairman