

PLANNING COMMITTEE



WEDNESDAY, 15 OCTOBER 2025 - 1.00 PM

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

APOLOGIES: Councillor R Gerstner and Councillor N Meekins.

Officers in attendance: Matthew Leigh (Head of Planning), David Rowen (Development Manager), Alan Davies (Principal Planning Officer), Danielle Brooke (Senior Development Officer), Kimberley Crow (Development Officer), Tom Donnelly (Senior Development Officer), David Grant (Senior Development Officer), Victoria Searle (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

P49/25 PREVIOUS MINUTES

The minutes of the 17 September 2025 were confirmed and signed as an accurate record.

P50/25 F/YR25/0274/F LAND WEST OF PLAYING FIELD, BARTON ROAD, WISBECH ERECT X 42 AFFORDABLE DWELLINGS, 1 X OFFICE/COMMUNAL SPACE INCLUDING CYCLE STORES, LANDSCAPING, HIGHWAYS IMPROVEMENTS AND ASSOCIATED WORKS AND DEMOLITION OF ALL EXISTING BUILDINGS

Alan Davies presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Councillor Brenda Barber, District and Ward Councillor. Councillor Barber explained that last week she had attended a meeting where hundreds of residents of Barton Road and other roads in Wisbech St Mary packed the biggest hall available in Wisbech, and it was standing room only, making the point that the residents have had to put up with so much disruption already over the almost permanent closure of Barton Road. She explained that the current date for the road to be reopened is not until March 2026, but this date is not guaranteed because Anglian Water have been honest enough to admit that there could be further problems which would delay the reopening even further and Anglian Water have now stated that they have found disturbed asbestos in the ground.

Councillor Barber explained that the residents of Barton Road are experiencing ongoing damage to boundaries, fencing, garages and their buildings and are asking when will the problems end. She added that the very long diversion avoiding Barton Road includes Station Road in Wisbech St Mary, which is a smaller road with housing on both sides, and it has seen many problems with road erosion and many potholes since the diversion, making the point that there has been damage caused to housing which has not been rectified and the diversion is also ignored by many who are using much smaller roads including HGV'S and lorries and as a result these roads are also being damaged.

Councillor Barber made the point that the planned building of another 42 homes with access from Barton Road is clearly a bad mistake and, in her opinion, should at the very least be suspended until the road has been completely repaired and the associated problems with it have been proved to have not been passed on to the next piece of land. She stated that Anglian Water have already

come up against many problems since the sewer collapse including the discovery of an underground water course which they had not known about and if they manage to divert it or bridge it, how can the residents be sure that the problem will not affect the new builds resulting in the closure of the road yet again.

Councillor Barber added that the residents of Grove Park are already experiencing problems as the land is moving underneath and this has caused damage to their homes. She expressed the view that this amount of planning applications currently being considered in the same area amounts to over development.

Councillor Barber referred to LP13 of the Local Plan which states that planning permission will only be granted if it can be demonstrated that there is or will be sufficient infrastructure capacity to support and meet all of the requirements arising from the proposed development and, in her view, conditions or planning obligations are likely to be required from any proposals to ensure that the new development meets the principle and she questioned whether it has been met. She stated that the proposed housing is for older people, over 55s and those residents are likely to need medical services and currently the GP surgeries are already well over subscribed.

Councillor Barber asked the committee to listen to the views of residents and common sense and refuse the proposal.

Members asked the following questions:

- Councillor Marks stated that Councillor Barber has raised concerns over Anglian Water which he can also concur with as he lives in a village which suffers from flooding and asked whether she has concerns over one specific area or the whole area in general with regards to the most recent report from Anglian Water? Councillor Barber explained that it appears to be that area, however, the whole area is located within Flood Zone 3 and she added that the LR statement which went up on the board stated that they believe that the benefit of the housing for the over 55's outweighs the problems which may arise due to it being within Flood Risk 3 which she disagrees with. She made the point that she does believe that the flood risk in that area should not be ignored, and the residents have advised her that the area is often running with water.
- Councillor Marks stated that he assumes that Councillor Barber has read the officer's report and asked whether she would agree with Anglian Water that at the present time there are more issues to come? Councillor Barber stated that they have already stated that there are more issues to come and their opinion has to be agreed with as they are the company undertaking the works.

Members received a presentation, in accordance with the public participation procedure, from Beverley Moss, the agent. Ms Moss stated that the scheme is for 42 affordable homes, and the Council's own housing needs report confirms that there is a significant and increasing need for housing of all types in the district. She added that the officer's report explains that the new homes are for exclusively for residents aged 55 and over and addresses the growing demand in the community for accommodation that meets the needs of the aging population.

Ms Moss explained that there would be a manager's office on site to enable the manager to carry out their daily work and manage the warden control system and that the proposal would also include an internal communal space and kitchen facilities in order that residents can meet, with the aim being to create a real sense of community. She added that all of the homes will be available for social rent which means that the new homes will be generally affordable and will provide a secure housing option for those on the lowest of incomes, with the Council's Housing Strategy and Enabling Officer consistently expressing their support for the proposal.

Ms Moss explained that all of the homes will be managed by Housing 21, and they are joint applicants along with Bowsall Developments which demonstrates that there is a committed

registered provider involved from early stages in the application process. She stated that Housing 21 is a leading not for profit provider of retirement living and where the average age of the residents is 70 and Bowsall Developments is a specialist affordable housing developer who work with contractors who seek to deliver the highest quality construction standards.

Ms Moss added that all of the homes are bungalows and six of them will be adapted for wheelchair users, with the new homes located in an area identified in the Local Plan for housing growth in the district which is the West Wisbech location for growth. She stated that the site is sustainably located near to the centre of Wisbech with bus stops for the number 46 bus being located nearby.

Ms Moss stated that the development involves the reuse of previously developed land, with planning policy being clear that the use of previously developed land and sites that are physically well related to existing settlements should be encouraged where suitable opportunities exist and, in her opinion, this is one such opportunity. She added that cars will access the site from a new access point on Barton Road and new pedestrian crossing points are going to be provided on Barton Road and Magazine Lane, with only four of the homes directly accessed off of Magazine Lane and a footpath link will be introduced for Magazine Lane for pedestrians and cyclists.

Ms Moss explained that each new home will have its own car parking space and there will be visitor parking bays as well and it is anticipated that car ownership will be quite low given the social rent tenure. She added that with regards to drainage she has worked hard with the flood authority, North Level Commissioners and Anglian Water to devise an appropriate drainage scheme for the site and during the application process all three statutory parties requested more technical information and that has been provided.

Ms Moss made the point that Anglian Water has confirmed that the nearest water recycling plant can accommodate the waste water flows from the new homes and they have given their agreement to the surface water being able to connect into their existing system. She explained that the Lead Local Flood Authority are content that the surface water from the new homes can be managed using the proposed swale and attenuation before being discharged at a controlled rate and that a maintenance plan has also been provided and can be used to control the drainage features on site, making the point that there have been no objections raised by any of the agencies.

Ms Moss explained that the new homes will be accompanied by new landscaping through private garden spaces, 69 new trees, 400 metres of new hedgerow and an area of amenity open space. She added that as well as the drainage function, the swale along the western edge would be planted with wildflowers.

Ms Moss stated that the resolved position of the Council as stated within the Council's supplementary planning document is that the Council will not seek contributions for social infrastructure on 100% affordable schemes in recognition of the viability issues faced in the area, which is a matter of planning balance and one that the Council is entirely entitled to take. She stated that the scheme is a much-needed affordable housing scheme that seeks to deliver a high-quality development, and which has addressed all of the technical issues and she asked the committee to grant planning permission in line with the officer's recommendation.

Members asked the following questions:

- Councillor Mrs French stated that she does find it disappointing that the application conflicts with the Council's LP13 and the fact that the application does not include the supply of any infrastructure as well as no contributions being put forward for the NHS. She stated that in the report it does state that doctors and dentists will be moving within that area and she questioned as to whether the 42 dwellings will be for occupation for Wisbech residents only? Ms Moss stated that it is unlikely that they will be able to specify where the residents come from, but it is anticipated that the residents will already be within Wisbech currently

residing in unsuitable accommodation. She added that by moving into the scheme they will free up their existing accommodation for others.

- Councillor Mrs French asked for the total number of car parking spaces on site? Ms Moss explained that there are two spaces per each two bedroomed dwelling, one space per one bedroomed dwelling as well as 8 visitor car parking spaces.
- Councillor Mrs French asked for clarification as to the size of the public open space as well as the details of the street furniture on the open space area? Ms Moss explained that it is 1,916 square metres of open space and on the layout it is proposed to be located on the front of the site. She added that there are some beautiful mature trees located on the front entrance which will be retained, and the open space has been accommodated around that area. Ms Moss added that there is no play space proposed due to the residents and there is a play area next door and there has not been anything specified with regards to benches, but it is something that can be agreed as part of the discharge of conditions.
- Councillor Mrs French referred to page 31 of the officer's report where it states that there is water stress and she questioned how that is going to be monitored as the report reflects that there is a suggestion of 110 litres per person per day. Ms Moss explained that the Environment Agency provided their consultation comments to officers, and they raised no objection but added a note with regards to water resources as they know that there is an area of water stress which was noted in their report in 2021. She explained that she has submitted some very detailed technical information and has worked proactively with both LLFA and Anglian Water to ensure that the proposal is something that they are comfortable with. Ms Moss made the point that whilst she is not familiar with the term water stress it would appear that there is an issue with regards to the resource of water in the area and the drainage submissions have sought to accommodate and mitigate against that. She added that should the application be approved, any decision notice will enable the further statutory bodies to monitor that and there is a maintenance plan which has been submitted so there is an element of control going forward.
- Councillor Marks stated that the Drainage Board appear to have some reservations with the proposal. He added that he has listened to the presentation by Councillor Barber and there does still appear to be some drainage issues and he questioned what else can the applicant do in order to allay some of the concerns. Ms Moss stated that she is aware of the meeting which took place and of the significant concerns surrounding the works which have taken place on a neighbouring site and the implications that has had on the local residents. She stated that from experience of other applications that she has dealt with in the district she knows that the Drainage Board appear to withhold their full approval until all of the agreements have been put in place, but from her perspective they are not objecting and there are the final agreements and approvals to be dealt with as things progress. Councillor Marks stated that is not the experience that at least two members who both sit on drainage boards have experienced.
- Councillor Marks stated a lot of emphasis was made in the presentation with regards to the community and the existing community already have significant worries with regards to the flooding. He made the point that by adding an additional 42 dwellings without better infrastructure, in his view, is only going to exacerbate the existing issues in the area for the community. Ms Moss stated that it is her understanding that the issues on the other site has been as a result of a technical issue with a drain which has had a knock-on effect. She made the point that it is a totally different site to the current application and she can put an assurance in place that the technical information has been submitted in phase 1 and the applicants have even instructed a phase 2 which demonstrates that the geology is already known and there is a knowledge of what is under the ground, with a Flood Risk Assessment having also been submitted along with a proposed drainage scheme. Ms Moss stated that they are only able to go so far with regards to the mitigation measures to be put in place to ensure that the development can be built out in accordance with the documents that get approved and meeting the high standards that the construction bodies need to put in place. She expressed the view that whilst she appreciates the issues which have occurred further down the road they do not happen on every single site and does not mean it will happen on

other sites or this site.

- Councillor Marks asked when the drainage strategy for the site was undertaken taking into consideration that issues are coming to light daily as reported by Councillor Barber in her presentation. Ms Moss stated that the original drainage strategy was originally submitted in March and during the course of the application there have been discussions which have taken place with Anglian Water and the LLFA and, therefore, the most recent drainage strategy was updated and submitted three weeks ago. She explained that they have been reconsulted which as a result meant that the consultation responses have been updated to inform the officer's report.

Members asked officers the following questions:

- Councillor Marks stated there have been previously applications refused which are for bungalows located in Flood Zone 3 where the dwellings have either needed to have upstairs living as well, however, this application is for a retirement site for elderly people as well as elderly people all living on the ground floor in Flood Zone 3 and if this is approved it will cause problems elsewhere. Alan Davies stated that when the application was submitted there was not the requirement for the application to be accompanied by a sequential and exception test which is ordinarily the case for sites located in Flood Zone 3. He added that when considering the sequential and exception test, there are two phases, firstly the sequential test to see if there are sequentially preferable sites elsewhere and in this case it would be within the West Wisbech broad location for growth. Alan Davies explained that if the sequential test is not passed then there is the exception test which is formed of two parts and the first part is to consider the public benefit which would outweigh the harm and then the second part is for the statutory consultees such as the EA, Anglian Water and the Internal Drainage Boards to be satisfied that the proposal is safe from flooding and flood risk. He made the point that in this case the applicant has submitted a Flood Risk Assessment and details as to how they would address it, with the drainage strategy and the submitted finished floor levels identifying that the floor levels would need to be three metres above sea level. Alan Davies explained that as a result in this case it would mean that floor levels would be raised by 30 – 50 centimetres and by doing that it will take into account a 1 in 100-year flood risk for the site, with Anglian Water and Environment Agency being comfortable with the mitigation proposed and that would mean that both parts A and B of the exception tests are satisfied. He stated that this would mean that the applicants have demonstrated the public benefit through the 42 affordable dwellings for the over 55's plus the addition of the 6 wheelchair adapted dwellings. Alan Davies added that the mitigation is in place should the site flood in a 1 in 100-year storm event and the finished floor levels are at a satisfactory level so that the residents on site would not be put in a dangerous situation. He explained that officers need to consider the advice from the statutory consultees, and they do not object and the exception test would be passed in this case should one be undertaken for the site. Alan Davies stated that other sites he cannot comment on but there are cases where something would fail the sequential test and the exception test and it would be recommended for refusal even if it were for affordable homes so it is dependent upon the site and the site conditions and what the applicant is proposing on that specific site and in this case the applicant has proposed mitigation in terms of flood risk that Anglian Water and the Environment Agency deem to be acceptable.
- Councillor Marks stated that he understands that Alan Davies attended the meeting that 300 people attended and a comment that he believes he made regarding going forward was whether there would be any more issues that there could be, whilst he recognises that this is site specific for planning there is a need to look at the area as well and the community. He asked for Alan Davies to clarify this comment. Alan Davies responded that in terms of that public meeting he attended it to represent Fenland District Council and also the planning department and the issues raised there are as a result of an existing water main being accidentally damaged by the developer, which has caused the flooding on that site. He stated that his comment where he said it could happen again is in respect of if works are carried out on the existing adopted water network and somebody damages that pipe it could

happen elsewhere so there is always a danger on any site where development is taking place if there is accidental damage to existing water infrastructure. Alan Davies stated that in relation to this site there is no reason to suspect that the same thing would happen and his reference to whether it could happen again was that it could happen again on the care home site as they are still building that site out but it is not something the planning system can control as accidents do happen.

- Councillor Marks expressed the view that there is no mention of loss of employment on this site whereas there are other applications being considered today where loss of employment is raised and asked why is this? Alan Davies responded that as this site is within the West Wisbech broad location for growth the Council's Local Plan has assessed this wider location and said it is suitable for residential development, therefore, the policy basis is already there for this site to come forward for residential development, and the loss of employment is already considered.
- Councillor Murphy asked if the site is large enough for refuse vehicles to enter, turn in and exit the site? Alan Davies responded that the applicant has submitted a suite of drawings with swept path analysis, which is for larger vehicles such as a fire engine and refuse vehicle, which shows that the spine road of the development is wide enough for both sizes of vehicles to enter and exit in forward gear.
- Councillor Mrs French stated that she is amazed to read some of this report, and she understands that as it is 100% affordable they do not have to supply anything else but, in her view, it is going against the Council's policy LP13 which is also linked with the infrastructure delivery plan, which was undertaken in January 2013. She asked when was this updated? Alan Davies responded that as far as he is aware the infrastructure delivery plan has not been updated, and updates are awaited to it.
- Councillor Mrs French made the point that committee regularly hear when Flood Zone 3 sites arise that there needs to be a sequential test and this proposal is for 42 dwellings and it is not required. She feels this application is a disaster waiting to happen.

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

- Councillor Marks expressed the view that the 42 houses are most likely needed but he has major concerns from reading the paper and the public open meeting about flooding in the local area and members are just looking at what the IDB have allegedly said or not said. He feels the whole report is outdated as, in his opinion, and from listening to Councillor Barber things are moving daily in the local area and the committee cannot just look at the actual application itself but needs to be mindful that further problems are not caused. Councillor Marks stated that the agent mentions a community but, in his view, there is no point having a new community here when the old community has been upset. He added that he has major worries also about these dwellings being for elderly as committee has been told on other developments that bungalows cannot be built because they are in Flood Zone 3 and if this proposal is approved today it could be adding to the problems of the emergency services as well as these are 42 extra dwellings that people have got to get out of. Councillor Marks made the point that Wisbech has flooded in the past, a lot of money has been spent on flood defences and a 100 year event is mentioned but questioned whether it is 100 years or 20 years or next year as there is flooding in the area. He stated that he cannot support this at the present moment, may be if the Environment Agency and Anglian Water could attend and it be discussed further with them but there is nothing that he is happy to approve currently.
- Councillor Mrs French stated that she agrees with Councillor Marks as she is greatly concerned and all they would be doing would be creating greater problems. She suggested that the application is deferred for further in-depth discussion with all concerned as she is more concerned regarding the flooding issue and water stress, questioning whether the residents in these dwellings are going to be able to get any water.
- Councillor Connor expressed the opinion that Councillor Mrs French is asking for further clarity on those two issues. He agreed that further clarity is required and is in favour of deferment as whilst the 42 houses are required it needs to be in the right circumstances and

enable a community to thrive. Councillor Connor expressed the view that a deferment would allow for the Environment Agency and Anglian Water to attend in a couple of months' time, which would enable further information to be heard about the repairs to Barton Road, although this has no bearing on this application.

- The Legal Officer referred to material considerations, with committee and officers being right that flood risk is a material consideration for an application located within Flood Zone 3. She made the point that there is unfortunately a slightly unrelated issue which is not a material consideration to this application and that is the damage that has been caused to a drain on a nearby site, with the flooding that the community in this location are currently experiencing not being as a result of the fact that this application site is within Flood Zone 3 but as a result of an incident on an adjacent application site which led to a very localised not linked to wider flood risk incidents in the application. The Legal Officer warned members to be careful to distinguish in their minds between the current issues with the nearby site and the actual material flood risk and how that should be addressed in policy terms for this application. She stated that officers have given very clear advice on how the sequential test and the exceptions test would apply to this application and the advice received from officers, the Environment Agency, Anglian Water and all of the statutory consultees is that the Flood Risk Assessment for this site shows that this site should be safe for the expected lifetime of the development and any flood risk that there is is mitigated through the Flood Risk Assessment.
- Councillor Marks expressed the opinion that there is one thing that is site specific which is the IDB as if it was not for the IDBs the area would have lots of problems and he feels that it is a lot larger and a moving story in relation to what is happening in this area. He made the point that what is not known is that by discharging from that site whether the problem is just moved and technical people are needed at the meeting from Anglian Water as it is not known where the drainage goes, there was mention of a drain and a water pipe so clarity is needed and he would also ask for the IDB to attend as well as the two statutory bodies as the IDB is the authority that will have to deal with any surface run off water. Councillor Marks stated that he struggles with the comment that the IDB do not get involved until the end as the IDBs do a very good job and he is not taking this away from officers as the report is very good, however, it could be outdated because of the moving incident that is happening further down the road. He stated that he is happy for a deferral but is unable to support approval.
- Councillor Mrs French thanked the Legal Officer for the advice, but she does not believe members are discussing the problems up the road and are discussing this particular site, which is in Flood Zone 3. She referred to the question she asked about when the infrastructure delivery plan was last updated and it has not been since January 2013 and it does clearly state in 5.25 of that plan that "the district is situated within a high water stress region", which as this was produced several years ago must be a bigger stress now. Councillor Mrs French stated that she would like to know where this water is coming from and she will not support the application in its present form and requested a deferment, with the relevant bodies to attend to discuss as it will be the people of Wisbech who are going to suffer.
- Councillor Imafidon stated that he has been called out several times because it is currently a nursery with greenhouses on it as some people use it to burn material and whilst he is in support in principle of development of the site as it will take a nuisance problem out of the site and housing is needed but one of the problems he sees with this site is the infrastructure capacity, which has not really been talked about. He made the point that currently there are road diversions in place because of the issues in Barton Road, which is damaging people's properties and causing risk to life, with the days getting darker now and the weather changing. Councillor Imafidon referred to the meeting held last week with the MP with the relevant agencies represented and Anglian Water did say that it would be March 2026 that it is hoped the problem would be fixed, although he knows it is not directly applicable this site and will probably not be developed until after March 2026, however, they do not know if they can rectify it and what happens if it is rectified and then reoccurs

because one of the methods they were going to use was injecting certain material into the ground but this is the Fens and some of the locals mentioned that because the silt is always shifting it has not been proven that this method of repair is going to work in an area like Fenland. He expressed the view that under policy LP13 there is not the infrastructure capacity to cope with this as there have not been any upgrades of the drainage infrastructure since who knows when so he thinks members should look at deferring the application.

- Councillor Connor stated that he likes the proposition to defer the application but not for too long and he is happy to work with officers to get the relevant authorities to attend to address the committee. He expressed the opinion that the 42 houses are needed and if the statutory authorities say and prove everything is going to be fine the proposal can be approved at a later date but further clarity is required from the experts.

Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the application be deferred to further consider the drainage and flood matters, with the relevant consultees invited to a future meeting when this application is reconsidered.

(Councillor Imafidon declared that he was at a meeting called by the local MP where this application was raised by members of the public, but he did not take part in the discussion and is not pre-determined and will consider the application with an open mind)

(Councillor Imafidon declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Wisbech Town Council but takes no part in planning)

(All members present declared that they know Councillor Barber as a fellow councillor, but are not pre-determined and will consider the application with an open mind)

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

P51/25

F/YR25/0505/F AND F/YR25/0504/LB

HARE AND HOUNDS HOTEL, 4 NORTH BRINK, WISBECH

CHANGE OF USE OF HOTEL TO 6 X RESIDENTIAL FLATS AND ERECT A BIN STORE AND CYCLE STORE AND INTERNAL AND EXTERNAL WORKS TO A LISTED BUILDING TO FORM 6 X RESIDENTIAL FLATS AND TO ERECT A BIN STORE AND CYCLE STORE

Alan Davies presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that the pub at ground floor level was closed in December 2023, meaning that the facility has been lost for nearly 2 years, with the building on the second and third floors being used as a house of multiple occupancy and that use ceased just before the application was submitted, but it could be restarted. He explained that there is no loss of employment associated with the application as the pub/hotel ceased operation nearly 2 years ago and when he visited the site earlier in the year there were people sleeping rough in the rear section of the building in a single storey wing.

Mr Hall expressed the view that the proposal allows for a very prominent building to be brought back into use right in the centre of Wisbech, making reference to the planning history of the site laid out in the officer's report which states that there was a refusal in 2017 and 2018 to change the building into a snooker hall and leisure entertainment centre and the current application is for change of use into residential with an officer's recommendation of refusal and he questioned what else the building can be used for. He added that all of the technical consultees support the application along with Wisbech Town Council who fully support the application and there have

been no objections to the proposal.

Mr Hall stated that the Conservation Officer has raised an objection and during the process of the application officers allowed some revised drawings to be submitted which did go some way to alleviating the Conservation Officer's concerns. He made the point that the proposal would not result in the loss of the only pub in Wisbech as there are seven other pubs and two further hotels with bars all within 700 metres of the application site, with the other establishments being down the same road and there is a further one in the adjacent road.

Mr Hall expressed the view that the application site is right in the centre of Wisbech and not in a rural location and is unique as it has a large car parking area at the rear, its own access and is an ideal town centre location for quality residential development. He explained that one of the reasons for refusal is due to some of the flats falling short of space standards, however, there have been other applications approved by the committee and under delegated powers recently that have also fallen short of space standards, including the Buffs Club which was approved in March along with a recent application in Dartford Road in March above a shop where approval was given for five flats and some of those were short of space standards and there is also a former school next to his office where there is a conversion to 20 flats and over half of those are below space standards.

Mr Hall added that the application is a Listed Building, and he is trying to work around where possible what is already there, with the floor areas varying for each flat and he referred to the floor plans slide on the presentation screen. He indicated that there will be no works undertaken in the roof space and in the floor below the areas shown in red is where he is looking to take out some non-original partitions, making the point that there will be quite a lot of the original structure maintained and there will be very little alteration on the first floor and on the ground floor there are no concerns which have been raised by the Conservation Officer.

Mr Hall expressed the view that he feels that the alterations are minimal and in the officer's report there are a number of positives with the proposal and at 10.22 it states that the application will have a neutral effect on the Conservation Area and there are no external changes to the front elevation. He expressed the opinion that the application will allow a Listed Building to be brought back into use in a very prominent location in the centre of Wisbech rather than leaving it vacant like numerous other buildings in Wisbech and the application will allow for the building to be converted to allow much needed accommodation in the growth town of Wisbech.

Members asked Mr Hall the following questions:

- Councillor Benney stated that from the photographs it does look as though the property has not had any investment into it for many years. He added that it is listed as a pub and hotel, and he asked for clarity as to whether it was a hotel which had a bar in it or was it a drinking pub? Councillor Benney expressed the view that the size of the bar from the photographs does not lend itself to be a pub and appears to him to be more of a hotel with a licence. Mr Hall explained that quite a few years ago he undertook some work for Elgoods Brewery and it is his understanding that it had a licence, but you could still walk in and have a drink.

Members asked officers the following questions:

- Councillor Mrs French stated that she is surprised that the officer's recommendation is one of refusal, considering that it is located next door to what was once the Phoenix and all that is left of the Phoenix is a fascia. She expressed the opinion that whoever the person who has brought the application forward should be congratulated. David Rowen stated that the application is largely recommended for refusal due to the lack of evidence which has been submitted as there are planning policies which require marketing exercises to demonstrate that there is no viable reuse of public houses. He added that as Mr Hall has indicated that the building has not been in operation for two years but the fact that anybody can stop using something does not mean that there is not a market out there for it to be used again. David Rowen added that had the information been received then the officer's recommendation

may have been different.

- Councillor Mrs French stated that located next door is the Phoenix and all that is left at that site is the fascia. She added that the committee approved something very similar recently at the Buffs Club in March which had not been marketed either and she added that there are a thousand pubs closing every week across the country. Matthew Leigh stated that he feels it would be helpful for members to be aware of the loss of employment justification that was submitted, remembering that the Council does have a policy in place that requires sites such as this to be actively marketed, and officers have to balance any conflict with what the policy states. He added that the report states that the property was last used as a public house on 21 December 2023, and there is, therefore, no loss of current employment as part of the proposal. Matthew Leigh clarified it is for the land use and not whether it is active or not that the Council should be looking at, explaining that officers talk about the principle of employment rather than an active use. He added that the document then states that the applicant purchased the property in December 2024 and it was last used as a first and second floor house of multiple occupancy but that has now ceased, which was also in breach of planning rules and there were active planning enforcement cases on the property although it is not a material consideration for the determination of the application. Matthew Leigh stated that the report also says that the proposal does not result in the loss of employment, it results in the loss of use and the proposal results in employment for the trade and that is the full document in relation to their evidence. He expressed the view it is clear that the current owner has chosen to not market the site and members need to be conscious that all applications need to be treated the same and it would be a worrying state of affairs to accept that applicants can purchase a site ignoring the lawful use and to then submit an application and state that there is no lawful use without any marketing. Matthew Leigh stated that there needs to be consistency and by ignoring policy requirements would be a dangerous stance for members.
- Councillor Benney referred to the presentation screen and the photographs of the bar area and commented that it is certainly not a large bar area, and expressed the view it is a hotel with a small bar area in it. He asked officers to clarify whether it is a hotel with a bar or is it a bar with a hotel.? Alan Davies explained that the application was not accompanied with much information, but officers believe that it was a bar open to the public for walk in customers as well as a hotel with rooms above. Matthew Leigh added that his anecdotal knowledge is that it was a Public House, rather than just a hotel.
- Councillor Marks stated that according to Companies House it traded as the Hare and Hounds Hotel Wisbech Limited, however, he does recall visiting it on one occasion as a walk-in customer to use the pub.

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

- Councillor Marks stated that it is a very prominent building as you drive into the town of Wisbech, located adjacent to a derelict property and, in his view, anybody who is willing to invest into a Grade 2 Listed Building should be supported. He made the point that it could end up being another property which falls into disrepair but could bring more accommodation and five extra bedrooms into the town. Councillor Marks expressed the view that the Council are already housing people in shipping containers which when considering their floor space, it is probably no better than what this proposal will give, but it will give somebody a home, and he will support the application.
- Councillor Mrs French stated that she agrees with Councillor Marks and added that there are over 3,000 people on the waiting list for accommodation and a substantial number of those are people living in Wisbech. She added that it is costing the Council a very large sum of money to accommodate people in bed and breakfast accommodation. Councillor Mrs French stated that affordable homes are needed, and the applicant is willing to invest in this property to provide accommodation, and, in her view, they should be applauded.
- Councillor Murphy stated that he agrees with all of the comments made by members and in Fenland it appears that there are numerous buildings which are being left in disrepair, and they will never come back to their original use, and this is an ideal opportunity to bring a

building back to life.

- Councillor Connor expressed the view that the application should be supported, it is a Listed Building, but the committee passed an application previously in Chatteris for the Travis Perkins site which now looks very nice and had the committee not approved it then it would still be in a state of disrepair. He added that Councillor Mrs French had made the point that there are numerous Public Houses which are closing as are hotels every week, with there being 22 months since the business closed down and there does not appear to be any interest from anybody to purchase the site and reinstate the Public House business. Councillor Connor added that there is another premises in Chatteris which is in a state of disrepair and that will be lost forever and if the committee do not support this proposal then the same thing will happen to this building and that does concern him. He made the point that if somebody is prepared to invest a significant amount of money it will be a good thing and will provide extra accommodation for those in need and he will support the proposal.
- The Legal Officer stated that it appears that members have had regard to the fact that it is Listed Building, but she drew their attention to the specific duties that it imposes before the committee make their final vote. She added that when considering whether to grant development in respect of a Listed Building it is important to consider and to pay special attention to the priority of preserving a Listed Building or its setting and to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The Legal Officer stated that with regards to the specific issue of a Listed Building consent because it is an application for both planning permission and Listed Building consent, she advised the committee when considering whether to grant the Listed Building consent for the works to the building itself it is important to pay special consideration to the desirability of preserving the building or its setting or any features or special architectural aspects which the building has.
- Councillor Marks stated that he appreciates the point made by the Legal Officer, however, in his view, there will only be a loss of 10% to 15% and if the building is left empty for a number of years, it will become more dilapidated and suffer from vandalism and theft then there will be decrease of 90%. He expressed the opinion that Grade 2 Listed Buildings are a nuisance, because there is no financial input from the Government to do anything with them yet they place obstacles in the way. Councillor Marks stated that he appreciates that buildings need to be preserved but there does need to be progress as well and he will support it.

F/YR25/0505/F

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

FYR25/0504/LB

Proposed by Councillor Mrs French, seconded by Councillor Murphy and agreed that the application be GRANTED against the officer's recommendation, with authority delegated to officers to apply conditions.

Members did not support the officer's recommendation of refusal as they feel that by leaving the building it will detract from the area, and the planned alterations will be minimal meaning that the heritage of the building will be retained and the property will be safeguarded.

(Councillor Imafidon declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Wisbech Town Council but takes no part in planning. He further declared that the agent is undertaking work for him and that he knows the applicant as he rents a business premises from him and took no part in the discussion and voting thereon)

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

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

P52/25

F/YR25/0594/O

LAND NORTH OF 450 TO 454 MARCH ROAD, TURVES

ERECT 3 X DWELLINGS INVOLVING THE FORMATION OF ACCESSES
(OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Alan Davies presented the report to members.

Members asked questions of officers as follows:

- Councillor Marks referred to the mention of the exceptions test for flood risk results in conflict with national and local flood policies and stated that Turves lies all within Flood Zone 3 so how can anyone go against this policy if they wanted to build in Turves as it means that no more building will ever happen in Turves. Matthew Leigh responded that each application is determined upon its own merits, and the exception test is clear that there needs to be public benefits that outweigh the harm and that housing as a principle alone is not public benefit. He referred to the first application, where approval was recommended based on the exception test because of the benefits of the scheme was the quantum of affordable housing units, the provision of older people's housing and the provision of single access accommodation that would be able to accommodate wheelchair users so there needs to be a selection of 'goodies' so that the benefits outweigh the harm. Matthew Leigh continued that these benefits could be ecological benefits, renewable energy and it is about providing a mix but this application apart from housing is providing no real benefits and, therefore, the exceptions test would be very difficult to pass.
- Councillor Marks stated that in a local area bringing three more families into the area when there is a pub that is trying to remain open is that not a benefit and then three more properties in Fenland that people are paying rates for. Matthew Leigh responded that people paying rates is not a material planning consideration but also the guidance from Government is clear that housing alone is not something that passes the exceptions test irrespective of what someone's personal opinion is. He added that the exceptions test has been looked at as detailed in the officer's report, the various benefits have been looked at and they are not considered to outweigh the harm.

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

- Councillor Mrs French stated that she agrees with officers on this application.
- Councillor Marks stated that Fenland villages have always had houses built initially on the side of the road, this proposal is not looking to build behind other houses but on the roadside. He referred to Flood Zone 3, which means that there will no further building in Turves so there would be a problem keeping the pub open and other services such as the bus service if people are not allowed to build. Councillor Marks made the point that there is already an approval for three on the land adjacent, this was also in Flood Zone 3 and there was obviously a need for these, and, in his view, there is a need for these three as well as if not the developer would not been bringing them forward. He stated that across the road there are all new properties or they have been built within the past 10-15 years and the issue of loss of view is looking at a railway track, he lives next door to a railway track and it is an attractive view so whilst one person may not want live here another one will. Councillor Marks reiterated that this is a Fenland village and if properties such as these are not allowed to be built these villages will die.
- Councillor Connor made the point that approximately three years ago this committee passed three next door and there are no infill sites available in Turves without building in the open countryside. He feels that if these three houses are not allowed it will be a contradiction, and Turves will die without further housing as they are fighting to keep the pub open and trying to obtain a village shop and this applicant would not be proposing

another three houses if he did not believe he could sell them. Councillor Connor stated that he called this into committee as he felt this had some merit and he is in support of this proposal, with if it is not supported it being in conflict with the decision taken three years ago and putting another 'nail in the coffin' of Turves.

- Councillor Mrs French referred to the third reason for refusal in that insufficient information has been submitted so, in her opinion, this is an incomplete application so how can approval be recommended but it could be a deferment.
- Matthew Leigh stated that it is a valid point made by Councillor Mrs French as the appropriate legislation that sits alongside planning in relation to ecology matters and protected species says that scheme cannot be approved without being confident that there will not be any harm. He expressed the view that if members had sympathies with the application he would have significant concerns in approving it at this time because of reason for refusal 3 and it would be better to defer to allow the applicant opportunity to provide those surveys that are missing as an application should not be approved without cast iron guarantee that protected species are safeguarded.
- The Legal Officer agreed, the Conservation of Habitats and Species Regulations impose much stricter restrictions on Local Planning Authorities than authorities are accustomed to under the planning regime and other contexts. She fully supports the advice the committee has received from officers that if the committee were minded to approve subject to the resolution of ecological concerns it would be appropriate to defer to allow that work to be completed before it comes back to committee.
- Councillor Mrs French stated that she sits on many IDBs and there are many discussions on badger setts, with it being a criminal offence to disturb a badger sett and to undertake a survey and move a badger sett costs in the region of £30,000 so she would not agree to an approval without this proper survey been undertaken but would go for a deferral rather than a refusal.
- Councillor Marks stated that having listened to what has just been said he would be more minded now to support a deferral. He expressed the view that they will have undertaken these tests 2-3 years ago on the field next door but accepts that badgers do move.
- Councillor Benney stated that if it is deferred then it is deferred only on refusal reason 3 as it is reasonable request to receive this report.
- Councillor Murphy expressed the opinion that it is getting to a state now where ecology is looked at more than anything else and whilst he loves animals they will move elsewhere and building and housing is required.
- Councillor Imafidon stated that it needs to be borne in mind that as much as houses are needed there are policies and laws in place for a reason, so it has to be abided by. He made the point that he was originally going to say 'why don't we just be consistent, it is not an elsewhere location and let's approve this' but after listening to Councillor Mrs French's argument he feels that deferral is better in this situation.
- Councillor Mrs French stated that this is a new law, it is against the law to disturb badgers and was not in existence when the other application was determined so the committee cannot go against the law.
- Councillor Connor made the point that the present Government are looking to review some of these policies. The Legal Officer clarified that there are prospective reforms coming to some of these requirements through the Planning and Infrastructure Bill but this is still a bill and still at the report stage in the Lords at the moment, there are amendments being made still by Government and by members of the House of Lords. She stated for the purposes of determining applications today any prospective legislative changes and reforms that might come through the bill are not material considerations.
- Councillor Mrs French stated that this is information that came from DEFRA a couple of months ago through the IDB, with the IDBs having great expertise on this and they know exactly where these badger setts are so the applicant may want to contact the IDB.
- Matthew Leigh made the point that members cannot pre-determine what the future committee might say but it can be deferred to allow the applicant to provide additional information in relation to that reason for refusal.

- Councillor Mrs French stated that the committee has undertaken this course of action previously. Councillor Connor agreed.
- The Legal Officer stated that it is difficult as the third reason goes to the principle of development or whether development is acceptable or not, except that the third reason for refusal stands as the applicant does not satisfy the ecological requirements then as a matter of principle the development is unacceptable and the development cannot be granted. She feels it is better that the committee not seek to fetter its future discretion to consider the application and since there has been quite some consideration during the course of committee around reasons for refusal 2 in particular on flood risk if the purpose of deferral is to obtain more information from the applicant the applicant may during that deferral period wish to submit further information in relation to flood and other matters. The Legal Officer stated that the committee has to not tie its hands or fetter its discretion in future and clearly committee has formed some views around the other reasons for refusal but a deferral is just that and the committee does not take a decision at all at this stage.
- Councillor Connor questioned that the committee should refuse the application just on that condition? He made the point that other applications have been deferred and been resubmitted on just one reason. Matthew Leigh stated that members have the ability to defer the application to seek additional information and what has happened before from his experience is that officers have brought back reports, sometimes that reason's concerns have fallen away and sometimes they have not and other times a reason for refusal has been progressed, then members have then approved it. He added that members should not be fettering their discretion as they will not be determining the application until it comes back, but if it is refused it is just refused so his advice is to defer it subject to additional information being received.
- Councillor Marks referred to the planning laws possibly changing and a lot of decisions may be undertaken by officers and not committee so asked if this application will come back to committee if it is deferred today, for example in 6 months time, and would not become an officer's decision? He added that going forward when the date is reached when the Government change the laws he is concerned that if this is deferred today that committee may not reconsider it due to a change in the law. The Legal Officer responded that this is wandering into the territory of other matters rather than consideration of this specific application but there are provisions in the Planning and Infrastructure Bill which would implement a national scheme of delegation which may change the balance between where applications are considered between officers and members and committees but these changes are prospective currently but she would be very surprised given that primary legislation very rarely has retrospective effect for good reason if any changes that may ultimately be brought about in future would apply retrospectively to applications that have already been submitted and committees have already considered once and deferred. She feels there is no harm if committee is minded to defer that it is deferred on condition that officers bring it back within a finite period if that would give committee more comfort so it could be a deferral for a maximum of 3 months with an instruction for officers to bring it back within that period whether or not the additional information requested by committee is approved or not. The Legal Officer stated on the issue of deciding some issues in principle and deferring others her advice is that is tricky and problematic, where issues go to the principle of whether development is acceptable or not it is very difficult to make an in principle decision on some elements and some considerations which go to that determination without reaching a final determination on all of the issues that are relevant. She continued that there is a risk in fettering a future committee's discretion to determine an application but the committee's decision and determinations of applications are always evidence based and made on the basis of the local development plan, other material considerations and the application documents and if talking about a short deferral, the Local Plan will not change in that time, there may be new material considerations that need to be taken account of but the same evidence will be before members and given the importance of consistency in decision making a committee presented with the same evidence in the same policy context with the same Local Plan with no other change in

material considerations would reach the same conclusion on the some of the points that committee has debated today. The Legal Officer stated that she would recommend a straight deferral of the application, but it could be a time limited deferral.

- Councillor Marks asked for clarification that if this application is deferred today, even with the changes that it is believed are going to happen, this will still come back to committee and prior to the cut off date those applications submitted will still come to committee and not be delegated to officers? The Legal Officer stated that is her understanding, the bill itself is still in the Lords' stage, it still needs to go through 'ping pong', achieve royal assent and then certain provisions will need to be commenced so this will take a number of months as a minimum and possibly longer before there is any change.
- Councillor Murphy asked what happens in two or three months time and the animals have moved so it could be approved but if they have not moved then it cannot be approved? Matthew Leigh responded that the surveys have not been undertaken so it is not known definitively if there are animals there but it is possible in most instances to relocate them or do something to overcome the harm but that then needs to be part of the application submission of the reports and how they are going to deal with this. He added that it is no different to most applications, but this has not been undertaken in advance where normally it has been and members are able to consider these matters comfortably.
- Councillor Connor summed up that deferral is probably the best answer with officers requested to bring this back to committee within 12 months as 3 months, in his view, is not long enough to be able to do anything.
- Councillor Marks suggested that it be 3 months but be prepared to extend to 6 should it be required?
- Matthew Leigh stated that if there are to be reports and surveys undertaken, they do take time and they will need to be written up by the ecologist and submitted to the Council for consideration then consultation will be needed so would suggest 3 months is too short. He continued that if members said 12 months it would be brought back in that time, but it is within members' gift.
- Councillor Benney made the point that if it comes back in three months and it turns up at committee without the report it can be deferred again for another time period. He feels that it should be three months and if it is not where it should be it can be deferred again but it gives the applicant some impetus to get on with it.
- Councillor Mrs French agreed with 3 months as if the applicant is serious then they will find someone to do it in a timely manner.

Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the application be DEFERRED for three months for additional information to be submitted in relation to ecology.

(Councillor Connor stated that he did have a brief conversation with the applicant when he contacted him but did not discuss the application with them and is not pre-determined and will consider the application with an open mind)

P53/25

F/YR25/0089/F

**LAND EAST OF MARCH AIRFIELD, CROSS ROAD, MARCH
ERECT X 1 SELF-BUILD/CUSTOM BUILD DWELLING IN ASSOCIATION WITH A
NEW BUILDER'S YARD (SUI GENERIS), INCLUDING THE ERECTION OF A
SHED, AND 2.4M HIGH PALISADE FENCE AND GATES, THE SITING OF 6 X
CONTAINERS, AND THE FORMATION OF AN ACCESS**

Tom Donnelly presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Jonathan Kirby, on behalf of Nigel Davies, an objector. Mr Kirby stated that is a training flying instructor and experienced pilot at March Airfield speaking on behalf of Nigel Davies, the owner

and chief flying instructor. He stated that they have been put in a situation to lodge an objection to safeguard the future of the business regarding the proposal of buildings and structures at the end of their main runway, with March Airfield being predominantly a paramotor training school and all of its students have a set syllabus which means they have to undertake a minimum of 25 flights to be signed off as a paramotor pilot, however, some pilots take longer than this.

Mr Kirby advised that flying tasks including take off, climb outs, circuit training, emergency engines offs and in-flight restarts, emergency spot landings, are all within a 25 metre circle from various heights and all this occurs within 1 mile of the airfield. He continued that once these are completed there are two cross country navigation flights to complete and each flight has a landing which will include losing height on the base leg part of the circuit over the proposed development by means of figure of eight turns until a height is achieved that the pilots can turn in on their final approach to land at the airfield, which is where the concerns and hazards lie with regards to thermic turbulence at low level as they lose height for approach to land.

Mr Kirby stated that in April 2021 they were advised to send to the LPA and FDC a safeguarding drawing for the airfield as requested by the Airfield Advisory Team, a safety division of the Civil Aviation Authority (CAA), where the previous owner of this pasture applied for planning permission for a development also at the end of their runway. He stated that this safeguarding allows them to stay legal within the UK air law of the 500-foot rule which states aircraft must be 500 feet away from persons, vessels, vehicles and structures apart from taking off and landing.

Mr Kirby expressed the view that the proposal of the structures and buildings would fall within their agreed no-fly zones and safeguarded 500 feet area around the airfield, which means they would be in breach of the 500-foot rule when in low level circuit flying when training. He understands that safeguarding in place with the LPA and FDC would safeguard their business from further proposals to Planning keeping their aviation training school legal and safe due to the 500-foot rule of the CAA.

Mr Kirby stated as an airfield they are not just able to up sticks and move to any location and the current location has had full planning permission for the last 12 years. He made the point in principle they have no objection to the application, however, they do object to the location of the proposal as it is a major concern to both them and their students and clients safety as the building's structures would be a major hazard and breaches the 500-foot UK air law rule as described in the letter received from the CAA airfield advisory team.

Mr Kirby expressed the view that if this application is allowed to proceed in its current location then the LPA and FDC are not protecting and safeguarding their already established successful local business that has continued to grow over the last 16 years, even through COVID, with full planning permission which draws in clientele from all over the UK and in turn brings in regular economy not only to them but also to the local Fenland area businesses. He expressed the opinion that these structures are all hazards and risks to both airmen and aircraft and would become a hazardous obstruction, therefore, could become a criminal matter as defined by the CAA in article 240.

Mr Kirby expressed the view that if approved it would compromise their ability to safely operate the airfield and safety is paramount to both students and existing pilots. He asked members to keep them safe and refuse the application.

Members asked questions of Mr Kirby and Mr Davies as follows:

- Councillor Marks agreed that safety is paramount, however, this business was supported and this proposal is for another business that is looking to come into the area and asked what is stopping them moving over to the left when undertaking circuits, why do circuits need to be undertaken on this side when there is the same area on the left hand side with no buildings? Mr Kirby responded that it all concerns wind as wind direction is crucial to a flight, with the take off into wind and the landing into wind. He stated that the predominant

wind direction in the UK is coming from the west to east so more often than not they are coming back over this field and landing on the airfield so moving it further up, bearing in mind that they have a lot of trainee pilots who do not quite have the same levels of accuracy, to land halfway up the field or further up the field leaves a lot of chance to the safety of the pilots. Mr Kirby stated that he personally believes that this would also make half of the airfield possibly unusable which he would question as being fair to the current owner.

- Councillor Marks expressed the view that it is a little strange that there is another building that is their own building on the corner virtually in line with the other building that is proposed. He asked if the CAA have actually provided a proper report saying that this proposal is going to cause problems? Mr Kirby responded in relation to the buildings that are currently on the airfield, which is a hanger and a residential house, that is classified as on the airfield so they are effectively in control of that and know who is on those airfields. He stated that the CAA role in the 500-foot rule applies to outside the airfield and it is not known what is happening outside of their grounds, they can guarantee the safety within their grounds but further afield it is different. Mr Davies stated that on the documents received there is a formal letter from the CAA that specifically refers to the buildings letting off thermic energy. Councillor Marks clarified that it is a letter and not a report. Mr Davies responded that whether it is a letter or a report it is stipulating the fact of what the buildings would cause if it was warm weather and it would let off thermic activity which would be dangerous.
- Councillor Marks asked if the CAA had been out on site and looked at this? Mr Davies responded that the CAA have been out many times for a previous owner with complaints. Councillor Marks reiterated have the CAA been out to look at this application and what these problems would cause the business? Mr Davies responded that the CAA did not come out on this specific application because the person that was dealing with it was the person that dealt with the last application, and they were fully aware of their area and location.
- Councillor Connor reiterated that it was a letter from the CAA? Mr Davies questioned the significance between a letter and a report. The Legal Officer stated that members are in danger of going down a dangerous road, the CAA is a statutory consultee on this type of application, they are the experts on these matters, and they have given their advice on the matters in which they have the expertise in a formal consultation response. She continued that members need to be careful not to raise somewhat immaterial considerations around the precise format of their consultation response, they are a statutory consultee and they have responded to the consultation. The Legal Officer made the point that, as with all statutory consultees and all experts who are consulted through the planning regime, it is important to bear in mind that that the committee is not compelled to follow their advice, it remains the committee's decision to make but where expert advice is received from the appropriate statutory authority who have expertise in these matters then the committee must have cogent and compelling reasons for departing from their advice with the specific elements for disagreeing with it. She continued that it needs to be borne in mind that the CAA have advised that they consider there are significant safety risks both to future residents of the dwelling and users of the airfield and that is a significant consideration that committee should afford considerable weight to.
- Councillor Imafidon referred to mention of their own structures on the airfield and this proposal they do not have control over, asking what the difference would be if they owned the proposal site? Mr Davies responded that they control all their own aircraft movements so where people take off and land is his discretion but the problem they have with the field opposite is because they predominantly take off into a westerly wind they have to come in and do figures of eights to lose height over that property, which they do not do over or above their own buildings.
- Councillor Imafidon reiterated that his question was that if they were the owners of this proposed building would there be a problem? Mr Kirby responded this is regarding the 500-foot rule that is in existence that as pilots they have to keep away from structures, vehicles and people, which is a general CAA rule for safety. He continued that it is known within their

own airfield where their own movements are and if they owned the land on the proposal they could most likely control who is there and know that when pilots are descending and coming over quite low who is there and who is not but this proposal is by somebody else and, therefore, that is somebody else's property and movements cannot be controlled. Mr Davies added that they circuit around the airfield, not over it, which is within their 500-foot zoned area around their airfield and that was one of things in their application for planning permission 12 years ago that they were 500 feet away from any buildings or structures, with this proposal contravening this.

- Councillor Imafidon expressed the view that his question has not been answered, they are talking about controlling who is in the structure or building. His question was, from the earlier presentation, one of the concerns was that they do not own the building and do not have control over the building now it is being talked about that it is not known who is in the building as it was said if it was their building they would know who was in it at any given time. He asked if this structure was theirs, they would not have any problems with this proposal? Mr Davies responded that the 500-foot rule states persons, vehicles, vessels and structures and he does not know who is in that building at any time.
- Councillor Marks made the point that if there is a tractor in the field next door they would have no control over that, if there is a car driving down the road there is no control over that, no control of lorries going to the chicken farm but they are trying to control a property across the field and put forward an argument that there needs to be control over a house and a building. Mr Davies responded that if there is a vehicle coming down road he would make that pilot aware and they would go around again, with the chicken farm being 900 metres away from them so he does not see the relevance of this. Councillor Marks reiterated that there are vehicles going up and down the road, with Mr Davies having no control over the vehicles that travel up and down that road, there are no traffic lights controlling take off and landings, but he is talking about needing to control the next field when they have no control over the whole area around, be it a tractor in a field or a lorry travelling to the chicken farm and asked if this was correct, yes or no? Mr Davies responded 100%, apart from the fact that he is missing the point that the 500-foot rule excludes take offs and landings so any time they would be 500-foot on the floor would be for take off and landing, which is exempt, outside of this they would be higher than 500 foot.

Members received a presentation, in accordance with the public participation procedure, from Mark Venni, the applicant, and Matthew Hall, the agent. Mr Venni stated that he has lived in March all his life and has a small utility business with 12 March people working for him and he is losing his current yard because it is being developed into something else. He made the point that he has looked for other yards and felt this site was a perfect place, having spoken to Mr Davies before he submitted the application and he was happy with where it was located but Mr Davies has since changed his mind.

Mr Hall expressed the view that when looking at a lot of these objections, unless he has misread them, they are from Sunderland, Sheffield, Cambridge, Hemel Hempstead and Bedford. He made the point that Mr Venni employs 12 people who all live in March but there is not going to be 12 vans coming to and from this site each day, a lot of the people keep their vans at home, and they occasionally come back to the yard.

Mr Hall stated that it is not a new business, it is established and they have submitted accounts to verify this. He made the point that they have submitted a Flood Risk Assessment, which has been approved by the Environment Agency, and it is not a residential house, it is an occupational dwelling.

Mr Hall expressed the view that if there is an issue with the fencing, they are happy to receive a condition. He referred to reason for refusal 5 regarding self-build, Mr Venni owns the land, he will build this house and has been designing this house with people in his office and he knows that he has to live in this house if approved so is happy to pay the fee and sign a legal agreement but

could not do it at the time as when the application was submitted last year these agreements did not exist.

Mr Hall referred to a slide on the presentation screen, which shows the area in line with the objector's own property and Mr Venni did speak to Mr Davies before the application was submitted as they had the shed, which is lower than objector's own shed and 130 metres away from the runway, in line with his grass runway and it was moved and the drawing in the report shows it was revised this twice. He referred to another slide which shows that the buildings are not in line with Mr Davies' runway and are 140 metres away and further slides showing how people could land if this proposal existed.

Mr Hall made the point, referring to a slide taken from public access in 2012 submitted with the application that they had no involvement with, the green area is where Mr Davies had shaded on his own slide but in this green area since his application was passed there has been a dwelling approved and built out, two or three sheds built higher than they are proposing and various approvals have been obtained for Mr Davies of pods and shepherd's huts, all in this green area right next to his runway, which are far closer than this proposal. He added that the diagram does say looking at the red circles 500 feet minimum height, not distance but height and there is a no-fly zone around the chicken farm, which is not affected and another no fly-zone around March due to the prison, and on this map he has circled Mr Davies's dwelling which would be over a third or half of his runway and Mr Venni's house has a yellow dot to the right of this is in line with Mr Davies' own property.

Mr Hall made the point that they did look at the information, moved it away and did speak to Mr Davies.

Members asked questions of Mr Venni and Mr Hall as follows:

- Councillor Mrs French asked Mr Venni where he currently has his business? Mr Venni responded that it is down Elm Road, opposite the prison road.
- Councillor Marks expressed the view that it seems to come back to CAA restrictions and asked, before the application was submitted, did they make any reference to the CAA and has there been any communication with them? Mr Hall responded before they submitted the application no, the CAA were consulted as the officer outlines in 5.4 of the report and when you read what it says in the report there is nowhere in this does it say that they object to it. He made the point that they did speak to Mr Davies and the map that he put on screen earlier they have never seen and it says 500 feet height not horizontal distance, but the house and garage are over 500 feet away anyway. Mr Hall added that they undertook research beforehand and spoke to Mr Davies then had the written representation from the CAA so when that was received, he e-mailed them, copying in the planning officer, to say this is the proposal and the drawing, with the continual line of the airfield not being interfered with.
- Councillor Connor asked for this e-mail to be distributed to officers and members and adjourned the meeting for 5 minutes. Mr Hall stated that with the response from the CAA they did copy in Mr Donnelly on 17 March so he has seen it, although it is not on public access.
- Following the adjournment, Councillor Marks referred to the last paragraph of the e-mail where it says 'I'm hopeful that through such communications, any concerns can be allayed either by the developer or a richer understanding of each other's own interests by alterations or conditions' and asked did the alterations that they made by moving the property across take place after this or with consultation with the objector? Mr Venni responded that he spoke to Mr Davies and when I said we would keep clear of his air strip he was happy, with Mr Hall coming up with the proposal and suddenly he changed his mind. Mr Hall added that he does not see anywhere in this correspondence where they say that they object, they looked at the map from 2012, have kept out of the area and spoke to Mr Davies. He stated that ultimately, if members support the application, they would be happy

to enter further discussions if this is still a gray area but nowhere else does it say they object and reiterated that on the map it says 500 feet high and not distance even though the house and garage are greater than 500 feet.

- Councillor Mrs French asked when the land was purchased and did they enter into pre-app advice? Mr Venni responded that the land was purchased about 18 months ago and they did not undertake a pre-app as he was not aware of the rules. Councillor Mrs French asked if the agent did not undertake a pre-app either? Mr Hall responded that he did not.
- Councillor Benney referred to CAA letter, which says 'my letter doesn't intend to present such concerns as assessments or conclusions' so it presents nothing in the letter that says to him that there is a conclusion from this and then goes on to say that 'having been contacted directly by the landowner pertaining to the proposed scheme, I'm encouraged to learn that dialogue exists between them and the operators of the airfield. I'm hopeful that through such communication any concerns can be allayed either by developing a richer understanding of each other's interests or by alterations and conditions', which, in his view, does not say anything and contains no substance. He feels that there is no conclusion from either side as to which is right and which is wrong, with two parties with a difference of opinions and asked Mr Hall what does this letter say of any substance relating to technical information that members need to assist them? Mr Hall responded that whilst he agrees, the officer's report at 5.4 relating to CAA does not say anywhere that they object or that they are happy or give it a yes or a no, and if it had said round here measured from the perimeter of the runway there is 500 feet measured horizontally then that would be fine but it does not say this.
- Councillor Imafidon expressed the opinion that the letter does not give any definitive response from the CAA and the fact that they have not spoken in favour of the applicant or the objector he feels the committee needs a more definite answer from the CAA. Mr Hall responded that Councillor Imafidon has summed it up well, it does not give a yes or no, if members are happy with the proposal on all other aspects it could be deferred for advice on this aspect.
- The Legal Officer referred to the previous two slides where there were some alternative landing and take off lines and questioned where these had come from, who were they prepared by and were they prepared in consultation with the airfield owner or CAA? Mr Venni responded that he produced these slides but he spoke to some paramotor pilots and they said they do go into and out of the wind but there are other options where you can land. He made the point that Mr Davies is building pods beside his runway and when he showed him the shed he said it was irrelevant his house being there.

Members asked questions of officers as follows:

- Councillor Mrs French expressed the view that once again looking at the reasons for refusal at number 4 it says that insufficient information has been submitted to demonstrate proposed development and asked is it an incomplete application? David Rowen responded that whether members view it as an incomplete application, reason for refusal number 4 relates to the whole issue of aviation safety and whether members would deem the CAA comments as an objection or not because it does not include the word objection they clearly raise significant safety issues. He added that the operator of the airfield knows how his business operates and knows the conditions around that, raising those self same safety issues and the further bit of correspondence that Mr Hall has produced does not say a great deal other than it is hoped that concerns can be allayed so clearly those concerns have not been allayed as far as the operator of the airfield is concerned so questions whether it is an incomplete application or inappropriate one, which is one for members to decide on.
- Councillor Marks expressed the view that this was not an answer to a question, Councillor Mrs French asked if this is an incomplete application, is there other stuff missing, it is not whether members rely on the CAA information but if officers say it is incomplete, what is missing from this application? Matthew Leigh responded that this incomplete application term is something that he has only experienced at Fenland, officers would say that if information is not with them it is a refusal but it is a member's belief that whenever there is a

lack of information it is an incomplete application but this is for members to decide and for officers if there is not enough information there it is a reason for refusal. He added that it is not a planning term but based on his experience of Fenland it is an incomplete application as there is not enough information in front of committee to confirm it is safe.

- Councillor Marks questioned that it is not missing any information, such as biodiversity, it is purely missing or there is not a big enough explanation from the CAA in relation to safety as when he hears incomplete what is actually missing? David Rowen responded that Councillor Mrs French specifically mentioned reason for refusal 4 which is the one that relates to aviation and as set out in that reason for refusal there are comments from the CAA raising a safety issue and there is no evidence within the application to contradict that or to demonstrate that the development would be safe.
- Councillor Marks referred to a farmer putting a shed up in that area and asked would he be able to do that without reference to this airfield? David Rowen responded that one of the restrictions on agricultural permitted development is proximity to an airfield.
- Councillor Murphy asked if the airfield was not there would planning permission be given for this proposal to be built in the open countryside? David Rowen responded that they would not which is why there are three other reasons for refusal.
- Councillor Imafidon questioned whether officers were aware of the original agreement between the applicant and airfield owner. Officers indicated that they were not.

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

- Councillor Marks expressed the view that the application should be deferred to obtain further information from both the objector and the applicant as the CAA are seeming to suggest they should work together and if they come back with a report saying yes or no that will assist with a decision.
- Councillor Benney made the point this is a business, and members always try to support businesses, but this is a field currently and as much as members want to support business, one business cannot be supported at the detriment of another. He continued that this field could be sold, and the applicant could find another field somewhere else and come back with an application that he would fully support. Councillor Benney stated that a road cannot be put on a bend because of safety but here there is an airfield which the CAA, who are in charge of all air flights that happen in the UK and associated safety regulations, providing a response which proves nothing either way. He made the point that committee see things where people turn up and there is a big personal clash going on getting embroiled in technical issues but is not sure where this one sits. Councillor Benney stated that he would like to support the business with having a house there with a yard, but at the moment it is a field and there is an existing airfield business, with which way the wind blows depending upon which way the airfield runs and if it means that 20 days a year the wind comes from the east and he cannot operate his business members should not be doing something that is detrimental to one business at the expense of another. He expressed the view that there is not enough information or real technical information from the CAA but does feel that officers have the recommendation correct on this as safety cannot be put at risk, although risks can be mitigated, in his view, there is not a technical solution to an airfield.
- Councillor Mrs French stated that she does have concerns regarding this application, she thinks herself and Councillor Murphy were the only councillors that were on the Council when the London Parachute Company got permission about 15 years ago and the business next door put telegraph poles up and endangered it. She reiterated that she does have concerns about the safety, she knows they fly west to east, and as Councillor Benney said you cannot support one business at the detriment of another.
- Councillor Marks expressed the opinion that something is being discussed that professionals exist for and they should be called in, suggesting it being deferred for the CAA to provide a report as the committee would be unable to go against it, which would then not back one business against another and be fair in planning terms, with the Council being open for business and should support all businesses, acknowledging not to the detriment of one or other and safety being paramount. He does not feel that there is not enough

information, members have heard from two different sides but a categoric report is required from the CAA to enable a decision to be made and he would prefer to defer it currently.

- Councillor Connor agreed, the applicant says the airfield operator, Mr Davies, was OK at the start then he says he was not so who knows what the real answer is and it is all about the CAA, if they say it is safe or there is mitigation that can be undertaken there would be an answer, which members have not got at the moment.
- Councillor Benney asked if it is deferred what can it be deferred on as there needs to be a purpose to a deferment and at the moment he cannot see this, questioning whether the CAA will assist with a report? Matthew Leigh responded that the CAA have been consulted and come back with their response and he does not believe that anything more would be obtained from them, they are not going to produce a bespoke report, it is no different to when Highways or the Environment Agency are consulted as there is no report but a consultation response. The Legal Officer stated that it is right to go back to the CAA as the statutory consultee in the first instance but if they cannot provide what the committee needs to make a decision she would suggest that the onus is on the applicant to demonstrate that their proposal is safe and there will be independent experts, as used in ecology, flood risk, etc., and it would be for the applicant to procure a report from a suitably accredited expert. She clarified that, if committee defer for further information, in the first instance she would suggest officers approach the CAA for a follow up consultation response and failing that it should be a request for the applicant to provide suitable independent evidence to bring back to the committee to consider.
- Councillor Murphy suggested refusal as CAA have had plenty of time in their response to outline their position and they are just 'sitting on the fence'.
- Councillor Marks expressed the opinion that it would be not right at this point to refuse it but defer it as members are trying to support businesses in Fenland, not one to the detriment of another, it would still have to come back and be debated about the actual property but there is not enough information and to be fair to all parties it needs deferring for that information and if it cannot be obtained then it is refused.

Proposed by Councillor Murphy, seconded by Councillor Benney to refuse the application as per the officer's recommendation, which was not supported on a vote by members.

Proposed by Councillor Marks, seconded by Councillor Connor and agreed that the application be DEFERRED for further information regarding aviation safety.

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

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

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

P54/25

F/YR25/0517/F

LAND EAST OF OAK MEADOW, NEW DROVE, WISBECH ST MARY

**CHANGE OF USE OF LAND TO 1 X GYPSY TRAVELLER'S PLOT INVOLVING
THE SITING OF 1 X MOBILE HOME AND 2 X TOURING CARAVANS**

Tom Donnelly presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Alexandra Patrick, the agent and Sam Taylor and Caroline Symonda, the applicants. Mr Taylor stated that he is the further generation of his family who still work the land from season to season and farm to farm keeping within his Romany tradition. He added that in recent months his family circumstances have changed as he has been given verbal notice to leave the current yard which his family current rents and as the family have nowhere else to go this has caused a great deal of stress.

Mr Taylor explained that the added stress is not helping his father who is still recovering from open heart surgery and finds himself not well enough to travel anymore meaning he needs a permanent place to reside so that he can attend medical appointments, and the simpler tasks are harder for his father to achieve. He explained that he has purchased a plot of land and has submitted a planning application and followed the due process and has funded the whole application themselves as a family, with the aim being to maintain a home for the family and to have the basic living standards which everybody is entitled to.

Mr Taylor explained that the orchard will be kept, and the trees will be maintained and pruned and cropped, with the vintage pieces of machinery which they own also being restored on the site and they used to belong to local Wisbech farmers.

Ms Symonds stated that the application is for a mobile home and two touring caravans so that her family can continue a nomadic way of life within the Romany tradition of which they are rightly proud, with the family having been part of the community of Wisbech St Mary for many years and her son attended the local primary and secondary school. She explained that they work locally for the agricultural sector and have a great respect for the local community and the letters of support from the local community demonstrate that her family are equally respected.

Ms Symonds stated that her husband has recently had open heart surgery and is recuperating and has to attend medical appointments. She explained that currently they are renting an area in a local yard but have been given notice to vacate as the site is needed by the owner's daughter meaning that they will be effectively homeless which is a very scary prospect.

Ms Symonds explained that they have purchased the acre of land and have followed the planning application process fully and as a result it was remarked on and welcomed by the Parish Council. She made the point that at the present time the Council's list for pitches, sites and plots for travellers is long and could mean that eventually her family could be forced out of the area.

Ms Symonds added that she appreciates the concerns raised by the Environment Agency with regards to the land being located within Flood Zone 3, but she is aware that is the case for most of the area and 67% of Fenland falls into that category. She explained that steps can be taken to mitigate the risk by raising the mobile home and also registering with the Environment Agency Flood Warning Scheme.

Ms Patrick explained that the application seeks permission for a small family site and a home for a three-member traveller family who are financially supported by their son, with the need for such sites being urgent, which the Planning Officer has noted as has the Gypsy Traveller Liaison Officer. She added that the proposal meets the need in a modest and responsible way and there is a clear precedence for approving similar applications in comparable or higher flood vulnerabilities including Birds Drove at Gorefield, Pearls Bridge at Manea and Leverington Common in Wisbech St Mary.

Ms Patrick stated that officers and inspectors have recognised that robust mitigation and evacuation measures make such developments acceptable and the proposal includes the same safeguarding including flood anchors, and the same comprehensive flood evacuation plans to ensure that the site is safe and compliant. She explained that in the officer's report it states that the

majority of the site is located in Flood Zone 1 and 3 and, therefore, there are safer zones for the residents to go should there be a flood or if they were advised by the Environment Agency that flooding was taking place.

Ms Patrick explained that every application should be looked at on its own merits and there is an exception with this application as the family are elderly in comparison, and they are supported by their son, with it being a simple compassionate request for one family who are demonstrating a genuine need. She made the point that a precedence has already been set and fairness and granting permission is valued.

Members asked the following questions:

- Councillor Imafidon referred to the presentation screen and asked when the photographs were taken and how far from the application site do the family currently live? Mr Taylor explained that the site is located 2 miles from their current place of residence. Councillor Imafidon referred to the photographs on the screen and stated that when he visited the site, there appears to be some difference as a hard standing is in place and another construction on the site.
- Councillor Mrs French stated that a great deal of emphasis has been made with regards to the personal circumstances and she asked for confirmation as to whether the personal circumstances were included when the application was submitted? Ms Patrick stated that confidential documents were sent to the Planning Officer.
- Councillor Marks asked how difficult it has been to find an alternative site? Ms Symonds stated it has been very difficult, and the waiting list is endless and finding somewhere else is not an option for the family and, therefore, the decision was made to purchase their own land.

Members asked officers the following questions:

- David Rowen responded to the question asked by Councillor Imafidon and confirmed that the photographs were taken at the end of July.
- Councillor Mrs French asked officers to confirm whether they have taken the personal circumstances of the applicants into consideration? Tom Donnelly stated that in paragraph 9.2 of the report it refers to the fact that personal circumstances were provided in the form of a confidential document which were taken into consideration when assessing the application. Councillor Mrs French stated that members have not seen the confidential information, however, it does state that the information could be made available to members should they wish to view it. David Rowen stated that officers ensure that confidential information is not placed into the public domain, however, should members wish to see that information then the application could be deferred and then a confidential appendix could be added to a further report at a future committee.
- Councillor Mrs French stated that there are personal circumstances to be considered, and she added that she is surprised to see that the local Parish Council and local residents are fully supportive of the proposal which is very unusual for a traveller family. She added that it would be possibly the right course of action to see the confidential information and for the application to be deferred. David Rowen stated that what has been summarised in the confidential information has actually been summarised by the applicants and the agent.
- Councillor Connor expressed the opinion that he believes that the applicants and the agent have been truthful in their presentation, and he does not feel that a confidential report is required.
- Councillor Mrs French stated that there is a new Gypsy Policy, and she questioned how the application conforms? David Rowen stated there is a new policy and there is an updated gypsy traveller accommodation needs assessment, which just sets out what the up-to-date position is in terms of need for traveller accommodation across the district. He added that this is referenced in the officer's report and sets out the number of pitches which need to be delivered, and he reiterated that the actual policies have not changed,

it is the weight and the weight which needs to be given to that need. David Rowen made the point that as stated in the officer's report there is a shortfall of pitches across the district, and this application would be a small contribution towards the shortfall if members are minded to grant planning permission.

- Councillor Mrs French stated that it was her understanding that the district does have a shortfall, and she does not know where the land is going to be found in order to accommodate traveller families.
- Councillor Marks asked whether it is known as to what the shortfall actually is? Matthew Leigh stated that according to Paragraph 9.9 of the officer's report it states that there is the need for 26 pitches up to March 2029.

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

- Councillor Mrs French stated that having heard the personal circumstances and the need for further pitches, in her opinion, she believes that the committee should be supporting the family. She added that there is only one reason for refusal which is flooding but that can be mitigated against.
- Councillor Marks stated he agrees with Councillor Mrs French and added that the application also includes a pitch for 2 travelling caravans and if there was a need for the family to move then they could use one of those. He added that they are a local family who work locally in agriculture who are having to move two miles, and he thinks that the application should be supported.
- Councillor Connor expressed the view that he finds it refreshing that the Parish Council of Wisbech St Mary have expressed the opinion that the family are a credit to the village and there have been numerous letters of support which have been submitted. He expressed the view that it would be a travesty if the committee refuse the application and he will be supporting the application.
- Councillor Imafidon stating that having heard the personal circumstances he will be supporting the application, and he added that the agent has explained that part of the site is located within Flood Zone 1. He does not feel the issue of flooding due to part of the site being in Flood Zone 3 is relevant as the family could move if required into the lesser zone and he will support the application.

Proposed by Councillor Mrs French, seconded by Councillor Imafidon and agreed that the application be GRANTED against the officer's recommendation with authority delegated to officers to add appropriate conditions.

Members did not support the officer's recommendation of refusal as they feel that there is a shortage of and a need for sites for travellers.

P55/25

F/YR24/0237/F

LAND SOUTH WEST OF 16 LONDON ROAD, CHATTERIS

**ERECT 5 X DWELLINGS (SINGLE STOREY 4-BED) WITH DETACHED GARAGES,
AND REPOSITIONING AND WIDENING OF EXISTING VEHICULAR ACCESS**

Kimberley Crow presented the report to members and drew members attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from presentation from Alan Faulkener, the agent. Mr Faulkener stated that the Planning Officer and Member Services had suggested to him that he may wish to email the slides which he will be referring to in his presentation to members of the committee which he has done. He added that there is a long history of garden infill in the immediate vicinity of the site with Linden Drive, Eden Crescent, Numbers 20 a, b c and d London Road and the former Travis Perkins site now known as Fortrey Court, which have all been built in the grounds of existing properties within the Chatteris Conservation Area, with Fortrey Court being developed within the curtilage of a Grade 2 Listed

Building.

Mr Faulkener stated that since the application was validated in March 2024, he has worked with officers on house design and site layout to address all their concerns and has responded to relevant comments raised by neighbouring properties, with the only outstanding matter being the reason the application is before the committee in respect to the Conservation Officer's comments. He explained that at the request of officers in May 2025 following comments from the Conservation Officer, he commissioned an independent heritage statement which was delivered in June 2025 from Artifacts Conservation, which concluded that the proposal has been carefully designed to minimise any perceived harm on the rural aspect of the setting on number 16 and this section of the Chatteris Conservation area.

Mr Faulkener explained that the existing landscaping has been retained, and the necessary widening of the access track and the required visibility splays have been kept towards the southern boundary and softened with planting. He made the point that the tree views to the wider land holding have been retained, and the new development will be kept out of the sight line.

Mr Faulkener added that the proposal will result in less than substantial harm to the Listed Building and will preserve the character and appearance of the Chatteris Conservation Area and will achieve public benefit in provision of residential accommodation. He referred to page 2 of the Conservation Officer's report from 2025 where they have provided a response, stating that the host building was Listed with a wide frontage, but made the point that there was no mention of this in the Historic England official listing for the property which simply states that a Mid-19th Century house of gault brick, hipped slate roof and dentile eaves and cornice.

Mr Faulkener stated that it is a 2-storey building and the road frontage has four window ranges of hung sashes with glazing bars in flat moulded arches and on the ground floor there are four full length casements with fixed headed lights and louvered shutters and a side entry which has a gothic arch to the porch. He referred to the presentation screen and explained that the slide shows a few images which make up the visual amenity of the historic environment and contribute to the verdant character and appearance of the Chatteris Conservation Area which was referred to by officers in the report.

Mr Faulkener stated that the modern houses opposite the entrance to the subject property and the access to the two new build properties in Fortrey Court at 22 London Road where planning consents were granted between 2019 and 2024 are the features that he wanted to highlight. He made the point that whilst there is some concern with regards to the loss of trees and front boundary hedging he has already advised officers that he would be happy to see a condition on boundary treatments attached to the planning consent.

Mr Faulkener added that he would be content to incorporate the low-level wall that the planning officer was looking to be included as well as agreeing with the conditions suggested by the Conservation Officer. He asked the committee to recognise the merits of the scheme and grant planning permission.

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

- Councillor Benney stated that the host dwelling is 16 London Road, and he recalls 18 London Road being demolished a number of years ago and number 20 was redeveloped as well with houses being sited in the back garden which is similar to the application. He added that the houses which were built in Fortrey Court were approved by officer delegation and never came before the committee but the house and the conversion of the chicken shed did come before the committee and were approved and look very nice. Councillor Benney added that the Cock Public House is not shown on the slide but that is also located in the Conservation Area and has back land development in the rear of it, making the point that

the houses were built there a few years ago and, in his view, the principle of development in this area has been fairly well established recently. He expressed the view that he is certain that the bungalows and houses will look equally as nice as the others do when they are built out. Councillor Benney stated the reason for refusal relates to the conservation and the detriment to the Grade 2 host building but, in his opinion, the site is large enough to absorb the dwellings without causing any detriment and the application should be approved.

- Councillor Murphy expressed the view that it is an ideal place to build in the rear as there have been other back land developments which have been built out in Linden Drive and Westbourne Close. He expressed the opinion they are not detrimental to the host building due to the distance that they will be from it and if it is not approved then it will be sacrilege.
- Councillor Marks stated that he agrees with the views of Councillor Murphy and Benney, making the point that it is a Grade 2 Listed Building where somebody wishes to invest and spend money on it and, in his opinion, it is a good application and should be approved.
- David Rowen stated that there is no actual works which are proposed to take place to the Listed Building, and the application is to develop in the back garden of that dwelling.
- Councillor Imafidon expressed the view it is a good application, and the actual dwellings will stand way back from the host dwelling. He added that with the vegetation and the trees which are in place then it is unlikely that the development would be visible from the main road anyway. Councillor Imafidon added that he does not believe that it is detrimental to the Grade 2 Listed Building and he will be happy to support the application.
- The Legal Officer stated that as she understands it, the view of the committee is that they are not stating that there is no harm to the Listed Building, but they are concluding that there may be some less than substantial harm, but they feel it is outweighed by the benefits of the scheme. Councillor Benney stated that his conclusion is that there is no harm whatsoever.
- Councillor Connor stated that he feels that the five houses will bring a benefit.

Proposed by Councillor Benney, seconded by Councillor Murphy and agreed that the application be GRANTED against the officer's recommendation, with conditions delegated to officers to add appropriate conditions.

Members did not support the officer's recommendation of refusal as they feel that development within the Conservation Area has been demonstrated already, the application site is a large garden which will be able to accommodate the dwellings, it will not be detrimental to the host building and the community benefit outweighs any harm to the Listed Building.

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

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

(Councillors Benney, Connor, Mrs French, Imafidon and Marks declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P56/25

F/YR25/0058/O

LAND SOUTH OF 2B AND 2C BRIDGE LANE, WIMBLINGTON

ERECT UP TO 9 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Dannielle Brooke presented the report to members.

Member Services read out a written representation on behalf of Councillor Mrs Davis, a District and Ward Councillor. Councillor Mrs Davis stated that the initial application F/YR23/0241/O was

registered on 17 March 2023 and refused on 7 March 2024 for the reasons of “the proposal would result in large scale in-depth development in an area rural in character and characterised mainly by frontage development and would erode an important visual gap and area of separation between this part of Bridge Lane and the main built form of Wimblington. The proposal is therefore contrary to Policies LP3, LP12 and LP16 of the adopted Fenland Local Plan”, with Councillor Benney proposing at the Planning Committee meeting that the application be refused, seconded by Councillor Connor, as per the officer's recommendation.

Councillor Mrs Davis referred to F/YR25/ 0058/O, which was registered on 23 January 2025 and had 23 objections from local residents, with this application going before the Planning Committee on 30 April 2025 and comments minuted as follows:

“David Rowen reminded members that an outline application for 9 dwellings on this site was refused in 2023 on the grounds of the character of the area, the in-depth nature of the development, which is essentially the same scheme in front of committee now. He continued that the character of Bridge Lane has not changed dramatically in the last 2 years and questioned what has changed since March 2023.

Councillor Benney stated that the building work and the 88 Reason Homes at the top had not started then and now they are underway they are part of the character so that is what changes it and the fact that other development has been allowed in the vicinity is good reason to only defer it on the drainage.

David Rowen stated that he believes the Bellway site had commenced in 2023 and even if it had not there then was a permission in place of 88 dwellings on that site, so nothing has changed since then.

Matthew Leigh advised members that the Council's decision for the adjoining site is also a material consideration and that is still so recent that the applicant could submit an appeal. He continued that whoever makes the decision there should be consistent and the adjoining sites decision and an application previously refused on this site would be significant material considerations in determination of this application.”

Councillor Mrs Davis stated that the Parish Council's objection is raised in regard to the above comments, with the first application F/YR14/0232/O for 80 dwellings (max) on land east of 38 March Road being 'granted' on 25th September 2015, therefore, this development was well underway before the Members proposed to support the planning officer's decision to refuse application F/YR23/0241/O. She feels that if members were to view the site plan it shows that the northern boundary, the one abutting Bridge Lane, is predominantly open green space and has hard landscaping of trees proposed to continue to provide a countryside view from Bridge Lane, therefore, although the Bellway site is situated south of the access to Bridge Lane, it is not impacting on the characteristic's environment along the lane.

Councillor Mrs Davis expressed the view that Councillor Benney's personal opinion that the character and appearance of Bridge Lane has changed is not a material consideration and is not a valid reason but local planning policies LP3, LP12 and LP16 are and the decision (reason 1) to refuse planning application FYR23/0241/O is still a valid material consideration.

Members received a presentation, in accordance with the public participation procedure, from Shanna Penney, the agent and Ben Love, the applicant. Ms Penney stated that the application was deferred by the Planning Committee in April 2025, with the minutes from that meeting suggesting that the only issue of concern for members related to surface water drainage and that was the reason for deferral. She explained that she has worked closely with the drainage consultant, and the officer's report confirms that there are no outstanding issues with regards to surface water drainage and the Lead Local Flood Authority (LLFA) has confirmed that the proposal

will result in an improvement to surface water drainage within the wider area.

Ms Penney explained that the only issue that remains relates to the character and appearance of the area, referring to the presentation screen highlighting the bright yellow site outlined on the map has planning permission which comprises in depth development, which she feels is significant when viewing the application within its context as it demonstrates that the character of the area has now changed to that of a housing area. She explained that a previous application was refused on the site in 2024 for reasons of form and character but this situation has now changed from the previous application because at that time outline planning permission under F/YR19/0405, for up to 30 dwellings on the land to the southwest of the site, would have formed the consideration when the 2024 application was determined.

Ms Penney stated that since then the site which was under planning reference F/YR19/0405 has been granted planning permission for up to 45 under F/YR23/0206, which was granted in August 2025 and having 45 dwellings on the site to the southwest of the application site rather than 30 has significantly increased the housing density in the locality and has reinforced the residential character of the area. She expressed the view that the backdrop of 45 dwellings results in the change to the circumstances of the area and the proposal would not be out of keeping with its surroundings.

Ms Penney expressed the opinion that the site does not appear as a gap given the fact that the view from Bridge Road frontage would be of a backdrop of housing which will now appear particularly denser in view of the newly granted permission for 45 dwellings. She referred to the presentation screen and stated that it clearly shows that this part of Wimblington is a built-up residential area which is reinforced by the large site which is currently being developed on the corner with March Road, with the committee having discussed on many occasions in the past whether Bridge Lane forms part of Wimblington village and, in her opinion, the map clearly indicates that it does.

Ms Penney stated that the site would effectively comprise of infill development of housing within an established residential area and, in her view, makes sense in policy terms, with Wimblington being a growth village and policy LP3 allows for village extensions in such locations. She added that the proposal would comply with that policy given that it would extend the existing built form in this area and, in her view, the proposal is acceptable in principle in accordance with policies LP3, LP12 and LP16.

Ms Penney added that it would result in residential development within a residential part of Wimblington which adheres to the form and character of the area with particular reference to the impact resulting from the newly approved development for 45 dwellings approved under reference F/YR23/206.

Members asked the following questions:

- Councillor Mrs French stated that when it was discussed in April, the only issue that the committee had with the application was one of significant concern with regards to flooding and she is pleased to see that Ms Penney has recognised those concerns and has gone away and undertaken some work to alleviate those concerns. She stated that there is a public right of way located there, and she asked whether that will be retained? Mr Love explained that the intention is to widen the public right of way so that two prams are able to pass each other which is not the case at the current time.
- Councillor Connor asked what the plans for the small drain beside the public right of way are? Mr Love explained that he does cut it back to appease the footpath officer at the County Council and the dyke will have to be ditched out so that the drain can flow into the ditch and then further into the system. He added that where the existing dyke has been filled in, much of it will be excavated which provides an environmental gain and means that part of the pipe work cannot get blocked anymore. Mr Love stated that he does not want to

develop next door to a mess and has proposed a different type of fence alongside the footpath as opposed to a barbed wire fence.

- Councillor Mrs French asked whether the Internal Drainage Board has been consulted as part of the proposal and questioned whether it is a riparian dyke? Mr Love confirmed that it will be maintained.

Members asked officers the following questions:

- Councillor Mrs French expressed the view that it is disappointing that the application has come back with an officer recommendation of refusal when the agent and applicant have addressed the issues raised by the committee in April, and yet officers still deem the proposal as being a large scale development when it is only nine dwellings. David Rowen stated that there is not a committee decision with regards to the terms of the acceptability of the character or not and as a consequence while one of the reasons for refusal has fallen away, the character reason which was previously recommended and was previously accepted by the committee when determining a very similar application on the site has to come forward and it remains the view of officers that this is an unacceptable development in terms of the impact on the character. He made reference to the point made by the Agent with regards to the site to the south and the fact that there has now been a planning permission granted there for 45 dwellings rather than 30 dwellings which was in place at the time that the previous decision was made by the committee, making the point that it has very limited impact with regards to whether this is a harmful development or not and, in his opinion, the view that the committee needs to take from that is that the site to the south had got planning permission in place for residential development and still has. David Rowen added that there has been no change in circumstances since the previous decision to refuse planning permission for nine dwellings on this particular site was taken by the committee in February 2024.

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

- Councillor Benney stated that the character of Bridge Lane has changed beyond belief over the period of time that he has been a member of the Planning Committee, questioning what the character of Bridge Lane is as it was very open when the 88 dwellings were approved. He expressed the view that the land is ripe for development, and the land will be filled in at some point and there is a lot of space before the bypass is reached, which is a natural barrier. Councillor Benney added that it is a good use of land and with all of the local development taking place around the site he can see no reason for the application to be refused. He made the point that it is not the open countryside, and the area is becoming urbanised, and the application should be approved, with the technical difficulties raised previously having been overcome and he will support the proposal.
- Councillor Marks stated that Wimblington is evolving, and he referred to the presentation screen and added that the slide does not demonstrate all of the other development taking place on the other side of the bypass near to Data Shredders which is also going to see further development. He expressed the view that houses need to go somewhere, and, in his view, it is a good use of land, and it should be approved, otherwise the next application that comes back could be for 40, 50 or 60 dwellings.
- David Rowen stated that the issue about the previous decision by the committee to refuse planning permission on the site is a significant material consideration.
- The Legal Officer stated that she entirely concurs with the points made by officers and she added that the previous decision is a material consideration given that it is the same application site and the same proposed development on the site. She added that if members are looking to make a different decision to the one they made previously then it would be helpful to be really clear and spell out what the actual change in the material considerations are that have taken place since they decided two years ago which now leads them to form a different view. The Legal Officer explained that it maybe the intensification point raised by the applicant but, in her view, it would be helpful to explain why the committee are taking a different view or may take a different view two years on. She added

that it is important to spell out what has materially changed since the previous decision.

- Councillor Marks expressed the view that it is a very old slide which has been shown on the presentations screen compared to what there is today. He added that F/YR23/1235 is almost built out now and the slides shown appear to be out of date because there is significant change down there now including erected fences and the area is becoming more urbanised which to him is a material change which can be seen from the last decision.

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

Members do not support the officer's recommendation of refusal as they feel that since the previous application was refused the character of Bridge Lane has changed, the area is ripe for development, the frontage no longer exists in Wimblington as it is being filled in, they do not consider the proposal to be large scale development and they do not consider the visual gap to be one of any importance. Members added that a sequential test has now been undertaken, and improvement works will be undertaken to the ditch which they feel brings a great improvement and will stop any future flooding.

(All members present declared that they know Councillor Mrs Davis as a fellow councillor but are not pre-determined and will consider the application with an open mind)

(Councillors Connor and Marks declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P57/25

F/YR24/0627/F

**LAVENDER MILL BUNGALOW, FALLOW CORNER DROVE, MANEA
ERECT 5 X DWELLINGS (1 X SINGLE-STOREY 2-BED AND 4 X 2-STOREY 2-BED), INVOLVING THE DEMOLITION OF EXISTING DWELLING AND GARAGE**

David Grant presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Councillor Charlie Marks, District and Manea Parish Councillor. Councillor Marks stated that he has worked very closely with the developers in the last 6 months since this was considered at committee previously and these developers have worked tirelessly with the local residents to try and resolve any issues that have arisen since they have been building the 29 properties. He made the point that the 5 properties being proposed remove a dated and in places damaged bungalow and bring 5 more affordable homes into the village as opposed to one bungalow which does need demolishing resulting, in his view, in a good use of land.

Councillor Marks expressed the view that it is not imposing by the way it stands, if you drive along that road there are a number of larger properties that are elevated and at the bottom there is a farmhouse that had to be built up due to flooding issues and on the corner there is a two storey building that is about 2½ to 3 metres out of the ground due to flooding issues, but there have not been any flooding issues at this end of the village. He made the point that the developer has worked tirelessly with Cambridgeshire County Council Highways and spent a fortune at the beginning of the road coming to the property entrance, they have had numerous incidents of coming across issues that were not either on plan or alternatively Highways wanted extra work, which they have paid for financially themselves and the benefit to the village is to stop flooding and, in his view, the flooding issue here with the foul water drainage will be overcome.

Councillor Marks stated that this application and this site needs this bungalow to be removed, the affordable homes are needed and going forward he believes this application should give what is

required, whilst there are other issues there, he feels they are not insurmountable. He requested the application be approved.

Members asked questions of Councillor Marks as follows:

- Councillor Imafidon referred to the mention that the foul water issue has been resolved but why does it say in the officer's report that it has not been? Councillor Marks responded that the developer has tried working with the planning officer and there are still some matters that need to be overcome but he has no doubt seeing how these developers have dealt with issues already, which is a breath of fresh air in Manea, that they will be resolved. He referred to roadway at the top of Westfield Road and the corner of this road there is all new tarmac and new gullies and there was a lot of illegal discharge onto the site of the 29 houses and the developer worked tirelessly, finding it to be a Highways problem, however, Highways at the time had suspended their contractor, which held up the project and the project has gone way over budget. Councillor Imafidon stated that it was refreshing to see the standard of road when he visited the site. Councillor Marks made the point that it is refreshing to see a developer do what they say they are going to do.
- Councillor Mrs French asked why there is no BNG? Councillor Marks responded that the developer can answer this.

Members received a presentation, in accordance with the public participation procedure, from Christian Cooper, the agent, and Robert Wickham, planning consultant. Mr Wickham referred to a basic error, in his view, in the officer's report and summary, which refers to the decision of the Planning Committee on 5 February 2025, it states that the matter is deferred to amongst other things obtain a viability assessment, stressing the word that is used in the report being obtain, but at the February meeting Councillor Benney stated "I propose that we go with a deferment on this only for three things, ecological appraisal, bat survey and sort out the financial contributions and assessment of the site", it does not say obtain a viability assessment. He expressed the opinion that sorting this out is a matter of deciding whether it is relevant and pertinent legally in the circumstances of the case.

Mr Wickham expressed the view that the design issues are not the subject of the councillors concern at the meeting, although it is raised in the report before committee today and the main point is that the statement at, for example Paragraph 2.1 that the matter was deferred to obtain this assessment, but in his view it was not it was to consider. He expressed the opinion that the officer's report is seeking to add together the main development with this small scheme at the front of this site and there is clear guidance under case law on this subject, such as Westminster City Council and Secretary of State and New Dawn Homes versus the Secretary of State, from these decisions the key tests are whether sites are aggregated or not, ownership and in this case it is the same owner, but so it was in the Westminster case and the judge in that case determined that that was not determinative and secondly whether the sites constitute a single site for planning purposes, in this case on the second and third criteria, the aggregation of the two is not appropriate and is contrary to the case law.

Mr Wickham expressed that view that the Lancaster and New Dawn Homes cases refer to separate treatment of the applications and in this instance the current application is quite separate from the scheme under construction. He continued that the judge tested whether the two areas involved at Lancaster Gate were functionally linked, they were not and are not today, the rest of the site is linked one with the other as you go onto the site.

Mr Wickham made the point that this is a separate application, the original consent for 29 was submitted some 9 years ago. He expressed the opinion that the applicants are keen to support local services, and the Environment Agency are happy with the drainage, they only responded yesterday, and they are satisfied that the connection to the outfall proposed from the site is suitable for this development.

Mr Wickham referred to alleged flooding and stated that the houses will be on the higher land which has never been flooded, with none of the site having been flooded, which has been confirmed by a local farmer that over 75 years he has known it, it has never flooded. He expressed the view that the scheme will bring forward small homes that are very much in need in this area and a single bungalow and looking at the site from the front there is a medium to large house on the left hand side, ground and first, and this scheme will be ground and first balancing both sides of the site.

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

- Councillor Benney stated that when this application was considered previously he was happy to support it, it is not a dwelling that you would normally see in this location as they are mostly large, but this does look large even though there are four. He made the point that not everybody wants big gardens or to live in big houses and just because there is nothing else like this in this street does not mean it is not needed in the street or it will not sell, in his view, they will sell quickly. Councillor Benney referred to the flooding but there is already a bungalow on the site and this scheme is for two storeys, which gives people somewhere to go if it does flood, although he is sceptical that it would. He expressed the opinion that it is a good scheme, looks nice in the street and a local member spoke in favour of it and committee usually goes along with what the local member says as they know the area best. Councillor Benney acknowledged that it is an unusual application but that does not mean that it is not wanted or needed.
- Councillor Connor agreed that it is a good application, committee has heard in the last 75 years that it has never flooded and across the other side of the road from this site there have been dwellings built and further along the ground goes down about 3-4 metres, so it is high ground which is unlikely to flood. He made the point that Councillor Marks has stated that the applicant and agent has worked tirelessly with the Parish Council and undertaken everything within their power to bring this to fruition, which he is refreshed by. Councillor Connor expressed the opinion that it will bring a benefit to Manea, as Councillor Benney stated not everyone wants a big house, it does have a small garden and some people only want small gardens, so they will not buy it if they want a big garden. He stated that he is enamoured with the scheme, it is a good scheme, and he will be supporting it.

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

Members did not support officer's recommendation of refusal of planning permission as they feel that the amount of development on the site is not considered excessive, it is felt the scheme works and looks good, the fence has been raised on the development which will help with overlooking making the point that wherever you are there is overlooking to some degree, with the current bungalow overlooking the garden of the neighbouring property anyway and the houses at the back overlooking the current bungalow, replacing a bungalow on a site in Flood Zone 3 with a two storey dwelling makes it safer and the scheme will bring homes for people, which in turns brings a public benefit.

(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. He further declared that he would be speaking in support of the application, following his presentation he took no part in the discussion and voting thereon)

David Grant presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Nicholas Underwood, the applicant. Mr Underwood stated that the proposal matches the character of River Drive in terms of its block massing and is comparable in scale to the adjacent properties in Cotswold Close even though the proposal is slightly smaller and narrower, with it following the existing precedent set by the other corner plots such as 1 and 2. He explained that the street scene slide demonstrates that the height has been reduced to be comparable with adjacent buildings and the outlook from Cotswold Close falls well below the BRE 25 guidance even when standing at their rear fence which dispels any claims of prominence.

Mr Underwood stated that at the previous committee the officer's report refers to comments made by the Inspector in the appeal decision but the comments all relate to the previous scheme and not the revised current proposal which has been completely changed to address each objection. He explained that the Inspector's comment with regards to harm to character related to the previous design being a 2-storey building being next to a single storey, the scale and prominence of the dormas and concern over potential overlooking at a garden of 29 Cotswold Close from the bedrooms, making the point that the second storey has been amended, and the issues are no longer applicable, and references made to linear form and cramped related to the impact of a carport.

Mr Underwood referred to the presentation screen which showed the elongation of the building massing right up to the right hand side of the south east boundary, explaining that this has also been omitted, and the buildings overall length has been reduced by a third to match the smaller plot size of River Drive and allow an increase in separation to all boundaries. He stated that the previous claims of overdevelopment and contrived layout related to the amount of private amenity space being provided but were dismissed at appeal by the Inspector who also went on to praise the layout as being a novel and innovative approach, adding that the Inspector also stated that the quality and usability of the resulting spaces, the reduction below the one third guideline was appropriate for the development and fully compliant with all local policies.

Mr Underwood explained that, in the previous application, the Inspector had previously accepted 60 square metres for a three bedroomed house whereas now there is the provision of 82 square metres for a one bedroomed bungalow which meets the one third guidance. He added that it is disappointing to see that the officer claims that the design is out of character as the Inspector specifically highlighted that there is not prevailing architectural style in the area and that it is evident that many of the buildings in the area have been poorly modified and altered over time.

Mr Underwood stated that the Inspector also agreed that the contemporary approach to design and architectural detailing is entirely appropriate for the location. He referred to the presentation screen and stated that with regards to the claim of overlooking the garden of number 9, it was highlighted that the proposed 2 metre high timber fence would be heightened to 2.4 metres using a continuous bamboo screening, referring members to the photographs on the presentation screen and explained that by using a clumping non evasive bamboo such as grassilus or arrow it quickly forms a solid effective barrier preventing any views through it, with it growing incredibly quickly and up to 8 to 12 inches per month and he has advised officer's that the plants will be supplied as 2.4-metre-high plants from the outset.

Mr Underwood referred to the presentation screen and explained that the yellow view cone shows how the screening will prevent any views below the 2.4 metres, and he added that even if any contribution from bamboo was completely discounted the fence itself still provides a restriction on the views, with their only being a very narrow gap left between the existing tree and their extension where any potential for a view could even occur, and number 9 has written into support the application. He referred to the overlooking concerning number 8, with the photograph demonstrating that the boundary is already screened by mature bushes on their side of the fence which means that those neighbours have full control over their privacy and any potential view from the top step into their garden would already be obscured and even if the hedge was not there, the fence height from the top step is still effectively 1.6 metres high.

Mr Underwood explained that utility rooms are non-habitable space, and a path is a transitory space which is only used briefly and with low frequency because all of the primary space is located on the other side of the building, with there being no windows in the façade facing number 8 so there is no possibility of a view into it. He stated that the consultation process resulted in seven letters of support and no objections, and this has now been increased to 15 letters of support through a petition initiated by the residents and there are no objections from any of the statutory consultees.

Mr Underwood expressed the view that the proposal improves the character of the access road and the safety of the public realm. He referred to the presentation screen and explained that he has taken steps to clear the site of brambles following the comments made by Councillor Mrs French at the previous meeting.

Members asked Mr Underwood the following questions:

- Councillor Mrs French thanked Mr Underwood for clearing the site following the comments she had made previously, and she stated that the site now looks far better.
- Councillor Marks stated that part of the presentation featured the planting of trees at the side of the property which he welcomes but added that the photographs appear to have been taken when the leaves were on the trees and he questioned what will happen during the Winter when the leaves fall from the neighbours planting. Mr Underwood explained that bamboo will not be affected, and the neighbours' bush he believes is a perennial plant. Councillor Marks stated he believes it is a plant which would lose leaves. Mr Underwood stated that he had tried to submit drawings to the officer who declined to accept them, but he has incorporated a trellis to make sure that there will be no further issues, however, the photographs displayed are the only ones available.

Members asked officers the following questions:

- Councillor Benney asked officers to clarify whether the application accords with the required minimum space standards? Officers confirmed that it does.

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

- Councillor Mrs French stated that it is apparent that the site has had some alterations to it and she welcomes the fact that the applicant has taken steps to tidy the site. She added that the site is an old Council garage site, and she now feels that the proposal would be a community benefit and would mean that the anti-social behaviour complaints that are received by the Town Council will stop if the site is developed. Councillor Mrs French added that she will support the application as she feels that the changes will be of a benefit to the area.
- Councillor Imafidon stated that he will support the application as he recalls when the application came before the committee previously a supporter to the proposal explained how the anti-social behaviour was having an impact on the lives of the residents.
- David Rowen drew the committee's attention to the Inspector's comments when the previous appeal was dismissed, where the Inspector stated that 'the proposal would remove dilapidated garages which may currently attract crime and antisocial behaviour,

nevertheless the benefits do not outweigh the conclusions I've reached regarding the main planning issues'. He added that those issues were considered by the Inspector who then concluded that they were not sufficient to justify granting the application and that is a significant material consideration given the fact that it is an appeal decision within the last couple of months.

- Councillor Mrs French stated that the benefit to remove the anti-social behaviour by putting something in place of the garages will be far better for the residents who live there.
- Councillor Marks stated that the Inspector made his comments on the previous property, and the applicant has stated that he has taken on board the comments of the Inspector and made changes to his proposal. He expressed the opinion the new application brings with it more of a community benefit now the site has been cleared and by the changes that the applicant has made to the new proposal and asked officers whether they agree. David Rowen stated that he does not agree with that viewpoint and added that it is clear from the statement made by the Inspector that the proposal would remove the dilapidated garages which may attract crime and antisocial behaviour. He added that the Inspector has identified that as an issue and considered that at the appeal and concluded that it would not overcome the harm that he has identified with the failings of the previous scheme. David Rowen added that if members are of the opinion that the application is an improvement to that of the previous scheme and that it does not have the same harm in terms of the visual impact and that of overlooking then that could be looked at, however, he does not feel that the committee could reasonably say that given the Inspector's findings that the community benefits outweigh any harm.
- Councillor Connor stated the current application has been reduced from two storeys to one storey and is, therefore, a different application altogether and the car port which was originally on the side of the dwelling has now been removed and has reduced it by a third, meaning that there is more amenity space. He expressed the view that on planning balance he does not see that there is anything wrong with the application.
- Matthew Leigh explained that the application is for a self-build dwelling and taking into account what Planning Inspectors are stating in relation to self-build applications then if members are to support this application there will be delegation to officers subject to a Section 106 Agreement.
- Councillor Marks asked whether it is something that can be conditioned? Matthew Leigh explained that it cannot be and has to be subject to a legal agreement.

Proposed by Councillor Marks, seconded by Councillor Mrs French and agreed that the application be GRANTED against the officer's recommendation, with conditions delegated to officers in consultation with the proposer and seconder.

Members do not support officer's recommendation of refusal of planning permission as they feel by bringing the site back into use there will be a community benefit, and the applicant has taken the Inspector's comments into consideration making significant alterations to the scheme.

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

(Councillor Murphy left the meeting following the determination of this item)

**P59/25 F/YR25/0084/F
UPDATE ON PLANNING APPLICATION F/YR25/0084/F AND RELEVANT
STATUTORY DUTIES**

Matthew Leigh and David Grant presented the report to members and drew attention to the update report that had been circulated.

The Legal Officer advised that the thrust of the contemplated challenge and of the advice received is that there are particular matters that committee now needs to turn their minds to when it comes to making a final decision, with some matters already having been carefully considered by committee. She stated that the particular issue which needs to be addressed is the importance and materiality of the Inspector's decision when he dismissed the appeal against the enforcement and upheld the Council's previous enforcement action.

The Legal Officer stated that members will be aware that generally planning applications should be determined in accordance with the development plan unless material considerations suggest otherwise and officers have set out their view on the extent to which this application accords with the development plan and in particular on the issues of the impact on the character and appearance of the area and also on the impact of residential amenity for neighbouring properties. She made the point that when the appeal went before the Inspector, the Inspector gave clear views on those matters and he felt that the application was contrary to the Local Plan policies on these two particular issues of character and residential amenity.

The Legal Officer stated that when the committee considered the application previously they appeared to form a different view but did not directly address enough the Inspector's findings at the time, how material they are to the committee's deliberations now and what has changed in terms of the material considerations between the Inspector's earlier decision and today. She continued that is the framework that matters should be considered today and when members are thinking about the report that they have received from officers, asking questions of officers and the debate it would be worth reflecting on the Inspector's consideration of those issues, when and in what context that the Inspector's findings were made, what has changed since then both in terms of the scheme proposed as there have been changes to some of the buildings, the massing and extent of some of those buildings which may be material considerations and there have been further documents submitted by the applicant which may influence the thinking particularly around landscaping where members may want to explore with officers to what extent that there have been changes.

Members asked questions of officers as follows:

- Councillor Mrs French referred to landscaping and asked for direction as she knows the building is large but if there is a condition that there has to be landscaping and it overcomes the concerns of the neighbours then, in her view, landscaping is the way forward. Matthew Leigh responded that members are aware of the appeal decision and the Inspector did not consider that landscaping would be acceptable to overcome the harm, however, members indicated at the previous meeting when this was considered that there was potential for this to mitigate the harm. He stated that some guidance has been provided regarding landscaping in the appendices and members are aware of the 6 tests of necessary, precise, reasonable, relevant to planning, enforceable and reasonable in all other respects, with officers having considered the potential for landscaping in this context, with the site and area available for landscaping being quite small and they have spoken to their arboriculturist who has indicated there is the potential to purchase and put in trees that would screen the site, however, they would require extensive support in relation to water, nutrients and maintenance in the long term to retain their health. Matthew Leigh continued there would need to a lot of trees, which would be a significant cost and what that results in is advice from officers that the cost, whether the applicant's is willing to enter into it or not, sit with the land in perpetuity and the ongoing maintenance would probably mean that it was not reasonable in planning terms. He added that furthermore disease could happen and there would need to be replanting costs, the potential trees would have to be TPOed so they are protected and there would still be, rather than being a blank wall, a lot of something at the end of the boundary and officers consider this would have some impact on the amenity, not as bad as a built form but still oppressive and unneighbourly to have that level of vegetation on the boundary. The Legal Officer added that the issue of reasonable is challenging, there would need to be a clear mechanism for enforcing such an extensive amount of landscaping

which could be undertaken through a planning obligation or condition and in terms of future management or maintenance there are mechanisms that could be used, there could be some form of security or bonds to protect against this in future so there are legal mechanisms by which what is proposed could be secured. She expressed the opinion that it is an extensive undertaking for a scheme of this size and scale and that does raise questions around whether the 6 tests can be satisfied which the committee will have to have regard to. The Legal Officer feels in particular the requirement that any condition is reasonably related in scale and kind to the development because it is a very significant amount of landscaping for a relatively small development. She made the point that this application is retrospective in a context where an enforcement notice has been served and, therefore, what the applicant may be willing to do in these circumstances may be different than if it were a fresh application coming before committee for new development which has not previously been undertaken and the applicant is always free if he considers that these conditions are too onerous to come forward and make a fresh application for a slightly different scheme that might reduce the extent of the landscaping conditions or obligations which the committee would need to seek because it has made other alterations to the design which also helped to mitigate the amenity impact on the two dwellings most severely impacted. The Legal Officer feels there are a range of views that the committee could take and a range of factors which might be material that the committee might wish to have regard to.

- Councillor Marks questioned where this landscaping would be, where the green hedge is now is the only bit being looked at for shielding so it is a metre on the boundary between the properties and it is not looking to go anywhere else just one side of the shed/building and then along 6A and 6B. He asked if a measurement is known between the two properties? David Rowen responded that it is set out in 5.2 of relevant appendices, 1-1.2 metres from the boundary fences of 10A and 10B.
- Councillor Marks questioned that within that area something like a leylandii could be planted which grows to 20 plus feet so there is a way of putting planting in that will grow quickly and shield from the building. David Rowen responded that in terms of actual species he does not think that leylandii given that 1-1.2 metres distance is probably not quite wide enough to get reasonable size leylandii in and also leylandii need significant maintenance to keep them down. He referred to the point regarding reasonableness and leylandii are notorious for their amenity harm in their own rights so effectively it would be going from a wall of a building to a wall of greenery. Matthew Leigh clarified that 5.6 of the relevant appendix advises that it would be Beech trees which are ones that are trained to grow across a trellis, there are limited options on evergreen ones, but they do exist.
- Councillor Mrs French stated that she has lots of leylandii and they do take a lot of maintenance. She feels there are some fantastic trees available that screen, such as Red Robins, which whilst expensive is not a consideration for the committee.
- Councillor Marks made the point as you go to Milton Keynes you see the big warehouses that are now four or five different variations of blue because they blend in to the countryside so could this building be painted a slightly different colour and with the other mitigation with the landscaping you would look through the bushes to a blue background as opposed to green, which some people may feel is a bit stark. David Rowen responded that having experience of and dealing with developments of a similar nature the purpose of having different colours is to mitigate the longer range views and here is a view of several metres away and whether there is an expansive wall that is one colour or another it is that visual impact from such a short distance that is the problem.
- Councillor Connor expressed the view that landscaping seems to be the preferred option here.

The Legal Officer stated that the first thing is for the committee to form a view on whether the Inspector's previous decision on the appeal finding is a material consideration in this decision now and if it is then to attach some weight to that. She continued that committee has received legal advice that is appended to the report, and she feels it is difficult to see how it is not a material

consideration albeit there has been a passage of time and some changes since which may impact on the weight that committee attaches to it. The Legal Officer requested that committee form a view on the materiality of the previous Inspector's decision first.

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

- Councillor Marks expressed the view that committee debated this greatly at the previous meeting and came to a conclusion then, recognising that a letter has now been received saying that somebody is upset, but there can be mitigation from this such as planting trees, but equally the person whose shed it is is looking after a very expensive item, which is a hobby, not a business taking place 24 hours, 7 days a week, which is a steam engine which needs this size building. He recognised that the works have been undertaken before obtaining planning permission but, in his view, there are two sides to this, needing to be mindful of the residents and attempting to find a solution for them but also there is a need for this building.
- Councillor Connor agreed with Councillor Marks, a significant building is required to put the steam engine in and it needs to be close by for reasons of security, with the curtilage of the applicant's property being the best way. He continued that he is not going to alter his thoughts about whether the right decision was made previously or not because, in his view, it was the right decision, but some mitigating landscaping would be favourable.
- The Legal Officer summarised that there are some similarities with the Inspector's reasoning when mitigation is talked about through landscaping or some other way so recognition that there is harm to the character of the area and the amenity of neighbouring residents. She feels that members share some of the Inspector's finding, which would make sense since this is the same application site, the same surroundings properties and at least a similar application so, in her view, the committee accepts that the Inspector's prior decision is a material consideration and the committee attaches some weight to that but following the questions, further documents obtained and some changes made, significant weight but not overriding or substantial weight.
- Councillor Marks stated that at least 4 of the committee members sat on the previous committee when the house itself was determined, where members were told it was overbearing and too tall and that has since diminished in significance and members are now dealing with a building but everything does tend to match in over a period of time. He acknowledges that there is a building at the bottom but if it can be mitigated against by putting trees there questioned what else can committee do. Councillor Marks stated that there have been some changes to the Inspector's findings and feels he would have to come back with other reasoning now so feels that members can go round and round in circles but believes there is a need for this building and trying to come up with reasoning to make it acceptable but if it was an agricultural building would committee even be here debating it.
- Councillor Benney stated that committee did make a decision, which he felt was a compromise because this is looking at taking concrete up and taking a bay down, with the enforcement being undertaken quickly, there never was any consultation and maybe the applicant could have worked with officers to do that, but his attention would be focused on this. He referred to Councillor Marks stating previously to not take the concrete up, it will make more dust and more trouble, but this proposal would need to take the concrete up and if he wants to keep the concrete there has got to be a regularisation of that concrete so there would need to be another application. Councillor Benney expressed the opinion that if the Council had not been so zealous in the way of undertaking the enforcement and actually worked with the applicant may be more compromise could be found. He made the point that committee needs to temper the needs of residents both sides of the fence and shielding has been discussed but he feels it needs another application but this has been pushed through at the 'speed of light' and there has not been enough time for consultation and there was a time where the Council would not accept an application to try and regularize what is going on. Councillor Benney stated that he stands by the decision he made previously, with the compromise being that the concrete is not taken up because that will make more dust and noise than leaving it there and there is a bay of the shed being removed, whilst it is one end

it was adamant at one point that it had to come down because it was on agricultural land and if there was another application that allowed this to be moved further down that would resolve the issue for all parties but this is something that needs another application to regularise what is being undertaken, what was suggested last time at committee and the need to find a compromise between two neighbours. He reiterated he stands by the decision he made previously but the shielding should be looked at for mitigation and requests that officers and the applicant/agent work together to come up with something better than what is before members now.

- Councillor Marks agreed with the comments of Councillor Benney as he cannot understand why concrete is being taken up as, in his view, that will cause more hassle, mess and noise and it has been seen that there is a good drainage system in place and the neighbours have not complained in relation to drainage. He made the point that disharmony between neighbours nobody wants but equally 'one man's house is his castle' and the applicant is keeping a very expensive item in that shed. Councillor Marks stated that if the applicant submits another planning application committee will take it on its merits, but feels this is as much as they can do.
- Councillor Connor stated that he is going to stick by his original decision and, in his view, the concrete does not want to be disturbed as it will upset the drainage, which he suspects has been undertaken correctly as the applicant would not put his property in jeopardy. He expressed the opinion that the application should be granted giving a little weight to the Inspector's decision but the applicant be asked to enter into a planting scheme which is more than adequate, which although not perfect will address the situation.
- Councillor Marks stated that he is not changing his decision from previously, however, he has not seen this traction engine on the road so is the reasoning behind the concrete because he has to have an HGV low loader on the site which will need a turning circle, so if this is required there is a need for the concrete. He continued that if the applicant takes the engine to shows, he will take this by low loader and a low loader needs a good turning circle and he believes there is mitigation in leaving that concrete.
- Councillor Connor stated that he gives weight to the committee's decision made on 30 April to keep the concrete, there was a good debate on the proposal last time and he cannot see anything further to add apart from a tree planting scheme be implemented and officers work with the applicant to get it undertaken as soon as possible.
- The Legal Officer referred to the comments made by Councillor Benney in respect of new applications and how they might play into this, if the committee is coming to a view that it would like to explore conditioning the grant so as to require work to be undertaken on a landscaping scheme to see if the applicant is willing and appropriate experts can agree a scheme that would mitigate the harms identified by the committee and the previous Inspector's appeal decision. She stated that if that does not work and the parties cannot reach agreement or it cannot be agreed on a form of mitigation which is reasonable to all parties and which addresses the harm arising from the development then at any time the applicant is free to make any alternative application and the committee would need to consider that on its merits. The Legal Officer continued that if a point is reached where the Council's experts can recommend a landscaping scheme that would address the harm and the applicant felt that was too expensive, disproportionate or not reasonable he could either take his scheme down as the enforcement action requires him to do or he can submit an alternative scheme which proposes some other way of mitigating the harm identified in relation to the character of the area and the impact on neighbouring amenity.
- Councillor Mrs French stated that she will support this application on the proviso that officers do speak with the agent and applicant to obtain a sensible landscaping scheme. She made the point that this application has been talked about for around 18 months to 2 years, if the applicant and the agent do not come up with something it will need to be looked at differently but they should be given the opportunity to come up with some scheme although she recognises that trades are expensive.
- Councillor Connor expressed the opinion that committee seems to be in agreement that they are not going to change their views and it is the recommendation that a landscaping

scheme be implemented where the agent/applicant can work together with officers and feels it should be given 6 months to come to some agreement. He expressed the view that there needs to be another condition that if any of the trees die there needs to be replanting at the soonest time in the prescribed season.

- Councillor Marks referred to height as there has been mention of shadowing and this landscaping is to shield the building not to keep growing maintenance wise 60-70 feet so it also needs to be stated the height goes to either the apex of the building or the side of the building to shield this and not be allowed to keep growing.
- Councillor Connor agreed this was a relevant point but also a condition could be applied regarding future maintenance.
- Councillor Marks stated that it is going to be two different heights so would have thought officers would need to agree some height restrictions along the boundaries. Matthew Leigh stated that officers have suggested that in the mitigation consideration be given to trees growing along a trellis. Councillor Marks responded that the heights still need to be agreed because where are the two heights going to be taken from, the back of a building which is 20 feet whereas 6A, 8A and 8 do not need that shielding.
- Matthew Leigh stated that the report only relates to 10A and 10B, all the other issues are not for debate although there has been mention of them in the debate, and there may need to be some other landscaping but that would be separate to the bespoke condition that would be required. He suggested that it would not be a particularly bespoke condition but a relatively standard retrospective condition suggesting approval through Circular 1195 requiring a scheme of landscaping to be submitted to the Council within a reasonable period, therefore, the applicant and their agent can go away and come up with something rather than put it onto officers as it is not officers responsibility. Matthew Leigh added that there would need to be some form of legal agreement to be submitted as part of that for ongoing maintenance.

Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the application be GRANTED, with authorisation delegated to officers to apply conditions including a mitigation landscaping scheme, with the committee to be sent the conditions prior to issue.

Members do not agree with officer's recommendation of refusal as they stand by their decision made previously and feel that the objections can be mitigated by landscaping and this is a compromise position between two neighbours that disagree.

(Councillor Benney declared that he knows the applicant as when he was Portfolio Holder for Assets he had several dealings with him but no longer has dealings with him, but is not pre-determined and will consider the application with an open mind)

(Councillor Connor declared that he knows the applicant as he owns a scrap metal recycling yard and he used to own one but has since retired but he has never had any business dealings with him or socialised with the applicant. He further declared that he did meet with the applicant along with Councillor Marks on another matter. He stated that he is not pre-determined and will consider the application with an open mind)

(Councillor Marks declared that he met with the applicant once along with the Chairman but the meeting was not in relation to planning and he has had no other dealings so is not pre-determined and will consider the application with an open mind)

(Councillor Murphy declared, although he had left the meeting, that he was not present when this application was considered previously so would not be taking any part in the discussion and voting thereon)