

PLANNING COMMITTEE



WEDNESDAY, 24 JULY 2024 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor P Hicks, Councillor S Imafidon and Councillor E Sennitt Clough.

Officers in attendance: Matthew Leigh (Head of Planning), David Rowen (Development Manager), Stephen Turnbull (Legal Officer) and Elaine Cooper (Member Services).

P13/24 PREVIOUS MINUTES

The minutes of the meeting of 26 June 2024 were signed and agreed as an accurate record.

P14/24 F/YR23/0376/F LAND EAST OF THE WALNUTS, FLAGGRASS HILL ROAD ACCESSED FROM CREEK FEN, MARCH CHANGE OF USE OF AGRICULTURAL LAND TO EQUESTRIAN USE AND THE FORMATION OF AN ACCESS ROAD (PART-RETROSPECTIVE)

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

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, on behalf of the agent. Mrs Jackson stated that the application is before committee with a recommendation of approval and it is for the change of use of agricultural land to equestrian use with the formation of an associated access track. She made the point that it is a countryside use within a countryside location, which is supported in principle by Policy LP3 of the Local Plan.

Mrs Jackson stated that the application proposes to change the use of the land to enable the stationing of horses for grazing and as part of the development an access track from Creek Fen is proposed, with works to the track having already commenced and the horses are in situ. She stressed that the proposal is not a commercial enterprise and there is no intention for the land to form a livery, with the situation being that the landowner rents the land to one person who puts a maximum of 4-5 horses on site and this complies with the ACAS recommendations of one horse per 0.5 of an acre.

Mrs Jackson stated that the number of horses accommodated within the site due to its size is restricted by the Animal Welfare Act 2006, with the proposal being entirely domestic in scale and as stated previously there is no intention for a commercial or business use to take place on site and as such the movements to and from the land will be limited. She made the point that the proposal has the support from the local Highway Authority on this basis and it is understood that there are neighbour concerns regarding damage to Creek Fen road, however, this is an adopted highway and this issue would be for the County Council to resolve.

Mrs Jackson expressed the opinion, as per the officer's report, that the proposal is an acceptable form of development which complies with policies of the development plan. She requested that planning permission be granted as per the officer's recommendation.

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

- Councillor Hicks stated that he visited the site and all the questions he had have been answered by the agent so he is happy with the proposal, it will have little impact to the area and he will be supporting it.
- Councillor Imafidon stated that he supports the proposal, he acknowledged that there were fears that it might be a commercial venture but these have been allayed.
- Councillor Connor stated that he also supports the application, he cannot see anything wrong with it, there will only be 3 or 4 horses on the land and as long as it is not a commercial venture and let to one person he is satisfied

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

(Councillor Mrs French declared that she has been involved with enforcement complaints in relation to this site for many years and took no part in the discussion and voting thereon. She further 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)

(Councillor Marks declared that he knows the applicant through business dealings and took no part in the discussion and voting thereon)

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

P15/24

F/YR23/0500/F

NORTH OF 43 - 53 HIGH STREET, DODDINGTON

ERECT 14 X DWELLINGS (2 X SINGLE-STOREY, 2-BED AND 12 X SINGLE-STOREY, 3-BED) WITH ASSOCIATED GARAGES, PARKING AND LANDSCAPING, INVOLVING DEMOLITION OF EXISTING OUTBUILDINGS

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

Members received a presentation, from Councillor Ruth Hufton, of Doddington Parish Council but also as a local private resident. Councillor Hufton expressed the view that there a number of reasons why this development should be refused, Doddington is designated as a growth village in the current Local Plan and the task was to build an 127 additional homes to reach the 15% target and the village has already achieved 196. She made the point there should be three affordable homes built within this development and lack of viability once again means that these will not be built so questioned whether this is a cop out for developers.

Councillor Hufton expressed the opinion that dirt and noise while the buildings take place will be an issue, access through to the site through Wood Street is narrow and does not allow two vehicles to pass without difficulty, especially when HGVs are involved. She stated that the access onto High Street opens into a Puffin crossing where children cross to and from the village school and there a constant parking problems in both Wood Street and High Street.

Councillor Hufton stated that both the developer and the health impact assessment speak of this development as being perfect for the elderly and downsizing residents, but she feels that the only way that future residents can access the village centre with it shops, pubs, churches, hospital, surgery, bus stops, etc will be by having to walk some 1500 metres through Juniper Close along the length of Wood Street and into High Street, there is no other access. She expressed the view that the demographic of Doddington already shows an imbalance of elderly people and what the village really needs is affordable homes to attract and retain young people into the village and to ensure its future.

Councillor Hufton referred to biodiversity and, in her view, the site is already teeming with wildlife, from Muntjac, Roe Deer, badgers, foxes, hedgehogs, tawny and barn owls, jays, woodpeckers, buzzards, red kite not to mention the more common birds, frogs and toads and a myriad of butterflies, moths and dragonflies and if people do not believe her to come and sit in her garden. She expressed the opinion that there is insufficient evidence to demonstrate that the site of the proposed developer contributions will mitigate against the loss of these, with the intention being to build a wildlife pond questioning who will maintain this when it becomes choked with duckweed and green algae and is a nursery for larvae that will become mosquitos.

Councillor Hufton referred to Anglian Water being concerned that the used water network has not been addressed properly and could pose a risk of flooding and pollution, with the site together with homes at The Larches, Wood Street and in her garden have experienced serious flooding for two years now, something not seen for the 40 years she has lived there. She referred to climate change, with experts saying that these weather events will become the norm in the future.

Councillor Hufton stated that the Grade II Listed Windmill is the only remaining artifact left from that period of the village's history, with the so-called buffer against the windmill by the new plan includes an attenuation pond and the works needed to dig out this pond together with the footings of the new houses will undermine the foundations of the windmill tower. She feels that approval of this application will sever the last link between the Conservation Area and the windmill and their original setting looking out into open countryside.

Councillor Hufton stated that under the terms of her late partner's will the windmill together with other buildings and the land that they stand on will be part of his legacy to form a trust for Doddington village and asked members to take this into account when considering the potential use of this site and its possible value to residents as a green space. She expressed the opinion that no attempt has been made to compensate Doddington through Section 106 contributions, she understands that Lattersey Nature Reserve in Whittlesey will benefit from around £21,000 to help its biodiversity but Doddington takes the pain and this reserve gets the gain, the doctor's surgery already services around 13,000 people, with Doddington residents already having to travel to Ramsey, Manea or Wimblington to obtain an appointment, the Primary School purports to have capacity at present but no account has been taken of the additional number of children who will need places when the development at Bevills Close for 48 homes is built, Doddington still has problems with disposal of sewage and although there have been remedial works taking place at Coneywood these barely cover the current problems and public transport is almost non-existent so, in her view, much more thought needs to be given before the village is asked to take additional housing under the current Local Plan.

Councillor Hufton expressed the opinion that, added to Juniper Close, if this is built this development would amount to a total of 42 houses, the knowledge of which should have been available when the first phase was before the committee.

Members asked questions of Councillor Hufton as follows:

- Councillor Mrs French referred to the Listed Windmill and asked what the plans are going to be as it was said it was going to be a legacy and from visiting the site it looks like it does need some attention. Councillor Hufton responded that it is weatherproof but she does not have any plans to spend any more money on it as it would be too expensive.
- Councillor Imafidon asked when the previous units were constructed did they have any impact on the windmill? Councillor Hufton responded that she is convinced that when the houses were built that there was some form of pile driving, which was denied, but all of the glass in the windows of the Windmill fell out. She stated that officers from Larkfleet came and had a look at it and said that they had not pile driven and the noises that were heard when it actually being built was nothing to do with them.
- Councillor Marks referred to drainage being a concern and for the past 2 years it has been said that flooding has been experienced and asked what she puts this down to? Councillor

Hufton responded that it is due to a site being developed which was always known as being wet before being developed and there is not enough run off from the concrete on the site for it to run off anywhere other than back into the land in The Larches, Wood Street and her garden.

- Councillor Connor stated that he remembers Councillor Mrs Davis coming once to Councillor Hufton's property to see the water ingress on her property. Councillor Hufton responded that it was to such an extent that she has a digester for her sewage and she had to empty it three times that year to get rid of the water whereas normally it would only be emptied once. Councillor Connor expressed the view that Councillor Mrs Davis came to Councillor Hufton's property when they were supposedly not piling but, in his view, they were and saw the glass all out of the windows and asked if Councillor Hufton was inferring that the building of those bungalows down Juniper Close had an adverse effect on the windmill? Councillor Hufton responded that she firmly believes this and she still has the glass in her shed. Councillor Connor expressed the view that if these houses are approved and they have to pile them as it has been suggested the ground is wet and boggy it would have a real adverse effect this time as the development is a lot closer to the windmill and it could result in the loss of a Grade II Listed Building.
- Councillor Sennitt Clough asked what the current use of the land is and whether it is a case of not wanting development on it but someone else is going to come along and does Doddington Parish Council have any plans or know of any plans for the use of the land in the future? Councillor Hufton responded that there are no particular plans for anything to be undertaken at the moment, it is a great place for growing brambles, grass and nettles but the thing she is particularly interested in is the fact that the windmill will be left to the village when anything happens to her through her partner's will and she feels that there could be something useful made from the land that the windmill stands on attached to the green space that is currently being looked at to build upon to make a really interesting site for the middle of Doddington, such as a wildlife park for school children to use.

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

- Councillor Marks stated that he has been to the site twice and he has concerns about flooding, damage to a Listed Windmill heritage asset, the 1500 metre walkway to get into the village itself and overcrowding of the site. He feels if the developer came back with fewer houses away from the windmill he may change his mind but at the present time he thinks officers have got the recommendation correct.
- Councillor Mrs French agreed with the comments of Councillor Marks but stated that the land needs development but not to this extent and if it is not developed it is going to be left as another untidy piece of land. She expressed her concern about the flooding and feels the applicant should reconsider and develop the site with a lesser amount of dwellings.
- Councillor Imafidon stated that he feels the officer's recommendation is correct as there is a heritage and flooding issue with the land. He stated that when he visited the site he noticed the developer has only put a binder course on the previous development, which was built probably 4 years ago, and if they have not finished that to an acceptable standard now, what is the guarantee that when this piece of land is developed that it will be brought up to an adoptable standard and it could be another issue. Councillor Connor made the point that this is a different development and no weight can be given to this.

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

(Councillor Connor declared that he represents Doddington at District and County level)

P16/24

F/YR23/0573/F

**NIGHTLAYER LEEK COMPANY LIMITED, DEAN DROVE, CHATTERIS
CHANGE OF USE OF 6 X AGRICULTURAL UNITS TO B2 AND/OR B8 USE
(STORAGE AND DISTRIBUTION)**

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

Members received a presentation, in accordance with the public participation procedure, from Kier Petherick, the applicant. Mr Petherick stated that he has come to answer questions in case there are any outstanding points. He made the point that Chatteris Town Council are in support of the application and the site is a built form and will continue to exist as a functional area which delivers employment, with changing its use delivering a net gain to the Council via the fact it will pay business rates.

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

- Councillor Benney stated as a Chatteris ward councillor he fully supports this application, it is an established use and an established business offering employment to Chatteris for many years and will continue to do so. He feels the proposal is just a simple change of use and understands why it is before committee but does not feel time should be wasted by members and officers debating it and a decision can be made.
- Councillor Mrs French expressed surprise at this application being before committee, it is an established use and as far as the footpath is concerned that is a public footpath and bridle way and it is the County Council's responsibility to upkeep it.
- Councillor Hicks stated that he was impressed with the neatness and tidiness of the site, which is immaculate and everybody could move into the site tomorrow without anything having to be undertaken.
- Councillor Marks stated as a ward councillor also for part of Chatteris he fully supports the application and he knows of a business that was trying to move into the site 12 months ago and had to relocate elsewhere because planning was held up so there are tenants ready to move onto the site. He referred to the pathway, Aerotron employ around 200 people and there is a crossing with the A141/2 and there is not a pathway so why is this being reflected on when there will be lesser people at this site.
- Councillor Connor stated that Fenland is Open for Business and it wants people to bring light industry to Fenland to make the District's aspirations higher.

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

(Councillor Sennitt Clough declared that the applicant rents land that she owns and left the room for the duration of the discussion and voting thereon)

(Councillor Benney declared that he knows the applicant but is not pre-determined and will consider the application with an open mind. He further declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council but takes no part in planning)

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

P17/24 **F/YR23/0819/F**
LAND EAST OF 22 EASTWOOD INDUSTRIAL ESTATE, EASTWOOD END,
WIMBLINGTON
ERECT A STORAGE BUILDING FOR THE STORAGE OF FERTILISERS AND
PROVISION OF HARDSTANDING TO SERVE THE BUILDING (CLASS B8)

This item had been withdrawn.

P18/24 **F/YR24/0051/F**
LAND WEST OF 27 NORFOLK STREET ACCESSED FROM MORLEY WAY,
WIMBLINGTON
ERECT 8 DWELLINGS (2 X SINGLE STOREY, 2 BED AND 6 X SINGLE STOREY,
3 BED) WITH ASSOCIATED GARAGES AND THE FORMATION OF AN
ATTENUATION POND

This item had been withdrawn.

P19/24 **F/YR24/0110/RM**
LAND NORTH OF 1 THE FOLD, COATES
RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF
ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO
OUTLINE PERMISSION F/YR21/0829/O TO ERECT 1 X DWELLING (2-STOREY, 3-
BED) INVOLVING DEMOLITION OF EXISTING GARAGE

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

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that outline planning permission for a dwelling on this site is established and this proposal seeks approval of Reserved Matters in relation to the construction of a single dwelling, with the proposal being described by officers as a two-storey dwelling, however, from the submitted drawings what is being proposed is a chalet or a single-storey dwelling with rooms in the roof space. She referred to a planning appeal determined in 2018 that she feels is pertinent to this proposal in which the LPA provided comments within its statement which were “the constraints of the site result in limited options for the location of a proposed dwelling as such a single storey dwelling is not considered able to be reasonably accommodated with sufficient private amenity space or reflective of the large bungalows in this area” so in this grounds of appeal the LPA made it very clear that it did not want a bungalow and the appeal was dismissed on the grounds that the proposal was for a house so with this in mind the only option available to them was to provide a chalet dwelling and they are, therefore, disappointed that the scheme before committee is with a recommendation of refusal.

Mrs Jackson made the point that the dwelling has been carefully designed so that no windows overlook the neighbouring properties, sufficient parking and garden space has been provided in accordance with the adopted drawings and the dwelling has been set back from the neighbouring properties. She referred to concerns being raised by officers that the proposal would result in an overbearing impact on the neighbouring property at No.7, however, she reiterated that their hands have been somewhat tied in that the Council has confirmed in the previous submission that the proposal could not be a bungalow.

Mrs Jackson expressed the view that they have carefully considered the impact on No.7 and as a result half hipped the roof in this location where it is closest to the neighbour, which has resulted in a much lower height dwelling and coupled with the distance from the rear boundary and the 1.8 metre high close boarded fencing on this boundary they would argue this is sufficient to alleviate

concerns in relation to an overbearing impact. She made the point that it is clearly not an issue for No.7 and they have not objected to the scheme and she stated that there are no other objections to the proposal other than the seemingly subjective issue with regard to there being an overbearing impact.

Mrs Jackson expressed the opinion that the proposal would be built by a local builder using a local workforce and local materials, which would result in a high quality dwelling within a sustainable location and should be applauded. She expressed the view that the proposal is a sustainable form of development and the relatively low height of the dwelling together with the distance to the boundary and the fencing are all such that there will be no tangible negative impact on the neighbouring dwelling or to the character of the area in general and requested that the Reserved Matters be approved.

Members asked questions of Mrs Jackson as follows:

- Councillor Sennitt Clough appreciated that a lot of effort has gone into the design so there are no windows that are overlooking and the shorter apex part of the building at the rear, however, the height of the building would still overlook the gardens and from visiting the site she does feel there would be an element of loss of light together with traffic and parking pressures. She asked if it would be on-street parking? Mrs Jackson responded that on the site plan there are 2 off-street parking spaces which would be provided for the proposal and that meets the criteria within the Local Plan. Councillor Sennitt Clough asked about the loss of light? Mrs Jackson responded that it is a relatively low height building, it is set back from the neighbouring properties and there is also a 1.8 metre high fence in the way so she believes the most overshadowing is going to come from the fence which is already there and feels it would be difficult to enforce that there would be an overshadowing issue from the proposal given the current situation.

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

- Councillor Mrs French stated that she has visited the site, it is a shame that as they have got their outline planning permission that they did not listen to what officers said on the decision notice. She believes this proposal is too large for the site, it will cast shadows on the neighbour, which is a material consideration and the neighbours are entitled under Human Rights to the enjoyment of their home and if this application is approved it will remove some of this.
- Councillor Marks agreed with the comments of Councillor Mrs French but is a little confused as to why it is felt they cannot still place a bungalow on the site, which may be to do with cost. He also raised concern with the two parking spaces, which means that one way has got to either be reversed in or reversed off the road and he believes that the officer's recommendation is correct.

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

**P20/24 F/YR24/0366/F
113 ELM LOW ROAD, WISBECH
ERECT 2 X DWELLINGS (2-STOREY, 3-BED)**

David Rowen presented the report.

Members received a presentation, in accordance with the public participation procedure, from Councillor Steve Tierney, District Councillor for the area. Councillor Tierney stated that he assumes members have been out and visited the site so will have seen the nature of the site and he would like to challenge that this planning development is in keeping with the street scene, in his view, it is not, it is totally different to the other buildings most of which are lower than this and a completely different structure. He expressed the view that it clearly overdevelopment as it can be

seen what a tight squeeze this proposed development would be on this small piece of land.

Councillor Tierney stated that when the proposal was for just one dwelling he found this acceptable but to then change the land to cram two where previously it was planned for one is greedy and it has been undertaken because it was previously approved and they have decided to try and chance it. He feels it is important that a message is sent because the Council has got to try and let people develop where they can and make places for people to live but there is also showing fairness to people who already live there and not allowing development to be crammed into every available space with the maximum number of dwellings that can be achieved, which is what is going on here and why residents are upset.

Councillor Tierney stated that he is one of three District Councillors for the area but both the other councillors, Councillors Wallwork and Hoy, have echoed his concerns by e-mail to the committee and he has spoke to them today and they have asked him to speak on behalf of them also. He stated that all three councillors oppose this proposal, they think it is the wrong message to be using a small piece of land to cram too bigger a development in and he is also concerned about the potential overlooking that there might be, with the proposal being too much for this piece of land and he hopes committee say no to the proposal so the developer goes back to their one dwelling proposal which he feels was far better.

Members asked questions of Councillor Tierney as follows:

- Councillor Marks stated that the road is a fairly busy road and there was a proposal for one property with a garage which would have turning to stop vehicles reversing in and out and asked how busy is the road as this proposal would mean vehicles reversing in or out onto a highway. Councillor Tierney responded that it is not as busy as the A47 for example but for a residential road it is plenty busy, there are lots of properties in the road together with businesses and there are lots of reasons why people want to access the road and there are already concerns about how vehicles negotiate the area.
- Councillor Imafidon sought clarification that it is a dead-end road and adding more vehicles to that area is going to cause more problems. Councillor Tierney confirmed that it is a dead end road, it is sealed off so you cannot continue on towards Elm, with all the vehicles that use the road having to turn around which is an issue.

Members received a presentation, in accordance with the public participation procedure, from Carole Royal, an objector. Mrs Royal stated that there have been four previous planning applications for this plot, all were for one dwelling which were all approved, and the latest being just last year for one two-storey four-bedroom house. She made the point that the developer purchased the plot with full knowledge of this fact but then only months later wants to split it to squeeze an extra dwelling in and, therefore, in her view, overdevelop the plot, which would be in contradiction of the original planning officer and present day officer who both agreed with one dwelling on the plot.

Mrs Royal stated that the present planning officer felt it would be an incongruous development that would amount to overdevelopment resulting in poor quality amenity for the future occupants contrary to Policy LP16 of the Local Plan and the previous permission for a detached two-storey 4-bedroom dwelling would be more in keeping with surrounding development as opposed to the current application to increase the quantum of dwellings on the site. She continued that the officer further recommended that the applicant withdraws this application and proceeds with the development of the extant detached dwelling as to proceed with the current two dwelling proposal would likely be considered unfavourably by officers, however, the same officer has now made a complete u-turn recommending approval of this proposal and she has to question why.

Mrs Royal stated that the agent acknowledges that the plot already benefits from planning permission for one dwelling offering the following as a reason for changing this; the current property market requires more modest sized family dwellings, but as there is the new Skylark

housing estate not half a mile away to the East of Elm Low Road containing 137 2-3 bedroom family houses not to mention the proposed Heron Road estate extension the same distance to the West of Elm Low Road with 200 plus new homes, in her view, this reasoning does not stand up for this small plot. She expressed her disappointment that Wisbech Town Council approved this application, she believes councillors were going to be advised of residents' objections but this did not happen so they were unaware of this at their meeting, which is why an e-mail was sent to every Wisbech District Councillor of their objections to make sure they were informed.

Mrs Royal expressed the view that the existing telegraph pole and the front boundary hedgerow blocks access to the proposed parking spaces and this would have to be moved by BT but questioned to where. She stated that there has been no mention of a large storm drain and cover in the same verge and asked what happens to that.

Mrs Royal expressed the view that the road already floods here in heavy downpours, pictures have been sent to the County Council in the past who come out when informed and clean out the gullies outside 113, 115 and 117, although this has never solved the problem. She added that they are also aware of the storm drain in the grass verge and traced its direction, with dykes having been filled in on the opposite side of the road because of the Heron Road estate and there is nowhere for this excess rainwater to go anymore and as a result the road in this precise position floods entirely across its width.

Mrs Royal referred to removal of the hedgerow at the front boundary would be at the expense of nesting birds and assorted wildlife and would be, in her view, a detrimental step to take, with the other three plots having retained and cared for their inherited overgrown hedges both front and rear and made this part of the road more aesthetically pleasing, maintaining the grass verges too. She stated that further up and down the road hedgerows have been ripped out for very similar building reasons, this would be yet another one gone forever and made the point that the hedgerow would not have to be removed, the telegraph pole would not have to be moved and the storm drain could also remain if the plot only had one dwelling with a turn around driveway which it has always been envisaged and approved.

Mrs Royal made the point that highway concerns have also been voiced by neighbours, with increased traffic and no footpaths. She stated that not one of the neighbours have ever objected to the previous planning applications for a single dwelling on this remaining plot of 4 and were all happy with the previous application but, in her view, this one would not be in keeping with what has been agreed and approved many times before, with this proposal disregarding what the four plots were originally designed for and how well they would look in the road.

Members received a written presentation, in accordance with the public participation procedure, from Nick Seaton, the agent. Mr Seaton stated that the application is recommended for approval by officers, with the Town Council and Highway Authority also supporting the application and it is front of the committee due to a number of objections received from residents and councillors. He stated that the grounds for these objections include highway safety concerns, lack of supporting infrastructure along Elm Low Road, overdevelopment and it being out of character with the surrounding developments.

Mr Seaton expressed the view that the traffic generated from two 3-bedroom dwellings may be slightly more than from one 4-bedroom dwelling, but the increase would be small, with Highways having no objections. He feels that smaller more affordable family homes are required in this area and this modest increase in density does not undermine or detract from the character of the area, nor is it out of keeping with the local building characteristics.

Mr Seaton expressed the opinion that the need for housing of this size and type is backed up by the latest Strategic Housing Market Assessment, which indicates a greater need for 2 and 3-bedroom properties rather than for 4-bedroom properties within Fenland. He feels there is no

significantly defined character to the design of the properties in the area with a bungalow on one side of the site and a large two storey property on the other, whilst opposite is a 1½ storey dwelling, with there also being a mix of detached, semi-detached and terraced housing in close proximity to the site.

Mr Seaton expressed the view that the mass and area of the proposal remains essentially the same as approved and cannot be considered as cramped or overdeveloped or a justifiable reason to refuse the application on this basis, with a good standard of occupier amenity being provided for both dwellings. He asked that the committee follow the officer's recommendation and approve the application.

Members asked questions of officers as follows:

- Councillor Hicks asked how overdevelopment is assessed? David Rowen responded that it is a case-by-case judgement using professional expertise looking at the size of the development and the site, relationship with surrounding properties and officers have assessed this application as not being overdevelopment, that the two properties can be accommodated with adequate car parking and rear garden space and without having any adverse impacts on the adjacent properties. Councillor Hicks questioned that what is being said is that there is a certain element of subjectivity. David Rowen stated that he would concur to a degree albeit that when it is proposed to have 10 metre front gardens providing adequate car parking and 22 metre rear gardens it does not fall into the territory of being on the cusp of being acceptable or not as the proposal looks acceptable in terms of not being overdevelopment in his professional opinion.

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

- Councillor Marks stated that he has visited the site and he was 50/50 on whether he thought it was a good development or not and having heard from speakers, although he is disappointed that the agent has not attended, he is going in the direction of feeling that he could not support the proposal. He expressed concern regarding vehicles on the front, there was a very good application for one property with a double garage which would have given turning and there is now a situation where there is tarmacked front drives, it has been heard there is flooding issues so where is that water going to go and he feels it almost greed putting two properties on the site when there could be one very nice property.
- Councillor Sennitt Clough agreed with the comments of Councillor Marks particularly in light of the fact that there is a site with 137 homes nearby and another further site with 200 homes and she does not understand why there needs to be 2 homes cramped onto this site.
- Councillor Imafidon referred to the issue of access and vehicles on the road, making the point it is a dead-end road and it is not a very wide road in some sections, it is a mixture of old cottages towards the bottom and newer larger developments as well so he does not believe this proposal is in keeping. He expressed the view that the property to the right of the site is one single unit whilst on the other side it is a bungalow so he feels this site is suitable for a single dwelling rather than two. Councillor Imafidon stated that there are flooding issues as well and he cannot support this proposal.
- Councillor Connor stated that Councillor Marks has summed up the situation, he cannot support the application, it has extant planning permission for one and that is where it should be as two is over intensification of the site as when he visited the site the frontage is not that wide, with the telegraph pole probably having to be moved.
- Councillor Mrs French stated that she has visited the site and her concern is shadowing on the bungalow, with the bungalow she believes having windows on that side. David Rowen responded that he understands that those windows are serving non-habitable rooms. Councillor Mrs French expressed the opinion that it is still going to overshadow and she does not think there is going to be enough amenity space, with three-bedroom homes probably going to have children and there will not be much room to play. She feels that overdevelopment is a matter of interpretation and she does not like this application at all.

- David Rowen acknowledged that the tone of the debate has been negative and he is fully expecting that there will be a proposal to refuse the application, however, this would lead to a possible appeal stage and how the Planning Inspector would view this case. He feels that the starting point for the Inspector would be that there is an extant planning permission on the site for a single dwelling and then they would be assessing what additional harm there is over and above that single dwelling, such as impacts on neighbouring properties, but the built mass is not significantly different to that which has been approved and, therefore, there would not be any significant additional impacts over and above the extant scheme. David Rowen continued that with regard to amenity space, the Council has a policy that a third of the plot should be private amenity space and for the two dwellings this is more than exceeded as it is about a 22 metre rear gardens, which are more than adequate to serve these two dwellings. He added that regarding the impact on the highway with vehicles accessing onto Elm Low Road, an Inspector would be looking at whether there is a significant additional impact over and above the plot that has an extant permission, that development had an on-site turning area but looking at the street view between Weasenhams Lane and this site there must be at least a dozen properties that are also in a situation where they are having to reverse onto or off Elm Low Road and he thinks it would be difficult to sustain a refusal reason on highway safety especially when there is also not an objection from the Highway Authority. David Rowen stated that his advice to committee would be that if the committee wants to refuse the application it is within their gift to do so but any subsequent appeal is going to be somewhat difficult to defend.
- Councillor Marks acknowledged what David Rowen has said but believes that two wrongs do not make a right and just because previously there are people turning in and out and reversing onto Elm Low Road as a committee members need to look at the health and safety and if those have been historic would this proposal not be impacting the problem. He stated that he would happily sit in front of an Inspector and say this is his biggest concern with this proposal where previously there was a turning circle and turning circles are far better than people reversing in and out of the road.
- Councillor Connor stated that it would be interesting to know how old those 12 properties are that have been mentioned and when they obtained planning permission as if it was before 1948 they did not need planning permission and there would not have been the amount of traffic, with Councillor Tierney stating it is a busy no through road. David Rowen responded that he does not have an exact date but looking at the nature of the properties he would be surprised if these are pre-1948, they could be pre-1998 and post 1978 possibly and probably 1970/1980s properties. He referred to Councillor Marks point and what a Council has to be able to demonstrate to an Inspector is that there would be significant additional harm and, in his view, given the number of properties already in a situation where they are reversing onto or off the highway it would be difficult to convince an Inspector that there is a significant additional harm.
- Councillor Marks stated that he understands but as soon as this proposal is agreed the next person who wants to build along here has been set a precedent so that more people are doing the same and at some point a stand needs to be taken. He referred to some of the properties being around since the 1990s and wonders if some of these properties have actually been allowed or whether they have just undertaken it by default as he knows of a few housing estates where people just suddenly tarmac the front drives without any permission so his fear is if this is allowed this time then the floodgates are being opened up for more people along that road.
- Councillor Mrs French reiterated that she does not like this application and, in her opinion, it is overdevelopment but having listened to David Rowen's comments and referring to an application at Upwell Road, March, which could not be defended and committee was told by officers that it could not be defended when it was refused and it was lost at appeal costing the Council money, she does not think there is an option but to approve the application.
- The Legal Officer stated that having listened to what David Rowen has said that whilst it is not a material planning consideration there is a risk in these sorts of cases if the evidence is not produced to back up a refusal there may be an award of costs so the Council has to pay

not just its own costs but also the appellants costs. He gave an example that if members were to refuse on highway grounds without any highways evidence that will inevitably lead to an award of costs.

- Councillor Marks stated that evidence is one thing but common sense is something he believes is in very short supply these days and it is known that reversing off a highway or onto a highway can cause problems and by allowing this proposal it is exacerbating those problems. He reiterated that there is an approved application for this site which showed a turning circle and whilst he understands the comments of David Rowen he feels there are times where you need to stand up and say this is wrong, it is a bad application and he cannot support it.
- Councillor Benney asked what the estimated costs would be if it went to appeal and the Council lost? David Rowen stated it is a very difficult question to answer given that it is very dependent upon the actual route the appeal goes down, what the decision level is and to some extent how much the appellant asks for in costs. He would reiterate what the Legal Officer said that cost is not a material planning consideration in relation to the determination of an application.
- Matthew Leigh clarified that the Highway Authority has raised no objection to this application in relation to highways so it is not a case of struggling to evidence it, evidence would have to be found that goes against the Highway Authority's position if this application was refused. He understands Councillor Marks comments in relation to common sense but this is planning and not how it works and it needs to be demonstrated and evidenced the reasons for refusal and it is a dangerous stance to take if you go against statutory consultees as the Council could be trying to find a highway expert that was willing to say that there was substantial harm from this development. Matthew Leigh added that whilst the other scheme had a turning circle, the Council is not here to say which they prefer but to assess the application and take the previous permission as a material consideration.
- Councillor Connor stated the reasons for refusal would determine the cost factor of it if it was lost on appeal, committee can obviously refuse the application but there needs to be good reasons. He expressed the view that Councillor Marks is correct that common sense does not prevail but he feels that as Chairman on the evidence of what officers have said he would try and steer the committee to approving this application as he thinks an appeal would be lost and there would be costs involved.
- Councillor Benney made the point that costs are not a material planning reason and not the overriding part of a decision-making process. He feels listening to what has been said, members are saying that the proposal is not right and if all that is going to be done is rubber stamp and not use committee's discretion which is its purpose there may be costs but the costs are only the cost of the appeal and sometimes you have to do what you think is right. Councillor Benney appreciates what David Rowen is saying but equally members may probably want to vote against this application but cost should not be the only reason for going against it there are reasons for refusing it and if those reasons were worded strongly enough and a good reason put forward those costs could be minimal.
- Matthew Leigh stated that Councillor Benney is correct that committee members are not here to rubber stamp officer's recommendations but what members are here to do, as in all decision-making in the planning process, is determine applications in accordance with the Development Plan unless material considerations indicate otherwise. He added that the starting point should always be what does the Council's policy say, which does not say that you cannot reverse from a site onto the road and that you cannot put in an application and then come back and change it. Matthew Leigh stated that committee is looking at the application in front of it and is able to give different weight to the different material considerations and he feels that the consideration that carries a lot of weight is the response of the Highway Authority, which is professional advice compared to his planning layman's opinion on highways or members opinion, and if this is not reflected it is a dangerous route to take. He agreed that costs should not be a material consideration but the reason for this is applications should only be refused where there is a reasonable success of failure as the starting point is the Local Plan.

- Councillor Mrs French stated it is up to the committee what they decide but she will not be supporting refusal as if it went to appeal she would be very surprised if two reasons could be found to defend it on. She feels it is disappointing that Highways have not really commented on the application but they obviously see it is not an issue, it is an old established road and is a dead end at the bottom. Councillor Mrs French stated that she does not like the application but will be supporting the officer's recommendation as it cannot be refused for highway reasons and she does not know what other reason for refusal there is.
- Councillor Marks stated the other issue that does seem to have been slightly forgotten is flooding and he has looked quickly for a drainage plan and members have heard from the speaker that there has been flooding so this should be materially taken into consideration as well as does the interpretation of what members think of the design. He feels that there are three issues that were raised and whilst focusing on traffic the other two seems to have been lost so with a combination of the three he feels there is a good solid case to refuse this application. David Rowen responded that the site lies in Flood Zone 1 and looking at the Environment Agency's Flood Map there is nothing on there that indicates that the site is at risk of surface water flooding and without knowing more about what the flooding issue was, if it is the case that the existing drainage infrastructure in the vicinity is substandard then there is a requirement there for the statutory undertaker to be doing that now to serve the existing properties and not necessarily an issue for the proposed development to address. He made the point that there is an extant planning permission in place for a building on the site of a similar footprint and mass to what is proposed now and to some extent whether that is one house or two houses from a drainage perspective is not really going to make a great deal of difference.
- Councillor Mrs French stated that she sits on the Flood Flow at Cambridgeshire County Council and many areas are discussed but this is one that has never been brought up so she cannot say there is a flooding issue, there probably is but it might be the drains and dykes need clearing out but she does not think this could be defended as a reason for refusal as it has not been proven through the County Council.

Proposed by Councillor Mrs French, seconded by Councillor Hicks to GRANT the application as per officer's recommendation, which was not supported on the vote by members.

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

Members do not support officer's recommendation of grant of planning permission as they feel the proposal is contrary to Policy LP16(d) of the Local Plan as it does not make a positive contribution to the local distinctiveness and character of the area, does not improve the character of the local built environment as it is out of keeping with the rest of the street, adversely impacts the street scene in terms of its design and scale as it is crammed in and does not reflect the character and street scene with there being no other development similar to this proposal in the area and it will create overshadowing to the neighbouring property.

(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 and this site used to be in his old ward, but he takes no part in planning and remains impartial)

**P21/24 F/YR24/0367/F
LINWOOD FARM, LINWOOD LANE, MARCH
CHANGE OF USE OF THE LAND FROM AGRICULTURAL TO RESIDENTIAL
LAND INVOLVING THE ERECTION OF AN ANNEXE ANCILLARY TO THE
EXISTING DWELLING.**

David Rowen presented the report.

Members received a presentation, in accordance with the public participation procedure, from Councillor Tim Taylor, a District Councillor. Councillor Taylor stated that this proposal is a 2-bed annexe for the retired age of the farming family and farmers live in a rural location all their lives and have got farming running through their veins. He expressed the view that there are no drainage issues because the site is on its own sewage treatment plant.

Councillor Taylor asked members to imagine retiring and having this little annexe built to open your curtains in the morning to look out onto your open fields that you have built, designed and created, looking out over the cows feeding or calving or the sheep grazing and lambing. He expressed the view that what better way to retire than to the life you have become accustomed to and used to all your life.

Councillor Taylor stated that he visited a friend in Peterborough and he could not stand being in his house any more than 20 minutes as he could not cope with the noise and he said that when he visits him he is exactly the same as his home's location is too quiet. He made the point that it is what people have been used to and feels there are two choices, it is a farm in the middle of nowhere, it has no public view and it is not going to be seen unless people are walking down a bridleway so the application can either be refused and the people have to live elsewhere or is it a case of saying they have lived all their life on the farm, employed local people, supported local communities, fed the nation so have a happy long retirement looking out of this little annexe onto the land, farm and industries that they have created and still feel part of the countryside and part of that farm.

Councillor Taylor stated that the family is still going to live in the main house, with the annexe being 10-15 yards away but if you are in the annexe that is not connected to the main house the person has the feeling of independence and is not tied to the main house but close enough to shout for help if required. He expressed the view that this type of project is something the Farming Committee and Planning Committee should be working together on across the District.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall expressed the view that the principle is acceptable but it appears that the position and the scale are of concern and he has submitted some private medical evidence to show that this is for a family member and for future generations. He stated that the proposal is for a 2-bedroom annexe, with the second bedroom being, as and when required, for a live in carer and it has also been designed at one level, with the design, in his view, being quite reasonable.

Mr Hall referred to the plan on the presentation screen and stated that one key point with this application is it is about 450 metres from the A141 March Bypass, it cannot be seen from the highway. He expressed the view that the annexe has been positioned at the side of the existing property, it has been looked at being positioned in other places, such as the north-east within the curtilage of the property but it would have been further away from the main residence and it could block their view, with that residence having been there about 30 years, if it had been positioned to the south-west it would block the houses view of their own farmland and it would also have been further away from the main residence and it cannot be positioned to the north-west as there are major farm buildings and a business in this location so there is no room.

Mr Hall stated that the applicants own approximately 800 acres of land split between this site, which is about 270 acres, and the rest at Doddington, with the proposal site being around quarter of an acre of land. He made the point that the annexe will use the same parking and the same access as the main residence, with the site being ideally located within Flood Zone 1.

Mr Hall advised that the applicants at this site have invested in solar panels that produce approximately 330 KW and this proposed annexe would be powered by these as there is no gas at

the location. He added that they have also recently installed a 50,000 litre rainwater recycling tanks and these are the same applicants who between March and Chatteris have just planted 10,000 trees, therefore, in his opinion, the site will be well screened even more than it is now with hedging and that can be agreed with officers if this application is approved.

Mr Hall stated that the applicants are fully aware that there will be, if approved, a planning occupancy condition to ensure that this is an annexe subservient to the existing property. He made the point that there are no technical objections, there are no objections from anybody in the community, medical evidence has been submitted to state its need and the application has the support from March Town Council and Councillor Taylor.

Members asked questions of Mr Hall as follows:

- Councillor Connor confirmed that members of the Planning Committee have seen no medical details of the applicant or their relations who may or may not live on site if the application gets approved. Mr Hall responded that he did submit 3 pages of medical evidence and he just assumed that members had seen it.
- Councillor Mrs French stated that there have been similar circumstances before but it has been included in the written report, with some of the information being confidential, and she feels something should have been included in this report and feels that the application should be deferred.
- Councillor Hicks referred to Councillor Taylor saying that the residents of this annexe would be looking over open fields but he feels that this is not his recollection and believes the property is surrounded by trees, asking who is correct? Mr Hall responded that the existing property, which has been there 30 years, is surrounded by trees and the proposed annexe on the right-hand side juts out and he has said that hedging and trees could be planted but it is all open field going back towards Wimblington. He clarified that the existing property is screened and he would want to put some planting around the annexe, but, in his view, it would have some field views.
- Councillor Sennitt Clough referred to distances, if it was in the garden of the property at the top right on the plan closer to the road it would be too far from the main residence and if this is a concern why does it have to be a separate annexe and not an annexe that is joined onto the property as there does appear to be room for that with no other buildings directly around the main house. Mr Hall responded that looking at the map to the top right-hand corner that is all part of the curtilage to this property and if it was positioned there it would be further away from the existing property and they do not really want to place it in the south facing garden of the existing property as it would block the view. He stated that the proposal is about 13-14 metres away from the existing property, it is not joined and, in his view, it is ideal where it is positioned rather than joining it to the existing property which would then look overly large, with the existing dwelling being 2-storey and this proposal needs to be at one level for possible future use. Councillor Sennitt Clough stated that she is trying to ascertain if distance is an issue and the annexe could be joined onto the house then either distance is an issue or it is not. Mr Hall expressed the opinion that they do not want to disrupt the existing curtilage to the existing property, which is why is located just to the side. Councillor Sennitt Clough questioned that can she conclude that distance is not the top priority. Mr Hall confirmed it was not.
- Councillor Benney stated that he assumes seeing as the application is for an annexe it is for relatives. Mr Hall confirmed that was correct, it is for one of the applicant's father and evidence has been submitted to show his condition is deteriorating. Councillor Benney stated that he does not know the applicants but he knows of them and referred to his father's property in York Road that had an annexe for which planning permission was granted for his grandmother to live in and that was a separate annexe, which worked very well until his Nan deteriorated and went into a home so the fact that it is not connected, in his view, is not necessary to provide a continuity of care and asked if this is the kind of similar use that this annexe would be used for? Mr Hall confirmed it would be and the reason for two bedrooms is for a live in carer, both bedrooms have en-suites or wet rooms.

He added that it is separate, it is single storey and, in his opinion, if it was joined onto the existing property that would make this property 25 metres wide and far too big.

- Councillor Hicks asked what is going to happen in the long-term for this annexe? Mr Hall responded that the proposal is for an 85 year old at the moment and the applicants he believes are mid-50s who live in the main residence, they have children, one who is undertaking a university degree in agriculture, they are a long established farming family and, in his view, in future family members would move into the annexe out of the main residence and the younger generation who will slowly be taking on the farm will be in the main residence.

Members asked questions of officers as follows:

- Councillor Mrs French stated that having listened to Mr Hall saying that he had submitted medical evidence normally this information is within the report and asked why it has not been included? David Rowen responded that personal circumstances are addressed at 10.17 of the officer's report where it indicates that it is required to meet care needs of a family member and whilst it is acknowledged it is considered the annexe is excessive in size and scale outside the established curtilage and does not overcome the harm that is identified. He stated that officers have acknowledged the personal circumstances and given weight to it and if members wish to give different weight and wish to see the evidence as confidential papers members could request a deferral for it to be brought back to the next meeting. Councillor Mrs French stated that if this is possible and the committee agrees she would like this.
- Councillor Hicks stated that he is happy with report as it is and think there is enough information to make a decision.

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

- Councillor Marks stated that 3-4 years ago the then Planning Committee considered an application for an annexe which was delayed and unfortunately the person passed away during the delay so he is mindful of waiting for reports to come through. He feels it is for a farming community and family and there will be generations going through so it will be a hand-me-down property and whilst it sits out into a field, it is an annexe and does not need to be against the property and there is no set distance away from a property. Councillor Marks stated that having had an elderly relative live in his garden in a bungalow they had the security of knowing they were up and about as their curtains were open so he fully supports the justification for this annexe and feels it should be supported now. He made the point that it is also keeping somebody in their own home, which is a saving to the community whilst the family are prepared to look after an elderly relative and the Council should support it.
- Councillor Benney agreed with the comments of Councillor Marks, he looked after his parents for many years and he knows the strain it puts on a family when you have to go and visit them every day and he would have loved for his parents to have brought the bungalow next to him, which would not be joined to the house but a hole could be put in the fence, which is the situation with this application, and this would have saved him hours driving backwards and forwards to their house. He feels that anybody that is prepared to look after their parents and family, their family will live longer because they will receive better care and a better quality of care than in a home and it is highly commendable, being the best outcome for any older person to be looked after by family. Councillor Benney referred to the site being in the open countryside and made the point that all of Chatteris is the open countryside, the district is surrounded by countryside and as much as he understands the elements of the policy this is the purpose of this committee to look at an application and ask if it brings benefit in some way, is this a case of where the policy is not one size fits all, this is a case where the policy fails the very people who are helping themselves and circumstances should be given more weight to other areas where the policies do not. He expressed the opinion that this annexe needs to be built, the applicants own 800 acres of land which is a big farm and only a tiny piece of this is being taken to build a home for

somebody who has been part of this community for years and it would be a travesty if this was not approved.

- Councillor Connor reminded the committee that 18 months ago there was a similar application at Wisbech St Mary which was supported by the committee so members need to be consistent.
- Councillor Hicks expressed the view that there is a bigger picture to consider, with the fact that this is going to help protect for years to come that farm and there will be a lot of benefit for a lot of years. He made the point that the site is surrounded by trees so nobody is going to see it or know that it is there.
- David Rowen expressed caution regarding how the application is being considered as it has been applied for as an annexe and he is concerned that members are giving certain weight to the need for this as a dwelling in connection with the farm, which is not what the application is for.
- Councillor Benney asked that if due to these concerns would it be possible to put a condition that it could only be used in conjunction with the owners of the farm as if what committee is being told it would have no bearing or effect on what they are doing and could alleviate the concern of it being used for farm workers? David Rowen responded that if the committee's decision is to grant the application that sort of condition could be imposed but how realistic this would be or how effective that would be into the future is questionable. Councillor Benney stated that if that helps alleviate the officer's concerns and would assist with making a happier situation adding a condition such as this, but it is the same with any condition that is put on that do not always get implemented and no one can predict the future.
- Councillor Marks referred to the comment that members have to be mindful that it is a farm, if this was annexe in the middle of Chatteris for example would committee still be sitting here debating it and is it just purely as it is in a rural location. David Rowen responded that a different annexe in a different location with a different set of circumstances may get a different recommendation.
- Councillor Connor stated that this proposal is for an older person living close by their relations so they can keep an eye on them and as Councillor Benney says if members feel to go forward with the application that a condition needs adding for it to be used by family members only.
- Councillor Mrs French referred to the reasons for refusal, it is in the open countryside but it is surrounded by trees and due to special circumstances she thinks these reasons for refusal can be overturned.

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

Members did not support officer's recommendation of refusal of planning permission as they feel that the benefits to the farm and the family outweigh Policy LP3 in term of harm of building in the open countryside and there is a need for this proposal within the family.

(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 Marks declared that he believes the applicant is a member of a Drainage Board that he is a member of, 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 not part in planning)

P22/24 **CONFIDENTIAL -PREVIOUS MINUTES**

The confidential minutes of the meeting of 26 June 2024 were signed and agreed as an accurate record.

(Members resolved to exclude the public from the meeting for this item of business should it need to be discussed on the grounds that it involved the disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972)

3.43 pm

Chairman