

PLANNING COMMITTEE



WEDNESDAY, 14 AUGUST 2019 - 1.00 PM

PRESENT: Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor C Marks, Councillor N Meekins, Councillor P Murphy and Councillor W Sutton, Councillor W Rackley (Substitute)

APOLOGIES: Councillor D Connor (Chairman), Councillor Mrs S Bligh, Councillor A Bristow, Councillor A Lynn and Councillor D Patrick,

Officers in attendance: Stephen Turnbull (Legal Officer), Jo Goodrum (Member Services & Governance Officer), David Rowen (Development Manager) and Sheila Black (Principal Planning Officer)

P21/19 PREVIOUS MINUTES

The minutes of the meeting of 17 July 2019 were confirmed and signed.

P22/19 PLANNING APPEALS.

David Rowen presented a report to members with regards to appeal decisions received on applications over the last month.

P23/19 F/YR19/0186/O ERECTION OF UP TO 19 NO DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS) INVOLVING DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS; 158 STONALD ROAD, WHITTLESEY.

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

Sheila Black presented the report to members and drew their attention to the update report which had been circulated.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure from Mr Matt Taylor, the Applicant.

Mr Taylor, explained to members that he works for RWS Ltd in Whittlesey. He added that the proposed site is existing garden land with occasional use for ponies to graze and there has never been any business activity on the land. He added that there has been other development over the last 10 to 15 years. He stated that he has produced a masterplan just as an indicative layout just to show that the proposed development could fit up to 19 mostly semi-detached dwellings and a minimum of 5 affordable dwellings. He highlighted that the top part of the site falls within flood zone 3, which will be left as open space provision, which also connects to an area north of the site.

Mr Taylor pointed out that access for the proposal is off of Stonald Road and the majority of the neighbourhood comments have suggested that the access could be taken through Harvester Way. Whittlesey Town Council has no objection to the proposal and has highlighted that their preferred

access would be off of Stonald Road.

He added that there have been various flood risk issues which have been highlighted, however meetings have taken place with the Internal Drainage Board and the Local Lead Flood Authority and they have seen and agreed the indicative design and a more detailed design will be required if approval is given for the proposal.

The infrastructure proposed as part of the Section 106 scheme is fully supported. He added that the proposal also meets policy LP14 and LP3.

He concluded that the majority of the sites in the area are of a cul de sac nature and therefore the proposal has tried to fit in with the others in the locality.

There were no questions for the applicant.

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

- Councillor Sutton asked officers for clarification with regard to the section 106 pooling arrangements which are contained within the officers report, as he understood that pooling arrangements were no longer in use. David Rowen clarified that pooling arrangements will no longer be available as of September 2019.

Proposed by Councillor Murphy, seconded by Councillor Sam Clark and decided that the application be APPROVED, subject to the conditions stated, as per the officer's recommendation.

**P24/19 F/YR19/0556/VOC
VARIATION OF CONDITION 2 (IMPOSITION OF A CONDITION LISTING APPROVED PLANS) OF APPEAL DECISION APP/D0515/W/16/3148821 RELATING TO PLANNING APPLICATION F/YR15/0614/F . LAND NORTH OF HENRY WARBY AVENUE, ELM**

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

Sheila Black presented the report to members and drew their attention to the update report which had been circulated.

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

- Councillor Sutton stated that there were a number of objections on the original planning application which was for 30 dwellings. Previously when the application was refused the applicant reduced the number of dwellings to 28 to bring it in line with the agreed threshold at that time however it was refused on other matters. He added that there is still a great deal of objection to the proposal and he expressed the view that he agrees with those objecting, however if the application is refused it could prove to be costly to the Council.
- Councillor Sutton added he has had contact with concerned residents and he stated that he feels sorry for the residents in the 2 dwellings which will be in very close proximity to the roadway.
- Councillor Meekins stated that if had been on the planning committee when this proposal originally came forward, he would have strongly objected to it. He added that in his opinion it is over development and will have a detrimental effect on Elm as a village as it is becoming more built up.

Proposed by Councillor Benney, seconded by Councillor Rackley, and decided that the

application be APPROVED, as per the officers recommendation.

(Councillor Sutton declared an interest by virtue of the fact that he had been lobbied on this item)

P25/19

F/YR19/0566/F

ERECT 1 DWELLING (2 STOREY 4 BED) INCLUDING AN OFFICE AND A DETACHED DOUBLE GARAGE IN ASSOCIATION WITH EXISTING BUSINESS. WESTFIELD ROAD, MANEA.

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

Councillor Marks left the Council Chamber for this agenda item.

Sheila Black presented the report to members and drew their attention to the update report which had been circulated.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Mr Lee Bevens, the Agent.

Mr Bevens explained that the applicants have been residents of Manea for many years and they purchased Westwood Farm 3 years ago. The site at that time was in a poor state and overgrown and the front of the site covered in dense scrub and brambles. He added that the applicants have invested a great deal of time and money in recent years to improve the site and this has resulted in other local businesses attracted to the site. There are now a number of businesses using the premises including the applicants own haulage and storage business, a dog grooming business and a forklift business there. The forklift business stores emergency forklifts and relies on the premises and the applicants business to transport the hire machines 24 hours a day for 365 days a year. The businesses all employ Manea residents and in turn support the local community.

Mr Bevens added that the businesses on site are not only concerned with the security of the site, with equipment worth £1,000,000 being stored on the site from a Friday evening till Monday morning and they are also hoping that the operating hours of the businesses can be improved with regard to flexibility of the response times for deliveries out of hours. It is hoped that having a residential dwelling on the site would assist would improve the situation long term.

Mr Bevens stated that his client has asked for it to be noted that for 8 months of the year the cold storage units on site require 24 hour monitoring due to inclement weather from climate change and can also mean that there are vehicular movements into the farm at any time of the day. Currently this requires a phone call meaning that the applicants have to get into a vehicle, to unlock the premises and load and unload the lorry and then return home.

Mr Bevens mentioned that with regard to the issues concerning the sequential test in this instance it seemed illogical to expect a sequential test given that the whole point of the exercise is to provide a family home with a home office at the address to support the businesses run from the site. Whilst he appreciates that a test would identify other sites in the village, these would likely to be further away from the site and this would defeat the object of the application. There have been no objections by the Environment Agency.

The proposed development would offer an attractive solution to the entrance of Manea when entering the village from Toll Drove and would offer a solution that helps obscure the views of the large storage shed behind the dwelling and garage. He added that whilst it is behind prevailing frontage development, it is designed as a standalone dwelling to support businesses being run from the address and therefore should not be viewed as setting precedence for future applications in this area. The dwelling has been designed as a dual aspect to provide two key elevations of

glazing facing the entrance and side road to offer passive surveillance and attractive elevations. The dwelling will assist by obscuring the views of the large storage sheds when entering the village and the additional proposed landscaping will assist with the screening and encourage biodiversity and wildlife.

Mr Bevens concluded by stating that numerous local residents have written to support the proposal, together with businesses that use the premises and no objections have been received or raised by highways, the Environment Agency, Parish Council or the immediate neighbours along Westfield Road. The applicants aim is to grow their successful family business at the address and this scheme will see the long term future secured and continue to employ local people. The applicant is prepared to accept any form of planning condition linking the dwelling to the business as it is a not for profit application.

Members asked Mr Bevens the following questions:

- Councillor Rackley asked for confirmation as to whether there had been any objections from the local residents. Mr Bevens responded by saying that one of the key elements was to ensure that the immediate neighbours had no objections. Letters of support have been submitted from businesses giving support for a residential dwelling on site.
- Councillor Meekins asked for clarity over the amount of time the applicant has had the business. Mr Bevens confirmed the applicant has had the site for 3 years and the business started from that site.
- Councillor Meekins questioned with regard to response times and the fact that the distance is only 200 metres away. Mr Bevens stated that it is the fact of getting in and out of a vehicle which will add time and the fact that there is no office at the address currently. A house with a home office will allow for monitoring of the site and also allowing access easier than is currently the case especially during unsociable hours. Councillor Meekins asked again whether there is no actual business office on site and Mr Bevens stated the business is there but the applicant works from home and then goes to site and there is only a small office on site in a storage shed.
- Councillor Meekins continued and asked if a house was built would the gates be unlocked. Mr Bevens said no they would be able to open and close the gates much easier and quicker if residing on site without having to undertake several trips as is currently the case.
- Councillor Meekins asked for clarity with regard to the landscaping and biodiversity and wildlife that had been mentioned. Mr Bevens added that the frontage of the site is not covered in buildings and therefore if there are steps that can be taken to enhance the area with greenery and vegetation it will be better than its current state.
- Councillor Mrs Hay added that she understands that it is a 2.5 minute walk at an average walking pace from the applicant's current home to the site and expressed the view that surely it would be quicker to walk than use a vehicle. Mr Bevens stated he would not disagree totally with that and it is a sensible walking distance; however the main issue of concern is the unsociable hours.
- Councillor Rackley commented that he can see why the applicant would want to be on site. Mr Bevens commented that the police have said that there have been no incidents on site since January 2018, however there has been recorded crime on that site in the last 3 years. Currently in Fenland there are a large amount of fuel thefts taking place.
- Councillor Mrs Hay asked whether there is any CCTV installed on site. Mr Bevens stated that he understands that there is and there have been a couple of recent instances where unknown people have entered the site in daytime hours.
- Councillor Meekins asked for clarification with regard to the 3 businesses on site. Mr Bevens confirmed that the applicants run the haulage and cold store business. There are separate people who run the dog grooming and forklift business. Councillor Meekins asked whether the non family business owners have keys for the gates and Mr Bevens stated yes he would expect them to but could not confirm that.
- Councillor Benney asked whether there were any plans to extend or develop the business

going forward. Mr Bevens said he could not confirm that, but added that the applicant bought the site three years ago and since they purchased it they have introduced the two additional businesses to the site. He added that the applicant is looking at this as a long term family business so he would expect them to expand and create further jobs long term.

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

- Councillor Murphy expressed the view that in his opinion, there is not the need for anybody to live on site. He added that the sequential test should have been carried out and added that he fails to see how the residents in the four new homes who are in the vicinity of the haulage yard have no raised any objections or concerns to the proposal. He concluded by stating that in his opinion, there is no justification for the dwelling to be on site at all and agrees with the officer's recommendation.
- Councillor Meekins commented that he is in total agreement with Councillor Murphy and added that he has read the report and heard the case put forward by the Agent and agrees with the officer's recommendation.
- Councillor Hay stated that sequential tests are in place for a reason and previously there have been appeal decisions where applications have been refused by the Planning Committee due to the absence of a sequential test and those have been upheld by the Inspector. She added that there is CCTV on site and on the site visit members saw where the applicant live in relation to the site and the distance has been stepped out and in average walking pace it is 2.5 minutes. There is no evidence of recent crime having taken place on site and there are no substantive reasons to go ahead the planning policies.

Proposed by Councillor Murphy, seconded by Councillor Meekins and decided that the application be REFUSED as per the officer's recommendation.

(Councillor Marks declared an interest by virtue of the fact that the applicant is the Landlord of Councillor Marks business premises and he left the Council Chamber for the entirety of this agenda item)

1.44 pm

Chairman