

PLANNING COMMITTEE



WEDNESDAY, 9 JANUARY 2019 - 1.00 PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor S Clark (Vice-Chairman), Councillor Benney, Councillor D Connor, Councillor Mrs M Davis, Councillor A Hay, Councillor Mrs D Laws, Councillor P Murphy, Councillor Mrs F Newell, Councillor W Sutton and Councillor Mrs S Bligh.

APOLOGIES: Councillor S Court.

Officers in attendance: Jo Goodrum (Member Services & Governance Officer), Nick Harding (Head of Shared Planning) and David Rowen (Development Manager).

P55/18 PREVIOUS MINUTES

The minutes of the meeting of 5 December were confirmed and signed.

Councillor Connor clarified that he does not sit on Doddington or Wimblington Parish Council, but attends the meetings in his capacity as a District and County Councillor.

P56/18 F/YR18/0902/A POUNDSTRETCHER, FENLAND WAY , CHATTERIS DISPLAY OF 1X INTERNALLY ILLUMINATED FASCIA SIGN TO SHOP FRONT AND 1X NON ILLUMINATED FASCIA SIGN TO SHOP SIDE

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.

David Rowen presented the report to members.

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

- Councillor Mrs Laws stated that members had a good view of the site from Larham Way and as the application stands now with the illuminated sign to the front of the retail premises and the non illumination sign to the side of the premises, in her opinion, the proposal is now acceptable.
- Councillor Connor agreed with the comments made by Councillor Mrs Laws.
- Councillor Benney added that the residents in Larham Way are in his Town Council ward and he has received no representations or concerns regarding the sign.

Proposed by Councillor Mrs Laws, seconded by Councillor Benney and decided that the application be APPROVED, as per the officer's recommendation.

(Councillors Benney, Hay, Murphy and Mrs Newell stated that they are members of Chatteris Town Council, but take no part in planning matters)

P57/18 F/YR18/0899/F SITE OF FORMER DRP VEHICLE SERVICES, FALLOW CORNER DROVE, MANEA ERECTION OF 2X2-STOREY, 3 BED-DWELLINGS AND 1X2-STOREY, 4-BED

DWELLING

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.

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Ian Gowler, the Applicants Agent.

Mr Gowler explained that he wished to clarify a few points which were contained within the officer's report. He stated that under the NPPF, for developments in flood zone 3, the exception test is not required because the current site is 100% paved or roofed so there is no impermeable area currently in situ and the new site proposal is only for a 40% impermeable area, which is a 60% reduction of permeable area which would be beneficial.

Mr Gowler added that the current site is unsightly and is a commercial unit on the entrance to Manea and, in his opinion a development of housing would be better suited for that site. He made the point that the proposed area is currently used by a garage and a photography studio, which is offered on a short term let, and although the buildings have been improved in some areas, other parts of the buildings are not in a state of good repair.

Mr Gowler referred to the car parking that has been provided it is 2.5 metres wide, which falls in line with highways requirements, and although the site plan may be slightly misleading as it shows an overhang to the roof, the site does comply with the requisite specification of 2.5 metre wide spaces for all properties. He stated that the garden areas are mentioned in the officer's report as to being below the required one third of the property size and, in his view, this statement is incorrect as the areas per property are plot 1 - 42% private space, plot 2 - 43% private space and plot 3 is 34% of private space, which is all over the one third policy requirement.

Mr Gowler commented that the officer's report mentions that the development is unbalanced and is of a cramped appearance and stated that the reason for the housing type proposed rather than a 1.5 storey property is because it links visually between the two properties that have recently been built in the vicinity of the proposal.

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

- Councillor Hay stated that the proposal for three properties on the development is too many and is cramped and, with regard to the width of the parking spaces, she feels that they are inadequate and will lead to on street parking. For those reasons she cannot approve the application.
- Councillor Connor expressed the view that in principle he does not disagree with the development even though it is in flood zone three, but he agrees with Councillor Hay's comment that the proposal for three dwellings is too many for the site and he would encourage the applicant to submit another application for two dwellings, so that there is a better provision of amenity space and car parking.
- Councillor Mrs Laws agreed with Councillor Connor and added that the design of the proposal is over intensive and expressed the view that to have your front door coming out into a parking area is not ideal. If there were two dwellings then it may be acceptable and this would alleviate any parking on the road.
- Councillor Mrs Davis agreed with the comments raised by both Councillor Connor and Councillor Mrs Laws and added that with regard to the statement concerning the exception test not being required and, excepting that it is part of flood zone 3, if the proposal had been for two properties then, in her opinion, she feels it should be seriously considered, however, she cannot approve the application before the committee today.

- Councillor Sutton expressed the view that he is concerned that members are indicating to the agent that the committee would support a proposal for two properties and asked officers whether the officer recommendation would have been different if that was what was being determined today. David Rowen stated that without seeing a detailed scheme it is difficult to comment as to whether two homes on the site would be acceptable. He added that if a future application for a small number of houses was submitted there would still be the concern surrounding the flood risk aspect and the concern over the principle of housing on the site.
- Councillor Sutton added that it would be wrong of the committee to indicate that they would support two properties. The committee can advise officers that they are happy for two dwellings to be built on this brownfield site and the agent has already stated that permeability is going to be improved, which deals with the sequential test issue.
- Nick Harding advised members that it is the application before them today which they are considering. The agent has heard the discussions by members and he can advise his client accordingly.
- Councillor Hay stated that each planning application is considered on its own merits and the committee cannot dictate today that they would approve a two dwelling application. The committee are stating today to the applicant that they would be inclined to 'consider' an application for 2 dwellings, which does not mean it would be approved.
- Councillor Mrs Laws added that it is the agent's decision to decide whether they wish to submit another application; however, the decision is on the application before members today.
- Councillor Mrs Bligh stated each application is looked at on its own merits and, in her opinion, the proposal before the committee today is over development.

Proposed by Councillor Hay, seconded by Councillor Mrs Davis and decided that the application be REFUSED, as per the officer's recommendation.

(Councillors Benney, Hay, Murphy and Mrs Newell stated that they are members of Chatteris Town Council, but take no part in planning matters)

P58/18

F/YR18/0294/F

**LAND EAST OF BIGGINS FARM, FALLOW CORNER DROVE, MANEA
ERECTION OF 2-STOREY 4-BED DWELLING WITH ATTACHED GARAGE AND
FARM OFFICE, INCLUDING VEHICULAR ACCESS, CULVERTING OF DITCH AND
RAISING OF SITE LEVELS**

Members were provided a set of confidential papers to consider relating to this item and the meeting was suspended to give members the appropriate time to read the confidential documents.

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Councillor Mark Buckton in support of the application.

Councillor Buckton explained to members that he had only been made aware a couple of days ago that the confidential papers, which members had considered today, had not formed part of the agenda pack and he felt it was important that the committee had sight of the document.

Councillor Buckton stated that he has also carried out a site visit, has spoken to the applicant, considered the confidential papers and, in his opinion, there is a need for the dwelling. He referred to the report, which was commissioned by the Council, which, in his opinion, was a desk top exercise produced by somebody who did not carry out a site visit and does not address any of the need identified in the confidential set of papers provided earlier.

Councillor Buckton stated that contained within the officer's report, the location of the site is identified as elsewhere, which, in his opinion, is incorrect as it is on the opposite side of the road and it is part of Manea. He referred to the officer's report stating that the proposed dwelling would be built on land which is currently open landscape and this is incorrect as it is actually part of the farmyard and any building that is constructed will be dwarfed by the existing barns.

Councillor Buckton expressed the view that if permission is granted, the dwelling would only be visible from the road immediately outside as it cannot be seen from the road as you enter Manea as there is a large farm building and it would not be seen from Fallow Corner Drove as there are tall conifers and other farm buildings and equipment.

Councillor Buckton expressed the opinion that he does not think that the proposal would be a prominent and out of place feature making the point all of the dwellings are on the opposite side of the road along Fallow Corner Drove and at least 50% of them are larger and some of them substantially so. He feels the proposal would be totally in character with the other dwellings that have been built over recent years and in particular with the one which is immediately opposite, which is bigger than the proposal before members today.

Councillor Buckton added that he takes an objective view and if he believes that a planning application does not warrant his support he will not support it, however, in his opinion, the application being determined today is totally worthy of his support. He made the point that farming and agriculture is the life blood of Fenland and the applicant is part of a farming family and they want to be able to continue their business for future generations and as an authority we should be looking to support the farming community going forward.

Members received a presentation, in accordance with the Public Participation Procedure, from Edward Plumb, the Agricultural Consultant for the applicant.

Mr Plumb explained he was asked to provide an agricultural appraisal to accompany the planning application, which is a proposal to provide a dwelling to accommodate the family on site, which is a family business requiring a specialist arable crop rotation process for potatoes, onions and seed peas. He expressed the view that an operation of this size and rotation requires significant input and excellent crop husbandry to deliver the standard required for the processing and distribution of the produce and the onion and potato operation is complex, with the potatoes being grown largely for the chipping market packed into 25kg bags on site.

Mr Plumb stated that the business grows, processes and distributes the produce and has been in the same family for several generations, with the proposal before the committee today forming part of the generational succession plan due to the current owner retiring and unable to facilitate the 24 hours a day, 7 days a week operational needs of the farm. He expressed the view that it is necessary for the owner's sons to fulfil the role to be able to deal with emergencies that may occur on the site, however, they both live a distance away and there are no dwellings on the site.

Mr Plumb added that from the information provided from the Council's agricultural expert, they refer to an existing dwelling in the farmyard and this is incorrect as there is not one present. He added that the recently amended National Planning Policy Framework has introduced new guidance for dwellings in the countryside, which includes information regarding those persons taking majority control of a farming business and there is hardly any mention of this within the officer's report.

Mr Plumb stated that there was a previous dwelling on the farmyard, which was demolished by the previous owners, and added that temporary power cuts are a regular occurrence in the area, which can affect the machinery at the farm, which needs to be reset manually and in a timely manner in order to prevent damage to the produce. He commented that the officer has mentioned that the

application does not satisfy the requisite requirements associated to negate flood risk and there is also information from the Environment Agency objection, which has subsequently been withdrawn.

Mr Plumb stated that the officer's report mentions that the existing building could be converted under Class Q and any consent would result in a residential property on site, which would establish a residential fall back position and, although this is possible in theory, a purpose built agricultural restricted dwelling is more appropriate.

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

- Councillor Mrs Laws thanked Mr Plumb and Councillor Buckton for presenting the additional information, which has proved to be very helpful to the members.
- Councillor Connor commented that it is interesting to hear Mr Plumb state that he has visited the site and added that within Councillor Buckton's presentation it is his opinion the agricultural planning consultants acting on behalf of the Council did not visit the site, which would imply that. Nick Harding stated that the application has to be assessed on the information submitted and normally site visits are restricted to the case officer to check whether or not the area within which the proposed development is suitable for the proposed use and the agricultural consultant acting for Fenland District Council has reviewed the evidence submitted in support of the application submitted by Mr Plumb.
- Councillor Hay asked officer's to clarify whether there was a residential building connected to Biggins Farm, which had the agricultural attachment removed in 2016. Officers confirmed that this was the case. Councillor Hay asked for clarification as to where the building was. Officers confirmed that the dwelling was located further back along Fallow Corner Drove within 350 to 400 metres from the site.
- Councillor Mrs Laws asked for clarity concerning the agricultural tie which was removed and stated that she is assuming that was actioned by a member of the family and at the time it was done it did not belong to Westfields Farm business. Officers stated that they do not know the details surrounding the ownership of that property. With regard to the agricultural tie, the occupiers of that property were the parents of the current applicant who had planning permission granted for that property in the 1980's for the agricultural need in association with Biggins Farm and the agricultural occupancy restriction was imposed on that. The two residents who resided in that property have since passed away and there was no need for the agricultural tie due to the length of time that the occupiers of that property had not been in agriculture following their retirement.
- Councillor Mrs Laws commented that she has reviewed previous planning applications for dwellings in the vicinity and there are larger properties in the area compared with the application being determined today.
- Councillor Mrs Laws expressed the view that she has seen contained within the officer's report that there are carp kept on site and any form of animals on site will need round the clock attention. With regard to security, the farming industry has changed over the years and there needs to be somebody on the property to protect the crops, expensive equipment and also the land from trespassers.
- Councillor Mrs Laws expressed the view that the application required an agricultural consultant to be involved who did not visit the site and completed a desk top exercise, whereas with previous applications site visits and extensive reports were carried out. She referred to a previous application for a smaller farm which received approval for a smaller property for security reasons making the point there needs to be consistency and, in her opinion, the farming community need to be supported.
- Councillor Benney mentioned that it is the applicants themselves that know the needs and requirements in order for them to run their business successfully and effectively. He expressed the view that more should be done locally to support the agricultural industry in Fenland and contained within the report there is £175,000 of seed, sprayers and fertilizers, as well as the farming machinery to be considered and protected.
- Councillor Connor expressed the view that security is paramount and the farming community need to be supported.

- Councillor Mrs Newell added that farming is most important and she is aware that there are large properties on Fallow Corner Drove and she cannot see any reason for this application to be refused. It is a large farming concern and the amount of farming supplies that are stored on the farm would be very dangerous if the farm suffered from a burglary.
- Nick Harding stated that the application should primarily be determined on whether there is a justifiable need for a permanent presence on site and the issue for security is a minor factor and not one that features in the test that is set down in Government policy for considering agricultural dwellings.
- Councillor Mrs Davis commended Mr Plumb and Councillor Buckton for the report provided to members, which contained a great deal of valuable information, including the families intention to increase the size of the farm. She added that it is in flood zone 3, but if the family are prepared to overcome that issue by raising the property, the committee should be supporting the application.
- Councillor Mrs Laws added that, although officers have stated the issue of security should be a minor factor to be considered, it is also a farming business and it is not just the equipment and security aspect, it is the actual business and somebody needs to be present to oversee a 24 hour operation. Although she is unhappy to go against the officer's recommendation, the presentation from Edward Plumb and the report has highlighted many aspects of the farm and the fact that they have a valuable business points out that all of these are reasons to support this application.
- Councillor Mrs Laws asked officers to clarify whether the Environment Agency withdrew their objection. Officers stated that the Environment Agency does not comment on whether or not a development proposal passes or fails the sequential test and in terms of the officer recommendation for refusal that is based on this development failing the sequential test. The reason for refusal can be disregarded if the committee feels that there is a justifiable reason for there being an agricultural dwelling on the site. This is because if you decide the house needs to be on site there is nowhere at lesser flood risk available, therefore, it passes the sequential test.
- Councillor Connor added that he has noted that the applicant is happy to have an agricultural tie on the farm.

Proposed by Councillor Benney, seconded by Councillor Mrs Laws and decided that the application be APPROVED, against the officers recommendation due to the development would fulfil an essential agricultural need and would not have an adverse visual impact on the surrounding area.

Members determined that officers in consultation with the Chairman and Vice-Chairman of the Planning Committee be authorised to formulate suitable and correct conditions.

(Councillor Sutton stated that he has known the applicant for many years and stated that when he was the portfolio holder for planning he was approached by the son of the applicant who asked for some advice prior to submission of a planning application. In 2018 he attended a meeting with the applicant and officers to discuss the submission and does not think he made any reference as to whether he supported the application. The legal officer has advised that there is no reason why he should not sit on the committee however Councillor Sutton excluded himself from the determination of the application and moved to the public gallery.)

2.27 pm

Chairman