

# PLANNING COMMITTEE

WEDNESDAY, 24 JUNE 2020 - 1.00 PM



**PRESENT:** Councillor D Connor (Chairman), Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor M Cornwell, Councillor A Lynn, Councillor C Marks, Councillor N Meekins, Councillor P Murphy, Councillor W Sutton and Councillor R Skoulding,

**APOLOGIES:** Councillor Mrs K Mayor,

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

**P1/20**      **APPOINTMENT OF CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2020 -2021**

It was proposed by Councillor Benney, seconded by Councillor Lynn and resolved that Councillor Connor be elected as the Chairman of the Planning Committee for the Municipal Year.

**P2/20**      **APPOINTMENT OF VICE CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2020 - 2021**

It was proposed by Councillor Meekins, seconded by Councillor Murphy and resolved that Councillor Hay be elected as Vice-Chairman of the Planning Committee for the Municipal Year.

**P3/20**      **PREVIOUS MINUTES**

The minutes of the meeting of the 13 May 2020 were confirmed.

The minutes of the 3 June were confirmed, subject to the amendment of adding Councillor Cornwell to the list of those Members in attendance.

**P4/20**      **F/YR19/0990/F**  
**LAND SOUTH OF CHRYSANTHEMUM HOUSE, BARTON ROAD, WISBECH, CAMBRIDGESHIRE. ERECT A C2 USE CARE HOME FACILITY (3-STOREY, 100-BED) AND 5 X DWELLINGS (3 X 2-STOREY, 3-BED AND 2 X 2-STOREY, 4-BED) WITH INTEGRAL GARAGES AND FORMATION OF 3 X NEW ACCESSES FROM BARTON ROAD AND 3 X NEW ACCESSES FROM MAGAZINE LANE INVOLVING THE DEMOLITION OF EXISTING SHED**

David Rowen presented the report to members.

Members received a presentation in objection to the application, in accordance with the public Participation Procedure, from Councillor Nick Meekins.

Councillor Meekins stated that he is not opposed to any development on the site or the proposal of a care home but his concern is with regard to the scale of the development. He stated that he has been lobbied over the past few months from residents who reside adjacent to the site who have been inconvenienced already by the activities of the developer and who have expressed their

disappointment about the loss of the orchard which was in place when they purchased their homes. Councillor Meekins stated that had a site visit been able to take place, Members would have been able to see the immediate problem with regard to vehicular access on Magazine Lane, which is a narrow road and has traffic flow problems and although Barton Road is a wider road, it can suffer from congestion especially with school traffic. He added that the proposal of a three storey building will be out of character with the existing dwellings in the vicinity and stated that this site was formally an orchard which was cleared of all vegetation in late 2018 and large bonfires were lit without any notification to the local residents.

Councillor Meekins stated that a soakaway drain was filled in without the permission of the Internal Drainage Board and although it was only a soakaway it did alleviate run off water. He added that retrospective approval was granted and a wooden fence was erected adjacent to the fence belonging to the mobile home site which prevented the residents from carrying out any maintenance with a metal barrier fence being erected which was too high at the Magazine Lane end and water from the proposed site drained into the mobile home site which has never been an occurrence before.

Councillor Meekins stated that an agricultural building on the proposed site has now been demolished with building materials being stored in anticipation of commencement of works and that work has been carried out on site during unsociable hours and all of the points that he has raised are having an impact on the existing local residents. He added an additional point of concern is whether the proposal of building the additional 5 dwellings on the site to part fund the care home is normal and will there be any clause to stipulate that it is to follow the plan and not expand into a housing estate?

Councillor Meekins concluded by stating that the major concerns for the existing residents are: the impact on their quality of life, water issues, possible anti-social behaviour due to the proposed footpath, an increase in traffic resulting in congestion of the surrounding roads including Barton Road, Magazine Lane and North Brink, devaluation of their homes and concerns for the healthcare infrastructure which is already oversubscribed in Wisbech.

Councillor Meekins stated that he is not against development on the site and is not against a care home on the site, but in his opinion the scale of the proposal is not suitable for this area. Members received a presentation in support of the application, in accordance with the public Participation Procedure, from Mr Tim Slater, the Agent.

Mr Slater stated that that he was worked proactively with officers throughout the pre application stage and as and when officers have raised issues they have been addressed.

He expressed the opinion that the application is based on an assessment of the population trends of Wisbech and is intended to meet a demographic need for this type of accommodation in the town and it is designed to accommodate the existing residents in Wisbech.

Members asked Mr Slater the following questions:

- Councillor Cornwell expressed the view that there will be an increase in residents in the town, as new residents will replace those residents who move into the care home. He asked whether Mr Slater has engaged with the local GP's in the area to gauge their views?
- He further expressed the view that there appears to be no parking provision for ambulances or service vehicles in the proposal and also questioned whether the proposed footpath was a requirement from the Highways Authority?
- Mr Slater stated that the footpath was introduced to meet one of the key aims of the Broad Concept Plan which is to incorporate accessibility through the new development to join up the major roads however, it is not integral to the development and can be removed. He added that provision has been included for service vehicles and ambulances within the

proposal. Mr Slater stated he understands the point raised with regard to additional residents within the town, however, the proposal is to provide specialist accommodation for the existing elderly population within the town.

- Councillor Sutton expressed the opinion, that the proposal is quite a distance from the town centre and residents living in the care facility may have mobility issues. He asked whether the management company will incorporate any minibuss service for the residents to utilise? Mr Slater stated that he anticipates that the management company will offer a care package which will include transport services run by the operator.

Members asked Officers the following questions;

- Councillor Cornwell asked whether it was possible to condition the provision of CCTV to cover the footpath which is a cause for concern? David Rowen stated that as part of condition 15, it includes a scheme for the provision of CCTV to be submitted and will also include how the CCTV will be monitored.
- Councillor Murphy stated that he notes at condition 23 that the refuse strategy has to be submitted prior to the first occupancy and asked whether that was too late for it to be submitted? David Rowen stated that submission of the strategy before occupancy is not uncommon and the trigger point has to be a definable and reasonable moment in time when the information is required by.

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

- Councillor Benney stated that in his opinion, this is an excellent use of land and that there is a need for this type of development with it freeing up 100 homes which are also needed in Wisbech. He expressed the view that he was surprised that the NHS did not come forward to request any financial contributions and added that this proposal will be very good for the residents and population of Wisbech and will benefit the local economy.
- Councillor Lynn made the point that he knows the area well. the proposed footpath will link the playing fields at both ends of the development, which will open up footfall and access to the play areas and the proposed school and the whole area has been earmarked for development so will be changing in years to come. He added that in his view, the proposal is a very good one, it will bring jobs to the area and will free up homes for the younger families that require housing.
- Councillor Cornwell stated that he supports this type of development and care of the elderly is very important. He added that the position of the site is adequate, albeit slightly out of town, he has concerns with the footpath and the Magazine Road end of the development which is narrow for traffic. Councillor Cornwell expressed the view that there needs to be further communication with the NHS, who need to have an input with regard to their thoughts on the proposal.
- Councillor Hay expressed the opinion that it is a very good use of land and the proposal looks modern and there is plenty of space to accommodate the building. She added that within the conditions, she had expected to see the stipulation that none of the 5 additional dwellings should be occupied until the footings of the care home were above ground level. David Rowen stated that condition 24 states that no dwellings should be occupied on site until the footings of the care home were above ground level.
- Councillor Sutton expressed the view that the design will not have a large impact on overlooking as the closest part is only single storey. He added that he has concerns with regard to the update report which states conditions which could be seen as onerous, however overall he believes it is a good scheme and he will support it. David Rowen stated that the concerns Councillor Sutton has with regard to the occupancy conditions are common when dealing with this type of proposal to ensure that the application can take the form that is envisaged and the agent has agreed with the clauses.
- Councillor Murphy stated that the proposal is right for Wisbech and he will be recommending the application for approval.

**Proposed by Councillor Murphy, seconded by Councillor Lynn and decided that the application be APPROVED as per the officers recommendation.**

(Councillor Meekins registered, in accordance with Paragraph 14 of the Code of Conduct on Planning matters, that he had been lobbied on this application and that he had also registered to speak on the item and therefore would take no part in the discussion or vote)

**P5/20**

**F/YR19/1029/F**

**LAND WEST OF HERWARD HALL, COUNTY ROAD, MARCH, CAMBRIDGESHIRE.ERECT 19 X 2-STOREY DWELLINGS WITH GARAGES PLOTS 13 & 14 ONLY (COMPRISING OF 10 X 2-BED, 7 X 3-BED AND 2 X 4-BED)**

David Rowen presented the report to members.

Members received a presentation in objection to the application, in accordance with the public Participation Procedure from Ruth Johnson, a local resident.

Ms Johnson expressed the opinion that the drainage and sewerage in the area has had various issues since the houses were built in All Saints Close, approximately 20 years ago with there being issues with the drains/sewers blocking and having to be jet washed regularly to keep issues at bay. She stated that by adding further houses to this sewer it will cause huge problems and blight resident's lives even further together with All Saints School which also has regular issues with the sewers.

Ms Johnson questioned the access to the construction site with regard to- where will the construction traffic enter the building site and stated that she has concerns if it is through All Saints Close regarding size, weight, and being able to get through as very often there are cars double parked. She added that if the construction traffic accesses through All Saints Close are the developers aware of restrictions of deliveries because of the children's safety owing to the close proximity of All Saints School with deliveries not permitted between 8.30 - 9.30am and between 2.30 - 3.30 pm. County Road is hazardous at these times and, the last thing residents, children and parents want is HGVs trundling through whilst small children are going to/coming home from school. She queried whether the developers would adhere to a speed limit restriction of 10mph and commit to no HGVs during school run times?

Ms Johnson stated that the proposed number of dwellings seems high in relation to the size of the area and questioned whether it will be overcrowded and whether the current residents of All Saints Close will have their view of the park obscured or have their privacy invaded.

She expressed the view as to whether the developers are aware of the admissions criteria for All Saints School as the school is very much oversubscribed and criteria is based on faith, then siblings, then children in care.

Ms Johnson added that All Saints School participates in the Junior Travel Ambassador Scheme (JTA) run by Cambridgeshire County Council (CCC) and has been approached to take part in the School Streets Scheme which is a scheme to reduce traffic around schools, improve the health of children as parents need to park away from the school and walk. This scheme involves closing the road to traffic except for emergency vehicles and it supports the promotion of sustainable travel, promotes clean air for children, and boosts health and well-being. She expressed the view that it is

highly likely All Saints will participate in this scheme, therefore, residents (and construction traffic) will not have access to a ring-fenced area in County Road at school drop off times with All Saints actively working to reduce traffic around the school.

Ms Johnson stated that deer and rabbits are regularly seen on this site as it adjoins the park and green spaces are an essential element of neighbourhoods and make a profound contribution to people's well-being and quality of life.

Members received a presentation in support of the application, in accordance with the public Participation Procedure from Kimberley Brown, the Agent.

Ms Brown stated that the Agent has worked closely with Council officers, both through pre-application discussions and through the consideration of this application, and have made revisions in line with officers' advice to reach the scheme that is before the committee today. She added that public consultation took place prior to the submission of the application in order that local stakeholders and residents could view the proposals and provide their feedback.

Ms Brown explained that the application proposes the development of 19 dwellings in the form of both detached and semi-detached homes with a mixture of 2 bedroom, 3 bedroom and 4 bedroom dwellings proposed. She stated that the application site benefits from Reserved Matters approval for 22 dwellings, which is extant, as part of the housing development at All Saints Close and the site is also located within the built up area of March with the principle of the proposed development being acceptable.

Ms Brown expressed the opinion that the design and layout of the proposed development is of high quality and has been informed by the constraints of the site with the proposals ensuring the retention of TPO trees along the site's northern boundary. She stated that, the opportunity has been taken to formalise the pedestrian route that currently runs through the site from All Saints Close to the public open space and railway station to the north, significantly improving the safety and security of this route for pedestrians and cyclists. Ms Brown advised that the proposal also include landscaping to the front of all properties, along with good sized gardens, which ensures that the proposed development respects surrounding residential development and the proposal has been designed to ensure significant distances exist between the proposed dwellings and those which already exist at Robingoodfellows Lane and All Saints Close. She referred to the committee report which confirms that the proposal is not considered to give rise to any unacceptable overlooking, overbearing impact or overshadowing.

Ms Brown added that the committee report confirms that the proposed development is technically acceptable in all respects and that there has only been one objection to the proposal.

She stated that the application site is located in flood zone 1 and is, therefore, at very low risk of flooding with surface water drainage details having been discussed with the Lead Local Flood Authority as part of this application and confirmed as acceptable. Ms Brown added that the committee report confirms that the application proposal will have no unacceptable impact in terms of highways safety and that parking provision is in accordance with policy requirements. She added that the proposal includes for biodiversity enhancements through the provision of log piles and bat and bird boxes and the committee report confirms that the PCC Wildlife Officer considers the proposal to be acceptable.

Ms Brown added that low level bollard lighting is proposed within the site to ensure that the proposal does not result in any unacceptable adverse impact from light pollution and this will,

ensure the safety and security of residents and of pedestrians and cyclists utilising the significantly improved footpath link through the site.

She expressed the opinion that in order to ensure that impacts associated with the construction of the proposed development on both neighbouring residential properties and All Saints School are appropriately managed, the applicant has confirmed that they are happy to accept a condition requiring the submission and agreement of a Construction Method Statement before the development is commenced.

Ms Brown added that as a result of the abnormal costs associated with developing this site, including the need for storm and foul water pumping stations, offsite highways costs and archaeological investigation, it is not possible for the proposal to make off site contributions or deliver affordable housing with the application submission supported by an open book viability assessment which has been scrutinised by officers and confirms that the scheme is unviable and therefore, in accordance with national planning policy, the scheme should be allowed to proceed unencumbered by S106 obligations.

Ms Brown expressed the view that the scheme will also result in the delivery of a number of benefits including 19 new homes; economic benefits associated with the construction phase and new residents providing custom for existing services and facilities in March; and improved footpath provision through the site.

Members asked officers the following questions;

- Councillor Benney stated there are no Section 106 contributions from this application and questioned why the County Council are not making a contribution?. David Rowen stated that a bespoke viability assessment has been carried out on this scheme and the County Council Section 106 Officer has highlighted that there is no scope to deliver any contributions.

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

- Councillor Cornwell stated that the proposed site is infill development and is adjacent to a large open recreation space adding he is pleased to see the footpath reinstated which will make the train station more accessible. He expressed the view that with regard to the storm and foul water issue there are planned pumping station provisions to be included on site which are costly according to the report so there is no Section 106 contributions which he feels is morally wrong. He expressed the view that he appreciates that there will be issues with regard to All Saints School, but there will be traffic management put in place and he will support the application.
- Councillor Connor is also disappointed that there are no Section 106 contributions, but the application brings much needed housing to Fenland and he will be supporting the application.
- Councillor Murphy expressed the view that he will be supporting the application and made the point that there are no objections from any statutory consultees.
- Councillor Sutton stated that he will be supporting the application and he would ask officers to address the Construction Management Plan to ensure that the timings of any deliveries do not conflict with the school starting and finishing times. He expressed his opinion that he finds it disgraceful that there are no Section 106 Contributions being provided.
- Councillor Lynn agreed with the comments raised by both Councillor Benney and Councillor Sutton with regard to the lack of Section 106 contributions' from the County Council. He added that he is happy to support the application, but deliveries should be suspended during school drop off and collection times.
- Councillor Murphy stated that the County Council have included pumping station provisions within their proposal which are costly.

- David Rowen added that condition 4 in the report states that the detail of the Construction Management Plan including the detail of delivery times should be submitted and agreed with officers.
- Councillor Marks asked how the delivery times are monitored to ensure they are being adhered to?. David Rowen stated that once it is agreed it is able to be monitored by the Enforcement Team.

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

*(Councillor Hay declared an interest by virtue of the fact that she is a Cambridgeshire County Councillor and until recently was Vice Chairman of the Commercial and Investment Committee who act as shareholders for the County Council in 'This Land' which is wholly owned company by the County Council. The developers for this agenda item are 'This Land' and therefore she left the meeting for the entirety of this item.)*

**P6/20      F/YR20/0266/F  
LAND WEST OF MEADOW FARM, HORSEWAY, CHATTERIS,  
CAMBRIDGESHIRE.ERECT A 1.8M (APPROX.) HIGH POST AND WIRE FENCE, A  
HEN HOUSE AND THE FORMATION OF AN ACCESS**

David Rowen presented the report to members.

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

Mr Gowler stated that the applicant is looking to create a small holding using the small parcels of agricultural land with the small parcels within the larger field being ideal for starting such a venture, whereas normally fields are sold in large areas not allowing for such small scale holdings and allotments are also not suitable due to the size and most not allowing animals to be kept. He stated that the access is proposed to be improved to allow a car to be parked off the road safely, which has been agreed with highways and the rest of the access is planned to remain as existing as it is current agricultural use.

Mr Gowler stated that the proposal is for a small amount of chickens, therefore, many of the environmental concerns from nearby neighbours would be based on significantly more than what is proposed and the applicant is aware that care must be taken not to cause odour nuisance under statutory environmental health requirements. He stated that the chicken house is a standard hen house made by a national company for free range chickens, it is designed to be able to be moved but it is not intended to be movable for this small holding with this being only a small scale small holding, and therefore, the appearance is in keeping with agricultural use.

Mr Gowler stated that some of the other neighbouring concerns are with regard to loss of wildlife, which is not really applicable as the field is and has been farmed and the new small holding is more likely to attract wildlife due to the reduction in intensification of farming. He added with regard to overlooking and privacy this is likely to be reduced as currently the field is farmed with large high tractors.

Mr Gowler stated that the application is to make use of the small plots of land for agricultural use there is no real change in land use and would therefore, not set a precedent for anything detrimental to the neighbouring properties. He stated that concern has been raised with regard to an increase in traffic with access and parking having been agreed with highways, and the increase in traffic is likely to be 2 car visits per day so very minimal and access is not located near properties so there would not be any disturbance. With regard to animal welfare, the

applicant is aware of her duties of care to the animals and will follow the relevant DEFRA guidance.

Mr Gowler stated that as mentioned in the committee report many of the neighbouring concerns are related to the keeping of livestock and poultry on the land which would not require permission, and secondly the fencing for keeping the animals secure does not need specific permission.

Members asked Mr Gowler the following questions;

- Councillor Marks asked Mr Gowler whether the applicant has any plans to further develop the land by adding a dwelling or mobile home? Mr Gowler stated that this is not the intention and he has made the applicant aware that under no circumstances that this type of development could be considered on a piece of land like this.
- Councillor Meekins asked Mr Gowler to clarify why his client has chosen to apply for planning permission when it was not required if it had been kept as a mobile chicken house?. Mr Gowler added that free range chickens normally have a quarter fencing around each part of the building, so the chickens can be moved easily. He added that to make a substantial fencing arrangement it made it easier to fix the building in the middle and then make separate fencing to divide up each quarter as each area gets worn out by the chickens.

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

- Councillor Sutton stated that he cannot find a reason in planning terms for refusal. He added that he wishes the applicant well, but he feels there is an ulterior motive.
- Councillor Connor stated he agrees with Councillor Sutton, and there maybe an ulterior motive, but he will support the application.
- Councillor Benney stated that he wishes the applicant well for all the hard work that keeping chickens will entail and he can find no planning reason to refuse the planning application.
- Councillor Cornwell stated that he cannot understand why anybody would apply for full planning permission to house chickens without having an ulterior motive.
- Councillor Murphy stated he also thinks that there is a hidden agenda but there are no reasons to refuse it.
- Councillor Benney stated that it should be noted that this approval is for the hen house on this site and for no further development.

**Proposed by Councillor Skoulding, seconded by Councillor Clark and agreed that the application be APPROVED as per the officer's recommendation.**

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

(Councillor Connor declared an interest by virtue of the fact that the Agent for this application is a Doddington Parish Councillor and Councillor Connor attends Doddington Parish Council in his position as an elected member of Fenland District Council)



**P7/20**

**F/YR20/0269/F**

**LAND WEST OF BRADLEY'S FARM, HONEYHILL ROAD, GOREFIELD. ERECT 1X DWELLING (2-STOREY 4-BED), 1.8METRE HIGH STEEL FENCE RAILINGS AND GATE, AND EXTENSION TO EXISTING WORKSHOP (B2).**

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the public Participation Procedure from Councillor Humphrey in support of the application.

Councillor Humphrey thanked the committee for allowing him to call the item in making the point that it is not often that he finds it necessary to call an item in, however, on this occasion there is information contained in the officer's report to demonstrate that there is justification to support a dwelling for this established business in what is described as in elsewhere location.

He added that one of the difficulties with this type of business is that an application with a building of a workshop would not be supported in a residential area, however, the applicant has up to now been occupying the redundant farm buildings for many years but now wishes to expand his business and live there. Councillor Humphrey expressed the opinion that as a local authority we should be supporting the expansion of his business and referred to a similar site about a mile away where the business owner has expanded his garage business and is now able to live on site.

Members received a presentation in support of the application, in accordance with the public Participation Procedure from Mr Swann, the Agent.

Mr Swann stated that the application is before the committee at the request of Councillor Humphrey in his capacity as Ward Councillor as, being familiar with the site and the business, he is able to verify the need for the proposal.

He explained that the original application was submitted via a different agent with very little justification for the proposal and was refused and Swann Edwards were since engaged to address the issues.

Mr Swann added that the first Swann Edwards application was refused with approximately 12 hours' notice from the planning officer on the day the decision was due via an email, stating that there was no justification for the proposal and it subsequently came to light that the officer was not even aware of the existence of the specialist report that was commissioned by Cruso Wilkin to provide the business justification. He stated that he had been trying to communicate with the planning officer for 5 weeks without any reply.

Mr Swann stated that the second application submitted, highlights the previous report and provides additional justification.

He expressed the view there are a number of discrepancies with this application and how it has been dealt with and he feels that the planning officer seems to be doing everything in order to refuse this application with no positive or proactive engagement from officers throughout the process and in his opinion inaccuracies in the committee report.

Mr Swann stated that Mr and Mrs Bassett are desperate to expand their successful rural business, but have been thwarted so far by delay after delay which is significantly affecting the future of their business which they have so much demand for. He added that Mr and Mrs Bassett operate an engineering business, which serves the farming community and they have machinery in the workshop to repair and have a 24 hour a day call out service to visit farms where the farmers have breakdowns at their farms, very often in the middle of fields, serving both the arable industry and livestock industry, therefore their quick response to problems is absolutely essential.

Mr Swann expressed the opinion that despite the report, there is not open countryside

surrounding the site with there being dwellings either side and behind, and only open views to the South. He added that the officer also refers to this building as an existing former agricultural building, however this has been operating as an engineering workshop since it was granted approval 26 years ago.

Mr Swann referred to the report stating that this application is for a dwelling which 'also includes' a workshop extension and expressed the view that this is incorrect as this application is for both jointly as the business cannot expand without the workshop extension or the dwelling and it is essential for the future of the business.

He stated that as of Monday, the highways officer had confirmed to both himself and the planning officer that they have no objections to the scheme and all previous issues can easily be dealt with via conditions.

Mr Swann added that there are no objections from any of the statutory consultees, however, there has been strange amount of correspondence from Cambridgeshire Constabulary and despite the proposal not changing since the original application in 2019, the Planning Officer felt it necessary to consult with the Police in June 2020. On 3 June the Police stated they supported the application, on 4 June there is another consultation that states that they only support part of the application without further information being provided and he questioned what had happened between these responses being a mystery. He referred to the officer's report stating that the dwelling is not supported by Cambridgeshire Constabulary but in his view, nowhere in their responses does it state this and he has spoken to the Police yesterday and they have confirmed that they do not object and will be willing to assist in the next stage of the project.

Mr Swann referred to the report stating that there are 'several letters of objection' from the neighbour, however, on the portal there are 2 letters, one from Mr Johnson on 22 April and one from Mrs Johnson on 20 April, both of which are from the same address and the way in which these objections have been reported to the committee is different from other applications where the number of objections from separate addresses is usually reported.

He apologised for making a presentation of this nature but felt that on this occasion he had been left with no choice due to the distress caused to the applicants as a result of the way in which the application has been reported to them.

Mr Swann stated that the National Planning Policy Framework and the Core Strategy encourage Fenland District Council to support rural businesses and to work proactively with applicants jointly to find solutions which mean proposals can be approved where possible.

He stated that this proposal will ensure the future of this successful rural business it will allow the business to expand and remain competitive for years to come and allows the applicant the opportunity to continue to support dozens of other small rural businesses that are his clients, which without him, would not be able to operate in the manner which they do currently and he asked the committee to support this application with the conditions that they deem appropriate.

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

- Councillor Benney thanked Councillor Humphrey for calling the application in. He added that he visited the site and observed an old building on the land and expressed the opinion that as farms grow so does the size of the machinery and the buildings to store it with smaller buildings getting rented out for engineering works and Fenland District Council should be supporting businesses. He stated that the workshop is intending to double in size and the applicant wishes to expand his business which is commendable in these

times. Councillor Benney stated that the proposal is in a rural area and the Police response if required in a rural area will be very poor. He stated that the applicants business will be vulnerable and to keep it secure the application should be supported.

- Councillor Lynn expressed the opinion that the applicant has a business that he wishes to develop and improve and for that reason he will be supporting this application. He added that the Agent appeared to raise concerns regarding the conduct of the officer, making the point that Agents and Developers should be aware and understand that officers have to follow guidelines and policies such as the National Planning Policy Framework (NPPF) and the Local Plan (LP) and as far as he is concerned, officers all work extremely hard and provide advice and guidance when asked and he does not agree with any attacks on officers.
- Nick Harding highlighted the relevant paragraph of the NPPF when giving consideration to this application which states: 'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside'. He added that given that the business has been operational on the site for more than 20 years, officers do not see the need for a dwelling to be located on this site.
- Nick Harding added that with regard to the adopted Local Plan policy, this location is not a settlement listed in the settlement hierarchy and that is why it is stated as being in an 'elsewhere location' in the countryside which states that 'development will be restricted to that which will be demonstrably essential to the effective operation of local agriculture' and there is nothing that states without a dwelling on that site this business cannot operate.
- Nick Harding stated that the Police responded by stating that without further specific information they could not support the application as it stands but also stated that they will support the security fencing.
- The Legal Officer, Stephen Turnbull advised members that they need to consider that there is a legal obligation to look at the development plan and there has to be compelling planning reasons to override what the plan states. He added that if any decision were to be challenged then the High Court might find a decision to be unlawful.
- Councillor Connor expressed the opinion that in his capacity as Chairman, he feels that the Agent has been over critical of Officers on this application making the point that the Planning Department and the Planning Committee have worked tirelessly to keep planning applications and decisions moving forward, during the Covid 19 pandemic, which has proved to be a challenging time for everybody.
- Councillor Cornwell expressed the view that he understands the need for farmers to live on site with farmers now working 24 hours a day and businesses need to respond to farmers in a timely fashion. He can understand the needs of the applicant and he will be supporting the application.
- Councillor Hay stated she cannot see any good planning reason why this application should be approved as the business has been operating for 26 years and the applicant has had the opportunity to move closer to his business over the years as there have been large dwellings for sale over the last 2 or 3 years which he could have purchased to be nearer the business. She added that in the report the Highways Authority have stated that the northern access has not be approved by highways and needs to be removed or upgraded and they have also stated that the southern hedge impacts on visibility and amended plans will be required, but these have not been submitted. Councillor Hay added that the Police are stating that there is low level of crime in the area and they cannot support the application as it stands. She stated that the NPPF and the LP have to be adhered to and for that reason she will be supporting the officer's recommendation.

- Councillor Marks stated that he understands the need of a workplace home and 24 hour access. He added that his vehicle will contain expensive equipment. Councillor Marks expressed the opinion that due to Covid 19, many people are now working at home and financially it works better for many businesses. He will be supporting this application.
- Nick Harding stated that where an application is recommended for refusal officers would not normally ask for amended plans.
- Councillor Sutton stated that the application site is slightly built up and the officer has adhered to the relevant policies and legislation and, therefore, the recommendation is correct. He stated that he would like to hear the views of Councillor Clark who is another Ward Councillor for the area.
- Councillor Clark stated that she is not predetermined on the application and she expressed the opinion that she thinks is important to support rural businesses, especially agriculture.
- Councillor Connor stated that local businesses need to be supported and he will be supporting this application.
- Nick Harding stated that he has listened to the discussion and he added that he would like to highlight to members that there is no information to support that there is a security issue at present and nothing to suggest that the business cannot operate without the applicant living on site. He added that if members are minded to approve the application contrary to the officers recommendation, then he would ask that that officers are permitted to apply reasonable conditions to the application and it is important that the conditions include that there is no occupation of the dwelling until the workshop extension is completed and in an operational condition and secondly that the occupation of the house is tied to the operation of the workshop business.
- Councillor Sutton stated that having listened to the views of Councillor Clark as one of the other Ward Councillors and all of the views of the other members of the committee, his view is that although it may not be essential, it is a desirable dwelling and although crime has not be recorded locally, rural crime does exist.
- Councillor Hay asked whether there will be a condition included to address the concerns raised by the Highways Authority. Nick Harding stated that before any consent is issued, the agent will be asked for amended plans and Highways will be asked to sign them off.

**Proposed by Councillor Sutton, seconded by Councillor Lynn and decided that the application be APPROVED, against the officer's recommendation.**

**Members approved the application against officer's recommendation for the following reasons; They support the extension of a business in a rural location as it is desirable to live in close proximity. By living on site there will be no need for the applicant to travel to the workplace which in turn is beneficial to the environment.**

**It was decided that the conditions imposed on the planning permission be agreed in conjunction with the Chairman and Councillor Lynn and Councillor Sutton and to include the conditions that there will be no occupation of the dwelling until the workshop extension is completed and in an operational condition and secondly that the occupation of the house is tied to the operation of the workshop business.**

**P8/20**

**F/YR20/0271/F**

**PESCY, HIGH ROAD, GUYHIRN, WISBECH.ERECT A 2-STOREY 4-BED DWELLING WITH GARAGE INCLUDING THE SITING OF 2NO TEMPORARY CARAVANS DURING CONSTRUCTION**

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the public Participation Procedure, from Mr Holliday the applicant.

Mr Holliday explained that the 3 acre field on which he lives has been in the family for some 20 years plus, with his wife inheriting the field from her late mother 8 years ago and they have been living here since taking over the plot from their uncle 7 years ago. He added that there is a further 7 acres with stabling that they own approximately 200 metres down the track that runs alongside them where they house their 6 horses and this land has been in the family in excess of 35 years and in their direct ownership for 7 years. He added that his wife was brought up in Guyhirn living in the house immediately to the left of the drive leading onto High Road where his father in law still lives and they have other family very close by.

Mr Holliday stated that in the officer's report it mentions the issue of flooding and the report is quite right to highlight that they currently live in a single storey prefabricated dwelling in a flood zone. He added that he has submitted a third Flood Risk Assessment which he has been assured addresses all of the Environment Agency (EA) recommendations and from his my experience as a National lead water rescue officer with the Fire & Rescue Service he has witnessed the devastation that flooding can do to property and communities, so he is keen to incorporate a solution that will satisfy the EA, with the proposal also scaling down the requirement for 2 caravans being on site during construction to 1 at the suggestion of the EA.

Mr Holliday stated that the officer report explains that it is not policy to replace a temporary structure with a permanent dwelling and added that the issuing of a certificate of lawfulness for his park home last year provided his family with a permanent status for his existing dwelling forevermore. He added that his family have no ambition to move from this site, as they have too many ties in the area to move, with the application being to replace a permanently sited park home, which is showing its age in both design and wear and tear, with a more modern, efficient, environmental friendly, and, in his opinion, better looking two storey property. Mr Holliday expressed the view that with regard to the scale and massing of the design they have not tried to hide the fact that what they are asking for is larger than they are currently occupying. He expressed the view that they have tried to design a family home that is fit for purpose for their lifestyle and for the number of likely users at present and for the future and added that their two daughters both have long term partners who spend time with him and his mother is 84, living alone which is not sustainable long term, so the proposal would allow for him and his wife to care for her in their home when necessary. There are properties that have been extended in close proximity to them which are now of a similar scale and mass to their design.

Mr Holliday stated that he disagrees with the officers report saying "that the development would adversely affect the character and appearance of the area". and expressed the opinion, that the approach to their property is through a bus yard along with a coal merchant to one side. He expressed the view that his family want to improve the look and character of their dwelling again by replacing a tired old park home with a fresh nice looking property. and he is not aware of any objections to either the size and scale or the character and appearance of the proposal, and there has been support from local people on these issues.

Mr Holliday stated that the officers report makes mention of the established bus yard, and clarified that he has long standing access rights at all times to his property. He also clarified that the original lighting on the yard was upgraded last year to LED and works very well from dusk to dawn, there is approximately 5 metres where an area that moves from the bus yard to the boundary is darker which can be easily rectified, otherwise once on their property security lighting is activated on their drive.

Mr Holliday stated that, the bus and coal yards did have planning permission for a number of houses granted about 15 years ago which would have seen properties up to his boundary approximately 10 metres away, and will in all likelihood be put forward again for development in

the future. He feels that his certificate of lawfulness grants him the right to have a residential dwelling on site indefinitely, and he stated that they are currently living in a single storey dwelling in a flood risk, so a two storey property with flood mitigating arrangements would provide a safer place for his family, especially by having the second floor refuge area.

Mr Holliday stated that he has received support from the Parish Council and local residents and he is not aware of any objections to the proposal from statutory consultees except from the EA. He concluded by stating that they would like to replace an old park home with a modern, environmentally friendly fit for purpose dwelling that is safer in terms of flood risk and physical security and is sustainable, giving betterment in terms of health and wellbeing for his family and future families a like.

Members asked Mr Holliday the following questions:

- Councillor Connor asked Mr Holliday whether he has known any incidents of flooding over the last 35 years? Mr Holliday confirmed that there has been none.

Members asked Officers the following questions:

- Councillor Benney asked for clarification with regard to the Certificate of Lawfulness and whether when it was issued would a condition have been included to state that a full application could not be applied for? David Rowen stated that Certificate of Lawfulness demonstrates that the site had been used for the siting of a mobile home for the requisite period of time of 10 years, and therefore, the use of the site for a mobile home was lawful but it has no bearing of the future use of the site.

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

- Councillor Sutton raised concern with an application which is described as a temporary dwelling but has a Certificate of Lawful use which in reality means that there is full planning permission for perpetuity. He added that the (EA) have raised an issue with regard to there being 2 caravans on the site during the construction phase, but feels that the application should be approved as it improves all the concerns that are in place with regard to flood zone 3. He added that within the EA report it states that if flooding occurs on that site it could reach a depth of 1.6 metres and if that particular area suffered flooding to that extent, then it would have a bearing on many other people and the only way to make people safe on that particular plot is to allow a two storey dwelling.
- David Rowen stated that lawful use of the site is for residential purposes and that has been proven with regard to the Certificate of Lawful Development and allowing the mobile home on the site for the requisite amount of time. He stated that he appreciates the comments raised by Councillor Sutton with regard to adding a first floor which would potentially make the site safer from a flooding perspective, but from a policy perspective should effectively mobile homes be allowed on site without planning permission for a period of time to establish a residential use on site and then to be replaced with substantive dwellings in locations where dwellings would not be allowed in the first place.
- David Rowen stated that with regard to the concerns Councillor Sutton had raised with regard to flood zone 3 and different flood depths which differ from site to site, officers are guided by what the EA dictate and the modelling work that they have undertaken and they provide advice and guidance as one of the statutory consultees with regard to flood risk.
- Councillor Hay stated that this application goes against Policy LP12 c of the Local Plan, which states that a replacement dwelling should be of a similar scale and size of what it is replacing as the total floor area would be 353% of the existing floor space. She expressed the view that it will be out of keeping for that particular area and she will be supporting the officer's recommendation.
- Councillor Benney expressed the opinion that to replace a 2 storey dwelling in flood zone three will make the family safer than living in a caravan. He added that the Parish Council

support the application and there are no letters of objection to the proposal.

- Councillor Cornwell highlighted that any existing properties would also suffer if the flood waters rose to 1.6 metres. He added that he cannot understand why we would want to stop the applicant from creating a better quality of life for his family when he already has permission.
- Councillor Sutton expressed the view that by approving the application it will ensure that the family live in a safer environment. He added that the officer's recommendation has followed the guidance and policy apart from the fact that in his opinion, it is now not temporary as the mobile home is in place and he expressed the opinion that this application should be approved. He added that it does not alter the street scene as it cannot be seen from the garage, which is why the mobile home has gone unnoticed because it could not be seen.
- Nick Harding stated that in the Local Plan there is a clear policy with regard to replacement dwellings which states that if the dwelling is to be a mobile structure then development should not be allowed. In this particular case, there is no raised floor level, as a mobile structure other than the initial step up is still in the floodable area and allowing a permanent dwelling with a suitable floor level would resolve that issue. He added that consideration would then need to be given to the large increase in floor area from the existing to the proposed which is contrary to the policy and therefore members need to justify this development to go above and beyond the objectives in the Local Plan policy. He added that there would be an obligation to add conditions with regard to the settlement floor level where the property will be safe from the known depth of flooding which has been reported through the flood risk assessment.
- Councillor Sutton questioned that in the update report it states that the EA has formally withdrawn their objection subject to the development being undertaken in accordance with the flood risk assessment and the temporary caravan being removed within two years, which he believes to be an incorrect statement. Nick Harding stated that the usual condition says that the caravan needs to be removed within a couple of months after the approved dwelling being occupied.

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

**Members approved the application against officer's recommendation for the following reasons; The dwelling is compliant with all flood risk requirements and the size of the plot lends itself to the proposed dwelling as detailed in the application.**

**Members agreed to delegate authority to officers to apply appropriate conditions.**

*(Councillor Murphy left the meeting prior to consideration of this item)*

## **P9/20      ADOPTION OF PLANNING VALIDATION REQUIREMENTS**

Further to minute P91/19, Nick Harding presented the Adoption of Planning Validation report to members.

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

- Councillor Sutton thanked officers for providing this update and expressed the opinion that anything that is national policy has to be replicated in the Local Validation List. He added that as there have been no comments or queries from the Developer Forum or Agents, then members should be in agreement with it.

**Proposed by Councillor Lynn, seconded by Councillor Hay and members AGREED to adopt the new Local Validation List.**

*(Councillor Murphy had left the meeting prior to consideration of this item)*

4.30 pm

Chairman