

PLANNING COMMITTEE



WEDNESDAY, 28 JULY 2021 - 1.00 PM

PRESENT: Councillor I Benney, Councillor Mrs S Bligh, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor Mrs K Mayor, Councillor A Miscandlon (Substitute), Councillor P Murphy, Councillor M Purser, Councillor W Sutton and Councillor D Topgood.

APOLOGIES: Councillor D Connor (Chairman), Councillor M Cornwell, Councillor C Marks and Councillor R Skoulding.

Officers in attendance: Nick Harding (Head of Shared Planning), David Rowen (Development Manager), Jonathan Allen (Legal Officer) and Elaine Cooper (Member Services)

P27/21

F/YR21/0387/F

LAND NORTH EAST OF THE WOODLANDS, DAYS LODE ROAD, FODDER FEN, MANEA

TEMPORARY SITING OF A LODGE (SINGLE STOREY, 2-BED) FOR 5 YEARS IN ASSOCIATION WITH EXISTING AGRICULTURAL CONTRACTORS BUSINESS AT THE SITE INCLUDING ERECTION OF A POST AND RAIL FENCE (1.2M HIGH MAX, NORTH BOUNDARY) (RETROSPECTIVE)

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Slater, the agent.

Mr Slater advised members that the lodge building has been in situ now for 7 years and in that time it has been used for an office associated with the family business and as staff accommodation. He made the point that whilst it is accepted that the building remains unauthorised, in his view, if it was causing significant harm he would have expected the Council to have pursued enforcement action to seek its removal, but no action has been taken post 2015.

Mr Slater stated that the family business is an agricultural plant and machinery company, which provides, in his view, a vital service to local agricultural and drainage boards. He advised that Mr Fowler set up the company, but it is now run on a day to day basis by his son, with Mr Fowler still undertaking maintenance and servicing of the vehicles.

Mr Slater referred to the various IDB drainage boards that they carry out work for. He stated that in semi-retirement, Mr Fowler intends to continue to work a couple of days per week carrying out maintenance on the company plant and vehicles, which is carried out in the recently approved barn/workshop adjacent to the lodge.

Mr Slater stated that the proposed use of the lodge is as temporary accommodation to enable Mr Fowler to live on site for short periods whilst he maintains the company's vehicles. He made the point that the Design and Access Statement sets out that Mr and Mrs Fowler are now semi-retired and have sold their property, Woodlands, and are in the process of moving to the Norfolk Coast.

Mr Slater referred to the officer's report whereby the changes in circumstances with the selling of Woodlands and relocation of Mr and Mrs Fowler to the coast is seen as material to the application,

but at that time the sale of the property was not secured. He advised members that at no time have they been asked to provide evidence of a functional need in addition to that set out in the application submission.

Mr Slater made the point that Mr and Mrs Fowler are seeking a temporary permission to enable occasional occupation of the lodge in association with the business use in the barn for a period of 5 years, which will provide an opportunity for Mr Fowler to reduce his work to a full retirement, and at the end of this period the need for the accommodation can be reviewed in the light of the circumstances at that time. He stated that the maintenance work is partly seasonal, but there are also breakdowns and emergencies throughout the working year.

Mr Slater informed members that Mr and Mrs Fowler would look to occupy the lodge for several days at a time for the maintenance periods and on an as and when basis for minor works and emergencies, and, in his view, the occupation would not be more than 100 days in any year, which will reduce in the coming years. He expressed the opinion that there is an essential need for Mr Fowler to have access to accommodation on site to maintain the high level of service to the local agricultural community and drainage boards.

Mr Slater referred to flood risk, in that whilst it is accepted that the site and much of the surrounding area is in the Flood Zone, the operational need for Mr Fowler to be able to work from the barn is such that the lodge needs to be on site. He also made the point that the proposed use is for occasional occupation and for a temporary period.

Mr Slater highlighted to members that there are no technical constraints to the development, with officers confirming that the building itself is acceptable in terms of design, character and amenity. He made the point that the Parish Council does not object and there are several letters of support from local people confirming the important role that the business plays to local agriculture and drainage boards. Mr Slater asked members to approve a temporary permission for the proposal.

Members asked Mr Slater the following questions:

- Councillor Sutton asked Mr Slater what is the destination of the building after the 5 year period? Mr Slater responded that it is potentially demolished or as it is a modular building it could be picked up and moved to another location.
- Councillor Sutton queried whether a Certificate of Lawful Use should have applied if the building has been in existence for 7 years? Mr Slater responded that there was not the level of evidence required to demonstrate its use and the building needs to have been there for 10 years.

Members asked officers the following questions:

- Councillor Mrs French asked if the building has been there for 7 years, what action has Planning taken over the last 7 years? David Rowen stated that enforcement is a reactive service and if it is not brought to their attention, enforcement does not necessarily know about it. Its presence has now come to light and there may have been a change of use of the building, which could be a potential or new breach of planning control, but there is an application in front of members today that a decision is needed on.
- Councillor Mrs French asked whether the buildings existence had been brought to the attention of the Council further down the line? David Rowen responded that knowledge of the building may have existed in 2014, but the building was viewed as ancillary to the use on the site and the decision was taken that it was not expedient to take any action.
- Councillor Murphy referred to Mr Slater stating that the building could be demolished or taken away after 5 years and asked if the Council can ensure this is undertaken, so its presence is not forgotten and it is not still in situ 10 years down the line. David Rowen stated that if the application is approved it can be conditioned, which would be monitored at the appropriate time. Nick Harding made the point that this does not prevent a further application being submitted to seek to retain the building and this would have to be

considered against policies at that time.

- Councillor Miscandlon asked that, bearing in mind that the building has been on site and used for residential accommodation for some time, have the rates been paid and if not, why not? Nick Harding advised that this is not a material planning consideration.
- Councillor Sutton made the point that Planning Committee had visited the area in 2013 and there was not, as far as he can remember, any building on site at that time, so 7 years seems to be correct. He asked whether the building came to light when the application for the workshop was submitted last year? David Rowen advised that it is not known how the building came to light or the background to the enforcement case, but timings do seem coincidental.

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

- Councillor Sutton stated that he knows Mr Fowler, but not well and they do not socialise. He knows that he runs a well-respected company and undertake a lot of work in the area. Councillor Sutton notes that the current dwelling has been sold and given the dwelling is there and the proposal is for a specific period, he tends to give more weight to that business. He made the point that there will be a reduction in need and as long as the building is only there for 5 years, he gives this more weight than strict policy.
- Councillor Benney stated that he visited the site on Sunday and struggled to find it, so, in his view, the proposal would not cause any concern. He feels that if the proposal had more of a definable need it would have been approved, but questioned how you quantify a need for a business. Councillor Benney expressed the view that Mr Fowler is the anchor and his knowledge keeps the successful business operating and the best person to say what a business needs is the owner. He stated that he will be supporting the application.
- Nick Harding referred to the officer's report, which presents the proposal in the context of adopted local policies as well as national policies and dwellings in the open countryside should only be approved in limited circumstances and only where essential for a rural business. He made the point this is a rural business, but there is already a dwelling associated with this business, which has been sold off and if this application is approved the same situation could reoccur.
- Councillor Miscandlon asked if there are any safeguards in the conditions that can be placed on the proposal? Nick Harding stated that whilst conditions can be placed on the application, these can be applied to be varied or removed, and an application cannot be prevented which would need to be considered at that time. Councillor Miscandlon asked if a condition is placed on the proposal and an application comes forward to change that condition, it would have to come back before committee? Nick Harding stated that if the application is approved and someone applied to retain the cabin dwelling and there is a viable business then it is highly likely that there is a need for that dwelling for the business to be operated.
- Councillor Benney requested clarification that members are looking at an application that will last 5 years and after 5 years the building would either come down or if needed another application would be submitted and considered at that time. Nick Harding stated that is correct, but made the point that there is already a dwelling in existence to serve the business.
- Councillor Mrs French questioned what harm is a temporary building going to do to the countryside? Nick Harding made the point that Council policies and national policies seek to protect the countryside for its own sake. Councillor Mrs French expressed the opinion that if Councillor Benny had trouble finding the site then the proposal does not stick out "like a sore thumb".
- Councillor Sutton acknowledged that the officer's recommendation is the only one they could come forward with, but feels this application is unique as it is looking forward to a retirement. He thinks members can give more weight to issues that officers cannot and a business should be allowed to thrive and grow. Councillor Sutton stated he will give more weight to the needs of the business rather than policy.

Proposed by Councillor Sutton, seconded by Councillor Benney and agreed that the application be approved, against the officer's recommendation, with delegated authority given to officers to determine appropriate conditions.

Members did not support the officer's recommendation of refusal as they feel that whilst the proposal is in an elsewhere location more weight can be given to the requirements of the business rather than policy.

**P28/21 F/YR21/0552/F
UNIT 3, SANDBANK BARNS INDUSTRIAL UNITS, SANDBANK, WISBECH ST
MARY
CONVERSION OF EXISTING BUILDING TO FORM 1NO DWELLING (SINGLE-
STOREY, 3-BED), ERECTION OF SHED AND GAZEBO TOGETHER WITH
INSTALLATION OF 2.2 METRE HIGH BOUNDARY FENCING (PART
RETROSPECTIVE)**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Councillor Booth, a District Councillor.

Councillor Booth stated that he was at the latest meeting of the Parish Council when this application was discussed, where it was recognised that this is a local business and since Mr Frankham has taken on the business he has much improved the site as beforehand it had become somewhat derelict. He feels that members should be supporting this proposal as it is an established building and effectively a brownfield site, and if looked at from the NPPF and Government guidance point of view brownfield sites should be built on ahead of sites in the open countryside.

Councillor Booth questioned whether this was a site in the open countryside as the Local Plan does not specify any boundaries so it is a subjective assessment. He expressed the view that, whilst Sandbank is on the edge of the Wisbech St Mary, it is an established building that is already there and can be seen from quite a wide area, and the Parish Council are looking at submitting a privately funded highways bid to amend the speed limit along this road, with the limit to be changed past the entrance to this business so the Parish Council consider this area within the actual envelope of the village and not an elsewhere location.

Councillor Booth made the point that when the Local Plan was developed a number of years ago, the discussion around elsewhere locations was around areas, such as Bunkers Hill or Thomolas Drove, but this location is just on the edge of the village and there is development and residential properties adjacent to it. He expressed the view that these buildings were former agricultural units and if they had been left as agricultural buildings they would probably have permitted development rights to convert them into dwellings.

Councillor Booth expressed the opinion that there is no real visual impact from the proposal, which is identified in the officer's report at 10.9. He stated that there is a lot of foot traffic along this road and this is part of the reason why the Parish Council want to amend the speed limit because they recognise it is not in the open countryside and there are a lot of people walking along this road getting to the shops in the village.

Councillor Booth referred to the Police statistics, which do show a lot of anti-social behaviour and concern within this area, which backs up the applicant's argument of having a residential property next to his business. He made the point that members should remember that when the Local Plan was developed, it was set as a trail blazer and innovative Local Plan, one that supported business, one that supported growth and the officer's report dilutes that element of the Local Plan. He feels

that members should also remember the Council's strapline of Open for Business and by refusing this the Council would not be.

Councillor Booth informed members that the proposal received unanimous support from the Parish Council.

Members received a presentation, in accordance with the public participation procedure, from Mrs Windsor, an objector to the proposal.

Mrs Windsor expressed the view that the plan shown in the officer's presentation do not show what is on the ground. She expressed the view that Mr Frankham has addressed the need to live on site due to safety and stresses of the business with his family life, but at present he lives a 3-minute walk away.

Mrs Windsor feels the property is well equipped with security lights and cameras and she would expect a good alarm system, which can easily be monitored from Mr Frankham's present home. She made the point that she lives 20 minutes' drive away so tending to the needs of her horses and managing an equestrian property over the last 20 years can be difficult at times, but she still manages reasonably well.

Mrs Windsor referred to Mr Frankham stating that he wishes to expand his business and provide jobs for local people, at present he states he has 6 people working for him and planned to take on two more, but these plans were put on hold due to Covid, which has caused a lot of stress as it has done to many businesses. She expressed the view that if this proposal is approved, it will mean that the workshop areas for the planned expansion will be lost as would a large amount of storage space for timber, with present planning restrictions on the property meaning that timber cannot be stacked any higher.

Mrs Windsor expressed the opinion that there would also be a loss of parking on site due to the access needing to be maintained for residential vehicles plus staff vehicles, which all take up space for customer parking and could make the situation regarding deliveries more difficult. She did acknowledge that Mr Frankham has tried to address this issue by widening his access to the road in order to give more space on site as there is no turning point within the site for large vehicles.

Mrs Windsor referred to the Planning Portal where Mr Frankham states that he had a letter from Mrs Bennington regarding her comments which cannot be published but offered to pass them onto anyone who requested them. She stated that she has asked for these comments from Mr Frankham, but have been met with zero response. She stated that she did e-mail the Planning Officer to see if she could provide her with a copy of these comments, but was informed she could not due to GDPR as it was not in the public domain as it covered areas outside of the planning process due to details over boundary issues.

Members received a presentation, in accordance with the public participation procedure, from Mrs Hamilton, a supporter of the proposal.

Mrs Hamilton stated that she has lived in Wisbech St Mary for over 22 years and has never seen the site looking so well kept and professional. She fully supports the applicant's decision to apply for planning permission as she is well aware of the security implications should a property not be attended at all times.

Mrs Hamilton expressed the opinion that she can see no problems with the location of the proposed dwelling as it does not interfere with any other properties or persons, it is set back off the road and out of the way, and as there are already a number of buildings it can only improve the look of the property further. She feels the roadway is well maintained and customer service and

safety are at the forefront of the applicant's business at all times, which should be commended.

Mrs Hamilton feels that due to the materials on this site, the possibility of damage due to theft or fire by individuals is high in this area and would, therefore, strongly recommend that there needs to be 24-hour security, which would also protect neighbouring properties by being affected by criminal activity. She made the point that the applicant has built a thriving business and wants to protect his livelihood and his family, and feels it makes sense that he would want to live on site and be able to conduct and support day to day running of the business whilst balancing family life.

Mrs Hamilton referred to the letter from an adjoining landowner, which she has read, and she is the neighbour of the applicant living directly across the field from this site and feels that there is no proof been identified regarding the boundary, with Mr Frankham always stating that should proof of boundary be submitted he would consider making appropriate changes. She stated that although she cannot comment or wish to be included in this dispute regarding this issue, she has in the past had a conversation with another person who has had issues with the same couple over boundaries and again they did not have any proof so she can only assume that this was not resolved. She feels that Mr Frankham has been keen to resolve any argument amicably, which she has experienced first-hand and was solved with care, respect and consideration to herself and the safety of her horses.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent, and Sam Frankham, the applicant.

Mrs Jackson stated the application is for the conversion of an existing building to form a single-storey 3-bed dwelling, which will allow the applicant and his family to live at his business premises known as Fenland Timber as they are currently living in a rented property which is to be sold by the owners. She expressed the view that this is a situation whereby the effectiveness of a local rural business is being threatened by the owner not being able to reside on site, with Fenland Timber being the only source of income for the applicant who is having to invest most of his waking hours into the business to support his family resulting in a poor work/life balance exacerbated by the fear of crime that threatens his livelihood.

Mrs Jackson expressed the opinion that allowing the Mr Frankham and his family to reside on site will provide a better work/life balance and reduce the risk of and fear of crime, and whilst she appreciates that there is not a specific policy requirement within the Local Plan, this is a genuine situation which could help save the ongoing functioning of a rural business that is not dissimilar to other occupational dwellings previously considered favourably by the committee. She feels that the promotion of an existing rural enterprise and health and well-being issues are material planning considerations and supported by policies in the Local Plan.

Mrs Jackson argued that these issues outweigh the concerns with regards to the locational aspect of the site, which is considered in the officer's report as being outside of Wisbech St Mary, and she feels that the proposal will have no visual impact on the surroundings given that it is the conversion of an existing building. She made the point that the proposal is supported by the Parish Council.

Mrs Jackson advised that a revised Flood Risk Assessment is currently being considered by the Environment Agency, which addresses their objection, and there are no other objections from technical consultees. She hoped members would be able to support this rural business by approving the application and they would be happy to accept conditions tying the property to the business.

Mr Frankham informed members that he started working for himself back in 2009 in a landscaping company and was still undertaking this when he moved into Wisbech St Mary in May 2014. He stated that it was always his dream of owning a timber yard and first started renting one of the units at the barns in 2015 to store his tools and trailer and then made the decision to start Fenland

Timber, which started as timber related jobs from the landscaping side to adding new services, such as bespoke sheds, animal housing or anything timber related.

Mr Frankham stated that within 18 months the business had gone from strength to strength, occupying another unit at the barns, and commencing the process of becoming a timber yard buying bulk quantities of timber for their own use, but also being able to sell to their ever-growing customer base. In 2020, with 8 employees, he was able to buy the barns from the landlord and everything fell into place, with work orders for buildings being at a high, demand for raw materials going up and generally becoming a well-known business in the area.

Mr Frankham advised members that with the success comes stress and long hours as it is a family run company with corporate ambition and he generally works between 12-15 hours a day 6 days a week with Sundays as appointment only. He made the point that he is renovating and upgrading the site after years of neglect, with upgrades to the drainage and surfacing of the property with more to continue with the buildings and outside space.

Mr Frankham informed members that he is running the business on a day-to-day basis and fitting in the renovation around work that he is doing 12-15 hours a day, so does not have a lot of home time with his family and he feels that if he lived on site he could see his family more often. He also gets nervous when he leaves the site as he has expensive materials in the yard and all of his tools and machinery that he has worked hard to buy are left unattended overnight.

Mr Frankham made the point that the business is his family's only source of income as his wife also works within the business.

Members asked questions of Mr Frankham as follows:

- Councillor Sutton referred to one of the previous speakers mentioning conifers being taken down and asked Mr Frankham to confirm where they were? Mr Frankham advised they were on the inside of his fence boundary, it is a civil dispute but the fence belongs to him and whilst there were some conifers on his side, which belonged to him, they were removed to free up more space on the site.

Members asked officers the following questions:

- Councillor Sutton expressed the view that if this building had still been a redundant agricultural building it would more than likely have been approved under Class Q. Given that is the case and the stance to support businesses, he thinks he would tend to put weight to this. He referred to Class ZA, with his understanding of this is that B1 and B2 use can be converted into residential, and he understands that the premises are B1/B2 so, in his view, the applicant could have applied under Class ZA, which would likely have ticked all the boxes under this, but these two use classes conflict with the NPPF and the Local Plan. Councillor Sutton made the point that on the visit to the site, he saw a static caravan, some stabling and a container on land adjacent to the site and asked if this has planning permission? Alison Hoffman stated that the adjacent site was granted a Certificate of Lawfulness for equestrian use and she believes the structures did form part of this process. She stated that with regard to the application site a change of use was granted for a B2 use and the permitted development rights quoted relates to B1 use. It is her understanding workshop 3 was a new build element, although a change of use application, there was an anomaly during the processing of that application and she would imagine if the option under permitted development had been available the applicant would have gone down that route. There is also the added element with permitted development in that officers have to look at how they sit alongside existing uses. David Rowen added that it is easy to say agricultural or commercial buildings can be converted under the General Permitted Development Order as permitted development, but there are a number of considerations that limit that and in terms of agricultural conversions members would have seen from the number of appeals decisions concluding that development is not permitted. He stated that the buildings are not

agricultural and they would not been accepted under Class Q anyway and Class ZA does refer to B1 use only and some of the issues that would need to be taken into account with Class ZA are impact of noises from commercial premises.

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

- She referred to crime and in Wisbech St Mary there is the fear of crime as a lot of the crime is opportunistic so the fact that there is no data suggests that it is not a high crime area but the applicant wants to be on site to avoid the opportunistic crimes that can come out of nowhere to protect his only source of income.
- Councillor Benney acknowledged that it is difficult to have a work/life balance when you run a demanding business and the applicant has spent time improving the buildings and making the business successful. He stated that he has no faith in the Police statistics and with rural security, whilst you can put alarms and cameras up, the thing that really deters people is a presence on site as they never know when you are going to walk out your door and with this type of business out in a rural area the best way to safeguard it is to live on site. Councillor Benney expressed the view that members do not want to be hearing that Mr Frankham has had his business broken into and his family upset, but want him to prosper. He stated that he did not see the site before Mr Frankham owned it, but can see that it is looking very tidy and clean and if living on site helps to address that work/life balance that should be supported. Councillor Benney feels that LP2, rural well-being, is a reason to support the application and members should be helping somebody who is helping himself. He reiterated that the only way to safeguard the business is to have someone living on the site as it is the best deterrent to have.
- Councillor Mrs Bligh referred to approval of the Barrett's Bridge application for exactly the same reasons going against officer's recommendation for security purposes. She stated that the Police say there is no crime, but there is crime and having someone on site is the best security a business can have and when the business is your only source of income she can understand the fear of crime. Councillor Mrs Bligh drew members attention to the support this application has received from the local community, which shows there is no actual harm this proposal is going to cause.
- Alison Hoffman acknowledged that members seem sympathetic to the proposal, but pointed out that there is an outstanding consultation response from the Environment Agency and asked that if members were mindful to consider favourably the application it would be good to have a steer as to how members view the flood risk issues noting that a revised Flood Risk Assessment has been submitted, but it is not known if this meets the requirements of the Environment Agency but does highlight the ground the flood levels could reach and does make provision for safe refuge. David Rowen added that if members are minded to grant the application then there are two options; firstly, that members give greater weight to granting the application than the flood risk issue or secondly, to potentially delegate to officers to resolve this issue satisfactorily.
- The Legal Officer advised members that if they are minded to go against the officer's recommendation where there is clear planning basis for this to make sure members have all the facts in front of them when weighing up that assessment in terms of how much weight they would give to each element and what might outweigh the planning considerations and Flood Risk Assessment.
- Councillor Mrs French asked when the deadline for the consultation with the Environment Agency ended? Alison Hoffman responded that it was yesterday.
- Councillor Miscandlon expressed concern that this proposal is for a single-storey building in a high flood zone and he would not wish to put this family, if the application is granted, in any danger and there should be flood mitigation measures put in place.
- Councillor Murphy stated that members have always been told that they need to consider applications on what is in front of them and it is through no fault of the Council that the comments of the Environment Agency have not been received.
- Councillor Mrs Mayor made the point that the plans do show that one of the bedrooms is built higher to provide a refuge point if there is a flood.

- Councillor Mrs Bligh referred to the Barrett's Bridge application again, which she believes was also single-storey and exactly the same situation as this proposal.
- Councillor Benney stated that, although no fault or a reflection on officers, members have an incomplete report in front of them and committee is regularly receiving desktop and incomplete reports. He feels that consultees are not responding and not visiting the sites, which is a worrying trend. Councillor Benney stated that he would be happy to support the application today with officers being permitted to apply conditions and resolve the flood risk issues. He stated that he did read that a mezzanine floor was going to be put in and if a bedroom is going to be built higher he feels this addresses the flood risk issues.
- Alison Hoffman referred to David Rowen mentioning that there were two options available, but stated there is also a third option to put a condition on the application, if members are minded to approve, to comply with the Flood Risk Assessment as submitted given that it does seek to address the points raised by the Environment Agency. She made the point that the Environment Agency's lead in time for a consultation response is longer than the Council gives them and all the agencies are dealing with unprecedented number of applications and officers do have to take a leap of faith in scheduling applications to ensure a timely response and Mr Frankham was keen to get some closure on the application to know how to take the site forward.
- Councillor Sutton expressed the view that it seems unfair that the Council has to abide by the Government's response deadline in determining applications, but other consultees are not under such restrictions. He made the point that the committee needs to be consistent and when it is not consistent it has been punished by the Planning Inspectorate and he feels that it would be inconsistent for the committee not to approve this application just as it would not be consistent for the officer's recommendation not to be one of refusal. Councillor Sutton made the point that a similar application was passed in Manea and in Wisbech St Mary, and if this was refused the applicant could genuinely say what is the difference. Whilst these applications do not meet the criteria of demonstrable need to live on site it is a benefit to those businesses, bigger than members may realise and whilst he does not like to go against officer's recommendation, he will be supporting the proposal.

Proposed by Councillor Sutton, seconded by Councillor Mrs French and agreed that the application be APPROVED against officer's recommendation, with conditions being delegated to officers.

Members do not support officer's recommendation of refusal of planning permission as they give greater weight to supporting a business than policy and do not feel it is in elsewhere location, with Wisbech St Mary Parish Council stating this location is part of their village.

(Councillor Mrs Bligh registered that, she is the ward member for Parson Drove and Wisbech St Mary and also Clerk to Wisbech St Mary Parish Council, but takes no part in planning applications. She stated that Mr Frankham is known to her, but they do not socialise)

P29/21

F/YR21/0600/RM

LAND NORTH OF 135, FRONT ROAD, MURROW

RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO APPEAL DECISION APP/D0515/W/18/3202467 (F/YR17/1148/O) TO ERECT 4 X DWELLINGS (2-STOREY 4-BED) AND THE FORMATION OF A NEW ACCESS

Alison Hoffman presented the report to members.

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

- Councillor Mrs Bligh referred to the policy within Parson Drove Neighbourhood Plan for a footpath and, in her view, the footpath does not need to be a formal one, it could be a gravel

track or a line on the road as this is the last part of Back Road to be developed, it is used by dog walkers and is a single-track road. She asked whether a condition could be placed on the application for a designated walkway to be provided rather than a constituted footpath which would “tick the box” of the Neighbourhood Plan? David Rowen stated that this is a Reserved Matters application and officers have to look back at what the Outline permission set out, the Planning Inspector when giving permission gave consideration to the footway and the emerging Neighbourhood Plan and concluded that it was unreasonable and unnecessary to provide anything. He advised that whilst members could impose a condition regarding a footpath, that condition would potentially fail to stand up in terms of reasonableness if it was challenged by the applicant. Nick Harding added if that pathway remains private, there are the on-going liabilities of people’s safety walking across it and it gets very complicated.

- Councillor Mrs Bligh stated that she understands the outline permission was before the Neighbourhood Plan was adopted so agree with the officer’s recommendation for approval, but wondered if there was any scope to “tick the box” regarding a footpath and make everyone happy.
- Councillor Mrs French agreed with the officer’s report and whilst it is sad that members have to against the Neighbourhood Plan, due to the hard work that goes into producing them, the development was permitted on appeal prior to the Plan’s adoption. She advised that there are local highway improvements that the Parish Council can apply for. Councillor Mrs Bligh informed members that the application’s location lies within Parson Drove Parish Council’s responsibility, but she would pass the information on.
- Councillor Sutton expressed the view that this road has been the bane of his life, having sat on committee and complained about any development in this location due to the road being unfit for purpose. He feels though that to do anything other than go with officer’s recommendation would be crazy.
- Councillor Mrs French made the point that this issue has been in existence since 1999 and members are having the same conversation now.

Proposed by Councillor Sutton, seconded Councillor Mrs French and agreed that the application be APPROVED as per officer’s recommendation.

(Councillor Mrs Bligh registered, that as ward member for Parson Drove and Wisbech St Mary, she attends Parson Drove Parish Council meetings, but takes no part in the discussions on planning applications)

**P30/21 F/YR21/0680/FDC
SITE OF FORMER 24, HIGH STREET, WISBECH
ERECT A 4-STOREY BUILDING (COMPRISING OF 7 X 1-BED FLATS WITH
RETAIL FLOORSPACE AT GROUND LEVEL) INVOLVING THE DEMOLITION OF
A WALL WITHIN A CONSERVATION AREA**

Alison Hoffman presented the report to members.

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

- Councillor Sutton made the point that the site is restricted and it is limited in what can be developed on the site. He questioned the size of the retail unit and what business would occupy this space, which he acknowledges is not a planning issue, as well as the proposal being for four stories without any lift provision. Councillor Sutton referred to a two-storey office that he knows of that was forced to provide a lift. He queried how disabled people were going to get up four floors, although he recognises the stairs are ambient which helps the disabled? Alison Hoffman stated that this building was an office property, but the commercial element of this proposal is at ground floor level so it would be residential properties that would not have a lift available to them. She is not aware of any schemes she has dealt with in the past requiring a lift and made the point that this proposal is for

housing within a town centre location, with a lift not being a planning requirement. David Rowen added that this issue would be a building regulations matter and as the Council has appointed experienced architects to design the scheme he would have thought that they would have factored building regulations into the design and would be building regulations compliant as a result.

- Councillor Sutton expressed the view that as this is a Council property the Council should be showing some leadership, although he acknowledges that the stairs are built to ambient specification and is not a reason to refuse the application.
- Councillor Miscandlon agreed with Councillor Sutton's comments. He made the point that this proposal is being built from scratch and a lift could have been factored in. Councillor Miscandlon recognises that lifts and their maintenance are expensive, but by not putting one in is denying the disabled the opportunity to live in one of these properties or access to them, which is wrong. He made the point that it should be part of the remit to allow access for the disabled who are part of our society.
- Councillor Purser referred to the first-floor plan and the fact there is no disabled access, but a wheelchair store. Nick Harding reiterated that there is no requirement for a lift to be provided based on the Council's policies or legislative requirement and these matters if required under building regulations would be dealt with at that stage. He believes there are stipulations for managed residential accommodation over two floors, but he does not know whether this proposal is going to be managed.
- Councillor Mrs Bligh stated that she was born in Wisbech and would love to see this gap site developed. She feels the proposal is a good use of the space, but there is a need to ensure that everyone has access to these homes whatever their disability.
- Councillor Purser referred to the second-floor plan which refers to wheelchair refuge and service risers and asked what this means? Nick Harding stated that both these items are building regulations requirements so that there is a refuge space that people can go to for a limited time in case of a fire. He added that service risers are just a method to get fire fighting equipment, spray or foam, to the required location.
- Councillor Purser stated that he is a landlord of some retail units and some businesses do require only small units. He feels that the site has been an eyesore for some time and this proposal tidies the area nicely. He stated that he fully supports the application.
- Councillor Topgood made the point that members are discussing issues which fall under building regulations, which are outside the planning process. He feels that the site is very confined, disabled access has been accounted for in the commercial element of the building as per the regulations, but has not been designed for access to the general residential element as there is no parking on site. Councillor Topgood expressed the view that the proposal needs to be approved as the site is an eyesore and has been for decades.

Proposed by Councillor Sutton, seconded by Councillor Topgood and agreed that the application be APPROVED as per the officer's recommendation.

(Councillors Benney, Mrs French and Murphy declared an interest, by virtue of being members of Cabinet where this proposal had been discussed, and left the meeting for the duration of the discussion and voting thereon)

P31/21

F/YR20/0940/F

LAND WEST OF THE SPORTSMAN, MAIN ROAD, ELM

CHANGE OF USE OF LAND FOR USE AS PUBLIC HOUSE CAR PARK INVOLVING THE FORMATION OF HARDSTANDING, NEW LIGHTING AND THE SITING OF A STORAGE CONTAINER (PART RETROSPECTIVE)

David Rowen presented the report to members.

Members received a written representation from Mr and Mrs Stewart, objectors to the proposal, read out by Member Services.

Mrs Stewart stated that it is not easy to complain to the Council about a neighbour, especially when it is a pub and extremely popular, but she feels that no one who has complained about pub noise has taken the decision lightly. She expressed the view that on Easter Sunday 2019, The Sportsman decided to have live music with 2 speakers and an amplifier outside, which was exceedingly loud, and has carried on every Sunday or a Bank Holiday except for the August holiday.

Mrs Stewart stated that some neighbours have spoken to Environmental Health who advised that having a music license did not mean that you could be a public nuisance and to put the speakers inside, but at a Licensing Hearing the pub was allowed to have 6 of these events a year with speakers outside. She expressed the view that when she brought her house she did not expect a car park to be built there and 15 trees have been removed in less than a year, which she did not imagine that this number of trees could be taken down as they live in a Conservation Area.

Mrs Stewart expressed the view that having loud music outside with many people singing along at the top of their voices has definitely changed the dynamics of the pub, especially with the younger ones being much louder now. She stated that when she moved to Elm, The Sportsman held a music night once a month usually a disco until midnight with both doors closed, which she had no problem with, but the new owners have music twice a month along with outdoor music sessions, apart from during Covid, which makes for very noisy living.

Mrs Stewart made the point that the pub changed its alcohol licence in 2019 so they could serve alcohol from 8am every day and until 1am Thursday to Saturday. She needs to know the car park opening times and it needs a proper acoustic fence as she feels sure the pub will still be having music events twice a month as they are well attended.

Mrs Stewart made the point that the car park has been used as a car park by staff and sometimes customers and asked how do we know that they will not carry on doing this and not put a fence up? She stated that they are not just sitting complaining, they have put sound proofing in two windows, with another resident having triple glazed acoustic windows fitted in their house so they can hear their television. She referred to another couple who have lived in Elm for 45 years and when they moved in the pub was derelict and no one has ever complained about the pub before until the new owners took over.

Mrs Stewart asked for some thought and understanding.

Mr Stewart made the point that there does not appear to be an arboricultural assessment as was requested by the Tree Officer in his report in January 2021, who stated that "as the construction will take place adjacent to trees protected by the Conservation Area, we require an arboricultural impact assessment and method statement for the proposed works. This should also include a methodology for the placement of fence posts and any other works within the Root Protection Areas of the trees". The Tree Officer also stated "The proposed site plan also shows the planting of new trees along the west and south boundaries. This should be extended to include the east boundary to ensure adequate screening. New trees should be a minimum of 12/14cm girth to reduce the time frame for screening to establish, a maintenance programme for the trees will also be required".

Mr Stewart expressed the view that none of the Tree Officer's recommendations have been implemented, which is important to him as they were not overlooked before, especially when tree T2 was taken down even though it had a TPO. He feels that apart from the proposed Silver Birch, the 10 proposed tree plantings of 40-60cm height will be inadequate as there are now only 6 trees left, which will take years to grow before offering any screening.

Mr Stewart asked why a qualified sound engineer has not visited the site and carried out a survey

using their machines to find out exactly what fence and other measures are required to meet current legislations or if they have why it has not been submitted? He referred to the last committee meeting where this application was submitted and that Councillor Cornwell stated that David Johnson must try his utmost to mitigate the noise as pub car parks are noisy.

Mr Stewart advised that he contacted an acoustic fence expert as he has not seen a picture of an acoustic fence with a separate gravel board on any acoustic fence website and he was told that an acoustic fence needs to be a complete solid panel not one that sits on a gravel board so that there is no chance of having a gap for noise to travel through and the bottom board should be buried about 50mm into the ground. He expressed the view that the acoustic fence should also conform to BS EN 1793 and be fully tested and certified as a category B3 rated barrier, which is not shown on The English Brothers drawing supplied.

Mr Stewart expressed the opinion that, due to the close proximity of the nearby houses, it is imperative that a qualified sound engineer visits the site and proper acoustic fence panels manufactured. He believes that the need for residents to protect themselves as if a sub-standard fence is erected, they would never get the chance of it being changed, which will impact negatively on their lives.

Members received a presentation, in accordance with the public participation procedure, from Mr Johnson, the applicant.

Mr Johnson advised that he was present mainly to answer any questions, but made the point that the pub has existed at least since 1829 as The Black Horse, which means it has been carrying out pub business, selling intoxicating liquors to people to be merry, have fun and occasionally make noise for over 180 years. When he purchased his home, he stated that he left no stone unturned investigating the neighbouring properties and land, this included the possibility of developing the field behind and the possibility of re-routing the footpath, which is less than 50 yards from his house.

Mr Johnson believes that all neighbouring parties that claim not to know that their land that backed onto pub land and what it could mean to their properties in the future have fallen short of their due diligence and their complaints are severely weakened as a result of this and, in his view, any conveyancer should have highlighted this land as affecting potentially the land they were purchasing. He feels that, as the pub has existed for over 180 years, it has moved with the times and needs to make another stride now.

Mr Johnson expressed the opinion that the neighbours who have always complained about parking issues are now championing that it has adequate parking. He feels that common sense needs to apply to this situation as they transition to a food destination pub as they need more parking and it could be that the more food orientated clientele would be a quieter clientele than the lively wet pub they have been known for.

Mr Johnson expressed the view that to refuse the application would be stifling the potential business and made the point that he has not taken a single pound back out of the pub, which has yet to make a profit. He expressed the opinion that this proposal will be a well-managed, highly specified car park and feels that he is only before committee as the previous owner allowed the beer garden to become derelict.

Members asked questions of Mr Johnson as follows:

- Councillor Benney stated that he knows this pub as many years ago there used to be a disco there on a Thursday evening which he used to attend. He has visited the site twice in relation to this proposal and asked when Mr Johnson took the pub over? Mr Johnson advised he was not particularly good with dates, but it was in July 2017 or 2018.
- Councillor Benney expressed the view that the applicant has put a lot of money into the pub,

you can see this by looking at it and the surrounding area, he likes to support local business as much as he can and asked if this is going to be a mainly food orientated pub or a fun pub? Mr Johnson stated that when he purchased the pub, it was a wet pub and it has all changed as he does not know when a wet pub in a village will be viable if ever again, so it is a food pub and he is trying to develop it more and more as a food pub. The pub does get people come outside when the sun shines to the picnic tables, and its trade has really built up on a Tuesday to Friday lunchtimes, with them doing 40-50 covers a day on a Tuesday, Wednesday and Thursday lunchtime. He stated that it is not a fun pub, but a village pub moving with the times and Covid has pushed them a lot quicker to where they are going to get to.

- Councillor Benney asked whether the car park was going to be used for an outdoor entertainment area or only for car parking? Mr Johnson stated that there has been so much nonsense about what this space is going to be used for, it is completely unserviceable from the toilets and bar and only really useful and possible as a car park where you go once to the pub and return to go home. He made the point that staff could not be ferrying drinks and customers could not be nipping into the toilets as you can see from the plan customers have to come down Atkinson Lane and in through the front door all the way to the back of the pub to use the toilets and, in his view, it would not be viable.
- Councillor Benney queried whether the car park was not linked to the pub other than the double gates at the front? He asked for clarification that he would have to park, walk up the lane and enter the pub at the front? Mr Johnson stated there is footpath surrounding property, so customer would come out of gates along the footpath into the pub. Councillor Benney queried whether a gate would be put in the fence from the pub into the car park and queried again that this area is purely for car parking and not for any entertainment purposes? Mr Johnson stated that it is impossible, otherwise customers would have to walk through the pub's kitchen, cellar or toilets, as there is no viable other route other than through the gates and in through the front of the pub. He stated that there did used to be two accesses, but these were bricked up to build proper toilets, disabled and baby changing facilities and although you can access the car park through the dray yard, they are not going to invite customers to access their dray yard.
- Councillor Mrs French referred to Mr Johnson stating that the property was built in 1859? Mr Johnson stated that it was first listed as a pub in 1829. Councillor Mrs French remembers around 15 years ago going to the pub as a member of the Licensing Committee due to neighbour complaints and there was a priest hole causing issues with noise from when discos used to be held and asked if the pub has received any complaints from the neighbour that lives next door? Mr Johnson explained that the next-door neighbour's porch was a central part of a symmetrical building, with the pub being raised to the ground by fire and they half built the pub back in the 1700s as a forge and after this it became the pub, The Black Horse, and the house next door was Black House, so the priest hole was not originally a priest hole, but a void between what was original and what was built after the fire. He stated, in reference to the neighbours, these are Kim and Craig Stewart and they complain about a lot about the value of their property which they brought at a discount as it is attached to a pub and the pub seems to be at fault for a lot of things.
- Councillor Purser asked in order to have entertainment what you need is an electric power point and could Mr Johnson say that there would be no electric power point in the car park so entertainment could not be held there? Mr Johnson stated that practically he cannot think what he would need power in this area for.
- Councillor Sutton stated that it would be remiss of him not to be involved with this as a ward councillor, but he is in a difficult position in terms of supporting a local business against supporting local residents. He saw on his site visit that there is log store and asked what the plans were for this? Mr Johnson stated that the trees removed were logged on site and a lean to was put over them, with the plan being to burn them during the Winter. He made the point that all trees were taken down correctly and none had TPOs, but a lot of logs were produced with a temporary lean to created to keep the logs dry.
- Councillor Sutton asked if Mr Johnson understands the concerns of the residents as the

proposal will be a change from the situation as it was and takes their concerns on board? Mr Johnson stated that he accepts their concerns and has spoken to residents who want to engage, but made the point that residents cannot have rose tinted view of the derelict land, the trees were dangerous and he agreed with the Tree Officer what could come down, agreeing to retain one that he thought was dangerous and then it blew down in the next storm. He expressed the view that it was not good land, it was rat infested and whilst the trees did provide some canopies, the land was anti-social with dens and it was huge liability for them to keep it and maintain it safe, with all he has done is to get the land to a point that it is safe and create a blank canvass, which will help the pub prosper.

- Councillor Sutton referred to one of the written representations making reference to the spilt acoustic fencing, he recognises that English Brothers have a good reputation for wood working, and in the event of this committee supporting the application, would Mr Johnson be willing or is it available to erect an entire panel. Mr Johnson stated that when the fence was designed there were several factors in play one being that if the fence is as designed the panels can be made in English Brothers factory so they would get a much better-quality panel and if 2.4 metres tall they physically could not lift them as they would weigh too much. He stated that they will seam them together as best as they can and English Brothers have made panels for the highways, with it aesthetically not being a gravel board just a change in direction.
- Councillor Benney asked, if the committee was mindful to approve the application, would he be prepared to put signs up asking customers to respect the neighbours and keep the noise down? Mr Johnson stated that he would do this anyway as they want to be a premium village pub and doing things right is what he wants to do.
- Councillor Mrs Mayor made the point that notices would be part of the licensing conditions and would be picked up here if there are any complaints. She stated that he has had permission to remove 21 trees since 2017, which is an awful lot of trees, and asked if any new trees had been planted? Mr Johnson stated that they have not planted anything as he has not got approval for a proposed scheme and he does not want to plant anything in the wrong place. He acknowledged that it is a lot of trees that have been removed, but it goes back to how derelict and dangerous the site was, with conifers being immensely overgrown. Councillor Mrs Mayor interjected that it does not say conifers, the site is within a Conservation Area and if the trees had, had TPOs he would not be allowed to remove them without replacing them. Mr Johnson stated that there were no TPOs and there was a conifer hedge that had vastly overgrown.
- Councillor Benney stated that he understands why Mr Johnson has not planted any trees as if he does not get permission for the land to be car park he may want to turn it into a woodland area. He asked if Mr Johnson intends to plant around the edges to protect some of the residents that adjoin the site? Mr Johnson stated that this is his intention, the aesthetic of the pub is important to him as he wants it to be a pleasing place to be and look and this transfers to the car park as the experience starts when you get out of your car. He stated that he does have a planting scheme with a minimum number to plant and he also wants to put back a Silver Birch and put back some of what was there, but also better tree choices, which was the Tree Officer's recommendation, but he just has not initiated planting yet.

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

- Councillor Benney stated that when this application had come before committee previously he had had his Covid vaccination two days before and was not feeling very clear. In regard to the acoustic fencing, he has read the report that said the fencing would make a difference of between 10-15 decibels, with 10 decibels being a pin drop and 20 decibels a rustling of leaves and he feels that the expense of putting this fence up to save the noise of a pin drop is an expense too far. He made the point that his home is opposite the leisure centre in Chatteris, with planning being about land usage, and if looking at the leisure centre today members would not be looking to turn it down due to loss of privacy and lights shining into residents' houses. Councillor Benney expressed the view that residents knew when they

brought their houses that the pub was there and if you buy a house near a pub residents have to accept there will be noise. He feels that all the fence is going to do is put a lot of expense on the applicant and the car park is not going to be in use every day, there is parking out the front and he feels sure that customers will use the front car park first. Councillor Benney stated that he supports a local business, you get decent people going to a decent pub and he feels the applicant is running the pub in a decent way, is a responsible landlord and the pub looks like a nice establishment. He expressed the opinion that whilst residents may not like a car park, the applicant could turn the land into something else, which could be worse. Councillor Benney expressed the view that if the car park is not provided, cars could end up being parked on the roads all around the pub and car parking is an essential part of that business, with the village lucky to have a pub. He feels it would be a travesty if members do not approve the application making the point that the Council gets criticised that it is not doing enough for business and this is giving the opportunity for a business to thrive.

- Councillor Murphy stated that he had driven past this pub on many occasions and the front garden seems to be packed and it is a well-liked pub in the village. He expressed the view that the Council should be helping businesses, which has occurred twice this afternoon, and the Council should not be stifling a business by not letting them have a car park. Councillor Murphy expressed sympathy for the residents that live near the pub, but made the point that a pub will always have a bit of noise and if you have brought a house near it, it should be expected.
- Councillor Mrs French made the point that there are 13 objectors and 63 supporters, which she feels speaks volumes. She agreed that other businesses have been helped this afternoon and members should be supporting this business, with pubs having suffered due to Covid over the past 18 months.
- Councillor Miscandlon stated that the acoustic fencing was raised at the previous committee meeting when this proposal was considered and the applicant was prepared to go away and investigate it. He feels the applicant wants to be part of the village and the acoustic fencing is part of the protection for those residents in the village. Councillor Miscandlon expressed the view that the acoustic fence is about reducing the upper end of noise that hurts your hearing to bring it down to an acceptable level. He fully supports the proposal as it is as he feels the owner has done a great job to mitigate the problem that is perceived in the village and whilst it will cost him, it will benefit the applicant in the end by being a caring landlord.
- Councillor Sutton stated that as the ward councillor he has residents who support and object to the proposal so it is a no win situation for him, but he feels the applicant has gone the extra mile by considering acoustic fencing. He referred to the comments of one of the objectors, who stated that if there has to be a car park an acoustic fence needs to be put in place, and he feels that the acoustic fence would provide privacy and addresses the legitimate concerns of the objectors. Councillor Sutton stated that he is on the committee to make a decision on what is best and he feels this proposal is the best solution.
- Councillor Purser stated that he supported the proposal before and will be supporting it again as small businesses should be supported.
- Councillor Mrs Mayor referred to the Tree Officer's comments with the report regarding additional tree planting and hopes this will be instigated.
- Councillor Benney suggested that the proposal be approved without the acoustic fencing. Nick Harding responded that the acoustic fencing has been submitted as part of the application so members cannot approve a proposal that excludes it.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be APPROVED against officer's recommendation, with authority delegated to officers in consultation with the Chairman, proposer and seconder to determine conditions, which includes a planting scheme.

Members do not support officer's recommendation of refusal of planning permission as they feel that the benefits of the business and wider community outweigh policy, the

proposal will not adversely impact on the amenity of neighbours as the car park will not be used on a 24-hour basis and tree planting will improve the privacy for neighbours.

(Councillor Sutton declared that he had received e-mail from residents on this application asking for advice on who to approach with their concerns)

P32/21

F/YR21/1123/F

WOADMANS ARMS, 343 HIGH ROAD, NEWTON-IN-THE-ISLE

ERECT 4 X DWELLINGS (2-STOREY 3-BED) AND THE FORMATION OF 3 X NEW ACCESSES INVOLVING THE DEMOLITION OF EXISTING PUBLIC HOUSE

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Blair Simpson, an objector.

Ms Simpson informed members that she was speaking on behalf of residents on Westfield Road who are against the proposal as they feel the development is over intensification and over development. She stated that Westfield Road is a quiet cul-de-sac comprising of 14 properties and the residents pride themselves on the small community and take pride in their homes, with the small amount of children who live in the road enjoying the benefit of being able to live in the road and play in a safe and secure manner.

Ms Simpson expressed the view that residents are concerned about the additional entrance for two of the dwellings in the development where access and egress will be from Westfield Road. She feels the development will cause over-looking to existing properties on Westfield Road and also Fen Road.

Ms Simpson advised members that the applicant has erected a fence and residents are concerned over the maintenance of the boundary fence going forward and made the point that the grass verges have been looked after by residents for the past 15 years. She referred to a tree in Westfield Road beside number 11, which residents do not want to see removed and, in her opinion, the proposed 25ft gravel driveway will cause additional noise and be intrusive to the residents.

Ms Simpson stated that High Road is a busy road used by the school service to Tydd St Giles School and Peel School and the 46 bus route and residents are concerned about vehicles accessing and leaving the development as there have been accidents in the past. She feels the issue of extra vehicles in the road and parking is a great concern to residents as well as the extra traffic and deliveries the site will generate, delivery of goods through Westfield Road, will invade resident's privacy as this will pass directly next to the residents' front window.

Ms Simpson expressed the view that the applicant has sited a static caravan on the site and is living in it and now appears to be storing a number of 18 tonne lorries on the site as well burning all of his rubbish at the rear of the pub. She feels that, if permission is granted, then appropriate conditions need to be added which must include delivery times and suitable working hours on site.

Ms Simpson expressed the opinion that, as the current occupier is storing 18 tonne vehicles on the site, there is no reason to grant access via Westfield Road, which would spoil what the residents have worked hard to achieve a safe, comfortable and welcoming area for residents to use. She feels the proposal for 4 properties does not allow any turning points on the driveways or any parking for visitors, which is going to congest other areas and cause issues for the current residents of Newton-in-the-Isle.

Ms Simpson made the point that all residents brought their houses around Westfield Road as the

road was a quiet cul-de-sac and granting access via Westfield Road for either building purposes or to allow permanent access for the new properties with an agricultural covenant would be unfair on the residents of Westfield Road as there is no agricultural land that leads from Westfield Road. She hoped that members would take into account the objections from the residents of Westfield Road.

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

- Councillor Sutton stated that he looked at this site on Monday and his initial thoughts were the development is not very pretty, but it does fit, but the more he has read the report the more he has become concerned about highway safety and he re-visited the site on Tuesday. He expressed the view that whilst the visibility splays look fine on the plan, it is a different matter on site and asked if there had been any site visit by highway officers as the visibility splays presented are not possible and how can members possibly allow this to go ahead when on the ground it is not achievable? David Rowen referred to the comments of the highways officer in 5.2 of the report, but could not confirm whether they had actually been out to the site in making those comments. He made the point that there is an access for the public house and there would have been vehicles entering and exiting the site then. Councillor Sutton expressed the opinion that we should not be satisfied with what was there and should make it better, with 37 metres of the splay going through a neighbouring property's garden. David Rowen responded that he is not sure the splays do go through the front garden as there is some overgrowth at the front of that property encroaching into highway land and as far as he was aware the splays could be achieved without going through the front garden.
- Councillor Mrs Bligh queried whether the access has to come through Westfield Road due to the covenant? David Rowen advised that there is no proposal from this application to create an access road into Westfield Road. He stated that there is strip of highway land of around 1-2 metres between the termination of Westfield Road and the application site and the only element of the application that relates to the covenant is that the layout shows an area of hardstanding, which satisfies the covenant within the confines of the application site.

Councillor Mrs Davies informed members that on advice from Nick Harding members could say they are not happy with the highways report and could defer the application.

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

- Councillor Sutton stated that was to be one of his suggestions as clearly the fence is right near the road and the splays cannot be delivered, so, in his view, it is either deferral or refusal.
- Councillor Mrs French expressed concern about the highway situation, not about removal or demolishing building, as further along road there is another dwelling that looks like its vegetation growing over footpath and she is surprised and disappointed with the highway response. She would be very concerned if the developer tried to use an access for a construction site from Westfield Road, which would be a sacrilege to residents who live in this cul-de-sac and nice area. Councillor Mrs French made the point that the tree in Westfield Road is very old and she would not want to see this taken down unless it was dangerous.
- Councillor Miscandlon referred to the schematic drawing, which he feels is nonsense, and asked why is the developer building a road to nowhere? He feels the applicant could remove the covenant to redesign the scheme to achieve a better layout and access as there is a highway safety issue with the current proposal, which needs to be addressed.
- Councillor Mrs Mayor made the point that covenants go back many years and the person who obtained it may no longer be with us and there may be nobody interested in it. She feels that if highways are going to get involved, this can be sorted out at same time, with a turning bay provided which would make the lives happier for the residents. Councillor Mrs Mayor expressed the view that the back gardens of the development where the covenant is should be grassed over to be part of their gardens or a turning bay provided for Plots 3 and

4, but there should be no access to Westfield Road.

Proposed by Councillor Mrs French, seconded by Councillor Mrs Mayor and agreed that the application be DEFERRED for further discussions with Highways and consideration of possible overdevelopment of the site as fewer dwellings could result in vehicles leaving the site in forward gear.

(Councillors Benney, Mrs Bligh, Mrs Davies, Mrs French, Mrs Mayor, Miscandlon, Murphy, and Sutton registered that, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, they had been lobbied on this application)

P33/21

F/YR20/0780/F

11-13A AND LAND EAST OF 3-11A, HIGH STREET, CHATTERIS

PART CHANGE OF USE OF EXISTING BUILDINGS TO FORM 3 ADDITIONAL DWELLINGS (2 X 3-BED AND 1 X 2-BED) AND ERECT 2NO DWELLINGS (2-STOREY 3-BED) INVOLVING THE DEMOLITION OF EXISTING OUTBUILDINGS, A SUN ROOM AND WALLS WITHIN A CONSERVATION AREA AND EXTEND EXISTING DWELLING/SHOP

F/YR20/0795/LB

11-13A AND LAND EAST OF 3-11A, HIGH STREET, CHATTERIS

INTERNAL AND EXTERNAL WORKS TO LISTED BUILDINGS TO FORM 2 X 3-BED AND 1 X 2-BED DWELLINGS AND EXTENSION TO DWELLING/SHOP

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Councillor Haggata of Chatteris Town Council.

Councillor Haggata stated that the members of Chatteris Town Council fully and unanimously support both applications, which will allow a neglected and in need of serious attention site to be refurbished and restored to improve the attractiveness of this site on High Street. He made the point that the properties proposed for refurbishment are situated in a very prominent position on this side of Chatteris High Street and informed members of the Listed Buildings that existed in close proximity to the site, which form an attractive vista along this area of Chatteris High Street.

Councillor Haggata expressed the view that, if the applications are approved, it will complete and enhance this vista, which can only be of benefit to the surrounding area and encourage more use of this side of Chatteris High Street. He stated that Chatteris Town Council is in the process of encouraging local businesses to improve and upgrade their presence on High Street by the means of Chatteris Town Council Renaissance Improvement Grant, which has proved successful with many local businesses applying for the grant to refurbish and enhance the appearance of their shop fronts on High Street and Market Hill.

Councillor Haggata advised that Chatteris Town Council members are of the opinion that these planning applications will also be of great benefit to the revival of Chatteris High Street and enable more needed homes to be available in Chatteris. He understands that refurbishment is not without high costs and, therefore, it is accepted that both planning applications are necessary for these improvements to proceed, which is why Chatteris Town Council fully support the applications.

Members received a written representation, from Andrew Wignall, an objector.

Mr Wignall stated that he was unable to attend the meeting in person due to work commitments, but his statement was on behalf of the residents of 2 and 6 Boadicea Court. He fully endorses the redevelopment of the High Street and accepts for financial reasons the area known as Dobbs Yard needs to be developed to enable the funding of the refurbishment and redevelopment of the High

Street properties but does have a number of concerns regarding Dobbs Yard.

Mr Wignall raised concern about the open nature of the car ports as these directly open onto the boundary and, in his view, would cause both noise and environmental pollution, especially as the existing boundary wall is only approximately 1600mm high, with the drawings not showing the height of the walls. He expressed the opinion that Plot 2 adjacent to the boundary of 6 Boadicea Court will be increasing the shear height of the wall to 2.7 metres based upon the information within the officer's report, which is an increase of over 1 metre.

Mr Wignall expressed the view that the location of the two-storey element is likely to cause over shadowing in the evening to the garden as the sun moves to the west. He asked members to consider rejection of the application on the basis that Plot 2 should be located further away from the boundary and open car ports be redesigned to prevent noise and environmental pollution to the neighbouring properties.

Members asked officers questions as follows:

- Councillor Benney stated that as a Chatteris Councillor, he fully endorses what Councillor Haggata has said. He made the point that the shops have been empty for a long time and this building need money spent on it. Councillor Benney welcomes the applications and made the point that the applicant is doing this with his own money although the rear development is needed to provide the income to refurbish the front. He expressed the view that if this development does not happen Chatteris will start to look like Wisbech Town Centre, where public money is needed to come forward to put things right and make them safe. Councillor Benney expressed the opinion that it is commendable that applicant has brought this application, which will benefit Chatteris and safeguard these buildings. He does take on board the views of the residents of Boadicea Court, but made the point that whatever you do someone is not happy, but the proposal needs to be looked at overall and he can see nothing to turn it down, with overshadowing of neighbouring properties not being a sufficient reason. Councillor Benney stated that he fully supports the proposal.
- Councillor Miscandlon fully endorses the proposal as development of this will improve the area and this is much needed. He hopes the applicant is successful in what he is proposing.
- Councillor Sutton echoed the views of previous two speakers. He stated that Boadicea Court is a lovely cul-de-sac, with really smart properties and, in his view, this proposal will complement it. Councillor Sutton made the point that the Case Officer has worked with agent and applicant to bring forward a suitable scheme and he congratulated officers for this.
- Councillor Mrs Bligh stated that there are some beautiful buildings in Chatteris and for someone to use their own money to make the area better should be fully supported.

Proposed by Councillor Benney, seconded by Councillor Miscandlon and agreed that the application F/YR20/0780/F and F/YR20/0795/LB be APPROVED as per officer's recommendation.

(Councillor Topgood had left the meeting for this item)

(Councillor Murphy declared, following advice from the Legal Officer he has a personal compromise on this application, and to avoid the suggestion of pre-determination and bias left the meeting for the duration of the discussion and voting thereon)

(Councillor Benney declared, as Portfolio Holder for Assets he was notified of a request for an easement over Fenland District Council land on this application)

(Councillor Benney declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council, but takes no part in planning matters)

P34/21

F/YR21/0361/F

LAND NORTH OF 39 TO 49, COATES ROAD, EASTREA

ERECT 5 X DWELLINGS (1 X 2-STOREY 3-BED, 2 X 3-STOREY 5-BED AND 2 X 3-STOREY 6-BED) INVOLVING THE DEMOLITION OF EXISTING BUILDINGS

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent.

Mr Hall stated that the officer's report sums up the situation well and the recommendation is for approval. He advised members that the proposal is for large executive dwellings of various designs, with the site already having detailed Reserved Matters approval for 4 large dwellings off a private drive with access onto Coates Road, and the dwellings are in the same position, same width and length as approved, with a further section of land being acquired to allow the additional plot to be proposed.

Mr Hall expressed the view that the key issue with this application is archaeology, with there being a proposed standard condition, No.17, for an archaeological investigation. He made the point that this site already has had two archaeological digs, one in 2014 on this site and part of the adjacent site, and further large dig in 2018, showing a picture on the screen after the archaeological dig, with the area of the dig being 1,340 square metres which is where plots 1-4 are located towards the back of the site and excavation of about 6mm deep over the entire site.

Mr Hall stated that County Council's Archaeology did visit the site when the dig was being undertaken and the owner has advised him that in 2014 the first dig cost £7,500, with the owner of the other site paying £5,000 towards this, and the dig in 2018 cost just over £20,000 and they are now being asked for another dig. He feels the comments under 5.5 of the officer's report do not take into account this much larger dig that was carried out in 2018, and he has tried to contact CCC Archaeology three times but has had no luck.

Mr Hall referred to an e-mail received on 2 May 2019 after the large dig which states "partial discharge is acceptable we have no issues with the development commencing on site as the front end tasks, namely the approval of the written scheme of investigation mentioned in the condition and the completion of the field work have been approved and completed. However, the overall condition should remain in place to enable Witham Archaeology to conclude the post excavation reporting programme and deposit for the archaeological archive." He made the point that the final report has been back and forwards between the County Council and Witham Archaeology and has not quite been finalised, but the dig has been comprehensive.

Mr Hall expressed the opinion that the archaeology condition should either be removed or amended to wait for the final report to be submitted.

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

- Councillor Benney referred to the comments of Mr Hall about the two archaeological digs and asked if it was reasonable and fair for the applicant to carry out a third one. He made the point that an extensive dig seems to have been undertaken and asked if the condition can be lifted? David Rowen stated that there are comments from County Council in respect of the need for a condition, whether they were aware of the background previously he is not sure, but in similar circumstances when a condition has been imposed and previous work has transpired as having been undertaken the County Council are reasonable in normally accepting this previous work. He suggested to members that the condition remains in place as recommended as the condition does not state that a full archaeological excavation of the site is required it just requires a scheme of investigation.

- Councillor Mrs French referred to 5.7 where it states Fenland Highway Division and asked when did Fenland become responsible for the Highways? David Rowen stated that the officer who written the report is new to the authority and apologised for any confusion.
- Councillor Sutton expressed concerns about the archaeology and cannot see why it cannot be amended to say the submission of the final written report. He feels the length of travel for the bins for collection is over Recap recommended distance, but believes appeals have gone against the Council on this issue. David Rowen stated that distance to the bin collection point has not been sustained by the Planning Inspectorate who view it as design guidance rather than hard and fast policy and the previous scheme that was granted had a similar arrangement. He stated that regarding the archaeological condition, without knowing exactly the County Council's rationale for their comments he would not endorse members varying that condition, and whilst he agrees with Councillor Benney's opinion that there is unlikely that anything would be found it is not known if there is further rationale for what they are asking for.

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

(Councillor Mrs Mayor registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of Whittlesey Town Council's Planning Committee, and was present when this application was discussed, and left the meeting for the duration of the discussion and voting thereon)

(Councillor Miscandlon registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is Chairman of Whittlesey Town Council's Planning Committee, and took no part in the discussions or voting thereon)

(Councillor Benney declared that, Mr Hall is known to him and he has used his services in the past, and he is Chairman of the Chatteris Growth Fenland Project for which Mr Hall is undertaking work, but he is not prejudiced on this application)

5.32 pm

Chairman