

# PLANNING COMMITTEE



**WEDNESDAY, 9 MARCH 2022 - 1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor C Marks, Councillor Mrs K Mayor, Councillor P Murphy, Councillor R Skoulding, Councillor W Sutton and Councillor D Topgood, Councillor A Miscandlon (Substitute)

**APOLOGIES:** Councillor M Purser,

Officers in attendance: Nick Harding (Head of Planning), David Rowen (Development Manager), Alison Hoffman (Senior Development Officer), Richard Barlow (Legal Officer) and Elaine Cooper (Member Services)

## **P87/21      PREVIOUS MINUTES**

The public minutes of the meeting of 9 February 2022 were confirmed and signed as an accurate record.

**P88/21      F/YR21/1015/F  
FORMER COACH HOUSE, LONDON ROAD, CHATTERIS  
CONVERSION OF EXISTING BUILDING TO FORM 1 X DWELLING (2-STOREY 3-BED) INVOLVING THE ERECTION OF A SINGLE-STOREY REAR EXTENSION, RAISING THE ROOF HEIGHT OF THE EXISTING SINGLE-STOREY ELEMENT AND DEMOLITION AND REBUILDING OF THE NORTHERN GABLE  
F/YR21/1017/F  
INTERNAL AND EXTERNAL WORKS TO A CURTILAGE LISTED BUILDING INCLUDING THE ERECTION OF A SINGLE-STOREY REAR EXTENSION, RAISING THE ROOF HEIGHT OF THE SINGLE-STOREY ELEMENT AND DEMOLITION AND REBUILDING OF THE NORTHERN GABLE, TO FORM 1 X DWELLING (2-STOREY 3-BED)**

David Rowen presented the report to members. The Conservation Officer was in attendance for this item to answer any questions members had.

Members received a presentation, in accordance with the public participation procedure, from Kate Wood, the agent, and Richard Donoyou, Heritage Consultant. Ms Wood made the point that they have been to committee before about the most appropriate way to deal with this building, with in 2019 a conversion being proposed similar to the current application, which was refused on the grounds of the loss of internal heritage assets and that the external changes to the building would have harmed the significance of the application building, 22 London Road and the wider Conservation Area. She stated that the main external change was the raising of the single-storey element of the roof along with a single-storey rear extension and internally concerns were raised about the vaulted ceiling and the staircase.

Ms Wood stated that following the refusal they applied to replace the building with a new dwelling, which was also refused, but comfort was taken from the committee's debate regarding that application whereby it was made clear to them that finding some way to retain the existing building was a preference of members. She stated as a result they have submitted this current application

making changes since the previous refusal to overcome concerns that were raised, in particular the height of the single-storey part of the roof has not been raised as much as previously although it is barely noticeable as a change to the existing height and more of the internal features have been retained, additionally a viability assessment has been submitted to justify the need for the building to be converted to a 3-bed dwelling rather than 1 or 2 bedrooms.

Ms Wood expressed the opinion that the proposal is still unviable but they accept that there is a responsibility to the building and the development of the wider scheme relies on this building's future being clear. She expressed the view that they are confident the building will remain subservient to its parent dwelling at No.22 and will retain its heritage character and appearance for future generations.

Ms Wood feels the question for members to consider is whether this proposal has sufficiently overcome the previous reasons for refusal for conversion of the building and she would hope that the physical changes to design along with the justification set out in the viability assessment will be sufficient. She stated that they are keen to commence work on the wider site of which this building is part of in order to provide a pleasant residential development which will include securing this site for the future as a public benefit for Chatteris.

Mr Donoyou referred to the last committee meeting where they were asked to come back with a revised scheme, which they have done and there are things which they agree with officers. These are that the building was constructed in the 1870s, where most of the towns were being constructed with terraced houses around about the 1870s/1880s period; this building was much altered in the 1920s when a new roof was put on, the plaster ceilings were added and the big sliding doors at the back were inserted. He made the point that this is a building from 1870 which has been altered and later still the north gable was demolished to give more space for vehicles to access the site and it was rebuilt in very poor quality Fletton bricks, with much of this work undertaken to this building and the Listed Building being of average quality.

Mr Donoyou stated that he disagrees with officers on the status of the building, with the Conservation Officer describing it as a high status building but he thinks it is just a 19<sup>th</sup> century building built for agricultural storage purposes, it has mass produced cast iron windows and inside the roof trusses of the two-storey section were produced in factories using vaulted pine. He also disagrees on the principles for conversion of the scheme as he feels it makes a very good 3-bedroomed unit, but the Conservation Officer is fairly insistent that it is a 1-bed unit and he is also in disagreement on the amount of fabric that can be reasonably retained, in particular what remains of a barrel vaulted ceiling where there is no plaster and the lathe crumbles in your hand. He made the point that it is fundamental that a 3-bed scheme is approved but even as a 3-bed scheme no money will be made.

Mr Donoyou referred to the Cambridgeshire Historic Buildings Trust who have said that they could not take the building on firstly because they did not think it was of sufficient architectural quality and secondly from their point of view, as a charity, the project would still not be viable. He stated that they have submitted an independent valuation assessment which demonstrate the costs, which have been corroborated by the Planning Obligations Manager.

Mr Donoyou referred to the Ancient Monument Society comments about raising the roof level, who say "raising the roof level of the single-storey section to create habitable roof space and access to the two-storey section appears reasonable, within the context of the adjoining listed house and other buildings in the Conservation Area" and then goes on to say "it would introduce a suitable new use to this redundant building and create a characterful and interesting new home that would sustain the curtilage listed heritage asset and enhance the character of the Conservation Area". He circulated to members two photos showing London Road as existing and a graphic representation of the scheme, challenging members to find a criticism of the scheme.

Mr Donoyou concluded that this development is not being undertaken by one of the big developers, it is a local company based in Peterborough who has been happy to take a chance and invest in Chatteris. He feels the big developers would not take on this project and for five years the applicant has tried many different approaches, provided more and more detailed information and spent a considerable amount of time and money to bring forward a project that is, in his view, looks good and is viable and he is sure that the Council wants local developers to invest in its towns and asked members to give this application serious consideration. From his point of view, he feels that it is a massive public benefit to be able to see this proposal and the adjoining Listed Building properly restored and together with the 6 new dwellings which have been approved on the builder's yard will provide 8 new homes in Chatteris Town Centre.

Members asked questions of Ms Wood and Mr Donoyou as follows:

- Councillor Miscandlon expressed the view that it would have been advantageous to have seen a computer generated picture of the development as the applicant sees it as the pictures do not inform members of what is being developed only what is there. Mr Donoyou responded that the second smaller picture does show what the development will look like.
- Councillor Marks referred to the previous application being considered via Zoom and then an on-site meeting, which he was not able to attend, and asked if the vaulted ceiling has deteriorated in the past two years? Mr Donoyou responded that there are actually three ceilings, the first one has plaster and lathe and is capable of restoration which they are committed to doing; the second one is an attic shaped ceiling which has plaster and is possible to restore, which they are committed to doing; the third ceiling has never had any plaster on it since the applicant acquired the building and the lathe crumbles in your hand, it is difficult to restore a plastered ceiling that is not there but it is proposed to insert another barrel vaulted ceiling in its place a little bit higher up. He stated that the plaster ceilings overall are held up by the roof and the roof is in poor condition, with part of the proposal being to construct another roof over the top to anchor the existing roof and the ceilings to the new roof so everything will be stable. Mr Donoyou expressed the view, as it stands, it is not possible to stabilise the ceiling to an unstable structure and independent advice has been sought from a plaster specialist in coming to these conclusions.
- Councillor Connor stated that he was pleased to hear that the two ceilings would be kept and specialist plastered but asked that the application would not come back before committee, if approved, to say the works could not be undertaken. Mr Donoyou responded that he has assessed the ceilings and they are restorable but obviously it is another cost into the building but that is included in the developer's costs and provided they can construct a structure to anchor the existing structure to they would not need to come back to the Council.
- Councillor Benney asked, if approved, what timescales are being looked at for starting the work and completing the whole site? Mr Donoyou responded as soon as possible.
- Councillor Benney stated that he went in the building when it was owned by Travis Perkins, with it being 2014 when they vacated the site, it was derelict then with it being used for storage and when members did the site visit for the previous application it was in such a bad state of repair members could not even go inside to look at it as it was considered too dangerous. He asked has any work been undertaken to stabilise the building and where would the applicant go from here if the application is not approved today? Mr Donoyou responded that they have reached the end of the line, at the last committee members told them to come back with a scheme and they have done their utmost, with the bottom line being the scheme will lose money even as a 3-bed unit and if they are going to take on the scheme there has to be a method which a structural engineer can prove to secure the building as it stands and if those two things do not fall into place he is not sure where they are going to go. Ms Wood expressed the view that they would be coming to the Council to ask for grant money. Councillor Benney made the point that there are so many public buildings throughout Fenland that are in such a poor state of repair due to a lack of money and these schemes do not work without grant money, the Council has some that it is

responsible for and it cannot get grant money so he does not know how the applicant would be successful in obtaining grant money. He feels it is a positive development, it is something that will clear this site and restore the building, and whilst he recognises that money is going to be lost on it whatever they do, he does not see what else can be done with the building and as a Chatteris Councillor he does not want to see another derelict building in the town.

Members asked officers the following questions:

- Councillor Cornwell referred to Paragraph 1.5 of the officer's report which deals with a conflict with relevant policies and the suggestion, if approved, that this proposal would be failing statutory responsibilities. He asked if, the application is approved today, is the authority at risk of being prosecuted under these pieces of legislation? The Legal Officer stated that the obligations which the committee and the Council is subject to are set out within the report and they are essentially to pay special regard to the desirability of preserving and enhancing the Listed Building so the obligation is for the committee to actively demonstrate that it has given careful consideration to this building and if a party was subsequently concerned about any decision taken if it could be shown that the committee had not discharged those duties then that would potentially render the decision unsafe from a legality perspective and potentially susceptible to judicial review challenge. He made the point that so long as the committee very carefully consider the merits of this application and, in particular, the impact upon the Listed Building and its setting then that ought not to be a problem in the future.
- Councillor Cornwell asked that if the committee consider that the future of the building as being vulnerable and the scheme put forward is acceptable to members to protect relevant parts of that building then it could be taken at risk of not being challenged. The Legal Officer responded that the matter of weight for all these competing considerations is largely one for the members of the committee but these duties require the committee to actively and carefully consider the Listed Building features and its setting, so members need to weigh up the competing importance of those factors.
- Councillor Marks asked how much longer would be given to the vaulted ceiling before it would not be able to be rescued in any way? The Conservation Officer responded that it is a couple of years since she has been on site, but she would concur with the agent that it is probably beyond repair in its current situation, but where an element has reached that level of condition you would repair on a like for like basis and what is before committee is a proposal for an alteration.
- Councillor Connor referred to the taking down of the gable end and asked if it would be reconstructed with reclaimed or similar bricks, if approved, and can this be conditioned? David Rowen responded that the plans indicate that this gable element would be rebuilt in reused Cambs bricks and if members are minded to grant planning permission and Listed Building consent given that there is a new build element to the application he believes it would be entirely reasonable to impose a condition to give full control over the materials to be used for the rebuild and the new build to the rear.

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

- Councillor Murphy stated that he has lived in Chatteris all his life and knows this area very well as a farmyard and as a builder's yard. He stated this building was only a barn used for many purposes and he used to sit in the Cock pub opposite, which has since been converted into a very nice large residential building, and when the delivery lorries came to this site or went in or out they nearly took the pub wall down as it was a dangerous entrance and exit which got worse and the Town Council tried to persuade the company to move, which they eventually did several years ago. Councillor Murphy expressed the view that it is now years later and still nothing has progressed in this area. He feels that London Road is an attractive road with large well-kept houses, which this development would only enhance and areas, such as Mepal, Sutton and Witchford, are all building at a rate so why not Chatteris. Councillor Murphy expressed the opinion that local estate agents are saying

there needs to be more homes built for demand and he feels that more housing is needed in Chatteris to keep Chatteris growing and its survival and not stagnating as it did years ago. He referred to there being several developments around the town, large and small, which are not being built out at this present time, with more coming forward in the future, but they are being thwarted by actions of organisations and individuals and he requested that obstacles are stopped being put in the way of the developers making them have higher costs and longer timescales and sometimes pulling the plug and walking away and let them get on with making the town attractive and vibrant and a place for people that want to live there. Councillor Murphy made the point that the Town Council support the application, the Highways Authority and Environmental Health have no objection and there are 10 letters of support with only 1 objection. He expressed the opinion that common sense needs to prevail to allow developers to build without any more interference to ensure the future of Chatteris. Councillor Murphy stated that he will be voting against the officer's recommendation to approve the application without any more restrictions being put in place.

- Councillor Cornwell expressed the view that this proposal has been debated over a number of meetings and the developers have come forward with a scheme that gives a balanced protection of what is there with the intention to undertake work to the building to make it more modern and usable. He feels it is a question of balance as, whilst the Council does not want to have these buildings empty continuously as they would just deteriorate, by undertaking certain modernisation and undertaking the protective works that the developer has agreed to do members have to accept that this is the best that can be done and move on. Councillor Cornwell stated that he would go against the officer's recommendation and approve the application.
- Councillor Mrs French expressed the view that the last time a scheme for this building was discussed she asked why the Conservation Officer did not seek to get this building preserved years ago when it first became empty, to which she did not get an answer to, and Fenland has many buildings in a similar situation and there will be more applications come forward to do works to them. She stated that she supports preserving and restoring Listed Buildings, but members did ask the agent to go away and come back with another scheme, which they have done and they have done the best they can. Councillor Mrs French stated that as much as she understands the views of the Conservation Officer if this proposal is not approved the building is going to end up derelict and demolished.
- Councillor Mrs Davis agreed with the comments of Councillor Mrs French in that if the committee does not approve this latest application then the building is just going to further deteriorate so that none of the features can be saved. She feels an effort is being made to save as much as possible and listening to the legal advice she is confident in going against the officer's recommendation.
- Councillor Miscandlon stated he has made a third visit to the site and since the last visit the building has deteriorated. He made the point that the developers were asked to go away and come back with a conversion which is sympathetic to the building, with the Conservation Officer saying that not all of it is going to be preserved, which, in his view, is right as there are parts that have deteriorated beyond repair, but he feels the applicant has provided a sympathetic conversion which he will support.
- Councillor Topgood made the point that Fenland has hundreds of these heritage buildings that are deteriorating and someone has come along to preserve as much as possible on this building and stop it from further deterioration, but obstacles are being put in their way. He feels this proposal is the best scheme for this building as it is going to protect it and its features.
- Councillor Benney stated that most of his views have been said by other councillors, but to him this comes down to money as you cannot expect a developer to pay more money out than he is going to get back. He made the point that the building can be boarded up and left until it falls down and if this is left much longer this is what will happen, so he feels action is better than inaction. Councillor Benney expressed the view that the committee needs to do something positive with this building, there is a positive scheme in front of members that will save this building, and conservation is standing in the way of saving these buildings and

a lot of other buildings in Fenland due to the additional costs incurred and unless grant money is available and it is normally not, these building just deteriorate. He expressed the opinion that this building can be saved by approving the application and if it is not approved the committee is condemning the building to fall apart and lose what exists.

- Nick Harding stated that he has a lot of time and respect for members and prides himself on being able to work with members as do all his officers in the service, however, mention has been made about obstacles and interference, which he finds difficult to accept as officers are employed by the Council to give professional advice to members and there is always going to be occasions whereby there is disagreement on certain matters. He feels that those difference of opinions are in a professional and friendly manner, which he hopes will continue. Nick Harding stated that in this particular case professional officers have given members their best technical advice, including on the legislative framework within law they have to follow. He appreciates that the amount of weight that members can give to the different elements of the decision-making process may be different to that presented by officers. Nick Harding stated that, in terms of the general condition of buildings in Fenland, there is a good number of conservation areas, a good number of Listed and curtilage buildings, but there is one Conservation Officer, with no budget for interventions on buildings which are not appropriately maintained and in that light and given the number of Listed Building applications that the Council has to deal with officers have to be selective about those cases that they get engaged in where action is needed to preserve a Listed Building or within a Conservation Area. He does not think the decision corporately made by the Council in what it wants to achieve in terms of conservation and Listed Buildings should be used as a tool to say that re-development of Listed Buildings should be semi-automatic in terms of a yes. Nick Harding reiterated that officers have given the best advice that they can and officers' professional opinion is that this development proposal does not quite hit the mark in terms of being acceptable and the Conservation Officer has always acted positively in providing advice on the proposal and this is now down to a difference of opinion on weight being given to the various factors that by law the committee has to have regard to.
- Councillor Sutton stated that he 100% supports everything that Nick Harding has said, there cannot be any finger pointing at officers as it was this committee that refused it previously with the request for the applicant to go away and come back with a revised scheme. He referred to talk about costs but as far as he is concerned he is not worried if they lose money or make money as Planning should not be about what money is made but whether it is right for that land and land use. Councillor Sutton expressed the view that it is a question of whether this scheme is close enough to what the committee think it should be to approve and, in his view, it was valuable to see the visualisations circulated by the agent for him to say externally it is acceptable and whilst internally it might not be quite what the Council wants he feels if it is not approved today it will fall into disrepair which will be regretted so he will be supporting the application.
- Councillor Mrs French stated that she was not aiming her comments at any officers, the point she was making with conservation is that right across the district there are dilapidated properties that have existed for years and more resources need to be invested in conservation.
- Councillor Murphy stated that his comments were not aimed at officers, but he was referring to outside sources that come forward to try and stop development.
- Councillor Mrs Davis hoped that she spoke for all members when she says she has a healthy respect for officers, listen to what they say and understand that they have to put forward their views according to rules and regulations, but members can put a different weight on certain elements.
- Councillor Connor stated that he has listened carefully to what members have been saying and it looks like there is a steer to go against officer's recommendation to approve the application, but he does believe listening to the Legal Officer that the committee has done the very best it can and it would be a dereliction of duty if members let this building fall further into disrepair and it eventually falls down. He is giving more weight to keeping and

improving this building rather than doing nothing to preserve it.

- Nick Harding reminded members that if there is a proposal being made to go against the officer's recommendation then reasons for doing so need to be given that relate to the reasons for refusal. David Rowen added that members need to pay attention to paragraphs 10.3 – 10.13 of the report as these issues need to be addressed when giving any proposal to go against officer's recommendation.

**F/YR21/1015/F**

**Proposed by Councillor Murphy, seconded by Councillor Benney and agreed that the application be APPROVED against the officer's recommendation, with authority delegated to officers to apply conditions.**

**Members do not support officer's recommendation of refusal of planning permission as they feel that leaving the property to deteriorate further would not enhance the area or benefit Chatteris, the proposal would be saving a building, protecting it and enhancing the historic Conservation Area of Chatteris, it is within the curtilage of a Listed Building and not a Listed Building itself but a conversion of an old farm building with many of the historic features of the building being retained and restored and a condition could be applied to the permission to record any heritage asset that is lost.**

**F/YR21/1017/LB**

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

**Members do not support officer's recommendation of refusal of planning permission for the reasons set out above and they feel that the proposal ensures the future conservation of a heritage asset and enhances the Conservation Area and heritage asset, it provides a new development in a Conservation Area and when the work is undertaken externally it will be an enhancement to the area and the building itself.**

*(Councillor Benney registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council, he usually attends, as an observer, the Town Council Planning Committee meetings but was absent when these applications were discussed)*

*(Councillor Murphy registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council, but takes no part in planning matters)*

**P89/21**

**F/YR21/1096/F**

**10 MARKET STREET, WISBECH**

**CONVERSION OF EXISTING BASEMENT STORAGE AREA TO CREATE A DWELLING (1-BED STUDIO FLAT) (RETROSPECTIVE)**

**F/YR21/1097/LB**

**INTERNAL AND EXTERNAL WORKS TO A LISTED BUILDING TO CONVERT EXISTING BASEMENT STORAGE AREA INTO A DWELLING (1-BED STUDIO FLAT)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Liam Lunn-Towler, the agent. Mr Lunn-Towler made the point that the proposed development is located

within the Town Centre of Wisbech, a Market Town as identified under LP3 whereby the majority of the district's housing should take place. He stated that the dwelling is located between the Market Place and the Castle, has close ties to the town centre and its services, the site enjoys walking distances to the amenities and leisure facilities that the town offers, is in close proximity to job opportunities and the bus depot at the Horsefair, which has access to a wide area of town, villages and cities such as Peterborough and Norwich and bus links to March and Kings Lynn where train stations are located for nationwide travel.

Mr Lunn-Towler acknowledged that the application is retrospective, but it was sought to use a redundant space within the building to provide additional housing. He summarised that the application is for a new residential unit within the Town Centre of Wisbech and if members are minded to support the application they will be supporting a new residential unit to support the amenities of Wisbech.

Members asked questions of Mr Lunn-Towler as follows:

- Councillor Mrs French asked if someone was living in the property? Mr Lunn-Towler responded that it did have a tenant who has now vacated.

Members asked questions of officers as follows:

- Councillor Mrs French referred to the report which mentions that the way it has been converted may cause condensation and rising damp and asked what state it was in prior to the conversion and why officers think it will cause rising damp to the other floors? David Rowen stated that he is not a Building Control Officer but there are construction techniques that are sympathetic to buildings of a certain era and tanking the basement so that the building cannot breathe means that the damp and condensation has nowhere to go than up the building.
- Councillor Miscandlon clarified that rising damp normally rises to approximately 3 feet above the ground level and this flat would suffer from penetrating damp as it is below the ground level.
- Councillor Skoulding asked if there were any extractor fans in the property? David Rowen responded that as far as he is aware the only extractor fan is the one in the bathroom.
- Councillor Mrs Mayor asked if the window in the kitchen, which has something stood in front of it, is able to be opened as other than this there is no ventilation in the kitchen. David Rowen responded that he assumes the window will be able to be opened as it would be an even worse environment than anticipated, but its size would not allow adequate ventilation to the remainder of the unit.
- Councillor Mrs Davis questioned whether there was any form of fire escape? David Rowen responded that there is only one entrance and exit into the flat, off Church Mews.
- Councillor Cornwell referred to the comments of the Private Sector Housing Team and asked if it complies as if it does not comply he cannot see how the committee can approve the application. David Rowen read out the comments of the Private Sector Housing Team as detailed in the report.
- Councillor Topgood asked when the works were carried out as prior to it being a nail bar it was a café and they used to use the downstairs as extra seating so is it the applicant that has undertaken the works? David Rowen responded that the dry lining has been undertaken to facilitate the change of the unit to residential.

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

- Councillor Mrs French stated that she has great respect for the Housing Team, they have to deal with very difficult situations and if the committee were to approve this application in a few years times anyone living there would have horrendous problems. She stated that the property was previously a café, but she feels that it cannot be living accommodation as it has no fresh air, no ventilation and if someone moved in with chest problems this would make it worse. Councillor Mrs French made the point that the committee has the advice from the Housing Team and she does not think members should go against their advice.



- Councillor Benney referred to quality of life for people, and, in his opinion, it is not a home it looks more like a nuclear bunker. He feels the work cannot have been undertaken through Building Control as it would have been undertaken with the right materials and officers have reached the right decision as it is not a place for people to live in in its current state with no natural light and damp problems.
- Councillor Topgood stated that if the correct materials had been used he would have possibly leaned towards approving it. He made the point that houses around The Crescent and on Market Street have got basements and have got a light in the pavement and if the applicant had done this he would have been more inclined to go against officer's recommendation, but he feels the applicant has used wrong materials and had no consideration of getting light into the building.

**F/YR21/1096/F**

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

**F/YR21/1097/LB**

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

**P90/21**

**F/YR21/1307/F**

**LAND NORTH OF 1-5 BREWERY CLOSE, PARSON DROVE**

**ERECT 4NO DWELLINGS COMPRISING OF 3 X 3-BED SINGLE-STOREY AND 1 X 2-STOREY 4/5-BED WITH GARAGES INCLUDING TEMPORARY SITING OF A CARAVAN DURING CONSTRUCTION ON PLOT 3 ONLY**

This item was withdrawn from the agenda.

**P91/21**

**F/YR21/1369/F**

**WEST BARN, BROAD DROVE WEST, TYDD ST GILES**

**ERECT A 2-STOREY SIDE EXTENSION AND BALCONY TO EXISTING DWELLING INCLUDING 3.4 METRE HIGH (APPROX) GATES/BRICK WALL TO ENTRANCE AND ALTERATIONS TO ENTRANCE DRIVEWAY**

David Rowen presented the report to members.

Members received a written representation, in accordance with the public participation procedure, from Alexandra Patrick, the agent, read out by Member Services. Ms Patrick stated that this application is a resubmission from an already approved 1½ storey side extension to a 2-storey version, with the major difference between the two schemes being the eaves height to enable a full height ceiling to the first floor. She feels the precedence set in terms of scale has already been approved and the difference in the head heights on the first floor is minimal in terms of the overall scheme.

Ms Patrick referred to the drawings presented with the application which show a coloured line that represents what is approved and what they are applying for. She acknowledged that the previously approved scheme was talked through at great length before a decision was made, but expressed the opinion that every scheme is and should be decided on its own merits and not on previous approvals.

Ms Patrick stated that the ridge height of the proposal is not changing, therefore, in her view, overshadowing to the neighbouring property will not increase significantly to that of what has already been approved. She advised that for ease of construction this application has been

presented to appease the client's wishes and needs before the work starts on site, diminishing the need for remedial work.

Ms Patrick expressed the view that the resubmission of this scheme is in similar context to that approved at committee for a rear full height extension to a new dwelling approved under F/YR18/0579/F, with members drawing the same conclusion that even if the scale and size of the dwelling did not comply with LP12 Part D they did not consider that this would cause harm to the rural character of the locality given the positioning and dimensions of the plot. She asked members to support the application given the nature of the site and its location along Broad Drove, where the dwellings in this area are, in her opinion, all of a substantial size given the large grounds the dwelling is located in.

Members asked questions of officers as follows:

- Councillor Mrs French referred to the 3.4 metre gate, which she initially thought was a printing mistake, and questioned why anyone would barricade themselves in like this. David Rowen responded that the report does refer to the gates being out of keeping with the rural character, but officers do not feel it is so bad as to warrant refusal. He stated that the gates were included on the previous application and the 3.4 metre height is at the centre point of the gates.

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

- Councillor Benney stated that himself and Councillor Mrs French visited the site and, in his view, it is well out of the way, it is a large site, well shielded by trees and stables. He acknowledged that the proposal would make the property a large dwelling, but, in his view, it is a big plot, with it not being 2-storey high but 1½ as it is using the roof. Councillor Benney expressed the view that if the applicant wanted to build something bespoke and fulfils their needs it is an ideal place to do it as it would not result in further traffic or a drain on resources. He feels that LP12 and LP16 are subjective reasons for refusal and, in his opinion, the proposal would enhance the area, would not be of any detriment and would be a nice place to live when built.
- Councillor Sutton referred to Page 113 of the officer's report and made the point that it is a 2-storey proposal as it already has permission for 1½ storey. He expressed the view that the roofline is a bit higher than previously approved, but he does not feel there is much wrong with the proposal and it would not affect anyone.
- Councillor Benney thanked Councillor Sutton for correcting him that it is a 2-storey dwelling and made the point that putting rooms in a roof space restricts rooms and this proposal makes them more usable. He feels it would be a better scheme than previously approved.
- Councillor Mrs Mayor made the point that on one of the drawings it states an en-suite attached to a neighbour's property and asked if this is one person's dwelling or more than one person's dwelling? Nick Harding responded that it is a semi-detached property so there is a party wall.
- Councillor Mrs Davis expressed the view that the property cannot be seen from the road so she does not know how it would damage the surrounding area and if someone wants to build an 8-bedroomed house the committee should not be worried about sustainability.
- Councillor Skoulding made the point that it is only about 1 metre higher than what is approved and he cannot see any problems with it.
- Councillor Sutton made the point that it is for members to consider whether the application is unacceptable compared to what has already been approved and, in his view, he does not consider it to be that much different to warrant refusal.
- David Rowen stated that the location plan on Page 112 shows the configuration in terms of the adjacent property clearly and the application is not being recommended for refusal on sustainability only on design, which he recognises is subjective.

**Proposed by Councillor Sutton, seconded by Councillor Skoulding and agreed that the application be APPROVED against officer's recommendation, with authority delegated to**

**officer to impose conditions that mirror the current permission.**

**Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal would not be so different to the current planning permission as to be to the detriment of the character and appearance of the area.**

*(Councillor Cornwell had left the meeting prior to the discussion of this application and the remainder of the agenda items)*

**P92/21      F/YR21/1424/F  
LAND NORTH OF 34 WHITMORE STREET, WHITTLESEY  
ERECT 3 X 3-BED 2-STOREY TERRACED DWELLINGS WITH ASSOCIATED  
PARKING AREA**

David Rowen presented the report to members.

The Legal Officer stated that no member indicated that they are a member of Whittlesey Conservative Club as this would be a disclosable pecuniary interest. He advised that, in this instance, where the applicant has a political affinity it is essential that all members of the committee display absolute scrupulous decision-making on the application. Members have all been made aware of the issues of bias and pre-determination and members need to satisfy themselves and demonstrate that they are not biased or pre-determined about this application as if any decision were taken and challenged at the Court, they would be questioning this. He stated it is absolutely essential that the planning merits of the application are carefully assessed and demonstrably so in the way in which this application is determined.

Members received a presentation, in accordance with the public participation procedure, from David Broker, the agent. Mr Broker stated that the only reason for this application is to secure funds for the continued operation of the Conservative Club, which is a decision made with a heavy heart and does distract from the club premises, but without these funds the club could close. He made the point that club membership has declined by 25% and opening hours have been reduced by 30%, with income only being able to be maintained by an increase in fees and charges but this alone cannot sustain the business.

Mr Broker expressed the view that the club can survive with less parking spaces but cannot survive with less funding and the previous application was withdrawn to enable them to address the concerns of the Planning Department, which they have tried to do but according to the officer's report they have failed. He feels the site is considered to be in a suitable location for development and not within the Conservation Area, but the Conservation Officer is still involved being critical of the design.

Mr Broker stated that from the previous application officers did not want a simple terrace of 4 dwellings and this has been reduced to 3 and the appearance changed away from a terrace but this is now not what officers think is suitable. He made the point that access and bin storage is questioned but it is clearly demonstrated that this is one of the best accessible sites in the Town Centre, with space for bins adjacent to the main road.

Mr Broker referred to the enclosure of the development being questioned but asked how it differed from those other backland developments that have been approved. In terms of overlooking of one dwelling into another's garden, he feels this could easily be rectified with a window being moved to the side.

Mr Broker appreciated that the Planning Department must tick all the boxes, but the tick box system does not always, in his view, allow for a broader picture as in relation to the aesthetics, which the officer's report criticises, it does not consider the extensive number of in town, backland

and small space grabbing residential developments that have been previously permitted. He asked for consistency, for this reason, in decision-making and drew members attention to sites, of which photos had been provided to members, within the immediate vicinity showing the tight means of access and views into the sites, together with the development of 4 houses on the Ivy Leaf Club car park, which has not been proved but could have been built and sold to sustain the Ivy Leaf. He stated that all three sites in the photographs are in town developments with small amenity areas and asked members to consider this application site against those.

Members asked questions of officers as follows:

- Councillor Murphy referred to the one of the recommendations for refusal being poor living conditions for the future occupiers, and made the point that there are a lot of places he would view as having poor living conditions for a person but it is up to the person who actually buys the property and lives in it whether it is poor living conditions or not so he cannot see how this can be detrimental as you either live there or not. David Rowen responded that the purpose of the planning system is to ensure good quality development takes place in the correct locations with adequate amenity. He stated that the view on whether people want to live there or not goes against the crux of the planning system and the purpose of why everyone is at committee today.

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

- Councillor Benney expressed the view that it is not a planning consideration on whether this application is keeping the Conservative Club going but on land usage and he feels the amenity space is good, much better than some approved in Orange Grove, Wisbech, it is in a town centre location with parking and it will deliver 3 homes. He feels in relation to the access onto Whitmore Street, a commercial property will always have more traffic than residential and he does not believe there is anything wrong with this application.
- Councillor Sutton stated that he visited the site when the last application was submitted for 4 dwellings, he tried to envisage 4 dwellings on the site and feels he would have not supported that application. He stated that he returned to the site last week and feels the new dwellings are more architecturally pleasing. Councillor Sutton expressed the view that it has been helpful to have received the photographs for sites A, B and C and he does not see why there is anything wrong with the application as it is a huge improvement on the previous application. He expressed the opinion that the loss of car parking spaces will have a minimal effect on the club.
- Councillor Skoulding stated that he went to look at the site, it is a car park so has lots of cars passing the site. He feels it is an ideal place to build 3 dwellings, the properties look nice and will fit in the area.
- Councillor Mrs French questioned why there is such a lengthy report from the Conservation Officer as the site does not lie in a Conservation Area and wondered if it was due to the brick wall as part of the brick wall was rebuilt but looks like it is falling down.
- Councillor Mrs Davis expressed concern about reducing the car park as she has attended functions at the club and the car park is full, questioning where those cars are going to park when a function is on. She feels there does not seem to be a clear demarcation to mark off the car park for the club and it is not going to be easy for residents to park in their spaces when there is a function. Councillor Mrs Davis expressed the opinion that to survive the club is going to have to put on functions and will need the car park.

David Rowen stated that the Local Plan makes a clear distinction on amenity standards expected of dwellings and flats, with a lower standard for flats, and the amenity space for this development is considered to be sub-standard in terms of size and usability. He feels the question that members need to be asking themselves is do you really want people living in a car park, which is what this application proposes.

**Proposed by Councillor Sutton, seconded by Councillor Skoulding and agreed that the application be APPROVED against the officer's recommendation, with authority**

delegated to officers to apply relevant conditions.

Members do not support officer's recommendation of refusal of planning permission as they feel the heritage asset is not affected, it is not detrimental to the character of the area, whilst there is a distance to move the bins for collection the Recap advice is only guidance and other similar developments have been allowed on appeal which have the same bin distances and other similar developments have been allowed in similar circumstances in Town Centre locations.

*(Councillor Benney declared that he is an officer of the North-East Cambridgeshire Conservative Association (NECCA) and a member of Chatteris Conservative Club, but will be approaching the application with an open mind)*

*(Councillor Connor declared that he is an officer of NECCA, but will be approaching the application with an open mind)*

*(Councillor Mrs Davis declared that she is an executive officer of a new NECCA branch, but will be approaching the application with an open mind)*

*(Councillor Mrs French declared that she is Chairman of NECCA, but does not belong to any Conservative Clubs and Whittlesey Conservative Club does not pay any subscriptions to NECCA, and will be approaching the application with an open mind)*

*(Councillor Mrs Mayor registered, under Paragraph 14 of the Code of Conduct on Planning Matters, that she sits on Whittlesey Town Council's Planning Committee, but was not in attendance when this application was considered. She also declared that she is a member of the Conservative Party, but not Whittlesey Conservative Club, but the application site lies within her ward and she did take part in the discussions when Whittlesey Town Council provided their recommendation on the withdrawn application. She, therefore, took no part in the discussions 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 discussion and voting thereon)*

*(Councillor Murphy declared that he is a member of Chatteris Conservative Club, and will be approaching this application with an open mind)*

*(Councillor Topgood declared that he is an officer of NECCA, but will be approaching this application with an open mind)*

**P93/21**

**F/YR21/1494/F**

**LAND WEST OF ANTWERP HOUSE, GOSMOOR LANE, ELM**

**ERECT A 3/4-BED 2-STOREY DWELLING WITH DETACHED DOUBLE GARAGE**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Adam Sutton, the agent. Mr Sutton referred to the officer stating that this site is located in a unsustainable location where future occupiers would be reliant on private motor vehicles to access services and facilities and he would argue that the whole of Colletts Bridge rely on private motor vehicles to access services and facilities and yet Colletts Bridge is still included in the adopted Local Plan under Policy LP3 as an Other Village within the development hierarchy, which is the strategy for sustainable development, therefore, in his view, the use of private motor vehicles for these reasons making the development unsustainable would be contrary to the inclusion of Colletts

Bridge within Policy LP3 of the Local Plan.

Mr Sutton referred to Policy LP12 which states that unlike the previous Local Plan there will be no fixed development area boundaries around each of the settlements, yet, in his view, the officer is trying to justify that this infill development is contrary to policy, which they should not be doing to determine this planning application. He stated that application is for a proposed dwelling in Colletts Bridge, which is listed in Policy LP3 under Other Villages, which states that residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated in otherwise built-up frontage, which, in his view, perfectly describes this application.

Mr Sutton referred to the officer drawing comparisons to a previous appeal decision for a development in Crooked Bank and made the point that Crooked Bank is located in the settlement of Begdale, which is not listed within Policy LP3, and therefore, he does not feel that comparisons can truly be made between the sites. He stated that the officer concludes that to allow this application would set an unacceptable precedent for development in this unsustainable location but, in his view, the precedent of a single infill development in Colletts Bridge has already been set by the Local Plan.

Mr Sutton expressed the view that the proposed dwelling is in keeping with its surroundings, does not cause harm or adversely affect the local area, there are no statutory consultee objections having worked proactively with Highways to revise the site plans to show the visibility splays and no objections from local residents, with the only objection being from officers. He urged members to approve this application for a single infill dwelling within Colletts Bridge.

Members asked questions of officers as follows:

- Councillor Mrs French asked where Crooked Bank is? Alison Hoffman responded that it is in Begdale, off Redmoor Lane near Little Ranch.

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

- Councillor Benney expressed the opinion that, as much as the application does not comply with LP3, it is a good site for development and it will be a nice high-quality development, which only get built in rural locations. He feels that the proposal is infill as it has houses on either side and whilst he understands the connectivity issue, he feels if you live in a rural location you have to be able to drive and you would not buy a house in this location if you did not drive. Councillor Benney expressed the view that having no footpath or streetlights would be great to him as it would mean there would be no people walking past his house and as much as there is a negative there is always a positive. He feels that this would be a super home for somebody, with the committee rejecting an application today because it is not fit to live in, and, in his view, nice houses such as this should be approved as they grow the economy. Councillor Benney expressed the opinion that the Council cannot keep turning down developments that bring quality and they should be supported.
- Councillor Mrs French agreed with the comments of Councillor Benney, it is an infill site and a quality home. She does not feel the property is too big and she would support it.
- Councillor Topgood stated that he cannot see any reasons to refuse this application, it is a rural location and obviously people need cars to get to and from most rural locations and it will be a lovely house for someone to live in.
- Councillor Miscandlon stated that he lives in a rural location, he has a bus come past his property once in the morning and once in the evening, which is not convenient meaning he has to use a car or motorbike, but it is a fact of life in rural locations that you are going to use a car.

**Proposed by Councillor Mrs French, seconded by Councillor Miscandlon and agreed that the application be APPROVED against officer's recommendation, with authority delegated to officers to apply relevant conditions.**

**Members do not support officer's recommendation of refusal of planning permission as they feel the proposal would not be detrimental to the environment in this location.**

*(Councillor Sutton declared an interest in this application, by virtue of the agent being his nephew and that he knows the applicant very well, having socialised with her in the past and sits on a committee with them, and retired from the meeting for the duration of the discussion and voting thereon)*

**P94/21      F/YR22/0019/PIP  
LAND NORTH WEST OF 11 GLEBE CLOSE, MANEA  
RESIDENTIAL DEVELOPMENT OF UP TO 2 DWELLINGS (APPLICATION FOR  
PERMISSION IN PRINCIPLE)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Joshua Newell, a supporter. Mr Newell stated his father has lived in Glebe Close his entire life with the land in question being where his father was born and brought up and the purpose of the application is to build two houses, one for himself and one for his brother. He stated that him and his brother have lived in Glebe Close since birth and the houses would be 3-bedroom family homes.

Mr Newell expressed the opinion that it is not backyard development as historically Glebe Close was built on greenfield land as affordable homes as a cul-de-sac close from the main road to Darcey Lode, which is the Manea ward boundary. He understands that another planning application for 26 dwellings is at present being considered by the Planning Department by a developer who has already built off Westfield Road towards Darcey Lode, which is adjacent to the land for this proposal.

Mr Newell expressed the view that the proposal would also provide enough space for 6 vehicles, 3 per property, and access is through Glebe Close, with the Highway Authority not giving any reason to refuse on access grounds. He made the point that recently, before Covid, another property has been built in Glebe Close and the close has recently been resurfaced in the last 18 months, which his family were heavily involved with.

Mr Newell expressed the opinion that availability of 3-bedroom houses in Manea are few and far between and allowing this development would allow himself and his brother to own their own homes within Manea, which would mean that they would not need to leave the village. As Manea is a designated growth village, he feels property is becoming scarce and the new car park at the railway station is pushing the cost of houses up meaning that a number of families are being pushed out of where they have been born and lived all their lives.

Mr Newell stated that the land for the proposal is part of a property that his family owns and is tenanted by a family member. He expressed the view that he has seen Manea being developed over a number of years with back garden development and permission has recently been given to two developments off Westfield Road, Smart Close and land at the Dairy Yard, and he believes their application is no different.

Mr Newell stated that for bin collection the wheelie bins would be put to the entrance of the property but still remain on the property not causing any obstruction on the road. He stated that if permission is given for the proposal as a family they are happy to work with officers via their architect to design affordable housing so they could stay in Manea.

Members asked questions of Mr Newell as follows:

- Councillor Topgood asked for clarification that the properties would be for Mr Newell and his

family? Mr Newell responded that they would be for him and his brother.

Members asked questions of officers as follows:

- Councillor Murphy referred to 5.2 of the officer's report where it states that it is not possible given the limited information to determine whether two dwellings could be accommodated to include adequate parking and turning and asked if any further information had been provided on this? David Rowen responded that the application is a Permission in Principle one so there is no requirement to provide any further details above a plan showing the land outlined in red, therefore, no technical details have been provided.
- Councillor Murphy questioned if it is approved today then a query would still exist on whether it could accommodate two dwellings or not which seems to be the 'cart before the horse' scenario. David Rowen responded that this is the flaw of the Permission in Principle regime. Councillor Connor added that this application is only asking whether the land is acceptable for erecting two houses and if approved today, it would come back to officers for further discussion and agreement.
- Councillor Miscandlon asked why a Permission in Principle application had been submitted rather a full planning application and feels the planning system is being circumvented. He feels that discussions could have been held with officers and the proposal could have come forward as a proper planning application. Councillor Connor responded that it is a fairly new but legitimate planning regime and members need to decide whether the land is acceptable for two houses as no other information is provided. Councillor Miscandlon agreed that the application is to determine whether the land is suitable, but feels this could have been determined in discussion with officers at an earlier stage. Nick Harding responded that it is the applicant's choice as to whether they want to go down the Permission in Principle route, an outline route or a full application and it is not for officers to advise.
- Councillor Mrs French asked if the size of the land is known? She stated that she has listened to what Councillor Miscandlon has said but made the point this is a new route for people, if they do not want to go down the expensive route of a full planning application if the principle is agreed then the detail follows. Nick Harding responded that the land is 0.04 hectares. Councillor Mrs French stated that it is large enough for two dwellings and she does not have a problem with the application.
- Councillor Mrs Davis expressed the view that the purpose of Permission in Principle is to establish if two dwelling could fit on the site and whether an application would be acceptable. Nick Harding responded that the key to this application is, looking at the pattern of development on Glebe Close, the committee happy for a tandem type development to take place and as the access will pass along the line of the existing driveway that leads to the garage of the existing property and there would be two additional dwellings passing right in front of windows and side entrance to the existing property whether this is an acceptable relationship. He added that whilst it has been said that the properties are for family members of the applicant, this needs to be put aside as the occupancy cannot be restricted for these two dwellings to family members.

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

- Councillor Mrs Mayor stated that she always reads what the Parish Council says and Manea Parish Council strongly objects, and she can understand why officers have reached their recommendation.
- Councillor Sutton stated that members should not be questioning what planning route an application decides to take. He has mixed feelings on this site as if it is approved then the adjacent dwelling has a similar piece of land along with others in the close which would be difficult to resist and questioned would members want to see development in all these gardens?
- Councillor Connor reminded the committee that it should not be looking at what might happen in the future, it has to look at what is in front of it.

Proposed by Councillor Mrs Davis, seconded by Councillor Mrs Mayor that the application be



REFUSED as per officer's recommendation. This was not supported on a majority vote by members with the use of the Chairman's casting vote.

Proposed by Councillor Mrs French, seconded by Councillor Topgood that the application be APPROVED against officer's recommendation. This was not supported on a majority vote by members.

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

*(Councillor Marks declared that he is a member of Manea Parish Council and the applicant is known to him on a business basis, and took no part in the discussion or voting thereon)*

*(Councillor Benney had left the meeting prior to this item and the remainder of the agenda items being discussed)*

**P95/21      F/YR22/0031/F  
LAND WEST OF THE SHIELING, LORDS LANE, WISBECH  
ERECT 3NO BUILDINGS AND SITING OF 2NO MOBILE HOMES FOR  
RESIDENTIAL USE AND THE FORMATION OF ASSOCIATED HARDSTANDING  
(PART RETROSPECTIVE)**

Alison Hoffman presented the report to members and drew their attention to the update report which had been circulated.

Members received a written representation, in accordance with the public participation procedure, from Alexandra Patrick, the agent, read out by Member Services. Ms Patrick stated that the application is for support for Mr and Mrs Harrison to continue living on site, with the applicants being agricultural workers for local farmers, along with having their own business in agriculture that involves the orchard they live on, utilising fruit, the branches and logs of the apple tree. She expressed the view that the applicants live a simple life with little luxury and it would have been detrimental to show the income of the business on this occasion.

Ms Patrick stated that the applicants could not be at the meeting today due to the stress and anxiety that this application has on them, she asked members not to think of this as ignorance as their mental health is at stake. She made the point that the applicants have lived on the site for many years, applying for an agricultural building in 2007 for their machinery and tools as they continue to work in this domain.

Ms Patrick stated that the orchards on the land are maintained and utilised for the applicants own business to earn money and they also work to serve the farming community. She expressed the view that there has been support of their activities on the site and proof of their existence in the support letters, with them being an asset to the community, and the application has had tremendous support from local residents and the Town Council, imploring members to approve the application on the grounds of exceptional circumstances.

Ms Patrick noted the Environment Agency's objection to the application but expressed the view that the Council has approved mobile homes in and around the area, North Brink and Bevis Lane to name a few, which has set a precedence for this application, with the mobile homes set 500mm above ground level automatically aiding the flood measures. She stated that a confidential statement accompanied the application detailing the turmoil the applicants have had to deal with in their farming journey and why they ended up residing on this site having previously lived in farm worker dwellings.

Ms Patrick expressed the opinion that, whilst the application may not comply with all legislation, it

would not cause harm to the rural character to the locality given the positioning of the mobile homes and the current set up. She stated that they would be happy to accept a condition of only “Mr and Mr Harrison to reside on site. When the applicants cease to live there, the land will return back wholly to an agricultural orchard”, which, in her view, helps prove that the applicants do not wish for monetary gain but to continue their simple, humble life on the land as long as they live there.

Ms Patrick asked members to support the application given the nature of the site and its location along Lords Lane, where, in her opinion, dwellings in this area are sporadic and have mainly agricultural and forestry ties as does this application.

Members asked officers questions as follows:

- Councillor Mrs Davis referred to the written representation mentioning two other sites that are occupied by mobile homes and asked if they are in Flood Zone 3? David Rowen responded that without knowing the exact sites being quoted it is difficult to answer, but the only site he can think of on Bevis Lane may be a traveller’s site and detailed modelling on the site showed flooding not to be a significant risk. He made the point that there are comments from the Environment Agency on this application raising concern that the site could be flooded up to depth of 1.6 metres.
- Councillor Mrs Davis asked how long the applicants have been living on site in the existing buildings? Alison Hoffman responded that the applicants have owned the site for 16 years but have lived on the site more recently but less than 10 years otherwise they would have been able to apply for a Certificate of Lawfulness.
- Councillor Mrs French queried the planning permission given in 2007? Alison Hoffman responded that this was a Prior Notification for the shed, but it was not built in accordance with the plans. She stated that Prior Notification is to agree the principle of the building and officers’ comment on whether Prior Approval can be given, with the notification showing the building in one location but it was built in another location. Councillor Mrs French stated that they have owned the land for 16 years and reiterated the question asked by Councillor Mrs Davis on how long they have lived on the land in these caravans?
- Councillor Sutton asked if the 10-year rule or 4-year rule for lawfulness applied to this site? Nick Harding responded that there is no lawfulness proposal so members cannot have a meaningful debate on how long the applicants have been on site or not and there is no evidence to conclusively say how long the applicants have been on the site. Councillor Sutton reiterated his question on whether the 10-year rule or 4-year rule applied? Nick Harding responded that because it involves a mobile home it would be a 10-year rule, but from the recommendation it is not the shed but the residential element that is being refused.
- Councillor Mrs French asked how long have the applicants have been on site, why has it taken so long for it to come to light and why has an application been submitted? David Rowen responded that 9.2 of the officer’s report stated that the applicants have lived on site since 2016 and owned the site for 15 years so they have lived on site for five years. He stated that enforcement have become aware of the site, which has resulted in the application, but the Council does not have the resources to go around every location in Fenland to see what has been undertaken without planning permission. Councillor Mrs French asked if there is a date or year when enforcement first highlighted the issue? Nick Harding responded that he does not have access to the case files so is not in a position to answer this.
- Councillor Mrs French referred to the written representation which mentioned personal circumstances for the application which are confidential and whilst she acknowledged the need to comply with policies members need to be aware of the circumstances of them living on the site. She made the point that if this application is refused, there will be enforcement action, which will put the applicants out of their home and this needs treating carefully and sympathetically. Nick Harding stated that if someone has been residing at a location without the benefit of planning permission and receives a visit from an Enforcement Officer and are told they are occupying the land on an unauthorised basis and the advice given is

that planning permission may be unlikely to be given, the persons involved might find that situation stressful and there is a distinction to be drawn from that as a stressful situation as opposed to somebody having health issues that lie outside that personal circumstances of living on a site on an unauthorised basis. He made the point that should this application fail, the applicants would have a right of appeal and if an enforcement notice was served there is a right of appeal against this, so due process would have to be followed and if the enforcement process is instigated, officers would be aware of the potential homelessness situation and would give ample time for the applicants to find alternative accommodation.

- Councillor Mrs French asked if members are minded to approve the application could it be done on a temporary basis, such as two years, to give the applicants time to find suitable accommodation. Nick Harding responded that his advice would be to go with the officer's recommendation as officers have heard the views of Councillor Mrs French and would be mindful of giving that type of period for compliance with any enforcement notice should one be served. Councillor Mrs French stated that she knows how many people are on the waiting list and how people are struggling, but the applicants currently have a roof over their head which might not be ideal.
- Councillor Connor made the point that the applicants want to place better mobile homes on the site, which might not be viable if temporary permission is given.
- Nick Harding advised that this is an open countryside location so national and Local Plan policy says that you cannot have a dwelling in this location unless in relation to agriculture or forestry, but an agricultural concern has to be a viable concern to support the household and it has not been demonstrated that a living can be made from this site. He added that there are also flood risk issues with the site.
- Councillor Mrs French asked if the applicants are travellers? David Rowen responded that the application is quite clear that the applicants do not fall within the definition of a traveller.
- Councillor Marks asked if the age of the applicants was known? Nick Harding responded that this is a not a material planning consideration.

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

- Councillor Skoulding expressed the view that he can see why the applicants want to live on site as they have their equipment there and getting them stolen could ruin them. He stated that he is leaning toward going against the officer's recommendation.
- Councillor Sutton expressed the view that it is a difficult decision as it is a heart against your head position. He feels there are anomalies in what members are being told as it is being stated that the applicants did not know they needed planning permission which is contradicted by an application in 2007 on the site. Councillor Sutton stated that if he was voting with his heart he would go against officer's recommendation, but his head is telling him that members are not being told the whole truth. He acknowledged that the report does state that officers have sympathy and empathy for the position the applicants are in, but he does not think he can support the application unless it was for a limited time.
- Nick Harding asked what the objective would be in granting a temporary consent as in an agricultural dwelling you would only normally allow a temporary consent to allow the enterprise to demonstrate it is viable and to see what the performance of the enterprise has been in reality. In this case, he stated that no financial evidence has been provided and given the limited size of the site he cannot see how it could be a going concern.
- Councillor Mrs French questioned it was possible to defer the application for further information?
- Councillor Sutton agreed with the comments of Nick Harding as he feels that the applicants could not prove they needed one dwelling on the site let alone two and if the committee support the officer's recommendation is it within the committee's gift to say that we appreciate the applicants need time to find alternative accommodation and put a time limit on the enforcement. Councillor Connor stated that it has been intimated that enforcement could possibly take a couple of years anyway. Councillor Mrs French said she would not want the enforcement action expediated.
- Councillor Mrs Davis expressed the view that the point is being missed that the site is in

Flood Risk Zone 3, with members talking about going against officer's recommendation and placing 2 mobile homes on a Flood Risk Zone 3 site, which is against all policies.

- Councillor Mrs French stated that a temporary permission would give the applicants time to find somewhere else to live.
- Councillor Mrs Mayor referred to part of the application being retrospective and asked what part? Alison Hoffman responded that the retrospective aspects are the agricultural buildings, hard standing and 3 caravans on the site, which are not in the best state of repair and it is the intention to replace these 3 with 2 new ones.
- Nick Harding stated that it has been confirmed with the Case Officer that no health report was submitted with the planning application, which seems to suggest that the current stress being endured by the applicant is whether they are going to obtain planning permission.
- Councillor Murphy stated that he has listened to the debate but feels that officers have got the recommendation correct.

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

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

*(Councillor Topgood left the meeting during the discussion on this application and was not present for the voting thereon. He was absent for consideration of the remaining agenda items)*

**P96/21**

**F/YR21/0582/O**

**G AND J PING LIMITED, 63 COATES ROAD, EASTREA**

**ERECT UP TO 18 X DWELLINGS INVOLVING THE DEMOLITION OF EXISTING BUILDINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

Alison Hoffman presented the report to members.

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

- Councillor Mrs French stated that she has visited the site and feels the residents would prefer to have a residential rather than the current commercial use on this site so agrees with the officer's recommendation.
- Councillors Skoulding and Murphy both supported the officer's recommendation.
- Councillor Sutton referred to the comments of the Town Council, who recommend refusal based on LP3, and whilst he takes note of this he feels the preference for development on a brownfield site seems to be lost. He asked why you would not want to remove lorries from this site and replace it with a few cars? Councillor Sutton stated that he cannot see anything wrong with the application, it is a brownfield site which should be supported in preference to greenfield.

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

*(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 discussion and voting thereon)*

*(Councillors Marks and Mrs Mayor had left the meeting prior to the discussion and voting on this application)*

**P97/21**

**PREVIOUS MINUTES - CONFIDENTIAL**

The confidential minutes of the meeting of 9 February 2022 were confirmed and signed as an accurate record.

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

5.10 pm

Chairman