

PLANNING COMMITTEE



WEDNESDAY, 3 APRIL 2024 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner, Councillor P Hicks and Councillor S Imafidon,

APOLOGIES: ,

Officers in attendance: Stephen Turnbull (Legal Officer), Troy Healy (Interim Head of Planning), Jo Goodrum (Member Services & Governance Officer) and Gavin Taylor (Principal Development Officer)

P120/23 PREVIOUS MINUTES

The minutes of the meeting of the 6 March 2024 were signed and agreed as an accurate record.

P121/23 F/YR23/0555/O LAND NORTH OF LONGWAYS, 1 BACK ROAD, MURROW ERECT 1 DWELLING (OUTLINE WITH ALL MATTERS RESERVED)

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the public participation procedure from Peter Humphrey, the agent. Mr Humphrey stated that Murrow is classed as a small village under LP3 of the Local Plan with development of a limited nature and he made the point that the application is a resubmission of a previous refusal, with, in his view, the current application addressing all the previous reasons for refusal. He stated that the application will now have a new access point from The Bank and the property faces The Bank and the County Council have confirmed on 4 March that they have no objection to the proposal.

Mr Humphrey expressed the view that the application will finish off the development in the area to match the extent of development opposite and it uses the drain as a natural stop line for development as detailed within policies LP12 and LP16. He explained that he has had direct discussions with the North Level Internal Drainage Board and the drain is cut through land which is owned by the family and the drainage board wanted to create the new drain and the family gave permission for this to take place and the landowners are happy to work with the drainage board.

Mr Humphrey stated that the drain is currently maintained with access from Back Road, and he referred to the location plan where the drain access point can be identified. He added that the site is currently used for domestic garden area including polytunnels and, therefore, the site is not within open countryside or agricultural land and, in his opinion, the application will create a better view as you enter the village of Murrow from Parson Drove rather than the view of polythene tunnels of the rear elevation of Longways.

Mr Humphrey made the point that the Environment Agency have no objection to the proposal provided that the flood risk assessment measures are adhered to. He stated that at the time that the application was submitted to the Council on 22 June 2023, the site passed the sequential test and unfortunately as eight months have passed in order to determine the application, officers have

now decided that it does not pass the sequential test as there is another plot available and he finds this disappointing.

Mr Humphrey explained that as agents they are not in control of when applications are going to be approved and he expressed the view that agents are then penalised and in this case the application was compliant at the time of submission. He referred to a Fenland District Council Application F/YR22/1187/FDC in Parson Drove which was for an almost identical application for a single plot which was also in Flood Zone 3 on the edge of the village and was approved within 7 weeks.

Mr Humphrey added that it had two plots approved in the village but were deemed irrelevant and he made the point that they also had to use a renewable energy source to make the application acceptable which is what has been included in the application before the committee today. He concluded that the application is a logical plot at the end of the developed form of the village and uses the existing drain as a natural boundary which will also enhance the view when entering the village from Parson Drove, with the sequential test being deemed acceptable, and he asked the committee to accept the application.

Members asked Mr Humphrey the following questions:

- Councillor Imafidon asked for clarity over the access point with regards to the location of the speed limit signs. Mr Humphrey responded that it is within the 40mph zone. Councillor Imafidon stated that the distance is quite minimal, and he questioned how close the access point is to the 60mph zone. Mr Humphrey stated that the new access falls within the 40mph zone and the speed limit has recently been lowered there but he is unaware of the distance.
- Councillor Benney asked Mr Humphrey to provide further clarification with regards to the sequential test as he had stated that the proposal had originally passed the sequential test and to now find that the application is being refused with one aspect being that of the sequential test, in his opinion, is unfair on the applicant, agent and creates additional work for officers. Mr Humphrey stated that at 10.14 of the officers report it states that 'the submitted Flood Risk Assessment sets out within the sequential test the approved planning applications in Murrow as of the date of the FRA being completed and states whether the development has either been completed or is under construction and this has been compared to Fenland District Council records. The detail submitted is unfortunately now out of date and applications have been granted since the submission.' Mr Humphrey added that, in his view, officers have now identified that as a reason for refusal.

Members asked officers the following questions:

- Councillor Mrs French asked officers to confirm when the application was submitted and validated? Gavin Taylor confirmed that the application was valid as of the 22 June 2023.
- Councillor Benney stated that when a sequential test is undertaken and passes how long does it remain valid. Gavin Taylor stated that the point at which the application is determined is when an assessment will take place to ascertain whether there are other sites available to achieve the development at a lower area of flood risk and if information comes forward during the course of determining the application then that does need to be given weight.
- Councillor Gerstner stated that he accepts the site is in Flood Zone 3 and it had passed the sequential test but that now appears not to be the case and he asked officers to provide clarification. Gavin Taylor stated that he has nothing on record to evidence that officers had concluded that the site had passed the test at the time, however, within the officers report it does state that there is information which has come to light post submission which indicates that it does not pass the sequential test because there are other sites reasonably available in lower areas of flood risk that have been approved.
- Councillor Hicks asked a hypothetical question in that if planning permission was passed with a sequential test in place, but before development is commenced the plans are changed slightly so the application is resubmitted but another site has been identified, would

that application be refused because there is another site in the sequential test chain. Gavin Taylor clarified that if there is a live extant planning permission on a site and a subsequent application is submitted on the same site for a slightly different development then significant weight would be given to the fact that there is still an extant permission which is live and the development could still be capable of implementation on the original application. He added that in terms of the sequential test although it is yet to be delivered, the permission is still extant and, therefore, would be a significant material consideration to weigh in favour of approving a further development on the site.

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

- Councillor Benney referred to the development in Wype Road in Eastrea which, in his opinion, set the entrance to the village off very nicely. He expressed the view that things can change which is not a negative thing and polytunnels are not pleasing to the eye when you enter a village, adding that when considering the character of the area, personal taste should be considered and, in his view, a dwelling on the site would enhance the entrance to the village. Councillor Benney added that he is concerned with regards to the sequential test, however, given the fact that it passed the test when it was first submitted and now forms part of the reasons for refusal, there has been money spent by the applicant along with the time spent on the application by the agent and officers continuing with an application which has already passed the test to then go on and refuse it is, in his opinion, would be unfair. He stated that with regards to the principle of development there is one there and is a natural boundary with the dyke that is there and he added that if the application had been for a greater number of dwellings then his view and opinion may have been different. Councillor Benney expressed the view that he sees very little wrong with the proposal and has concerns with regards to the sequential test, however, as it already passed in June it should not be a block to development.
- Councillor Imafidon stated that with regards to the access when he undertook a site visit there was a dirt track which is not a very good access road and there is a steep incline and, in his opinion, having the second access is a good idea. He added that the people who rent the land out to house the polytunnels have included a gate in order that the dyke can be accessed due to previous issues with trespassers on the land. Councillor Imafidon expressed the view that development on the site would be a good idea so that the issue of trespassers and anti-social behaviour does not occur again.
- Councillor Marks stated that when considering the local distinctiveness and character of the area, Murrow is a Fenland village, and most Fenland villages have one road in and one road out with building off them and there are plenty of other villages within the area which are much the same. He added that another reason for refusal is cited as the application fails to reinforce the local identity and would adversely impact upon the street scene and he questioned what the local identity is of any village, and, in his view, it is what houses are there and it is whether they are new or old. Councillor Marks added that he does not see any issue with the proposal, and he referred to the Policy LP16 where it states in the officer's report that the application would have an adverse impact upon the street scene and he expressed the view that all street scenes change and for one dwelling he does not see any issues with it at all.
- Councillor Connor stated that the Highway Authority have stated that they have no objection to the proposed development, however, it is unclear if the access track can be constructed without earthwork encroachment. He made the point that if they cannot facilitate that then there will be no development and he referred to 5.6 of the officers report where the Highway Authority have stated that prior to commencement of the use of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600mm within an area of 2.4 metres x 2125 metres and, therefore, if members decide to approve the proposal against the officers recommendation then that is something that could be conditioned. Councillor Connor stated that the villages and towns are all changing and, in his view, that is a good thing as progress needs to be made and cannot live in the past.

- Gavin Taylor stated that he has measured where the 40mph sign is in relation to the site access which is around 90 metres and the Highway Authority do not have any objection on that basis.
- Gavin Taylor added that the application is an outline application with all matters reserved so that matters of access would be a matter which is yet to be agreed and with regards to considerations on the appearance of the village as you enter it, at the current time there are no details with regards to the design and, therefore, that detail is not currently known including the scale bearing in mind that it is in a high flood risk area so it maybe something that members wish to consider. He stated that with regards to the sequential test and the assertion over the test having been met, there is nothing on the file which shows that officers ever agreed that the sequential test had been met and that appears to be an assertion made by the applicant. Gavin Taylor added that at the present time the opinion of officers is that the sequential test has not been met due to the fact that there are other sites which are reasonably available at a lower area of flood risk. He made the point that with regards to the point made concerning identity, the officer was referring more to the pattern of development which is visible as you look along Back Road, which is more linear ribbon type development with frontage dwellings and this is also the case along Murrow Bank on the other side of the road as there is no back land development which is prevalent in that location.
- Councillor Mrs French stated that it is her belief that in an outline application access has to be agreed at that time and not at a later date. Gavin Taylor stated that access does not have to be committed and the Council can insist if they ask to do so within a month, but there needs to be an indication of where the access is likely to be derived from. He referred to the red outline drawing and explained that the red line would restrict the location points where the access could be put through and officers have assessed the application based on the proposal to put the access where it is proposed on the site layout plan which is deemed to be acceptable and, therefore, the assumption is that if it was going to be approved and then access details were then committed, the applicant would be taking a large risk to depart from that as an approach as it could create uncertainty in terms of safety. Gavin Taylor stated that all that is required is an indication of where it could be derived from. Councillor Mrs French made the point that information differs from what she has been advised over many years and she made the point that if the committee decides to approve the application then the access has to be included.
- Gavin Taylor stated that at the reserved matters stage it would include the details of access which the Council would then have the opportunity to consider and consult on. Councillor Connor stated that if access was changed significantly which it could be then would the application have to come back to the committee as the Highway Authority opinion may then be different. Gavin Taylor stated that not as far as the scheme of delegation is concerned, unless it is called in, or there are objections or the Chairman requests for it to come to committee. He added that if the Highway Authority had concerns then officers would negotiate an improvement to the access arrangements until a satisfactory point can be reached in order to approve, however, if it gets to the stage where officers cannot be satisfied and there is no other option than to refuse the application on the technical aspect then it would come back before the Chairman to consider whether or not it would need to come back before the committee for determination.
- Councillor Benney stated that he was also under the impression that access had to be committed and he referred to another application where the application had three reasons for refusal and the committee refused it on the grounds of access as committee were told that access had to be committed at that point. He questioned when that change had come into being because it would appear that members appear to be of the same understanding.
- Gavin Taylor stated that when considering an application if the access appears to be somewhat complicated then officers can ask for the detail and if that detail is not forthcoming then officers can refuse the application on the basis that the applicant has failed to demonstrate that an adequate access can be achieved to accommodate the development and on this occasion the indicative layout demonstrates that a suitable access can be

achieved although it does need to be committed.

- Councillor Imafidon stated that there are two polytunnels and behind one of them is where the application site is and questioned whether access rights will be given to those users of the polytunnels by the applicant. Gavin Taylor stated that it would be a private matter and nothing to do with the planning permission.
- Gavin Taylor stated that the application is recommended for refusal, and should members decide to approve the proposal then they will need to provide planning reasons. He added that with regards to the issue concerning flood risk, if the sequential test is deemed to have been met, then the next stage will be to demonstrate that the exception test can be passed as well, which is a two-stage process and stage one is to demonstrate that flood risk will not be increased either on the site or elsewhere but also that there are wider community benefits to the scheme that outweigh the flood risk.
- Troy Healy stated that you cannot apply a condition when dealing with the exception test.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal will not harm the character of the area and will be a benefit, as the sequential test was passed in June and the land was deemed suitable then it should be suitable now and that the sequential test can only be seen as a block to development.

**P122/23 F/YR23/0753/F
LAND NORTH OF 6 SCHOOL LANE, MANEA
CONVERSION OF BARN TO FORM 1 X DWELLING (2-STOREY, 2-BED)**

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the public participation procedure from Shanna Jackson, the agent. Mrs Jackson stated that the application is for a barn conversion in Manea and the principle of development is acceptable in accordance with policy LP3. She explained that she has worked closely with officers to achieve the scheme before the committee which has a recommendation for approval.

Mrs Jackson explained that the character of the existing barn has been respected and all external alterations have been kept to a minimum and, therefore, the visual impact of the works will be negligible. She explained that the ground floor windows will be obscured by the existing and proposed boundary treatments and the proposed first floor windows which directly face neighbouring properties will also be obscure glazed.

Mrs Jackson stated that the officer's report states that there will be no overlooking or loss of privacy as a result of the development. She expressed the view that the proposal will provide a generous garden and has ample parking and turning space and there have been no objections received from any statutory consultees including the Parish Council and the application is also acceptable in policy terms and she asked the committee to support the proposal.

Members asked Mrs Jackson the following questions:

- Councillor Marks stated that the word reinstate has been used and, in his opinion, double glazed doors are not something which are reinstated, and he asked for clarification. Mrs Jackson stated that it has not been a house previously but there were existing openings there which are being reintroduced as part of the proposal. She referred to the front elevation drawing and explained that there is small amount of boarding that is being introduced to facilitate the door and the window next to it.
- Councillor Gerstner asked for the detail with regards to bin collection arrangements. Mrs

Jackson stated that she is unaware of the distance, however, the residents will be able to wheel the bins down the private driveway in order for them to be collected from the back edge of the highway. She referred to a previous appeal decision where it was discussed that if the bins need to be wheeled more than 30 metres then that is not something that would be supported by the Planning Inspector and she added that she is comfortable that adequate amenity is in place to comply with case law and the appeal decisions received. Councillor Gerstner stated that his concern is that he has seen other developments where bins can be left out early and collected days later after bin collection causing issues for pedestrians, wheelchair and pram users. Mrs Jackson made the point that nobody can control the behaviour of those residents and she added that all she can do is to ensure that there is space on the site for the bins to be stored which there is.

- Councillor Connor questioned whether the applicant would consider entering into a private bin collection service to alleviate the concerns of the committee? Mrs Jackson stated that if that was an essential requirement in order to gain approval it could be something to be given consideration, however, she added that she would question whether it would be reasonable to expect that given the fact that the application is acceptable in policy terms.
- Councillor Hicks expressed the opinion that he does not feel that the distance that the residents need to take their bins to the collection point is an excessive distance. Mrs Jackson expressed the view that she does not think that the distance is excessive either and there are so many cases in Fenland where residents are wheeling their bins further than that to be collected.
- Councillor Marks stated that he knows School Lane well and it does have a narrow footpath. He asked Mrs Jackson whether there was the possibility of incorporating a bin storage point by the entrance gate to the dwelling rather than a private bin collection which he does not feel is a good idea. Mrs Jackson stated that she has control over the land to the west and, therefore, a little pocket of land could be included for bin storage.
- Councillor Benney asked whether the building has ever had any connection with agriculture as the application description is a barn conversion but when looking at the houses in the vicinity some of them in School Lane appear to look quite old and the building looks more like a brick shed, in his opinion, rather than a barn. Mrs Jackson stated that she is not aware of the history of the building which she stated was historic and is reasonably attractive as it includes some old features on it.

Members asked officers the following questions:

- Councillor Connor asked for clarification over the definition of a barn? Gavin Taylor stated that there is no definition in planning terms as to what constitutes a barn.

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

- Councillor Hicks expressed the opinion the officers have made the correct recommendation of approval, with it being a building which definitely needs to be put back into use and at the current time it looks like a house with bricked up windows rather than a barn. He made the point that there is very good access to the site and, in his view, the bins can easily be walked out for collection, and he will fully support the proposal.
- Councillor Marks stated that he does not see any issue with the bins being left for collection, adding that School Lane can be busy at school time with traffic and pedestrians. He expressed the view that he is pleased to see the building being brought back into use although he does find the definition of a barn to be somewhat unusual. Councillor Marks added that his only concern is the centre of the village of Manea does appear to be suffering from major flooding issues which he hopes can be overcome, however, he will fully support the application.
- Councillor Benney stated that he will support the application which has an officer recommendation for approval, however, in his opinion, the access to the site is terrible but the committee have determined other applications which have been refused where the access point is worse than the current application. He made the point that the access is poor, and the proposal will be detrimental to the house or bungalow which is next door and

he does not consider the application to be a barn as, in his view, it is a brick building, however, as it is policy compliant, he will approve it. Councillor Benney referred to the previous application where the officers stated that it would be detrimental to the character of the area, but, in his opinion, the current application appears to be cramming a dwelling into where residents are going to be coming in and out of an access and he questioned whether that is going to cause more harm than the previous application in Murrow. He expressed the view that the proposal appears to have less qualities than the previous application which had a recommendation for refusal and reiterated the point that he will support the proposal because it meets with planning policy.

- Councillor Hicks stated that he would rather reuse the building than redevelop on the site.
- Councillor Imafidon expressed the view that it is a beautiful historic building already on site and, therefore, the footprint will not be affected, along with flooding and traffic concerns. He made the point that the access is a bit narrow, and he does have concern with regards to bin collection day and whether pedestrians and wheelchair users will be impacted if they have to negotiate bins left on the pavement. Councillor Imafidon stated that he believes that those persons may have to use the road, however, it is his belief that it may already be happening, but he welcomes the proposal, and he will support it as it will ensure a beautiful old building is brought back into use. He expressed the opinion that it is a solid building and does not look to be an abandoned barn and whilst it is his understanding that it is currently being used to store items, he welcomes the fact that it should be brought back into proper residential use.
- Councillor Marks stated that he welcomes the fact that the proposal is only for a small dwelling and, therefore, the number of vehicle movements will not be significant. He added that he agrees that the access is not ideal, however, had the proposal been for a far larger dwelling then he would have had far more concerns. Councillor Marks made the point that he will support the proposal as long as the issue with regards to the bin storage point can be resolved.
- Councillor Gerstner stated that it would appear that there are interested parties stating that there are bats living within the current barn and asked whether there could be a condition added that the applicant mitigates the issue by installing bat boxes in the near vicinity and they have also raised concerns that there will be trees removed and, therefore, he would also like to see a condition for those trees removed to be replaced.
- Gavin Taylor stated that with regards to the point raised with regards to the concerns over the bin collection, the County Council are the Waste and Mineral Authority and they have an adopted RECAP guidance which is a document that outlines how dwellings should be arranged in relation to bin collections and the guidance suggests that residents should not have to move their bins more than 30 metres to a collection point and that refuse operatives should not have to travel more than 25 metres to wheel the bin to the point of disposal. He added that he has undertaken an estimated measurement on the site plan, and it would appear that the distance is approximately 38 to 40 metres from the building to the pavement and officers would not recommend a refusal of the application due to the fact that the RECAP guidance has only been exceeded by 8 metres. Gavin Taylor made the point that he has considered the points raised with regards to collection and as the agent alluded to officers cannot dictate as to the behaviour of residents in their own environments including the possibility that they may block pavements with their bins, however, he advised the committee that to obstruct the pavement is a breach of the Highway Act. He made the point that if members wish to include a bin collection strategy with the scheme as has been done before where applications have been considered to be problematic, should members feel that it meets the test of planning condition so that it is reasonable, necessary and proportionately related then a condition could be secured to that effect, however, in his opinion, given the scale of the development he feels that it is not necessary. Gavin Taylor referred to the point made by Councillor Gerstner with regards to bats and birds and explained that condition 3 requires a bat survey to be undertaken if development has not commenced by July 2024 and condition 5 requires a scheme of bird and bat boxes which is recommended in the protected species survey report which is to be submitted. He explained

that it would appear that there appears to be a good indication of what can be achieved with the scheme in terms of biodiversity enhancement and mitigation measures. Gavin Taylor added that with regards to appearance, the application proposes the conversion of an existing building which already sits within the street scene within the urban environment whereas the previous application was for a brand-new dwelling and, therefore, the two applications are distinctly different in terms of how they are assessed. He explained that national policy tries to endorse the effective reuse of existing buildings and the reuse of the embodied carbon which is in it and to not extend into the countryside and that is the assessment which has been undertaken in terms of an effective reuse of an existing building.

- Councillor Connor stated that Mrs Jackson did state that some mitigation could be implemented in terms of a bin storage area and that should be followed up.

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

**P123/23 F/YR23/0891/F
LAND SOUTH WEST OF 10 BRIMSTONE CLOSE ACCESSED FROM FEN VIEW,
CHRISTCHURCH
CHANGE OF USE OF FIELD TO Paddock LAND INCLUDING THE ERECTION
OF STABLE BLOCK AND FORMATION OF A NEW ACCESS AND
HARDSTANDING, INVOLVING CULVERTING A DRAIN**

Gavin Taylor presented the report to members and drew their attention to the update report which had been circulated.

Members asked officers the following questions:

- Councillor Marks stated that when reviewing the report it makes reference to 'occupation' and he asked whether officers could clarify whether there is the intention for the stable block to become living accommodation at any point in time as it appears to be a concern for some of the local residents? He questioned whether it is going to remain as agricultural and not have any form of occupation and then in time revert back to the Council on a technicality. Gavin Taylor stated that the application is for a stable and paddock land and there is no application for residential use. He explained that the application has to be assessed on the basis of what it is being applied for and no assumptions can be made and there is nothing to demonstrate that there is the intention of adding a dwelling on the site and, therefore, if any application came in for such or if it occurred unlawfully then officers would assess that on its merits at that time but currently the application is for the stable and paddock as described.

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

- Councillor Imafidon stated that when he undertook a site visit, he was approached by members of the public who voiced their concerns with regards to traffic movements and other issues. He expressed the view that he does not think that the application will have an adverse impact with regards to traffic movements due to the fact that it is a stable block and there will not be large HGV vehicles visiting the site. Councillor Imafidon made the point that the largest horse box he is aware of which carries a single horse is a 7.5 tonne vehicle. He expressed the opinion that he does not see any issues with the proposal and the application will make use of land which is not currently being used. Councillor Imafidon added that the site and ditch are all overgrown and there is currently no maintenance of the land and, in his view, it is a good application.
- Councillor Mrs French expressed the view that she is extremely pleased that the Middle Level Commissioners have responded to the application, and she welcomes their input going forwards with applications.
- Councillor Hicks stated that he knows that the residents have concerns that in time the stable block could be converted to a dwelling but, in his opinion, he does not see how the

stable block could be converted as it has one room for hay and one for a horse and he cannot see how anyone would want to live somewhere like that anyway. He made the point that if the applicant had wanted to develop houses on the land in the first place then he would have expected the applicant to submit an application for houses in the first place. Councillor Hicks stated that he will be supporting the proposal as it makes good use of land, and he does not foresee any increase in traffic.

- Councillor Benney expressed the view that the installation of a culvert is going to cost a significant amount of money just for the purposes of a stable block and paddock. He made the point that he is sceptical that there will not be a future application submitted in the future, however, the application before the committee is for a stable block and there will not be excessive amounts of traffic movements for a horse and after reviewing the concerns of the neighbours, he cannot see any issue with the proposal, and he will support it.

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

(Councillor Marks declared that he is a member of the Internal Drainage Board)

**P124/23 F/YR23/1015/F
57 HIGH CAUSEWAY, WHITTLESEY
ERECT A TIMBER SHED TO FRONT OF EXISTING DWELLING INCLUDING
DEMOLITION OF EXISTING SHED (PART RETROSPECTIVE)**

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the public participation procedure from Matthew Taylor, the agent and Richard Jones, the applicant. Mr Taylor stated that the officer's presentation shows photographs which do not reflect the shed and show the material for the shed which has been covered for protection purposes. He explained that the framework was started a few months ago until it was realised that planning permission was required, and the tarpaulin covers the framework for all the walls, roof and slab base to protect it.

Mr Taylor explained that originally it did have a pitched roof on it, however, officers had advised that it would be too imposing on the street scene, so it has been revised to a flat roof. He explained that he has highlighted that parking in the vicinity is very bad and access for emergency vehicles is extremely poor, adding that the local Bowls Club is located there along with the local Public House which is busy, and the applicant is aiming to store one of his classic cars within the shed which will enable him to take one car off of the road and keep it on his driveway which will then free up space on the highway.

Mr Taylor explained that the flat roof is designed to sit slightly above the parapet wall and the view of the street scene at the side of the road all will be the visible top capping of a fibre glass roof which is likely to be a lead grey colour, a small amount of fascia or gutter and the rest will be hidden behind the wall. He made the point that over the last 30 years there has been shed and greenhouses on the site and, in his view, planning permission should have been in place for those erections, however, that has not been the case and over the course of time sheds do need replacing and this is why the proposal is before the committee today.

Mr Jones stated that he moved into his property in 2002 and there have been structures in front of the property for 25 to 30 years which included 2 greenhouses and garden sheds of various sizes. He explained that he decided to erect a shed to house his classic car and motorcycle and he has been erecting sheds and replacing them with more substantial structures over the last 16 years and over that time there have been no complaints or objections from any neighbours from the passing public.

Mr Jones made the point that he cannot understand why the application to build a better garage style structure will have a detrimental effect on the Conservation Area or the buildings opposite. He explained that he decided last year to replace the timber shed with a more substantial better looking garage style structure and by moving it further down to the southern end of the garden in order not to impede the frontage of the house.

Mr Jones added that he appreciates that visually it does not look very nice, however, it is just to protect the floor and the timber which is already in place.

Members asked Mr Taylor and Mr Jones the following questions:

- Councillor Imafidon asked what the footprint was of the existing shed that was there, compared to the size of the proposed structure? Mr Taylor stated that it is only slightly bigger and in the Design and Access Statement, the Heritage Impact Assessment shows pictures from the Listed Building opposite which is looking down onto the shed and it is only slightly wider. Councillor Imafidon asked for the measurements? Mr Jones explained that the shed that was there impeded into the front of the house and the shed that he erected in 2015 had a pitch roof on it and it was slightly longer than the proposed shed and the width was a bit narrower and, therefore, in length it is slightly a smaller footprint.
- Councillor Gerstner referred to the proposed site plan and asked whether it would be possible to move the shed back by 2 feet? He added that they have unequivocally stated that the plan shows the correct measurements and dimensions and that it will be used for storage. Councillor Gerstner added that for many years there has been a large van parked there used for business and he cannot see the difference between having a van parked there and having a shed on site, but his preference would be to see the shed there. He expressed the view that he would like to see the shed moved back a little bit in order that it is in keeping with the local area once the roof is added he does not see any issue with the proposal.
- Councillor Hicks asked how high the wall is in comparison to the height of the proposed shed? Mr Jones stated that the wall is 2 metres high, and the proposed shed will be 2.2 metres high and, therefore, only slightly higher.
- Councillor Benney asked whether Mr Jones has a conservatory or an extension at the rear of the house? Mr Jones confirmed that it is a conservatory which was built in 2004. Councillor Benney made the point that it would appear that Mr Jones has a side garden as his property as there is no depth in the plot and asked Mr Jones whether it is a fair assumption for him to say that he uses his garden for entertaining and for his personal use? Councillor Benney expressed the view that if the shed was moved back then it would encroach into the family's personal space and affect the family and their lifestyle. Mr Jones stated that the assumption of Councillor Benney is correct and as he has an expanding family they would like to utilise the garden area and, therefore, the shed could not be moved into that space.
- Councillor Imafidon stated that the suggestion has been made with regards to moving the shed so that it is then in line with the existing property, but he questioned whether that will impact on the opening and closing of the shed? Mr Taylor stated that it would have an impact as the doors are facing the driveway and the ground level also raises up quite a bit into the garden and, therefore, the height of the building would then look taller. Councillor Imafidon asked whether it would be possible to consider an up and over style garage door and Mr Taylor explained that would then mean that the shed would end up taller as a different lintel would need to be used whereas the proposal includes normal stable doors which open out.

Members asked officers the following questions:

- Councillor Marks stated that if the applicant had a 3-metre-high touring caravan which is a mobile structure and can be moved at any time, which would be taller and coloured white would there be any planning issue. Gavin Taylor stated that there would be no issue as a caravan is mobile and the committee are considering lifetime developments and there is no

guarantee that the current occupier would occupy that property forever. He added that caravans come and go whereas structures are permanent which is the difference in this case.

- Councillor Mrs French asked whether there are no permitted developments on the site as it does not have a lot of amenity space and the wooden shed that was there before has been demolished and, in her opinion, it is just a replacement albeit slightly larger than what was already there. She added that she does not understand why the application is before the committee if they already have permitted development rights. Gavin Taylor stated that there are no permitted development rights to erect structures forward of the principal elevation of the dwelling which is the case with this application and, therefore, permitted development rights do not exist for this structure and planning permission did not exist for the previous structure either.
- Councillor Marks stated that the applicant could choose to sell his home and move on leaving the shed behind and he asked whether a condition could be added to state that should that be the case that the shed would need to be dismantled. Gavin Taylor stated that you would need to be convinced that there are reasonable grounds to put a personal permission on and significant weight would have to be given to the personal circumstances of the individual as to why you would be granting a shed in that location rather than anywhere else. He added that at the last planning committee the issue of personalised permissions was discussed and the National Planning Policy Framework does not look at them favourably and the proposal before the committee is considering a permanent structure for the use associated with the dwelling but how the shed is used is beyond the control of the Council. Gavin Taylor made the point that even if a personalised permission was added for the individual because of how they are operating today in reality they could stop using that tomorrow for classic cars and just it for household storage and the Council would have no control over that. He made the point that the committee are considering a structure in association with the residential use of the dwelling. Councillor Marks asked whether it would be possible to add a condition to the application to state that if the resident chose to sell his property then he would have to take the structure down? Gavin Taylor explained that if the committee felt that it would be a reasonable condition to impose to place a burden on the resident to demolish a structure prior to vacating their property then a condition could be imposed but officers would not recommend that course of action. Councillor Marks expressed the view that he can only see a benefit where the resident can remove his vintage car from the highway and take another off of the highway onto his driveway.
- Councillor Connor stated that the resident has had a shed on the site previously and has lived there since 2002. He expressed the view that if you own a vintage car, it is imperative that it is kept on your property in order for you to be able to maintain it and drive it when you want to, adding that if the committee are going to approve the application, in his opinion, it needs to be granted in its entirety and whilst he appreciates that circumstances can change that nothing should be conditioned and sometimes there needs to be an element of trust considered especially when a resident has lived there for 22 years.
- Councillor Hicks stated that a wooden shed does not last indefinitely and, therefore, when it needs replacing will the applicant need to submit a new application? Troy Healy stated that as long as it is replaced like for like then it is lawful to replace the structure.
- Councillor Gerstner stated that he will support the application, but it must be built exactly to the plan, and he would like to see the roof to be sympathetic to the surrounding area which would satisfy him. Troy Healy asked Councillor Gerstner to clarify whether he feels that a pitched roof would be more suitable? Councillor Gerstner stated that a pitched roof would be way out of character as the height would be above the line of the building, however, he would like to see something that could be colour matched to the brick wall. He added that there are many types of fibre glassed roofs available nowadays and, therefore, something that coordinates would be acceptable, but he does appreciate costs need to be considered for the applicant.
- Councillor Connor stated that the applicant and agent could work with officers if the

application is granted to come to a satisfactory conclusion.

- Councillor Imafidon referred to the executive summary in the officer's report where it makes reference to the Conservation Area and also the fact that the site is located near to a Grade 2 Listed Building and he asked how far away does the site need to be in order for it not to be a relevant consideration? Gavin Taylor explained that there are no stipulations when considering distances from Listed Buildings. He added that it is normally with regards to the setting relative to the existing built form in the area and he made the point that there is more information contained within the officer's report at 5.4 from the Conservation Officer which explains his considerations and what those impacts are and how he has considered them. Gavin Taylor added that there are no explicit set distances.

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

- Councillor Benney expressed the view that the applicant wants the shed where he has planned it, and it is immaterial with regards to what he wants to use it for as it is about land usage. He added that to put it at the back would impede on his family's social life and you do not want to have a shed at your back door you want it as far away from your door as is possible and that is where the applicant is choosing to erect it. Councillor Benney stated that the shed will be behind a brick wall and is protected and the applicant needs somewhere to keep his classic car. He expressed the view that he appreciates why officers have had to bring the application to the committee due to planning policy, however, in his opinion it should just be approved.
- Gavin Taylor stated that it is his understanding from Councillor Benney that he feels that it is acceptable by virtue of the screening of the wall there is no harm to the Conservation Area or the character of the area. He added that with regards to the comments made by Councillor Gerstner concerning the roof materials, it maybe quite limiting with regards what can be done to make it sympathetic in terms of the area. Gavin Taylor explained that if a condition was to be added concerning the material details then he would assume that Councillor Gerstner and the Chairman would like to be involved with that process to ensure that they are happy with the proposed materials. Councillor Connor stated that he would be happy for officers to have delegated authority in consultation with Councillor Gerstner to apply appropriate conditions.
- Councillor Mrs French questioned whether the roofing material has already been purchased as it would be an unreasonable condition to add if the purchase has already taken place.
- Councillor Connor asked Mr Jones whether the material for the roof have already been purchased and he confirmed that they had.
- Councillor Benney expressed the view that he does not like this type of condition being applied to an application as it can mean additional expenses to the applicant. He added that sheds have a standard roofing material and when he went on the site visit the applicants house is in good order and he cannot envisage the applicant adding an inappropriate coloured roof to the shed.

Proposed by Councillor Benney, seconded by Councillor Gerstner and agreed that the application should be GRANTED against the officer's recommendation.

Members do not support the officer's recommendation of refusal as they do not consider it to be detrimental to the area and the feel that the applicant is making very good use of a shed in order to store his classic car and motorbike.

(Councillor Gerstner declared that he knows the applicant and has had business dealings with him in the last 12 months but is not pre-determined and will consider the application with an open mind.)

2.45 pm

Chairman