

PLANNING COMMITTEE



WEDNESDAY, 24 AUGUST 2022 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor C Marks, Councillor Mrs K Mayor, Councillor P Murphy, Councillor M Purser, Councillor W Sutton and Councillor D Topgood, Councillor S Clark (Substitute)

APOLOGIES: Councillor M Cornwell and Councillor R Skoulding,

Officers in attendance: Nick Harding (Head of Planning), Nikki Carter (Senior Development Officer), Alison Hoffman (Senior Development Officer), Theresa Nicholl (Senior Development Officer), Stephen Turnbull (Legal Officer) and Elaine Cooper (Member Services)

P35/22 PREVIOUS MINUTES

The minutes of 27 July 2022 were confirmed and signed as an accurate record, subject to amendment of minute P27/22 second bullet point of questions to officers where Councillor Sutton refers to Barrier Banks it should read Nene and Ouse Barrier Banks.

P36/22 DECLARATIONS OF INTEREST

During the declaration of interests, Councillor Connor reported that he had been advised that on applications F/YR22/0632/RM and F/YR22/0338/F, which he had called in to be considered by Planning Committee as per the Council's Constitution, and linked applications F/YR22/0217/LB and F/YR22/0218/F that he was pre-determined which he does not agree with and feels that this has been judged harshly.

Members and officers made comments as follows:

- Councillor Mrs French asked for an explanation why officers believe the Chairman is already predetermined as her understanding is that when the Chairman decides to bring an application before Planning Committee the Chairman makes a recommendation and the Head of Planning actually makes the decision so she cannot see why the Chairman is pre-determined? She expressed the opinion that if this is the case the authority to call-in applications to committee will be taken away from the Chairman and the Head of Planning and authority given to the Portfolio Holder for Planning to make the determination as it is not right that the Chairman has to sit back and not vote and take part in planning applications which he sits on committee to do.
- Councillor Benney expressed the view that when this method of bringing applications to the Planning Committee was discussed previously it was decided that the Chairman would decide in conjunction with the Portfolio Holder to recommend applications to committee and it is down to the committee to determine the applications. He made the point that the Chairman is part of the Planning Committee and, in his view, to take him away from the committee he feels is wrong, with people paying good money and a lot of money for their planning applications to be heard and this is impeding the process for these applications to be heard in a fair, open and democratic way and the Chairman should be able to consider these applications. Councillor Benney expressed the opinion that, in terms of pre-determination, everyone who sits on the committee starts with an open mind but by the time the report has been read members all have an opinion of some sort that can be swayed and

changed at the meeting, which is the democratic process.

- Councillor Connor stated that he has been undertaking these call-ins for approximately two years and he used to use openness and transparency as his reasons and it is only in the last three months that the terms of calling-in applications has been altered whereby he has had to provide reasons why they should come to committee, not his personal thoughts but for committee to decide whether an application is approved or refused.
- Councillor Mrs Davis stated that her view is that the process was brought in for the Chairman of Planning Committee to be able to call-in applications that were recommended for refusal and when you call them in you are not calling them in as Councillor David Connor but as the Chairman of the Planning Committee so that the wider view of the members of the committee can be obtained and she does not see how this then should then make the Chairman pre-determined.
- Councillor Benney stated that he remembers when this procedure was brought in, with members looking at changing the Constitution to do this and this was an agreement made between the Head of Planning and members, it was agreed that if this was the method and process of bringing applications to this committee and the Head of Planning agreed that he would allow those to be brought forward then the Constitution would not be changed and he feels that this puts members in a position as a member-led Council to changing the Constitution again as, in his opinion, this is not fair on the people members are supposed to represent, they need a fair and full service that is available to them. He feels this service has been running well for several years and it is not right to take the Chairman's vote away due to the Chairman calling an application in and as a committee member he should be allowed to vote.
- Councillor Sutton stated that he does not 100% agree with the other speakers, he thinks that when the Chairman calls an application in and provides the reasons of openness and transparency it is a lot different to giving a specific reason, which leaves the Chairman open to challenge, the committee open to challenge and thus the Council open to challenge so he feels the advice that the Chairman is being given is good advice and if he was in the Chairman's position he would be taking it.
- Councillor Connor reiterated that for around 2 years it was accepted that openness and transparent and he did not provide any specific reason why these applications should be called-in but in the last 3-4 months that has changed significantly, he feels that openness and transparency is what all members want to see on the committee and he was asked to give reasons why these applications should be considered by committee against officer's recommendation. He stated that it is not what he wanted to do but what he has to do to bringing fairness and openness to the residents of Fenland who are paying a lot of money for planning applications and they should get the full service.
- Nick Harding stated that the Constitution was specifically altered at Full Council to facilitate the arrangement whereby applications recommended for refusal under delegated powers went through a consultation process with the Chairman and the Constitution sets out that in the response that the Chairman must give a planning reason why the application has been requested by the Head of Planning to be considered for presentation to committee. He stated that it is correct to say that for a period of 'openness and transparency' (without an explanation of where the issue of openness and transparency lay) was accepted as a 'call in' reason. However, in light of a number of formal complaints regarding decisions made by committee, where the decision has gone against the officers recommendation, he had reflected on whether simply accepting the phrase, 'openness and transparency' was compatible with the requirements of the constitution and he had concluded that it was not. Nick Harding stated that since the change to properly implement the requirements of the constitution, he has given the Chairman the opportunity to explain where the issue of openness and transparency lies, because that can legitimately be a planning reason and if it is not known where the issue of openness and transparency lies, then on what basis is he making a decision on whether or not to allow an application to come to committee. He added that if there was a formal complaint made that asked where the issue of openness and transparency lay, the Head of Planning said that he would not be able to provide an

answer, unless it was given by the Chairman. Nick Harding stated that with regard to the issue of 'predetermination', the Chairman can give a planning reason using words in a way that do not identify what his personal opinion is on that application. He added that as soon as a personal opinion is expressed in that reason, such as 'I believe that planning permission should be given for X because of A, B and C, then this is virtually the same as a ward councillor who sits on the committee, responding to an everyday planning consultation who would be considered to be 'pre determined'. Nick Harding explained that this is why the advice has been given to the Chairman in relation to the meeting today, but the decision on whether or not the Chairman wishes to accept that advice is entirely up to the Chairman.

- Stephen Turnbull, the Legal Officer, stated that one of the main principles of probity in planning is developers, stakeholders and the broader public being reassured that members when they are at committee approach applications with a genuinely open mind and it may be that individual members in their own heads do not have an open mind but there is the need to make sure that watching members of the public and applicants know that applications will be dealt with impartially by members who have not made up their mind before they come to committee, hear the debate, hear the representations, advice from officers and then make their decision, which is the correct way for it to happen. He made the point that if his attention is drawn to a member who said in advance of a committee meeting words to the effect of I don't like this application or I do like this application it his duty to say to that member you are pre-determined and if you go ahead and vote and a member of the public observes what is going on they may well conclude that the committee has already made its mind up and what is the point of having a Planning Committee they might say if members have already decided which way they are going to vote. Stephen Turnbull stated that the proper advice that he has to give to the Chairman or any other member is that you can express your views in whatever way you want but if you are sitting determining a planning application you cannot in the run up to the application express views which demonstrate that you have already made up your mind. He made the point that this is the principle at stake and is embedded in Local Government advice and the legal framework that is operated, therefore, the Constitution requires the Chairman to give planning reasons and if those planning reasons involve an opinion on the merits of an application one way or another, the right approach from him as Legal Officer is to say that the Chairman cannot take part in that debate to reassure the public and other stakeholders that members have not already made up their minds.
- Councillor Marks expressed his confusion and queried that as a ward councillor if someone approaches him and say they have a problem with planning he will ring the Chairman and say is there any possibility that this can be called-in giving a reason and if the Chairman then puts the reason in writing then the Chairman cannot take part but has had nothing to do with this at all so how can the Chairman be pre-determined if he has been given a list of issues that someone is complaining against and stated this cannot happen. Stephen Turnbull responded that in this situation the Chairman simply verbatim reports to officers that this individual has expressed views, that is not the Chairman expressing a view but just passing it on to officers and the same can be applied to can this be called-in as this individual has expressed these views. He stated that what needs to be avoided is the member introducing his own opinions in advance of the planning meeting. Councillor Marks questioned that planning officers can give their own opinions? Stephen Turnbull responded that is correct as they write the reports but members make the decisions and members should not be expressing any view.
- Councillor Connor stated that there are 3 applications that he has made some sort of comment on to bring these applications to committee due to an officer's recommendation of refusal and the issue is not going to be resolved at this meeting with Councillors Benney and Mrs French indicating that they might want to change the Constitution but if this does not take place he may need to get legal advice on what to say if an application needs to be called into Planning Committee that does not implicate him as pre-determined which he will certainly do in the future. He stated that this time he will be following officer advice and will hand over to Councillor Mrs Davis to chair those applications.

- Councillor Mrs French referred to the Chairman stating that up to 3 months ago everything was working fine and this has now changed which she feels has put undue pressure on the Chairman and as Deputy Leader of the Council she is going to recommend to the Leader of the Council that the Constitution be changed for the Portfolio Holder for Planning to make the decisions taking the burden away from the Chairman.
- Councillor Connor stated that he is more than happy with this as it does take up a lot of his time.

P37/22

F/YR22/0381/F

LAND SOUTH OF 88 WEST STREET, CHATTERIS

ERECT 22 X DWELLINGS (4 X 2-STOREY 2-BED, 15 X 2-STOREY 3-BED & 3 X 2-STOREY 4-BED) WITH ASSOCIATED PARKING AND LANDSCAPING, AND THE FORMATION OF ATTENUATION PONDS, INVOLVING THE DEMOLITION OF EXISTING BUILDINGS

Nikki Carter presented the report to members and drew attention to the update report that had been circulated.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Ms Wood, the agent. Ms Wood stated the site is partly brownfield and immediately adjacent to the edge of the town of Chatteris. She expressed the view that the proposed development will facilitate the removal and remediation of a noisy engineering company on the site, which is in the process of moving to another location in Chatteris.

Ms Wood referred to the emerging Local Plan which proposes the allocation of 45 hectares of land for employment purposes in Chatteris and she feels there will be no loss of jobs as a result of this development. She expressed the opinion that this proposal will enable the business to build new premises to replace the existing poor-quality buildings on the site, which members from seeing the site will appreciate is partly constructed with asbestos.

Ms Wood expressed the view that the development will also result in road improvements in West Street and members would have seen on site that West Street is a well-used route towards the Pocket Park, especially with dogs. She stated that the application scheme includes the provision of public open space, which will result, in her view, in a more pleasant walking route that will be better overlooked and thereby safer.

Ms Wood stated that the proposed development will result in the provision of much needed affordable housing, 6 units, which will be able to be provided more quickly than waiting for larger housing schemes to come forward, especially as this is a full application. She made the point that the Council is looking to allocate significant areas of land in this locality for housing development in the next Local Plan so, in her opinion, this proposal would not represent undue encroachment into the countryside with the site's allocations in the Local Plan including over 200 houses to the south-east of this site accessed from Blackmill Road, London Road and Fairbairn Way.

Ms Wood expressed the view that their proposal for 22 homes will contribute quickly to the sustainable growth of the town and provision of choice. She feels the refusal reasons were addressed in her e-mail to members on Monday, but in summary the development will be in character with the area because it will introduce residential use within residential surroundings rather than continuing the industrial use, this locality is evolving into a larger residential location and the development will provide a pleasant area of open space that will form a transition between built development and the countryside beyond.

Ms Wood referred to refusal reason 2, the amenity of 88 West Street, and expressed the opinion that this will be improved by the removal of the industrial use and the provision of new boundary treatment with the nearest house being 5 metres, a car length, from that adjacent bungalow at its closest point and the nearest part of the house at plot one will be a single-storey garage which can be further reduced in height if members prefer and there will be no windows facing this bungalow. Regarding refusal reason 3, Highways, she expressed the view that the Highways Officer was satisfied that his requirements could be overcome by conditions and she has already liaised directly with Highways regarding slight amendments to the plans which they have confirmed to be acceptable so she would anticipate that planning conditions requiring the submission of these plans formally for approval along with a condition regarding the consequential minor changes to the road drainage scheme should be workable.

Members asked questions of Ms Wood as follows:

- Councillor Sutton asked how the new road layout differs from the one it supersedes as he could not see too much difference? Ms Wood responded that neither could she which makes her point, there are minor changes about the way the footway comes down the road, it was going to be on the west/left side and the Highway Officer thought it needed to be on the right due to changes in levels.
- Councillor Benney asked how close is the applicant to having an agreement to the upgrade of this road, with there also being land ownership issues which is not a planning consideration, but to having a workable access committed to this development? Ms Wood responded that the access is part of the planning application, the applicant is in the process of purchasing the site from the current land owners who own most of the site but part of the site is highway land so highway rights are paramount and there is a small part at the southern end of the site which is unknown below ground ownership which is why a Certificate C was served putting a notice in the newspaper asking if anybody claims this land, but it is possible to carry out the improvement works with an associated Section 278 Agreement, which is a highway agreement.
- Councillor Mrs French referred to 9.41 of the officer's report where 25% of affordable housing is being offered, which seems generous, but members have been promised this before and once applicants get planning permission a viability study is undertaken, and then no affordable housing is provided, and she asked what is the likelihood of a viability study being undertaken? Ms Wood responded none as the applicant has agreed to buy the land and it is in the process of being purchased now, he has done his due diligence to make sure he can afford to buy the land with the constraints on it one of which is the requirement for the provision of affordable housing others are for example the demolition of the buildings, remediation of the site, disposal of the asbestos. She stated that affordable housing is one aspect, but the applicant has done the maths and as far as she is concerned affordable housing will be provided, which will be secured through a Section 106 Agreement. Ms Wood reassured members that if there was a situation where for some reason affordable housing was not wanted that would have to be a whole new planning application and it would come back before committee for consideration. Councillor Mrs French expressed the view the allocation is generous as well as over £260,000 for education and she just wonders how this site will be viable if planning permission is granted. Councillor Connor agreed that applications do come back before committee due to applicants promising to provide various allocations on site and then it being unviable, and he is really pleased that the agent has addressed his fears.

Members asked questions of officers as follows:

- Councillor Benney made the point looking at the access for this site there are issues and asked is this something that can be overcome or dealt with by way of conditions? Nick Harding responded that to the best of his knowledge the agent has had an exchange with County Highways, but he is not aware whether or not that Highway Officer has merely looked at the plans in providing the response to the agent or whether there has been the benefit of a physical site visit as well as looking at the drawings. He stated that in the

absence of that knowledge he would not rely purely on a condition as otherwise the committee is effectively agreeing to the principle of that highway improvement but in a way of being blind to what the impact may be in relation to any constraints as there are, for example, trees down that right hand side which is thick with vegetation so it is not known if there are any ditches there and, therefore, he would not want to rely on a condition to solve this problem until there is some written evidence to say the highway work is feasible. Nick Harding stated that a drawing would also need to be submitted by the applicant which would have to be subject to public consultation and there may be representations received that object to the footway on that side of the road so in that situation the application would potentially be brought back to committee for determination again.

- Councillor Mrs Davis referred to the width of the footpath not being able to be determined and asked if this is going to have an impact on what the applicant is allowed to do? Nick Harding responded that a 1.8 metre footway is currently proposed but on the “wrong” side of the road and not achievable as the agent alluded to and there has been a conversation with Highways about moving the footway to the other side of the road and given the constraints that might be found during any survey work it may mean that a 1.8 metre footway is not achievable.
- Councillor Mrs Davis referred to drainage and read the comments of the Highway Officer who says “I can’t object on this basis, but the applicant may be stung later if they don’t consider this now as an acceptable solution” which is talking about the access road appearing to be on the existing road already serving houses in that area, therefore, it is assumed that the drainage system for this area remains unchanged and goes on to say “This assumption isn’t correct. The existing highway drains over edge i.e., water runs off the carriageway into the adjacent soft verge. By including a footway on one side with a kerb upstand, the ability for over edge drainage is removed and the impermeable area increases. The applicant would therefore need to provide a means of drainage for the existing highway during any S278 application”. She feels the officer is saying that the current proposal is not going to work. Nick Harding responded that the S278 process is completely separate to planning and the way that it generally works is that you have a planning highways drawing and the officer at highways will consider whether or not that highway improvement is achievable within the land available within the public highway and there are always going to be technical elements that will be dealt with down the line through the S278 process, detailed design matters which planning is not privy to and is legally separate but as part of any submission of any additional highway details to change the footpath to the other side of the road the Highways Team at the County Council would need to be satisfied that the principle of being able to drain that road is going to be achievable.
- Councillor Sutton referred to elsewhere locations and out in the open countryside and asked how, in officers view, is this proposal any different to Womb Farm and Sutton Road Wisbech, which were agreed under the unallocated land policy? Nick Harding responded that Womb Farm was allocated for employment use and was subsequently changed to residential use given the lack of interest for employment development. He stated that when it comes to development on the edge of settlements, planning officers have to make a careful judgement and there is a degree of subjectivity to that judgement, and he can understand situations within which members may reach a different decision to the one that officers have made. Nick Harding referred to the 3 reasons for refusal, which relate to the design and character of the proposed development considering it to be a too urban character and should be a lower density design; secondly the potential impact on No.88 West Street and thirdly the provision of a footway within the public highway.

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

- Councillor Sutton expressed the opinion that this proposal is at committee a month too early as there seems to be issues around the road and members are being told one thing by one person and something else by another. He feels it would have been easier to have made a decision if members had concrete evidence that the highways can or cannot be delivered. Councillor Sutton stated that he does not like deferrals but in terms of where this application

is he personally cannot see any difference to this scheme to Womb Farm or Berryfields, they are all unallocated land and he does not have a problem with the proposal from this point of view, with the positives being the affordable housing provision and the welcome contribution to education but questioned how committee can approve the application given that members are not sure on highways. He stated that his preferred option today would be to defer the application to get clarification as to whether the highways as suggested can or cannot be delivered.

- Councillor Mrs French agreed with Councillor Sutton, she feels the affordable housing and contribution to education would be welcomed but that the access and highways needs to be resolved. Whilst she does not like deferring applications, she feels that Councillor Sutton is correct on this application.
- Nick Harding stated that having listened to the debate it has given a clue as to where the proposal may go but made the point that there are three reasons for refusal and if members are going to propose a deferral then the understanding is that members are happy with the proposal in every respect other than the matter to which it is suggested there should be a deferral so the first reason for refusal relates to the urban nature of the design of the development then there is the impact on No.88 so members need to be satisfied that they are happy with those two matters and when it comes to the final matter in relation to the improvement of the byway then the deferral would say that committee would wish to see greater detail and a highway response in relation to detailed design of that improvement proposal.
- Councillor Benney stated that this is his area as a local Chatteris person and made the point that there are other developments all along West Street that have not been built out yet and this is just a continuation which, as Chatteris Town Council indicates, links to the Pocket Park so if this development went ahead this would improve the access to this park. He does not feel he could grant this application today with the access not being resolved, the access being the sticking point. Councillor Benney referred to building out in the open countryside and feels that there is nowhere within the town boundary that you could put 22 houses, with Chatteris earmarked as a growth town and it does need to grow, it needs houses but he does not feel it can be passed without the access being committed and if this can be done by way of deferral where refusal reasons 1 and 2 are satisfied as members being happy with the principle of development on that site but deferred on access only to allow the additional work to be undertaken and if it can then the development will go ahead and if the access is not agreed it will not take place, which he is feels is a fair way to proceed rather than a refusal. He referred to 88 West Street and made the point that the agent did say that they would reduce the height of the garage which would improve the visual impact and light and he would like to see these amendments made in the plans when it comes back to committee.
- Councillor Mrs French stated that she would also like to see a management plan as she has been inundated the past few months with phone calls about dust, noise and disturbance on two sites in March and the lives of existing residents should not be made unbearable. Councillor Connor agreed with these comments as it has also happened at a site in Whittlesey.

Proposed by Councillor Sutton, seconded by Councillor Benney and agreed that this application be DEFERRED only to seek clarification that the revised highway improvements are acceptable and achievable.

Members do not support officer's recommendation of refusal for reasons 1 and 2 as they feel that the proposal would not adversely impact the area, with the issue of unallocated land being subjective and the proposal being no different to other developments that have been approved and mitigation measures can be implemented which will lessen the impact on 88 West Street.

(Councillors Benney and Murphy declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of Chatteris Town Council, but take no part in planning

matters)

(Councillors Benney, Connor, Mrs Davis, Mrs French, Purser and Sutton declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P38/22

F/YR22/0731/F

THE DOLLS HOUSE, HIGH ROAD, WISBECH ST MARY

ERECT 1 X DWELLING (2-STOREY, 5-BED), DETACHED DOUBLE GARAGE WITH STORAGE ABOVE AND ATTACHED HOBBY ROOM TOGETHER WITH THE TEMPORARY SITING OF A CARAVAN DURING CONSTRUCTION

Nikki Carter presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson made the point that this application seeks approval for amendments to a dwelling which was approved in April 2022 and was previously approved in 2020, with the difference between the schemes including minor changes as detailed in paragraph 9.4 of the officer's report as well as a change in the height of the roof. She stated that the application has been recommended for refusal for the reason that the proposed new roof height would be dominant in the street scene which would harm the character of the area but, in her opinion, from the submitted street scene members will note that there is a lot of variety in this particular street scene and the proposal would be no higher than other properties within the area.

Mrs Jackson stated that the eaves height of the dwelling would be the same as was approved in the previous application and it is just the ridge height that is being increased by 40cm because of a change in the roof pitch to 30 degrees. She expressed the view that the reason the roof pitch has changed is because it represents a more traditional pitch which is consistent with other properties in the area, with the roof previously being submitted at 35 degrees but was reduced to achieve the height requested by officers and to gain approval as the applicants are keen to make a start as various external factors had held them up previously following their 2020 consent.

Mrs Jackson stated that the applicants are now in the position of being able to commence development next week and on reflection the applicants consider a 30-degree pitch represents a betterment in terms of aesthetics of the dwelling and would be more visually appropriate as it would match other properties within the area. She feels that the additional 40cm to what was previously approved would appear negligible when viewed from the public advantage, however, it would allow the roof pitch to match the neighbouring dwellings.

Mrs Jackson expressed the view that the application is deemed acceptable in all other aspects, the point of contention being the ridge height which remains lower than other properties in the street scene. She hopes members can see there is no other harm caused by the proposal and are able to support the scheme accordingly.

Members asked questions of Mrs Jackson as follows:

- Councillor Sutton stated that many occasions at this committee he has made the comment where officers have worked with agents and applicants to bring a scheme forward that was previously deemed not acceptable and he has praised officers for this. In a former life, if she had been that officer that was working with that applicant to bring a scheme to acceptability that was previously unacceptable, he feels she would have been miffed to be back looking at an application trying to get back to the initial position and asked Mrs Jackson if this would be true? Councillor Connor stated that he feels this is a leading question and Mrs Jackson

did not have to answer it.

Members asked questions of officers as follows:

- Councillor Benney asked what is the average and maximum roof height in Fenland? Nick Harding responded that he could not say. Councillor Benney queried what members were looking at as there are some houses that are even higher than this proposal, with one in Wimblington approved that was monstrous and it was stated that it would block the sun out but it has been built and as you drive past it all you see is a nice house and not that it is too high. He made the point that there is permitted development where you can build another storey on your house and officers are arguing over 40cm and if it is too high it must be based on something, what is that something? Nikki Carter responded that in this case it is the fact that the plots between are a quite modest two-storey cottage to the west and a property that has been approved at 8.7 to the east so previously it was no higher than the approved property to the east and it now is so officers would be looking at a transition between the lower property and the approved property where this dwelling is now proposed to be so much higher.
- Councillor Benney asked if the proposal was compared against the highest building in the street? Nikki Carter responded that she is not aware of this.

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

- Councillor Sutton expressed the opinion that the question is not anything to do with how high other buildings are but that the key issue is after all the work done to bring this forward, the applicant has planning permission, and then brings it back to the level where it was negotiated down. He does not feel this is right, members want officers to work with agents and developers and to just submit it again as it was originally should not be allowed.
- Councillor Benney referred to his earlier comment about people paying their money for the planning application process and this is the process. He feels it comes down to whether 40cm makes a difference on a house or not and, in his view, it probably does not.
- Councillor Marks referred to the property in Wimblington mentioned by Councillor Benney, which committee had a lengthy discussion on but if you drive along the bypass and look at it you cannot tell that it is taller and it blends in over a period of time. He questioned whether people are really going to notice 40cm?
- Councillor Mrs French agreed, 40cm is not a lot and if someone is prepared to put a planning application in and want a semi-executive home why not. She feels that more executive homes are needed, and people encouraged to move, with Fenland looking for business people to move into this area and they want executive homes and that is where the economy increases.
- Councillor Topgood agreed with Councillors Benney and Mrs French, he cannot see where 40cm is going to make much of a difference and thinks the proposal will improve the environment in this area. He would be minded to go against officer's recommendation.
- Councillor Mrs Davis queried why if 40cm makes no difference to the planning committee does it make so much difference to the applicant? She feels if she had an answer to this, she may be able to make a decision.
- Councillor Benney responded that, although not an expert, an officer or that this is the case, if you have an extra 40cm that makes the difference in having a room squared off, which makes the room a more usable space.
- Councillor Connor expressed the view that it was mentioned by the agent that the 40cm was to allow for a proper slope to match the next-door property.
- Councillor Benney stated that there is also a minimum pitch you can put on a roof of slate design because of the way the water runs off so whether this has any bearing he is not sure, but members are being asked by the person who is going to live there for another 40cm which he feels is a fair ask.
- Councillor Mrs Mayor asked why this was not picked up at the initial application stage if it is to do with next door and angles as an application was approved that has now been brought back because someone has decided that the roofs do not match next door or whatever,

which does not make sense to her.

- Councillor Sutton stated that the roof height and the pitch would depend upon the footprint so the argument about the pitch is, in his view, a non-argument, it is about roof height.

Proposed by Councillor Sutton, seconded by Councillor Mrs Mayor that the application be REFUSED as per officer's recommendation, which was not supported by the majority of members.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be GRANTED against officer's recommendation, with authority delegated to officers to apply conditions in line with the previous consent.

Members do not support officer's recommendation of refusal of planning permission as they feel that the height difference of 40cm makes no impact on LP16(d) on delivering and protecting high quality environments and would provide a better quality of life for the residents of the proposed dwelling.

P39/22

FF/YR22/0746/O

LAND EAST OF ALLENBY FARM, BROAD DROVE WEST, TYDD ST GILES

ERECT UP TO 2 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Nikki Carter presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the Public Participation Procedure, from Shanna Jackson, the agent. Mrs Jackson stated that the proposal is for two dwellings on a parcel of land which already benefits from planning permission for two holiday log cabins, with the application for the log cabins having been implemented and, therefore, remains extant. She expressed the view that the dwellings proposed are for the daughters of the applicant, Mr Hopkin, and they are employed in the family business at Allenby Farm, currently living at Allenby Farm and do not wish to relocate from the village.

Mrs Jackson stated that the site, which already has planning permission for a type of accommodation, is in a prime location for the future occupiers to carry out a self-build project whilst remaining in close proximity to their existing employment and family. She referred to the reasons for refusal which include there being no justification for the proposal in this countryside location, which would undermine sustainability principles, however, in her opinion, the harm in terms of sustainability if any has already been caused by permission for the holiday cabins which officers have acknowledged can be brought onto the site at any time.

Mrs Jackson expressed the view that the question is whether new housing in this location would be less sustainable than the holiday cabins and she would argue that dwelling houses are similar in character to holiday accommodation given that they both provide a type of residential accommodation, with one of the key differences being that holiday accommodation is likely to attract further vehicular movements given that holiday makers will travel to and from the site on excursions and for food and drink by private vehicle. She feels this in stark contrast to the proposed future occupiers who will be in walking distance to their place of work and would, therefore, be less reliant on their private motor vehicles.

Mrs Jackson expressed the opinion that the permission for the holiday accommodation did not contain any restrictions on the time of occupancy throughout the year and, therefore, the cabins could be occupied by holiday makers all year round in very much the same way as a standard dwelling and she would question what the harm would be in having dwellings on this site in lieu of

the permitted holiday cabins. She stated that the application is submitted in outline only and, therefore, the opportunity remains to design an attractive pair of self-build properties which will be of a higher quality, both in appearance and in construction, than the permitted holiday cabins.

Mrs Jackson stated that the site already has permission for two units of accommodation, and it is submitted that the proposal would cause no more harm to the rural locality than the extant permission on site, noting that the boundary hedging will remain on site and will soften the appearance of the dwellings when viewed from the wider locality. She expressed the view that the proposal would be an improvement on the extant permission as it would allow permanent structures on site and first-floor accommodation could be provided which would be a betterment in terms of flood risk providing a safer type of accommodation in the event of flooding.

Mrs Jackson stated that the comments raised in terms of the sequential test have been noted, however, as this site already benefits from planning permission and the scheme would represent an improvement for flood risk, she feels the scheme is sequentially acceptable. She made the point that there are no objections raised by technical consultees including the Environment Agency, North Level IDB and the Highway Authority.

Mrs Jackson hoped that members would be able to appreciate the merits of this proposal in that the site already benefits from planning permission for two units of continuous accommodation and, therefore, in her view, the principle of development on this site is already established, with the application seeking to vary the type of accommodation to provide self-build plots to allow for local residents to stay within the local area and in close proximity to their employment. She feels there is no harm caused in policy terms and the scheme provides a betterment in terms of flood risk.

Members asked questions of Mrs Jackson and the applicant, Mr Hopkin, as follows:

- Councillor Benney referred to the mention that proposal was for family members in the family business and asked what is the business and how will this application help it to grow? Mrs Jackson responded that the family members are living and working on site at the moment, which is a farm, but this proposal allows them to stay within the area to continue to support the business. Mr Hopkin informed members that they are predominantly farmers, they have some stock as well and the proposal will allow them to take on more land and more stock. Councillor Benney asked Mr Hopkin if he is looking to develop and enhance the business by bringing family members in and these properties will allow this to go ahead? Mr Hopkin confirmed this to be the case.
- Councillor Mrs French asked what type of stock is on the farm? Mr Hopkin responded that they have goats, chickens and there are plans for cows as well.
- Councillor Marks asked roughly how far away is the farm from the site? Mr Hopkin responded that it is approximately 50-60 metres.
- Councillor Sutton asked how many acres is farmed? Mr Hopkin responded that he has 540 acres. Councillor Sutton asked how many employees? Mr Hopkin stated himself and two daughters.
- Councillor Mrs Davis asked how many goats does Mr Hopkin have as she is wondering how many staff are required to look after goats and chickens as some people just keep them in their back gardens and she asked if commercial numbers are being talked about? Mr Hopkin responded that there are three goats at present but there are plans to develop a beef herd.

Members asked questions of officers as follows:

- Councillor Mrs Davis referred to the fact that a sequential test has again not been undertaken and asked if this applies to a holiday home as someone will not be displaced from their main residence? Nikki Carter responded that a sequential test would still apply but the previous application was determined under different policy requirements. Nick Harding added that in terms of the application submission it mentions the dwellings would be for occupation by family members but there is no mention of these being tied to the

business or any information on how well the business is doing or a business plan on how the business is intended to grow and on that basis this should be disregarded as a matter to help determine the application as no information has been provided to support this.

- Councillor Mrs French referred to the mention by Mrs Jackson that there is no timescale restrictions for the holiday lets and asked what is to stop the applicant building the holiday lets and someone living in them permanently? Nick Harding responded that as they are holiday accommodation by their definition they could not be someone's main residence.
- Councillor Mrs French made the point that there is over 500 acres being farmed and she is sure that there are a variety of tasks to be undertaken with a business, such as books to be kept. Nick Harding responded that Government policy on agricultural dwellings is clear in that it has to be demonstrated there is a need for people to be present on site and you do not need to be on site to keep books for the business. He stated that the application had not been submitted on the basis of them being agricultural dwellings and no evidence as required by policy had been submitted and therefore committee should not consider the application as if it was for an agricultural dwelling.

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

- Councillor Sutton referred to the previous proposal where the Chairman agreed with officers that the application should be refused and asked if this affects his position considering this application? Councillor Connor stated that this has not been brought to his attention as being an issue. Stephen Turnbull stated that this another application and any member is entitled to look at the new application and assess it on its merits.
- Councillor Sutton stated that if the applicant is claiming that the proposal is for an agricultural worker then the proper process should be followed which is to prove a demonstrable need, which they have not done, and they could not on 540 acres as it could not be justified for two dwellings. He made the point that there is extant permission to put the two holiday lets on the site, which in 2007 there was an urgent need for, and, in his view, officers have got the recommendation right, with it being refused with the Chairman's blessing just a short time ago. Councillor Sutton expressed the view that nothing has changed from that refusal, it is not even close to the village and does not have support from the Parish Council.
- Councillor Murphy agreed with the comments of Councillor Sutton as he feels that the wool is being pulled over members eyes for something the applicant wants that is not necessary or needed.
- Councillor Benney feels there is another side to this proposal, with there being a gentleman who is running a business and he wants to bring his family into it and, whilst he agrees with Councillor Sutton there is a method to do this and this probably should have been undertaken, there is an application for consideration in front of members for two homes. He feels that if someone wants to bring their family into the business and enable the business to grow the committee should do what it can to support this business, with not everyone wanting to live on an estate with other people and houses, and he feels the proposal will provide two nice dwellings. Councillor Benney referred to caravans in Flood Zone 3 in Guyhirn where applications were approved because it is safer to be in a house than it is a caravan as you can put better mitigation measures in to safeguard people. He would be inclined to support the proposal as there are benefits and it is providing homes for members of a family within a business.
- Councillor Connor agreed with Councillor Benney and the Council should be encouraging people to build houses referring to an approval in Wisbech St Mary and whilst the application should probably have been submitted in a different manner members need to determine what is in front of them.
- Councillor Benney referred to the sequential test, which he has been reading up on and he feels that up until three planning committee meetings ago as a committee mitigation measures were being accepted for building in Flood Zone 3, with a lot of the overturns by the committee bringing forward a lot of homes that people are going to live in being assessed on the sequential test and as Councillor Sutton has said people can build in

Wisbech in Flood Zone 3 but cannot build in other locations, such as Benwick and Turves, but Wisbech would flood more often than Benwick and Turves ever will. He expressed the view that all of the mitigations measures put in help safeguard flooding but it will also flood if all the pumps were turned off so he views the sequential test as a blot to development, which is stopping sensible, feasible and viable applications as not everything is going to be built in Flood Zones 1 and 2, with there being a lot of land that is ideal for building on and it is being turned down because of the sequential test. Councillor Benney feels that how the test is undertaken gives an unbalanced view and he does not consider when members have a good application in front of them that is a good enough reason to refuse an application and they need to get back on track by passing these applications assessed on their own merits. In his view, if members adhere to the sequential test requirements religiously good applications will be turned down providing good homes for people and in the past few years the committee has not done this, and it needs to get back to where it was with consistency. Councillor Benney expressed the opinion that if this site is going to flood that badly a house should be built on it to make it safe for the people who are going to live there.

- Councillor Sutton expressed the view that if this application was submitted in the manner it should have been, if it is for a farm worker, then the sequential test is null and void because the dwelling is needed to be where it is.
- Nick Harding confirmed that Councillor Sutton is broadly right but reminded members that the sequential test is not the same as the exceptions test and it is the exceptions test which, amongst other things, determines whether or not mitigations that are proposed on a development are sufficient to deal with the flood risk. He made the point that the sequential test must be passed before you can go on to do the exceptions test and if the sequential test is failed then you cannot go on to consider the exceptions test. Nick Harding added that this is a nationally driven policy where it says the sequential test must be undertaken and you cannot not do it.

Proposed by Councillor Sutton, seconded by Councillor Mrs Mayor that the application be refused as per officer's recommendation, which was not supported on a majority vote by members.

Proposed by Councillor Benney, seconded by Councillor Connor and agreed that the application be GRANTED against officer's recommendation, with authority delegated to officers to apply conditions to include that the dwellings be tied to the business and the requirement for a Section 106 Agreement due to the properties being self-build.

Members do not support officer's recommendation of refusal of planning permission as they feel that there is already permission for holiday accommodation and it would be safer for the dwellings to be permanent houses, it will enable family members to remain on site to enable the business to grow, the benefits of the proposal outweigh the negatives and as the proposal is for family members to enhance the business it is deemed that there is no need for a sequential test as the need for the dwellings exists.

**P40/22 F/YR22/0309/F
5 BEDFORD STREET, WISBECH
ERECT 8 X RESIDENTIAL UNITS (1 X 3-STOREY BLOCK OF 1-BED FLATS)
INVOLVING DEMOLITION OF EXISTING BUILDING**

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

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members asked questions of officers as follows:

- Councillor Mrs French expressed the view that the scheme is a long time coming and her

only concern is parking, with there being parking issues all over Fenland but especially in Wisbech. She asked if officers are satisfied that the proposed parking is adequate? Alison Hoffman responded that the site is well located to the town and bus station, and it does not necessarily follow that car parking spaces are required as these are 1-bed units and not family homes.

- Councillor Sutton referred to the flats approved at 24 High Street without a lift and this proposal is a 3-storey building and has no lift, but asked if this is a Building Control issue? Alison Hoffman responded that accessibility falls under Building Control but from a planning perspective officers could not insist that a lift be provided.
- Councillor Connor expressed his surprise to learn that this site was in Flood Zone 2 as it is near the River Nene and the area did flood in 1978.

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

P41/22

F/YR22/0585/F

143 BARTON ROAD, WISBECH

ERECT A FIRST-FLOOR SIDE EXTENSION AND AN ATTACHED GARAGE WITH STORAGE ABOVE TO FRONT OF EXISTING DWELLING

Alison Hoffman presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the Public Participation Procedure, from Shanna Jackson, the agent. Mrs Jackson stated that this proposal is for an extension to the front to form a new attached double garage and first-floor extension above the existing front projection to form an additional bedroom in the form of a master suite and storage. She expressed the opinion that the applicant is committed to a high-quality design and the proposal is as a result of his desire to invest in his family home and provide a high-quality property which meets his family's needs, which is something that is supported by the National Design Guide.

Mrs Jackson stated that the site is located at the end of a row of houses and provides a natural stop to development along the Barton Road street scene as can be seen on the submitted location plan. She expressed the view that being on the end of a row the dwelling is not in a prominent position amongst the existing development and is in a location which is visually capable of accommodating extensions and alterations.

Mrs Jackson stated that a variety of roof heights is proposed within the development to provide character and visual interest when approaching the site from either direction along Barton Road and it is submitted that variations in roof heights and vertical visual breaks would avoid any undue bulk and massing contrary to the assertions made in the reasons for refusal. She expressed the opinion that it is admirable that the applicant wishes to invest in this property to provide a high-quality living space which meets his family's needs and the scheme before members has been carefully designed to reflect this.

Mrs Jackson made the point that the site is on the end of a row of houses and, in her view, is capable of accommodating the proposed scale and design of the extensions given that it forms a natural end to the street scene. She hoped members would be able to support the application and grant planning permission.

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

- Councillor Mrs French expressed the view that this is a large house, and the applicant wants to put a large extension on it, with there being only one reason for refusal due to

bulk, design and being unduly prominent in the street scene which she feels is a matter of interpretation.

- Councillor Mrs Mayor referred to a previous application where roof heights were being discussed and this property is going to have various different roof heights, with one of the extensions removing light from an existing window in the property which does not sit comfortably with her.
- Councillor Benney made the point that the applicant has designed the proposal this way to take the window out of the existing dwelling. He feels that members should be supporting someone wanting to improve their home, he cannot see anything wrong with the application, which is an addition to his already nice home which he is trying to make nicer.
- Councillor Topgood stated that Wisbech does not just need 1-bed homes, it needs high-quality homes too to bring the money into the town. He feels that this applicant wants to spend money in Wisbech, and he cannot see anything wrong with the application.
- Councillor Connor agreed with the previous speakers, expressing the view that it is perception on what people want and if the applicant wants to improve the dwelling for his own circumstances, he does not think the committee should go against it.
- Councillor Mrs Davis made the point that, whilst she applauds people doing well and wanting to expand their house, it needs to be taken into account the people that live around that property and the impact the proposal will have on the neighbours and the street. She feels the proposal is a step too far, it does not fit in and will stand out, with the property already being huge and a new extension will not add to the look of the property.
- Councillor Mrs French made the point that local residents are all in support of the application according to the officer's report.
- Councillor Murphy stated that if members are worried about roof and roof heights, they should look at a property in London Road Chatteris which has many different roof heights, and nobody has complained about this property.
- Councillor Benney agreed with Councillor Murphy, with this property being approved by officers.

Proposed by Councillor Mrs French, seconded by Councillor Topgood and agreed that the application be GRANTED against 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 do not feel the proposal would represent an incongruous and unduly prominent feature in the street scene resulting in significant and demonstrable harm to the character and appearance of the area.

P42/22

F/YR22/0632/RM

LAND NORTH OF 15 SANDBANK, WISBECH ST MARY

RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PERMISSION F/YR21/0702/O TO ERECT 1 X DWELLING (2-STOREY 4-BED) AND THE FORMATION OF A NEW ACCESS

Alison Hoffman presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

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

- Councillor Mrs French made the point that the application is recommended for refusal under LP16, which she feels is open to interpretation. She expressed the view that people want executive and large homes, and she does not see much problem with the application.
- Councillor Mrs Davis stated that she tends to support the application, with the surrounding properties being all different in size and she does not feel this proposal will have an impact

as it is on the end.

- Councillor Benney stated that he remembers when this application was considered at outline stage, which members supported and he thought it would be a grand design, which he would like to see more of in Fenland. In his view, the site is on the entrance to the village and the proposal would enhance the area and the entrance to the village.

Proposed by Councillor Mrs French, seconded by Councillor Benney and agreed that the application be GRANTED against 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 the proposal would not be of an incongruous appearance, layout and substantial scale resulting in undue dominance within the street scene and being harmful to the character and appearance of the area.

(Councillor Connor declared that as he had called this application to be determined by committee, he has been advised that he is pre-determined and took no part in the discussion or voting thereon. Councillor Mrs Davis took the Chair)

**P43/22 F/YR22/0722/PIP
LAND EAST OF MEADOWGATE ACADEMY, MEADOWGATE LANE, WISBECH,
RESIDENTIAL DEVELOPMENT OF UP TO 9 X DWELLINGS (APPLICATION FOR
PERMISSION IN PRINCIPLE)**

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

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members asked questions of officers as follows:

- Councillor Mrs French asked for clarification that there is already permission for 10 dwellings and this proposal is for an additional 9? Alison Hoffman responded that this is correct, the 10 is at the front of the site which committed the road access and improvements, and this proposal is for an additional 9, which is the maximum that can be applied for. Councillor Mrs French asked as there will be 19 dwellings in total will there be any Section 106 requirements? Alison Hoffman responded that these details would be considered when an application is submitted, but on this application, officers can only look at use, location and amount.

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

- Councillor Mrs French made the point that the school is going to be increased by 60 pupils due to the great need and she hopes this proposal would not have a detrimental impact on the school. Councillor Connor agreed that County Council members, particularly Councillor Hoy, have been pursuing this issue for some time.
- Councillor Benney made the point that there is so little to look at on this application and if officers are agreeable, he is not sure what there is to debate.
- Councillor Topgood expressed his reservations about the scheme especially with the expansion of the school and also the state of the road, but he cannot see any reason to refuse it.

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

P44/22 F/YR22/0338/F

LAND WEST OF SEADYKE CARAVAN PARK, SEADYKE BANK, MURROW
CHANGE OF USE OF LAND TO A TRAVELLER'S SITE INVOLVING THE SITING
OF 1 X MOBILE HOME AND 1 X TOURING CARAVAN, THE ERECTION OF 1 X
DAY ROOM AND THE FORMATION OF AN ACCESS

Theresa Nicholl presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the Public Participation Procedure, from Alex Patrick, the agent. Mrs Patrick expressed the view that at present this site is an eyesore to its locals with various rubbish often dumped and left and if this application is approved it would facilitate a much-needed home for Mr Carmen and his family. She feels the scheme would not be dissimilar to its existing surroundings, the adjacent Council owned travellers' site and various privately owned travellers' sites.

Mrs Patrick stated that the site has a 9 metre bylaw to the rear which dictates only small development potential such as this proposal. She made the point that they have support from the Gypsy Traveller Liaison Officer, the Highway Authority, along with a place obtained at the local pre-school and a family tree to show the link from the applicant to the local Cunningham family.

Mrs Patrick expressed the opinion that this is a very similar application to the approved F/YR21/0309 at Garden Lane, Wisbech St Mary, F/YR21/1501/F at Wolf Lane, Leverington and F/YR20/1010/F at Sealeys Lane, Parson Drove, which are all small scale in nature, all in Flood Zone 3 and all adjacent existing traveller sites and within 2 miles from this site. In relation to the Flood Zone 3 area, on this occasion if the committee are minded to approve the application, she feels the issue can be addressed by installing an emergency loft window for access to the roof in the event of flooding.

Mrs Patrick referred to the presence of biodiversity and made the point there are no trees on site, it is very sparse and has a drain behind it so, in her view, any Great Crested Newts or bats would not reside in this location but a condition could be placed on an approval to rectify this if it was felt appropriate. Whilst not a planning matter, she stated that Mr Carmen is self-employed, is fully self-sufficient and he will not put a stress on the Council services, temporarily residing with family until this application is decided and although the report mentions half-siblings they are within shared custody with the ex-partner of Mr Carmen and attend schools elsewhere.

Mrs Patrick hoped members would be able to support this application.

Members asked questions of officers as follows:

- Councillor Marks referred to there being a shortage of sites and that there are already 21 sites in this vicinity and asked if they were all full week to week? Theresa Nicholl responded that she asked this question of the officer who managed the Council's Traveller sites on one of her applications that came to committee last month and was told that all of the Council's sites are full and there is a long waiting list.
- Councillor Sutton referred to the lobbying e-mail received from Mrs Patrick and that it forwarded a letter from Murrow Pre-School and asked if officers were aware that they have accepted that the child has a place at the school? Theresa Nicholl responded that she is not the Case Officer for the application, but officers have been advised of it. Nick Harding added that he was aware that the letter had been received but it is in relation to a pre-school place and there was no certainty around how long that place was going to be kept for as there was no date on the letter. In his experience if you are applying to a pre-school, they say yes you can attend from term x and then that place is booked as that pre-school would not want to find itself over-subscribed.

- Councillor Mrs French expressed surprise that the Council's Traveller Officer does not have any up to date information on the requirements of travelling families, there are 22 pitches under the control of the Council and this proposal is for a further one and she really does not see in this area what difference an additional pitch will make bearing in mind the failure of the Council not to have up to date information so it can or cannot be proved there is sufficient land available for travellers. She asked why the Council does not have up to date information? Nick Harding responded that as part of the preparation of the emerging Local Plan a Travellers Needs Assessment was commissioned which was delayed due to Covid as the traveller communities did not want officers to come on site and officers did not want to go on site for fear of spreading the disease but a draft version of the report has now been received and officers are feeding back on this. He made the point that in terms of the recommendation on this proposal officers are not refusing this application on this basis acknowledging that there is not an assessment of need that is up to date, which does count in favour of planning permission but on balance officers have felt that the reasons for refusal outweigh that point.

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

- Councillor Topgood made the point that traveller applications have been covered by committee quite a lot over the past few months and, in his view, one more permanent caravan would not be detrimental, which would allow the applicant to keep his family together. He would go against the officer's recommendation.
- Councillor Mrs Davis stated that she would not be supporting the application for refusal as she does not see how this application is different to that approved at the last committee in Wimblington and committee should be consistent.
- Councillor Mrs Mayor stated that she does have slight concern about the drain to the rear of the site and North Level IDB comments to not place any buildings within 9 metres of this drain, which makes the site very tight. She stated that she will support the application though due to the approval at the committee last month.
- Councillor Clark referred to the rubbish on the site, she travels that area most days and has seen various rubbish dumped on this site, with it being an eyesore.
- Councillor Sutton expressed the opinion that this application should possibly be approved as another pitch is not going to tip the balance of an over-dominance of travellers' site. He made the point that it is right next door to the Council's travellers' site, and he believes buildings can be achieved 9 metres from the drain.

Proposed by Councillor Mrs French, seconded by Councillor Mrs Mayor and agreed that the application be GRANTED against 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 there is the need for this additional pitch for this family, it would not dominate the nearby settled community, it would not detrimentally impact any protected species and whilst it lies within Flood Zone 3 mitigation measures are proposed.

(Councillor Connor declared that as he had called in this application to be determined by committee, he has been advised that he is pre-determined and took no part in the discussion or voting thereon. Councillor Mrs Davis took the Chair)

(Councillors Connor, Mrs Davis and Sutton declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P45/22

F/YR22/0755/O

THE PIGGERIES, FLAGGRASS HILL ROAD, MARCH

ERECT UP TO 4 X SINGLE STOREY DWELLINGS INVOLVING DEMOLITION OF EXISTING BUILDINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN

RESPECT OF ACCESS) (PART RETROSPECTIVE)

Theresa Nicholl presented the report to members and drew attention to the update that had been circulated.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the Public Participation Procedure, from Matthew Hall, the agent. Mr Hall stated that members will have noted in the officer's report that there are no technical objections to this application and March Town Council has supported all the previous applications on the site. He made the point that the site is located in Flood Zone 1 and is in an area of approximately 24 residential dwellings located off Flaggrass Hill Road which links with Creek Road.

Mr Hall stated that the majority of this site is covered with concrete hardstanding and some former buildings and, in his view, by removing this the drainage situation would improve with less impermeable areas as on previous applications concerns had been raised by residents regarding localised flooding. He feels the indicative layout allows for a far greater permeable area for this entire site.

Mr Hall stated that all the properties in this area have septic tanks or treatment plants and soakaways for rainwater, which is what this proposal would have as well. He expressed the view that a drainage condition can be applied to any approval ensuring an engineered design is agreed for the site.

Mr Hall expressed the opinion that previously the applicant obtained an ecology report for this site which was submitted with the previous application but the whole site could not be accessed and what has not been indicated in the officer's report is that the applicant obtained a further ecology report that was submitted with the application, which following some site clearance allowed access to the remainder of the site and the recommendations within that report can be implemented as part of a condition. He stated the proposal for this site has been revised as concerns were raised by members and adjacent properties regarding large two-storey dwellings, with this proposal now being single-storey dwellings only.

Mr Hall stated that officers on the previous application also raised concern regarding the visual conflict with the bungalow to the front of the site and it is now shown to match in with single-storey dwellings. He made the point that the applicant has gone away and listened to what members have said and reduced the dwellings all to be single-storey and it was agreed with the officer during the application that the description would be amended to single-storey only.

Mr Hall made the point that a further ecology report has been undertaken on the site, so it has now had two and there are no technical objections to this application.

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

- Councillor Benney remembers when the previous application was before committee and a lot of the members concerns were the two-storey aspect and he is pleased to see this application come back with single-storey dwellings, which has alleviated his concerns although he did support the application previously. He feels the applicant has listened to what the committee said and if committee passes comments and a revised application addresses those comments, he feels members should be supporting the application. Councillor Benney referred to March Town Council not commenting on this occasion, but it has supported the application on the previous times. He acknowledged that the proposal does not propose a footpath but asked how many people who live in this area do not have a car and you would not buy a property in this location without a vehicle so, in his view, the

connectivity is already there making the point that there is no one in his street that does not have a car, with most properties having more than one vehicle. Councillor Benney feels that these properties would make good homes and he feels the applicant has listened and addressed as best he can the concerns of the committee and he feels it would be wrong of the committee to now refuse it after he has undertaken the suggested work. He will be supporting the application, it is Flood Zone 1, and the ecology has been addressed.

- Councillor Mrs French expressed her surprise to see there had been no comments from March Town Council and she has checked with the Town Clerk on the reason and her understanding is that because the Town Council has its meetings on the first Monday and the planning meeting on the third Monday of the month the deadline date was somehow missed but she was informed on previous recommendations it was to approve including the two-storey ones. She stated that she knows the site well, it is part of her County Council Division, there are other dwellings past this site that have been built and been there for many years and she feels, as Councillor Benney said, the agent was asked to go away and look at the proposal and he has done this so she will be supporting this application.
- Councillor Connor expressed the view that he will be supporting the application as those that live in Flaggrass Hill will have a car they are not going to walk to Tesco or up town.
- Councillor Topgood made the point that Fenland is a rural community, there are rural areas that do not have buses or have paths so questioned whether no building takes place in rural areas. He feels you cannot keep adding to the towns you need to build in other places as well and people who buy these properties will have cars so he will be going against officer's recommendation.
- Councillor Connor made the point that there is nowhere in the centre of the town that you can actually build so you have to build out.
- Nick Harding stated that, as the Case Officer mentioned in her presentation, committee determined the last application and one of the reasons that it was refused was on the matter of principle so on any proposal to grant the application contrary to the officer's recommendation an explanation needs to be given as to why it is now being viewed differently.
- Theresa Nicholl stated that she has not had any ecology information submitted as part of this application and as far as she can see it was not on the previous application either. The Chairman allowed Mr Hall to address this issue. Mr Hall stated that it was a report by Howard Hillier, and they were asked for this report at validation and it was on the public planning portal when he looked on Friday. He stated that the previous application, which he was not the agent for, has an ecology report also on the planning portal. Councillor Mrs French stated that members need to believe what their officers are saying but there must have been a communication error somewhere so asked for this to be checked out.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be GRANTED against 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 the previous application was refused as it was deemed unsuitable only by that committee not by this committee, the concerns about the height of the building have been addressed by reducing the dwellings to single-storey and that LP16 (d) is subjective, with this proposal not deemed to be adversely impacting on the settlement pattern.

(Councillor Connor made the point that when the previous application for this site had been considered he took no part in the discussion and voting thereon, but as this is a new application he can participate, which is supported on legal advice)

(Councillors Mrs French and Purser declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council, but take no part in planning matters)

P46/22

F/YR22/0217/LB

130 HIGH STREET, CHATTERIS

WORKS TO A LISTED BUILDING INVOLVING THE CONVERSION OF SHOP/DWELLING TO 1 X DWELLING (2-STOREY, 2-BED) INVOLVING THE PARTIAL DEMOLITION OF EXISTING DWELLING

F/YR22/0218/F

130 HIGH STREET, CHATTERIS

CHANGE OF USE OF SHOP/DWELLING TO 1 X DWELLING (2-STOREY, 2-BED) INVOLVING THE PARTIAL DEMOLITION OF EXISTING DWELLING

Nick Harding presented the proposed conditions to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Councillor Murphy as a local councillor. Councillor Murphy stated that he wanted to make a statement so that it is clear to Chatteris Town Council and the people he represents in Chatteris that he will not be speaking on this application as a planning committee member, and he has been advised about speaking against the conditions as they are detrimental and pre-conceived to the officer's decision. He feels there is no longer free speech or common-sense prevailing.

Councillor Murphy made the point that these are his opinions only, he is not against conserving buildings per se but single small properties such as this he believes there has to be some give and take working together for the betterment of the property. He stated that when he read the conditions being imposed on this property he was staggered and feels it is no wonder developers shy away from restoring these properties and let them fall into disrepair as there is no way they can afford to renovate to this degree to be able to re-sell and no one can afford to purchase the property with these conditions.

Councillor Murphy expressed the view that he can see the reasons to preserve the general exterior, which the developer is happy to do and he agrees with, but when it comes to the windows, the doors and drainpipes etc and there are a lot of these etc's in the conditions which he feels is ludicrous as they are to be replaced in perpetuity with 1800s materials and he feels that nobody can live like this in this day and age. He expressed the opinion that people want comfortable and stress-free maintenance.

Councillor Murphy stated that it is possible to implement conditions of this type referring to refurbishment of Chatteris House years ago when it was turned into six apartments and four houses but, in his view, this cannot be undertaken in a single property as is in front of members today. He feels common sense is needed but recognises that this is not a planning matter or reason.

Councillor Murphy referred to the reasons why he supported this application, backing up Chatteris Town Council, on visual impact, scale, character, appearance and NPPF policies 185c, 191, 192c, 195b and 195d, which he feels can all be taken with ambiguity.

Members asked questions of officers as follows:

- Councillor Marks asked that as the building is in a derelict state it will have to be re-rendered so why it is being specified what paint can be used? Nick Harding responded that if paint is used that ends up sealing the outside of the building it could end up with damp and condensation problems.
- Councillor Sutton asked that if these conditions are not placed on this application could it have huge implications for other properties and leave the door open for others to follow? Nick Harding responded that it would be considerably more difficult for officers to apply conditions of this nature on other buildings if it does have the specified conditions removed as the issue would be consistently raised with officers.

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

- Councillor Benney stated that looking at these conditions, the ones being disputed such as the paint he feels is a sensible one, it needs the right paint to allow the building to breathe and he feels it is not very costly either, and whilst it would ideally be better for the windows to be double glazed it is acknowledged that this cannot happen with owning a Listed Building and the aluminium or iron guttering, he feels it currently has plastic, but if this is a condition it is the same labour cost to install and would only be the price difference between plastic and iron, which would be more but on the scale of the job would not be a lot of money difference. He referred to the requirement for a Level 3 Historic Understanding of Historic Buildings which he feels is where the real money will be spent and will stop this development coming forward and as much as he would like to say remove all these conditions the committee cannot. Councillor Benney made the point that the property is a Grade II Listed Building and it was brought as such and when you start doing work on it, it does become expensive, which he does not agree with or like, but to go against something like recording under Level 3 Historic England's Understanding will leave the Council open to challenge and possibly fined. He expressed the view that the conditions highlighted in the report are fair and whilst he does not like to see conditions restrictive to a project being brought forward, especially one such as this which is desperately in need of work doing to it, he cannot see where these conditions can be removed.
- Councillor Topgood stated that looking at these conditions, as someone who has dealt with Listed Buildings a lot, he feels there is nothing that is unreasonable and whilst some, such as the survey will cost a lot, he cannot see any way round this. He referred to the paint and made the point that people do not realise what the damage the wrong paint can make to a Listed Building. Councillor Topgood expressed the view that the conditions should be kept.
- Councillor Marks stated that he agrees in principle with the previous speakers, however, his biggest concern is this will again be like a lot of other properties in Chatteris, and March and will not get spent on. He feels this property should never have been allowed to get in this condition in the first place and the Council should have gone to the owner four years ago informing him what he needed to do. Councillor Marks expressed the view that this will take another year to two years and then the property will just fall down, and the owner will come back and say there is nothing viable to do.
- Councillor Sutton stated the cost of these works are huge but with this particular application the applicant brought the property as a Grade II Listed Building so he must have known what was ahead of him and if the committee is foolish enough to not agree officer's recommendation, he feels there will be repercussions in the future. He expressed the opinion that members should not be involved with setting conditions, he has been on planning committee for around 12 years and not once has any member of this or previous committees brought up issues of concern with conditions, with it only being a concern to members about them not being too onerous and he does not believe officers make it onerous as they have to apply conditions that is aligned with the proposal and this should be supported and that conditions should be down to officers to apply, with members making decisions on land use.
- Councillor Mrs French stated that she agrees with Councillor Marks comments with regard to the length of time this property has been allowed to deteriorate. She feels a Section 215 notice should have been placed on the property years ago and then if no action was taken a Section 216, which occurred very recently elsewhere, and she would like to see more of this happening due to the state of some of the buildings across Fenland. Councillor Mrs French made the point that there has to be conditions, the owner brought the property and is lucky to have obtained planning permission so now they need to adhere to the conditions if they are going to bring it back into a reasonable state.
- Councillor Mrs Davis stated that the most onerous condition is where you have to use consultants and asked if there is anyway the applicant could work with the Conservation Officer to limit the cost of that report. Nick Harding responded that there is best practice and standard that the conservation consultant would have to work to and depending upon when

that work is done the Council may not have a Conservation Officer in post.

F/YR22/0217/LB

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

F/YR22/0218/F

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

(Councillor Connor declared that, as he had already considered the conditions applicable to these applications, he was pre-determined and took no part in the discussion and voting thereon. Councillor Mrs Davis took the Chair)

(Councillor Murphy declared that, as he had already considered the conditions applicable to these applications, he was pre-determined and once he had spoken as a local councillor took no part in the discussion and voting thereon)

P47/22

F/YR22/0390/F

**LAND NORTH OF 5-7 ASKHAM ROW, BENWICK ROAD, DODDINGTON
CHANGE OF USE OF LAND TO DOMESTIC PURPOSES INCLUDING ERECTION
OF CHICKEN RUN AND FORMATION OF A POND (RETROSPECTIVE)**

Theresa Nicholl presented the report to members and drew attention to the update that had been circulated.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the Public Participation Procedure, from Andy Brand, an objector. Mr Brand stated that together with his wife and four daughters he lives at 5 Askham Row, which, in his view, is the property that is most impacted by this retrospective planning application. He stated that both himself and his wife are Town Planners and have both worked for Fenland District Council, with his wife currently validating planning applications for the Council but does not have any decision-making functions in the planning department. He stated that he has also been appointed recently as a project manager for the Doddington Neighbourhood Plan Group, which is seeking to promote sustainable development whilst protecting the character of the village and considers that he is well placed to comment on planning policy matters.

Mr Brand expressed the opinion that the drawings submitted with the application are not correct in terms of the land to the east and the west and that plan also references to the north Megaplants but that business is actually located approximately 400 metres to the north. He feels the proposal clearly conflicts with an important principle of planning policy, protection of the countryside from uncharacteristic and unnecessary development, with that policy position sets out in paragraph 3.11 of the adopted Local Plan and paragraph 174 of the NPPF, with this presumption against the proposal development applying in full against this planning application.

Mr Brand expressed the view that this proposal is unnecessary in the context of Local Plan Policy LP3 and alleged biodiversity benefits cannot be given weight in favour of the proposal as those works themselves do not require planning permission. He feels the officers have correctly drawn to the committee's attention an appeal in Coates where a similar proposal was dismissed on the very same basis of the harm caused by this proposal, with the Coates appeal site being around one fifth of the size of this planning application so the impact would be greater in this proposal.

Mr Brand expressed the view that planning law requires decisions taken in accordance with the

Development Plan unless material considerations indicate otherwise and the situation here is that there is clear non-compliance with planning policies which have been identified by officers and tested at appeal in Coates. He stated that the Council has a legal duty to have regards to this previous appeal decision and to act consistently in its decision making, with the proposal being in his view unnecessary, unauthorised and unacceptable and must, therefore, be refused planning permission.

Mr Brand stated that as a parent before undertaking the unauthorised development on the land the applicant advised that he intended to plant an orchard behind his property given that planning permission is not required for planting trees this caused no concerns. His children's play equipment is situated within 2 metres of the boundary of the application site and was erected on his garden before the applicant purchased the agricultural field, with the play equipment having a raised platform that is 1.5 metres as shown on a photograph on the screen and enables his children access to the monkey bars and slide and is plainly visible from the application site and the applicant would have been fully aware of its location and use but for reasons that have not been explained to him or any prior discussion the applicant then decided to erect a chicken enclosure adjacent to his children's play equipment, with the enclosure being around two thirds the size of a one-bed flat and, in his view, excessive in size and could hold several hundred chickens according to guidance.

Mr Brand referred to the view that his children have of the chicken enclosure displaying another photo and the officer's report correctly identifies that the full use of the site could have been used as land being grazed, which is correct but it is not correct to say that the chicken enclosure building could be erected in this location without planning permission on land used for agricultural, which is not being used or sought for. He stated that he has spoken to many people who keep or have kept chickens and he has been made aware of the noise and smell issues and that they attract vermin.

Mr Brand referred to the Parish Council highlighting this issue as part of its recommendation that planning permission should be refused. He feels that the impacts are unnecessary and if the applicant wishes to keep chickens on the land there is no good reason why they cannot be accommodated closer to his property, with them being kept in the applicant's garden before the unauthorised development was undertaken and its placement within a few metres of where his children play is unnecessary and unacceptable.

Mr Brand questioned why the applicant wishes to have the enclosure that they walk to and from regularly so close to his children's play equipment, with his children feeling intimidated by the building being so close to the area they used to enjoy playing in. He expressed the view that the impact on his children's enjoyment of the garden is unacceptable and unnecessary, with him asking the applicant to move the structure but his unreasonable response was not moving.

Mr Brand stated that he has not been able to read the applicant's personal circumstances statement which was submitted earlier this month and it is unclear to him why this has been submitted so recently. He expressed sympathy for whatever those personal circumstances are but he does not consider these to justify the grant of planning permission for a development which is unacceptable contrary to planning law and has such a level of impact on his family.

Mr Brand expressed the opinion that the planning application is unacceptable in relation to planning policy matters and creates unnecessary impacts on his children's use of the garden. He urged members to refuse planning permission.

Members asked questions of Mr Brand as follows:

- Councillor Marks asked if Mr Brand was saying that if the chicken coop is moved he would be happy with the rest of the development? Mr Brand responded that as a parent he would be much more happy with that situation but as a Town Planner the land use is unacceptable in his view as well as officers view and the Coates appeal decision.

Councillor Marks stated that apart from the chicken coop the development looks like trees so what is seen in the garden with a 6 foot fence surrounding it and could he actually see the chicken coop. Mr Brand stated that they can see the proposal from their property, but not from the ground floor or from the garden, but his children have the elevated play equipment.

- Councillor Benney expressed the view that living next door to a barking dog is bad enough and chickens can be noisy and also smelly and asked if the chicken run impacts his life in any way in being close to his property and family at present? Mr Brand responded that the chickens have only been put in the enclosure very recently as far as he is aware so at present it does not but due to the size of the building it could house a number of chickens and he feels the impact from this would be substantial, but it is a wait and see situation. He feels that some sort of impact assessment should have been submitted with the application.
- Councillor Sutton asked Mr Brand whether he had any vermin or rats on his property to date? Mr Brand responded that neighbours have had vermin in their gardens but he has not seen anything in his garden yet. Councillor Sutton stated that he will have. Councillor Mrs French agreed, she used to keep chickens and she had to get rid of them as she was fed up with the rats and once you have got them it is a job to get rid of them.
- Councillor Connor stated that he was at the Parish Council meeting when Mr Brand gave his presentation, but did not take part only observed, but the Parish Council voted to refuse this application on the grounds that it is a retrospective application and as Mr Brand would be aware a retrospective application has to be given the same weight as a normal planning application. He referred to the Parish Council making further comments reviewing the size and location of the chicken run considering it to be more appropriate if this was located behind the applicant's property. Councillor Connor expressed the view that whilst the Parish Council have objected, one of the reasons does not mean too much and the other reason is more of an informative in that they would rather it was moved and asked if Mr Brand agreed with this? Mr Brand stated that he does not agree, he was at the Parish Council meeting and heard the reasons given and they were saying that they objected to the application and why could it not be behind the applicant's property.

Members received a presentation, in accordance with the Public Participation Procedure, from Gregg Pelling, a supporter. Mr Pelling stated that he lives at 4 Askham Row with his partner and two children, being a neighbour of Mr Brand to the east and a field neighbour of Mr Craske also to the east. He stated that he cares about this proposal as it is his long-term plan to stay in his house until he is old and this decision has significant impact on the future plan for his field.

Mr Pelling expressed the view that the objections claim urbanising and he looked at the definition of urbanising and its says to make urban in nature or to industrialise so he then checked the definition of urban and that theory does not match the plans or the application so he feels this is a moot point by the definition. He referred to an objection point being that the introduction of a domestic garden will set a precedent for further harm and expressed the opinion that this is quite the opposite as the combined purchase of the land was a protective measure by the residents of Askham Row to avoid any housing development to the rear, which he feels would be urbanising, not trees and bushes.

Mr Pelling stated that in the objection there is a lot of reference to Fenland Local Plan and specific LPs and he has dissected and examined some of these, with, in his view, there being plenty of extracts that support the nature of this application, with even in the pre-text there being the mention of biodiversity support as well as pollution reduction through the planting of trees. He feels the objection is quite right in that LP12, part A, sub-section C does oppose the application but that sub-sections A, B, D, E, F, G, H, I, and K as a minimum abide with the cause or often support it, with K seeing the land becoming protected against flooding with substantial planting.

Mr Pelling referred to Policy LP16 and the objection highlighting sub-section D, which he feels is

not clear cut as it mentions “resilience to climate change” and “reinforces local identity” and, in his view, the transformation of what was a pesticide and fertiliser exhausted field into a biodiverse array of native planting and oxygen producing trees is a clear counter to climate change. He expressed the opinion that Government policy around tree planting and tax relief available for decarbonising through tree planting is the biggest demonstration of this, with the local identity of Doddington being an attractive leafy green village as is the feel of a walk around the village which will only be strengthened by the addition of another beautiful garden.

Mr Pelling referred to LP19 which he feels strongly supports the application with biodiversity and ecological restoration of recreational habitats and there is evidence of LP19 in action with the result of the works with animals and insects returning and flourishing, showing photos of these animals and insects on the land. He displayed a photo of a bee hive in the field, which shows that honeycomb comes in lots of different colours and displayed an extract from UK Bee Keeping which shows where the different colours come from, with a significant amount being from the native planting in the applicant’s area and DEFRA have produced a Healthy Bee Plan for 2030 which supports the work done in the garden and creation of this habitat.

Mr Pelling expressed the opinion that the way the plan supports bee colonies gives argument against the LP12 sub-section C defence as it supports the expansion of the existing character of the Doddington area and a positive impact on pollination of the farmland specifically mentioning sub-section C. He displayed a photo showing the view from his garden, which shows at garden level and fence height next to nothing is visible other than the outline of the back of the field and tree line which gives the area its character, with nothing having been interrupted by what has taken place in that garden.

Mr Pelling stated that he does have a DEFRA licence to keep hundreds of chickens and pigs in his field so any concerns about the vermin or smells that may come from the applicant’s three hens would be massively outweighed by what he has the right to do now.

Members asked questions of Mr Pelling as follows:

- Councillor Marks referred to the last photo displayed and asked if there are alpacas at the bottom of the garden? Mr Pelling responded that these are sheep but this is Megaplants land, with that business intending to put shire horses on the land but it is not suitable at present so for the next two years sheep will utilise the site and after this time the land will be more suitable for shire horses. Councillor Marks asked if they were fed nuts and similar stuff as he wanted to understand about the vermin issue. Mr Pelling responded that he is not aware as it is not his land, but there have not been any rats with the sheep.
- Councillor Mrs Davis stated that on the site visit members were able to go into the garden and the land behind and were aware that the gardens alongside were already beginning to be “urbanised” so she can see why Mr Pelling would support the application because he is obviously intending to go the same way? Mr Pelling responded that until this application was submitted he was not aware there was any issue, all he has done at the moment is erect a fence, create chicken housing that could house up to around about 100 chickens and created an apiary for bees. He made the point that he has a DEFRA licence and it is his understanding that the use of chickens and bees are considered to be a domestic activity as well as an agricultural activity, with trees encouraged for planting and supporting any agricultural activity as well as fencing so his understanding is that what he has undertaken lies within the realms of agricultural land usage.
- Councillor Mrs Davis expressed the opinion that if she brought a house in Askham Row and then one neighbour wanted 100 chickens, another neighbour wanted 200 chickens and other animals this is not what she signed up for. Mr Pelling responded that an agricultural use is being talked about and he got an DEFRA licence on this land as agricultural land for agricultural use for chickens so this application by turning it into a garden is putting a limit on the number of chickens so if you wanted to protect those houses from enormous amounts of livestock then granting planning permission is the way to do that as his DEFRA licence

allows him to keep pigs, chickens and other animals.

- Councillor Sutton made the point that Mr Pelling is making a big issue about the DEFRA licence and asked how he came about it? Mr Pelling responded that it was a birthday present from his partner, he had always wanted to keep pigs and his partner went through the process had to fill in an enormous amount of paperwork and he was issued with a licence from DEFRA for keeping livestock, but he has not purchased any yet.
- Councillor Topgood stated that he keeps bees having four hives and has also kept chickens in the past and chickens absolutely decimate gardens but does Mr Pelling not think it would have been an idea for the chicken coop to be the opposite end of the field? Mr Pelling responded that his personal one is significantly larger but it is not covered and he does not have any stock currently due to the bird flu issue and the one in the application is roughly about 25% the size of his, with the applicant having three hens. He expressed the view that when chickens get their segregated area you soon know whether they are going to overcome the area as the ground gets stripped and in the applicant's area the ground is not being stripped which gives you an indication of how sparse the chicken population is with three chickens and in the size of site he has you are not going to see the noise and smells because it is that limited and although he does not believe it can be a planning condition the applicant has no desire to get more chickens. He stated that he had 10 chickens before a fox got in and there was not a smell, rodent or noise issue and no one keeps cockerels as it is acknowledged that would be anti-social.
- Councillor Topgood expressed the view that it is difficult as the committee is basically in the middle of a neighbourhood dispute and he can see the benefits of the garden with biodiversity but he can also see the objector's point of view. Mr Pelling stated that he has met with both parties individually to try and find a middle ground but feels his intervention was a little bit late as things had escalated by then and the issue is that he is not sure there is a way to legislate a happy ending for everyone.
- Councillor Mrs Davis asked if officers can comment on what permitted development can take place on agricultural land? Theresa Nicholl responded that the application being considered is not for agricultural land it is for a change of use from agricultural to garden land so if permission was granted for the current application then permitted development rights would exist the same as they do for the curtilage of any dwelling so in theory you could build buildings up to half the area of that garden as long as it met other stipulations. She stated that in terms of agricultural land, as Mr Pelling has referred to, it would have to be an agricultural unit and if there was a holding number issued it would have to be classed as an agricultural unit but because it is going to be she believes below 5 hectares and it is in such close proximity to dwellings you would not need permission to keep animals as it would be agricultural but you would need permission for any buildings to house those animals. Mr Pelling stated that this in line with guidance he was given, as he is below 5 hectares if he wanted a solid building then it would require permission. Theresa Nicholl stated that within 400 metres of a protected building, which is any dwelling, so whilst animals might be allowed to be kept on land as long as it remains in agricultural use not garden any permanent building on there would need planning permission. Mr Pelling feels that one of the difficulties, reading between the details, is the construction of the chicken enclosure, which is effectively a very high fence and the issue then comes in that it has to be covered through bird flu legislation which effectively forms a top which although it is a netting over a fence construction does putting a net over the top making it become a building, which, in his opinion, it does not as it was not a building to start with it is a modification in line with DEFRA requirements.

Members received a presentation, in accordance with the Public Participation Procedure, from Kevin Craske, the applicant. Mr Craske stated that the officer has recommended refusal on one point only as all other aspects of this application have been accepted as being agricultural or not amounting to development or in keeping with a countryside setting. He feels the point in case is the encroachment of the domestic garden into the wide open countryside in detriment to the character of the setting and that the Coates proposal F/YR20/0107/F has set a precedent.

Mr Craske expressed the view that the application conforms to multiple aspects of Fenland planning policy which has been overlooked and the use of Coates as a reference point is completely invalid. He stated that the land was acquired to protect it from development and he has been working tirelessly towards biodiversity and enhancing the landscape by ensuring it blends in using native planting and trees similar to those in the surrounding landscape thus retaining the distinctive Fenland character as required by the Local Plan and there might be a seat to rest and enjoy the numerous animals that visit them all contributing to personal well-being.

Mr Craske stated that he has highlighted how this proposal facilitates the health and well-being of Fenland residents, with most of his neighbours having visited the site and stating how much joy they receive from the improvements he has made and the increased level of wildlife as do many users of the nearby public footpath. He referred to LP12 and LP16 and that he is enhancing biodiversity habitat whilst retaining and increasing natural features of the setting, ie trees, hedges, grasses, bushes and the pond, all adding to the sustainability of the setting as the planting matures offering even further habitat, with a number of birds and small critters that drink from the water at his pond being unbelievable and magic to observe and if this does not add to local landscape character he does not know what does.

Mr Craske stated that the officer has equally commented how there will be no adverse impact on residents of Askham Row given that there is a 2 metre high close boarded fence between the properties and the chicken coop itself is only 1 metre square and can only hold a maximum of 5 chickens, with the run being 9 metres by 3 metres which is where Mr Brand gets his calculations of 720 chickens from. He stated that he has no intention of getting more, and will accept a restriction on numbers of chickens if desired to five or even three.

Mr Craske expressed the view that the site now attracts a wider array of wildlife, birds, bats, bees, insects, dragonflies etc which were not present previously and that is due to his efforts to support and provide habitat to the natural environment as in LP19, which the Council are encouraged to support. He referred to much being made of the Coates development as a benchmark, which in his view is totally inappropriate and does not give credence to the very different settings, he showed pictures of Coates which he feels shows that Coates site is in a very obviously wide and open landscape expanding for miles even beyond the pictures with the nearest built up area behind this development being over 4 miles to Thorney and 6 miles to Guyhirn within uninterrupted views which is very stark contrast to Askham Row which is only 85 metres from commercial premises on one side, 100 metres on the other and 250 metres to the rear making that benchmark inappropriate by the officer and each case should be considered on its own individual setting characteristics.

Mr Craske referred to the next picture on the screen taken on 10 August, which shows the setting of their site in the centre and, in his view, is very clearly different to Coates, with to the left a field owned by No.8 with the intended use for equestrian and the field to the right owned by No.4 whose use is like the application site, trees, orchard, bees, fencing, etc. He stated that the field to the bottom is owned by Megaplants, the garden centre, whose intended use is equestrian and he feels it is obvious that there are large developments to the left and right of the picture, the hospital with Doddington Court retirement community adjacent on the left and on the right Askham Village Community Care Home, both projecting further into the very same setting of the application site.

Mr Craske stated that the bottom left photo shows further housing development visible in the setting with one house currently with a second to be built shortly with a further two behind, which presents a clear delineation of the built up area in this setting with this small secluded parcel of land being surrounded by multiple businesses which, in his view, is nothing like the Coates wide open countryside with far reaching views there being no comparison and the planning assessment has rather considered this site in a generic countryside form which is, in his view, incorrect. He stated that he green highlighted homes at the top of one of his pictures are the houses which submitted comments in full support of this application as they are very pleased with what he is

trying to do not only to protect the site from development but also to bring wildlife into the area which he has been very successful in doing.

Members asked questions of Mr Craske as follows:

- Councillor Mrs Davis stated that on the site visit members saw the double gates in the fence and asked what are the gates for? Mr Craske responded that he has right of access over the land across to the public footpath, which is for occasional use to bring in bits and pieces.
- Councillor Mrs Davis asked Mr Craske why he has continued to add what is referred to as domestic paraphernalia when he knew that this application could be potentially refused? Mr Craske responded that he is not aware of what domestic paraphernalia is being referred too but a chair has been added.

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

- Councillor Sutton expressed the view that the officer's recommendation is correct as the applicant can do most of the things he wants do, the same as Mr Pelling can do, in an agricultural field and he does not need the change of use to undertake lots of these activities. He stated that in regards to the chickens he can assure that there will be rat infestations as his daughter had some chickens some years ago and now does not have any because she could not get rid of the rats. Councillor Sutton stated that he owns a property in the locality and the tenants asked to keep chickens and he agreed that they could have them and then had to reverse the decision as he had that many complaints from the neighbours about the rats, so he believes the recommendation is right. He does not think it would be of any great detriment to what is contained in the confidential appendix to keep it as agriculture as all the things suggested can still be undertaken at the back of the field without a change of use. Councillor Sutton expressed the view that there is a precedent set with the Inspector's decision in Coates despite what the applicant says agricultural land is still be referred to. He feels if this is granted then the other land either side will follow.
- Councillor Topgood stated that he is at a loss as to why the applicant is applying for a change of use because they can keep animals on agricultural land and do what they want with it within reason and he can only think that in the future that the land will become building plots or they will want to use it as their garden. He made the point that they can landscape the land, put a pond in, have animals on the land all without change of use.
- Councillor Mrs Mayor made the point that the actual application is change of land to domestic purposes, which is not farmland as Mr Pelling was talking about because he has a DEFRA licence and he will be a "farmer", but this application is to change the land to domestic garden use. She stated that if it is currently agricultural land and he wants to make it garden it requires a change of use.
- Councillor Marks asked if it goes from land for agricultural use to normal garden use then the applicant cannot build anything and would have to submit a planning application? Theresa Nicholl responded that unless permitted development rights were removed he would have the full permitted development rights on that land that goes with any dwelling but there are things that could be done that are domestic that do not need planning permission such as tables and chairs, umbrellas, things that are moveable and if permission was granted unless the permitted development rights were taken away they could build freestanding buildings as it would be land within the curtilage of their dwelling house.

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