

# PLANNING COMMITTEE



**WEDNESDAY, 5 DECEMBER 2018**  
**1.00 PM**

**PRESENT:** Councillor A Miscandlon (Chairman), Councillor S Clark (Vice-Chairman), Councillor Benney, Councillor D Connor, Councillor Mrs M Davis, Councillor A Hay, Councillor Mrs D Laws, Councillor P Murphy, Councillor Mrs F Newell, Councillor W Sutton and Councillor Mrs S Bligh,

**APOLOGIES:** Councillor S Court,

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

## **P47/18      PREVIOUS MINUTES**

The minutes of the meeting of 7 November were confirmed and signed.

David Rowen read out a statement in relation to minute item P42/18, which relates to F/YR16/1168/F, Land North East of 53 The Chase, Leverington. One of the questions raised by Councillor Sutton at that meeting related to the open space contribution and information provided at the time from members of the audience confirmed that the open space in Burcroft Road was within the Leverington Parish area, however, further clarification has shown that the open space is actually located just outside of the parish boundary.

David Rowen confirmed that the open space in Burcroft Road is the nearest to the application site and, therefore, remains the most appropriate location for the use of the financial Section 106 contribution arising from the development.

Councillor Sutton added that it is important that the Parish Council for the area should be able to decide where the financial contributions can be put to best use within their Parish. He added that whilst he appreciates that the open space in question is the nearest to the development, it excludes any input from the local Parish Council and he would still like to see the funding for the open space be placed under the control of the Parish Council.

Nick Harding clarified with Members that it is not the intention for any monies to be handed to the Parish Council directly. The proposed Section 106 contributions would be received by the District Council who in turn will install a Multi Use Games Area (MUGA) on the open space at Burcroft Road. He added that if a MUGA cannot be added to that site then alternative play and recreation facilities will be included or the monies will be utilised within the Parish of Leverington.

Councillor Sutton added that whilst he welcomes Nick Harding's comments, it does not give the Parish Council any input into the Section 106 and, in his opinion, he feels that it should.

David Rowen stated that the National Planning Practice Guidance states that any obligations should be as closely associated to the development as possible. The Chairman added that the distance of Burcroft Road open space to the development site is approximately half a mile, whereas the area in Leverington is actually 1.62 miles.

Following a request to the Chairman from Councillor Sutton to allow members of the Parish

Council to have some input into the discussion, the Chairman consulted with the Legal Officer. The Chairman stated that following legal advice, the planning application has been determined and the intervention from the Parish Council would not be beneficial. He added that the Section 106 is yet to be signed off and conditions can be added to the financial agreement where the Parish Council can have an input.

**P48/18**      **F/YR18/0320/F**  
**LAND WEST OF CEDAR WAY, ACCESSED FROM GROVE GARDENS, ELM**  
**ERECTION OF 27X2-STOREY DWELLINGS, COMPRISING OF 15X2 BED, 8X3**  
**BED AND 4X4 BED WITH ASSOCIATED PARKING AND LANDSCAPING**

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.

David Rowen presented the report and update to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Parish Councillor Graham Stokes in objection to the application.

Councillor Stokes stated that he is aware that Fenland District Council now has the necessary 5% in the 'land bank' and the Parish Council now hope that planning applications will be dealt with in line with Section 12 of the Local Plan. He stated the village of Elm is classed as a village of limited growth and is over 200% in excess of the target threshold, with this application having no community support and the Parish Council has consistently raised objections to applications on the proposed site.

Councillor Stokes referred to the original 2003 Section 106 Agreement, where one acre of land was gifted to the community, and a quarter of that land has now been taken by the developer, with there being no offer of compensation and whilst the Parish Council is aware of the legal position in relation to the community land, local residents will not be aware of the background history. He expressed the view that there is no community facility for the residents of Elm, since the closure of the village hall 10 years ago and, therefore, proposed that if the committee grant approval for the application the developer may wish to consider a contribution towards a community centre.

Members asked Councillor Stokes the following questions:

- Councillor Mrs Laws asked for clarification in that the Parish Council want the application to be refused, however, they would also wish for the developer to gift a community facility. Councillor Stokes stated that ideally they would like the application to be refused, but if Members were minded to grant the proposal then they would request a condition be added that the developer kindly donates a sum towards a community centre as a gesture of goodwill.
- Councillor Connor asked Councillor Stokes whether any dialogue had taken place between Elm Parish Council and the developer concerning the parcel of land. Councillor Stokes confirmed that there had been no conversation.

Members received a presentation in accordance with the Public Participation Procedure, from James Griffiths, the Agent.

Mr Griffiths explained that Kier has owned the land concerned with this application site for a number of years. He stated that, in order to make better use of the land, and to take into consideration the housing market, smaller dwellings, without garages, are proposed in order to be able to house an additional 7 dwellings, to incorporate a 9 metre easement which was requested

by the Internal Drainage Board and provide a larger open space.

Mr Griffiths explained, with regard to access, consideration has been given to the existing residents and, therefore, this has been included in the original development's Section 106 Contributions, which shows an access turning into the site to serve any future development. He advised that the road will be a private road and it will be the intention to set up a Management Company to ensure future maintenance of the road in perpetuity, with all of the 2 and 3 bedroomed houses having 2 off road parking spaces and there will be the provision for 5 visitor spaces.

Mr Griffiths stated that should the application be approved, Planning Officers have suggested a construction management condition be added as well as a considerate contractors approach between residents and Kier, with the Site Warden ensuring that minimal disruption will be caused during the construction period. He referred to the proposed Section 106 Agreement, with a contribution of £42,569 being agreed and the developer is happy for it all to go to the village of Elm for their community enhancements. He made the point this amount is more than they would normally be obliged to pay and if the Community Hall does not have open space then consideration may be given with regard to the use of some of the open space which is to the south of the site.

Mr Griffiths mentioned that, with regard to the open space which was referred to earlier by Parish Councillor Stokes, Kier have been trying to transfer the land since 2009, however, all of the open space in the earlier development phase is linked to the transfer and there have been issues with regard to the contamination of the existing ponds, which have had to be drained and restocked with fish, but has now been resolved. He stated that the scheme does provide an amount of amenity land on the western boundary.

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

- Councillor Mrs Davis said she has concerns over the application and stated that if you consider the wording as stated in LP12 where it mentions Parish Council support, there is no support connected with the application being considered today. David Rowen stated that although that is what Policy LP12 states Members will recall the appeal decision concerning a site at Manea where an application was solely refused on Policy LP12 and the Inspector allowed the appeal stating that it was not a substantive reason for refusal in its own right without any identified planning harm alongside it.
- Councillor Sutton stated that he has the upmost respect for all Parish Councils, but after reviewing the Local Plan and the NPPF he cannot find a material planning reason to refuse the application other than Policy LP12. Councillor Sutton asked whether the developer could increase the Section 106 contributions to £50,000.
- Councillor Sutton stated that contained within the update report it mentions that a contribution of £17,600 for public open space has been identified; however he would ask that the other amount of £24,969 go to the Elm Community Hall Project. David Rowen stated that it is Members decision if the whole sum of money goes towards the village hall, with a caveat to include a period of time as to when the monies need to be spent and if the monies are not spent on the village hall then they will need to be spent elsewhere within the Parish. Councillor Sutton agreed that there needs to be appropriate wording added with a realistic timescale.
- Councillor Mrs Laws stated that the developer has the skills and professionalism and as an additional contribution for the community may wish to assist with plans and architectural drawings for the hall.
- Councillor Sutton mentioned that Elm Parish Council purchased land from the County Council, which has a covenant attached to it, and discussions are underway to get the covenant lifted and once this has been overcome, discussions can commence with Kier.
- Councillor Mrs Laws stated that community engagement is important and it brings life to a village.
- Nick Harding stated that with regard to Kier assisting the community that goes above and

beyond what can be included within the Section 106 Agreement and would need to be a private arrangement between the Parish Council and Kier.

**Proposed by Councillor Connor, seconded by Councillor Mrs Laws and decided that the application be APPROVED as per the officer's recommendation.**

(Councillor Sutton registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters that he had been lobbied on this application)

**P49/18**

**F/YR18/0557/F**

**WESTHAVEN NURSERY, PETERBOROUGH ROAD, WHITTLESEY**

**ERECTION OF 18 X 2 STOREY DWELLINGS (PHASE 2) COMPRISING OF 5 X 2 BED AND 13 X 3 BED**

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.

David Rowen presented the report and update to members.

Members received a presentation, in accordance with the Public Participation Procedure, by Robert Jays, the Applicants Agent.

Mr Jays explained that this is the third application for this site, taking the opportunity of providing members with an update on the progress made to date; Natural England have now provided licences for the badgers and newts enabling mitigation and measures to ensure no harm for both protected species. He explained that the development is for 18 additional market sale dwellings on the western side of the development and the complete development will see 58 out of the 84 units being affordable homes, which equates to 69% of the total dwellings being affordable.

Members asked Robert Jays the following questions:

- Councillor Connor commented that he sees no provision for a cycle way and questioned whether any consideration had been given to one. Mr Jays stated that there have been no concerns regarding a cycleway raised during the planning application process, a detailed viability assessment was submitted as part of the bigger part of the scheme, which highlighted that the Section 106 Contributions were difficult to achieve and the introduction of a cycle way would involve a fairly significant sum impacting on the delivery of the affordable housing.
- Councillor Sutton asked whether it would be possible for the development to include some bird boxes to try and attract swifts which are on the decline? Mr Jays stated that as part of the planning application submission a great deal of ecological survey information had to be provided and as far as he is aware the site is not currently used by swifts, however, as part of the ecological mitigation bat and bird boxes are included on the site.
- Councillor Mrs Laws commented that she congratulates the agent and developer for the obstacles that they have had to overcome which have been challenging.

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

- Councillor Sutton asked whether as an informative on the application that bird boxes be included on the development? Nick Harding stated that as part of the report there is a condition to cover ecological mitigation, which states that 50% of the new dwellings will have bird and bat boxes included.

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

(Councillors Miscandlon and Mrs Laws stated that they are members of Whittlesey Town Council, but take no part in planning matters and registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had both been lobbied on this application)

**P50/18**

**F/YR18/0956/O**

**LAND SOUTH EAST OF DOVE COTTAGE, GULL ROAD, GUYHIRN**

**ERECTION OF UP TO 7NO DWELLINGS AND THE FORMATION OF 4NO VEHICULAR ACCESS INVOLVING THE DEMOLITION OF EXISTING OUTBUILDINGS**

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.

David Rowen presented the report and update to members.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Gareth Edwards, the Applicants Agent.

Mr Edwards explained that the application before members follows another application being approved for the adjacent site, with the proposed site being behind a high hedge, is in the extended garden of Dove Cottage and become overgrown. He expressed the view that there have been a number of developments in Gull Road over recent years mostly on the other side of the road and some of them have been for 8 or 9 dwellings.

Mr Edwards stated that the proposal has the support of the majority of standard consultees, which includes the Parish Council and the Environment Agency and if approved contact will be made with the North Level Internal Drainage Board to address their concerns. He expressed the opinion that additional housing in Guyhirn would bring additional children to the village school and by having dwellings on both sides of the road would lead to improved highway safety, hopefully reducing the speed in the village from 40mph to 30mph.

Mr Edwards stated that the proposed dwellings will be raised to be consistent with the road level of Gull Road, however, the gardens will be at a lower level, with five of the dwellings being in flood zone 1 and the other 2 in flood zone 3. He made the point that there is a proposed footpath linking to the access and the village of Guyhirn is a sustainable location serviced by bus links.

Mr Edwards noted the requirement of the Parish Council requesting a contribution for village amenities and stated that as this is an outline application he would be happy to accept this as a condition of the Section 106 Agreement.

Members asked Gareth Edwards the following questions:

- Councillor Mrs Bligh, referred to the suggestion of reducing the speed limit from 40mph to 30mph within the village, expressing the view that the Police will not approve a speed reduction as there are no reduction measures in place and a Section 106 could assist with the funding of chicaning along the road. Mr Edwards confirmed he would be prepared to attend the Parish Council to discuss this further.

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

- Councillor Connor mentioned that there had been no sequential test carried out, there is only one dwelling less than the previous application and questioned what else was different? David Rowen stated that Councillor Connor was correct and the only difference was that there was

one house less than in the previous submission.

- Councillor Mrs Bligh expressed the opinion that the proposal is in a perfect location, brings growth to the village, it has pavements, is on the X1 bus link and any improvements with regard to the reduction of speed in the village would be welcomed.
- Councillor Mrs Hay confirmed that a sequential test has not been carried out and, in her view, without a sequential test the Officers recommendation must be respected. David Rowen stated that the flood risk assessment was submitted with the application and without a sequential test the application is not policy compliant.
- Councillor Murphy stated that this application has been refused once, there have been no changes in this new submission, it is contrary to Policies LP3, LP12 and LP16, part of the site is located in flood zone 3, and the proposal does not meet the requirements of Section 14 of the NPPF and Policy LP14 of the Fenland Local Plan.
- Councillor Sutton stated that he has no objection to any development on both sides of Gull Road as it would have huge benefits to the village and although the application may not be supported today when the Local Plan is reviewed the classification of Guyhirn should be considered.
- Councillor Mrs Laws stated that she agrees with Councillor Murphy and added that she is very mindful of flood zone 3, with the Environment Agency and the Internal Drainage Boards existing for a reason.

**Proposed by Councillor Murphy, seconded by Councillor Mrs Hay and decided that the application be REFUSED as per Officer's recommendation.**

**P51/18      F/YR18/0780/F  
LAND WEST OF 327 NORWOOD ROAD, MARCH**

**ERECTION OF 1X SINGLE STOREY 3 BED WITH GARAGE AND 2 X 2 STOREY 3  
BED DWELLINGS**

This item has been withdrawn.

**P52/18      F/YR18/0527/F  
LANGLEY LODGE REST HOME, 26 QUEENS ROAD, WISBECH**

**ERECTION OF A SINGLE STOREY SIDE/REAR EXTENSION AND FORMATION  
OF CAR PARKING TO FRONT OF EXISTING CARE HOME INVOLVING  
DEMOLITION OF EXISTING 2 STOREY BUILDING AND REMOVAL OF  
SWIMMING POOL**

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.

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Mrs Theobald in objection to the application

Mrs Theobald explained that she has resided at the property next door to the application site for the past 34 years and the proposal if approved will have a huge detrimental effect on her life and outlook. She stated that, in her opinion, the proposal is gross overdevelopment, is far too close to her property extending to almost the complete length of the garden reducing the amount of sunlight, be overbearing, have an impact on privacy and will also be an issue with regard to noise disturbance.

Mrs Theobald added that any construction work, especially piling could damage her property and

foundations. She added that the frontage of Langley Lodge will be impaired following the demolition of the annexe and the proposed extension will not be in keeping with the existing house and neighbouring properties.

Mrs Theobald stated that parts of the lawn are due to be removed to provide parking spaces, which will mean that the area will become a car park resulting in a business property in a residential area which, in her view, will be totally out of character. She added that cars are regularly parked on the highway in front of her property and with the increase of visitors to Langley Lodge it will increase the congestion on the road.

Mrs Theobald stated that when the change of use from private house to a rest home was originally granted conditions were added to ensure the interest of other users of land in the vicinity be safeguarded, to ensure that visually the development accords with the general character of the neighbouring area and to park clear of the public highway. She expressed the view that all of the conditions are being ignored and that there are at least 12 other neighbours who are very worried having also voiced their objections against the proposed development, which will only provide an additional 6 bedrooms.

Members received a presentation, in accordance with the Public Participation procedure, by Councillor Steve Tierney in objection to the application.

Councillor Tierney explained that the residents of Kingsley Avenue and Queens Road are not unreasonable people and do understand the need for a rest home for elderly people, however, the problem with the proposal is that it is overdevelopment and the walls will be far too close to the residents properties. He asked Members to consider the objection from Wisbech Town Council on the grounds of overdevelopment.

Councillor Tierney referred to the Officer's report, where it mentions that additional vehicles will be able to park in Somers Road Car Park, making the point that parking in this car park often proves to be very difficult and, therefore, there will be an increase in on street parking adding to the parking problems that already exist in Queens Road, which is already a dangerous road. He stated that the Planning Committee had previously refused this application and the solutions that are contained in the proposal before Members today have not overcome the issues raised.

Councillor Tierney expressed the opinion that the site is a large plot and it would be easy to develop the plot in a different way, which would not be objected to by the residents.

Members asked Councillor Tierney the following questions:

- Councillor Mrs Laws asked whether the developer engaged with the residents regarding the plans? Councillor Tierney stated that not that he was aware of.

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

- Councillor Mrs Hay commented that the report states that the existing building to be demolished is currently used as a living room and kitchen area on the ground floor and 2 bedrooms on the first floor and asked for clarification as to whether the replacement will have a first floor? David Rowen confirmed that it will be a single storey extension. Councillor Mrs Hay commented that this will reduce the blockage of light as there will no longer be a first floor. David Rowen highlighted on the overhead presentation that the current height is greater than the proposed extension.
- Councillor Mrs Laws asked for clarification on the distance between the boundaries? The closest point of the building is approximately 2 metres from the boundary and the dimension of eaves is 2.6 metres and to the highest point is approximately 4.9 metres at its optimum height.
- Councillor Connor expressed concern, in relation to the piling, about the proximity of

neighbouring properties. David Rowen stated that at this stage of the process, the applicant maybe unsure as to whether piling would be needed and should planning permission be decided it would be the builder's decision as to the most appropriate solution to comply with building regulations. How something is to be constructed is not a material planning consideration.

- Councillor Sutton stated that whilst it is not a material planning consideration, there are methods of piling which would have no impact on the adjacent properties, adding that there is a need for this type of property and whilst he appreciates that comments of Mrs Theobald with regard to the loss of sunlight; he made the point that on the site visit the hedge between the two properties was actually higher than the proposed dwelling.
- Councillor Mrs Bligh stated that she cannot see how visually the adjacent property will be affected. She notes the need for extra facilities for the aging population and will be supporting the application.
- Councillor Benney asked what the distance is between the adjacent house to the boundary? David Rowen stated that he did not have the exact measurement, however, would suggest it would be a similar distance to that of the extension to the boundary. Councillor Mrs Hay stated that it mentions in the report that the proposed extension will be 2.5 metres from the joint boundary and 5.65 metres from the side wall of 24 Queens Road.
- Councillor Mrs Davis expressed concern in relation to the whole length of the adjoining property at number 24 being bordered by a building and although the hedge is there now it could be removed. She added that whilst she appreciates the demand for accommodation for the elderly, she does not necessarily agree with confining another property and the road outside Langley Lodge will also have a solid line of cars due to parking issues.
- Councillor Mrs Laws expressed the opinion that the distance between the garden of the existing building and the fact that the proposal will stretch along the complete length does not fit with the building and the design could be looked at, although Langley Lodge is a lovely building and additional accommodation is needed.
- Councillor Mrs Hay expressed the view, with regard to parking, it will be an issue when visitors come to visit and it was to be noted that the entrance to Langley Lodge is only 130 metres from the first available parking space in Somers Road car park, which has 280 car parking spaces.
- Councillor Murphy commented that the extension that goes down the side is not against the neighbouring property and he cannot see how it can be classed as a detriment to the garden space.

**Proposed by Councillor Mrs Hay and seconded by Councillor Mrs Bligh, and with the use of the Chairman's casting vote, that the application be APPROVED as per the officer's recommendation.**

**P53/18**

**F/YR18/0888/O**

**LAND NORTH OF TEWINBURY HOUSE, MILL LANE, NEWTON-IN-THE-ISLE**

**ERECTION OF UP TO 4 X DWELLINGS INVOLVING THE FORMATION OF 3 X ACCESSES(OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)**

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.

David Rowen presented the report and update to Members.

Members received a presentation, in accordance with the Public Participation Procedure, by Mr Gareth Edwards, the Applicants Agent.

Mr Edwards explained that the proposal is for 4 infill dwellings in Mill Lane, Newton, with the site being between two properties in this small village complying with Policy LP3 of the Local Plan. He



made the point that there have been recent planning approvals for 2 dwellings on land opposite which, in his view, shows that Mill Lane is capable of development and the Highways Authority and Environment Agency have no objection, with the application being supported by a number of local residents and there being no other plots for sale in Newton.

Mr Edwards stated that the comments from Cambridgeshire Archaeology have been seen and noted and he will be happy to accept the condition required. He expressed the opinion that the village of Newton has limited community facilities; however, the neighbouring villages of Tydd St Giles, Gorefield and Leverington have facilities which can be utilised.

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

- Councillor Mrs Laws expressed concern that the applicant has failed to pass the sequential test and exceptions test and whilst she accepts it is a small village development and may come forward again in the next Local Plan, she agrees with Officers that the application is against Policies LP12 and LP14.
- Councillor Mrs Hay mentioned that the Highways Authority have stated that 4 dwellings would generate enough pedestrian trips to justify having a footpath installed, but question if one could be installed due to whether the development can be considered as sustainable and policy compliant and for those reasons alone she will support the Officers recommendation.
- Councillor Connor stated that there is no sequential test, the site lies in flood zone 3 with no footpaths and partly in the open countryside, and he will be refusing the application.

**Proposed by Councillor Mrs Hay, seconded by Councillor Mrs Laws and decided that the application be REFUSED, as per the officer's recommendation.**

(Councillor Clark registered, in accordance with Paragraph 14 of the Code of Conduct on planning matters, that she had been lobbied on this application)

**P54/18**      **F/YR18/0781/F**  
**15 CHURCH LANE, DODDINGTON**

**CHANGE OF USE FROM RESIDENTIAL TO RESIDENTIAL AND IMPORTATION,  
BREEDING AND SELLING OF TROPICAL FISH AND ERECTION OF A  
DETACHED OUTBUILDING**

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.

David Rowen presented the report to Members.

Members received a presentation from Parish Councillor Ruth Hufton from Doddington Parish Council in objection to the application.

Councillor Hufton explained that Doddington Parish Council object to this application for a number of reasons; the applicant has already completed the building associated with the application and are already conducting a business from the premises; the area is a residential area close to the church and is a quiet lane where many people walk; the premises are very close to the conservation area and the business will have a detrimental impact on the feel of that particular part of the village, and the premises are situated on a sharp corner where Church Lane becomes Eastmoor Lane and any cars parked in the area could constitute a hazard.

Councillor Hufton stated that the application applies for a change of use from residential to residential and importation, breeding and selling of tropical fish, which is called a hobby business, but, in the view, of the Parish Council it should be classed as a business. She made the point that

the applicants supporting statement, which is on the Fenland District Council website, declares that the business started as a hobby, which, in the Parish Council's view, confirms that it is no longer a hobby but is actually a business.

Councillor Hufton added that the Parish Council have no wish to stop new businesses opening in the village, however, the area which is being used is unsuitable for any business as it will disturb the peace and quiet, with there being more suitable locations within Doddington and Manea which have small business units already built. She commented that the Parish Council also have concerns over the flushing of the fish tanks on a regular basis, whilst they are aware that the application states that soakaways will be used, the area on the corner of Church Lane and Eastmoor Lane adjacent to the property is already known to flood when there is heavy rainfall and properties on Eastmoor Lane have already been known to have suffered water damage in the past, and should the application be granted the Parish Council would ask that adequate drainage be installed to alleviate this problem.

Members asked Councillor Hufton the following questions;

- Councillor Mrs Laws asked, with regard to the flooding of Eastmoor Lane, whether the flooding incidents have been reported or recorded with Anglian Water or the Environment Agency? Councillor Hufton stated that they have been reported and a certain amount of works have been carried out, however, in times of heavy rainfall the road slopes towards 2 properties who have suffered flooding.

Members received a presentation, in accordance with the public participation procedure, from Mr Snowdon in objection to the application.

Mr Snowdon explained that since January a property has been transformed into an operational fish farm without planning permission and without checks with regard to drainage and water egress. In his view, the application and officer's report contain errors and the application title for a change of use states to include the breeding of tropical fish, however, in the supporting statement of 28 August the applicant has stated he does not breed fish.

Mr Snowdon stated that the officer's report refers to the vicinity being commercial/residential and this statement is wrong as it is a residential area. He further referred to the report stating that the fish farm will create minimal economic benefit and, in his opinion, this is incorrect as there is no economic benefit or employment created, but inconvenience caused due to the increase in the amount of traffic and the issues surrounding the water, drainage and sewerage problems, which all actually pose an economic, social and environmental cost to the village.

Mr Snowdon expressed the view there is no demand for a fish farm locally and it is only beneficial to the applicant and a market external to the village, with the applicant mis-understanding the requirement for the permissions needed to operate a business. He highlighted that the officer's report states that the parking area will be used by both visitors and the courier van, however, he has submitted photographs to the Planning Department showing parking not on the hard standing.

Mr Snowdon expressed the view that the fish farm also brings with it associated issues, such as smell, cleanliness, drainage and environmental impact and whilst the applicant has stated that he has not seen any indication of flooding, properties suffered from flooding in 2014. He advised that the Highway Authority have expressed their concerns over the boundary wall which encroaches on the highway and this still needs to be resolved.

Mr Snowdon asked that if the committee are minded to approve the application then the height of the boundary wall must be added as a condition for it to be lowered making the point that when works commenced on the building in January, local residents contacted the District Council to raise their concerns, but no enforcement action took place. He expressed the opinion that the applicant

has made no attempt to comply with the law and the application offers nothing positive to the community, it is highly unlikely that the applicant will comply with the requirements within the impact assessment and would not monitor accurately the number of visitors.

Mr Snowdon expressed the view that even to grant the application on a temporary basis would not be agreeable as by default it would become permanent and he would ask that the Committee refuse the application, requiring it to be returned to its original state as a residential property.

Members asked Mr Snowdon the following questions:

- Councillor Mrs Davis asked if he could elaborate on the photos he has? Mr Snowdon stated that he had submitted photographs of the courier van. David Rowen stated that the issue that had been raised in his presentation of the report was that no evidence had been provided to demonstrate a substantive harm on amenities and not that there had been no photographic evidence submitted.

Members received a presentation, in accordance with the Public Participation Procedure, by Mr Hu, the Applicant.

Mr Hu explained that it is a hobby business, he has kept tropical fish over many years and due to the expertise in the subject he started a business operating from home. He stated that when he moved to Doddington he was unaware it was a Conservation Area and when he was made aware that there was an issue and that there was a need to apply for planning permission, all building works stopped.

Mr Hu referred to a number of complaints concerning the hard standing area regarding couriers attending the property and parking on the main road, making the point that the driveway is only half completed because an objection has been raised, but the driveway will have enough space to park 8 or 10 cars. He stated that he is specialist tropical fish importer, he is not a breeder, but sometimes there are personal callers to the house in connection with fish, however, most of the business is carried out on line via Facebook and the website.

Mr Hu stated that a courier visits the property 2 or 3 times a week and once the driveway is completed there will be no parking issues. He added that the Local Authority have already approved the premises for a pet licence and the property is connected to the main drainage system.

Members asked Mr Hu the following questions:

- Councillor Mrs Davis asked for clarification on whether he is a breeder? Mr Hu stated that he is a discus fish keeper and not a breeder.
- Councillor Connor asked for confirmation on whether he has planning permission? Mr Hu confirmed he has not. Councillor Connor asked whether he did not realise that he would need planning permission from the Local Authority? Mr Hu stated that where he resided before in London he did not require it and when he contacted Fenland District Council, he was advised for a small extension it would not be required. Councillor Connor stated that, in his opinion, wherever you reside you would need planning permission. Mr Harding clarified that if somebody contacts the local authority with regard to whether planning permission is required the authority would not respond to a verbal enquiry and would request it in writing, which also includes an associated fee. Upon receipt of this, a formal reply is given. Certain developments can be undertaken without planning permission, but the authority would also give the advice to a customer to put their enquiry in writing, providing the address and exact nature of the proposal.
- Councillor Mrs Hay asked if when Mr Hu initially contacted the authority to question whether planning permission was required did he detail what the extension was for? Mr Hu stated that

he did explain.

- Councillor Mrs Laws asked for confirmation on whether he is a breeder and it is a business? Mr Hu confirmed it is a business and he is not a breeder.
- Councillor Mrs Laws asked whether he works full time? Mr Hu confirmed that he works from home and Councillor Mrs Laws continued by saying that he operates a business that is really a hobby. Mr Hu stated that most of the business is carried out on line. Councillor Mrs Laws stated that she is trying to understand the proposal as it is a residential area where a business is being operated from a home address which is perceived to be a hobby, which has couriers and visitors at all hours. Mr Hu stated that 95% of the business is carried out on line and couriers attend the property between 14.30pm and 16.00pm, three times a week at the most.
- Councillor Mrs Davis stated that she is confused as Mr Hu is saying that it is his hobby not his business.
- Councillor Mrs Hay asked whether he carries out any other form of work from his home address and where his main income comes from? Mr Hu confirmed that it is from the fish business.
- Councillor Connor asked how the contaminated water is disposed of? Mr Hu confirmed that it goes down the drain adding that the water is also recycled as part of a filtration system.
- Councillor Connor referred to an Anglian Water email from November 2016 which stated that Doddington and Wimblington do not have the capacity for any more water effluent as it is backing up and currently tankers are taking effluent and waste from Eastmoor Lane and Cooks Green to March as the local treatment plant cannot cope.
- Councillor Benney stated that it has been established that Mr Hu is running a business in a residential area and asked whether he has considered moving to a business area? Mr Hu stated that he is a small business operating on line.

Members received a presentation, in accordance with the Public Participation Procedure, from Mr Gittoes in support of the application.

Mr Gittoes explained that he is a friend of Mr Hu and knew him when he resided in London. He added that Mr Hu had no issues with regard to running a business in a residential street in the middle of London, he is very well respected in the Discus Fish business and you cannot stop fish from breeding.

Mr Gittoes expressed the opinion that there is no noise from running a tropical fish business and once the driveway is completed there will be no issue with regard to parking on the highway.

Members asked Mr Gittoes the following questions:

- Councillor Connor thanked Mr Gittoes for his honesty and for clarifying that Mr Hu is running a business.

Mr Harding highlighted to members that there has been confusion over the nature of the proposal, but the application form makes it quite clear that it is for a change of use from a residential property to a mixed use of residential and business, and part of that business use is for the breeding of fish, so if the applicant chooses not to breed the fish, but is granted the planning permission that is what he can do subsequently.

Mr Turnbull, the legal representative, highlighted to members that it has been raised that Mr Hu did not, but should have, applied for planning permission in advance and his failure to do so is not material in the decision by the committee on the planning merits of the application.

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

- Councillor Mrs Laws stated that she is concerned with regard to the drainage issues and the fact that properties have already been flooded acknowledging the impact this can have on the residents. She added that although highways do not consider the off road parking area to

provide suitable parking to cater for the business element, they state that there is unrestricted kerbside parking available within the vicinity. On the site visit, the turning does not have good visibility which is also a concern. Councillor Mrs Laws added that she is mindful that this is retrospective planning permission; however, she is concerned where this could lead, being in a residential area and the business could expand going forward.

- Councillor Mrs Newell stated that in the officer's report it states that the Environmental Health officers have great concerns and it mentions a pumping machine which will be used to run the facility. David Rowen clarified that within section 5.3 of the report it states that environmental health have made further comments on 2/11/18 stating that they have no further comments to make, are now satisfied and are not raising any objection to the proposal.
- Councillor Mrs Davis referred to planning officers sending an email on 22/6/18 to Mrs Russet which states that, following a site visit with Environmental Health, it considered that the business being run from the property constituted a material change of use and would require planning permission and, therefore, she would like to know what had changed since that time. David Rowen stated that it related to an application which was submitted earlier on in the year which has been withdrawn and officers now feel that the screening that is around the building and the potential to get the building painted in a more sympathetic colour now addresses the issue.
- Councillor Sutton stated that he read through the withdrawn application, the officer's report and also visited the site again reviewing both National and local policies quoting from point 127 and 130 of the National Planning Policy Framework. He expressed the view that historically the triangle area in Doddington never suffered from any flooding.
- Councillor Sutton added that he has met many businesses over the years, with a view to attracting them to the area, and ,therefore, he questions whether the business aspect of the application outweighs his concerns of the visual aspect feeling on this occasion it does not. He highlighted that within Manea and Chatteris there are workplace homes and there is no shortage in Fenland of places where this business could and should operate. He expressed the view that the proposal detracts from the character of the area and the applicant and Mr Gittoes have said that the car parking hard standing area will be completed soon; however, the parking area is not fit for purpose. He feels the application does not fit with the policy on visual impact and character of the area and he cannot support it.

**Proposed by Councillor Sutton and seconded by Councillor Clark and decided that the application be REFUSED against the officer's recommendation.**

Members did not support the officer's recommendation of grant of planning permission as they felt that the proposed extension does comply with the Local Plan Policy LP16, does not make a positive contribution to the appearance and character of the area, the proposed extension is detrimental to the area and the size and scale of the building is also considered harmful to the character of the host dwelling.

(Councillors Connor and Councillor Mrs Davis, registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they were members of both Doddington and Wimblington Parish Council but take no part in planning matters)

(The Chairman registered, in accordance with Paragraph 14 of the Code of Conduct on Planning matters, that he had been lobbied on this application)

4.06 pm

Chairman