

# PLANNING COMMITTEE



**WEDNESDAY, 20 MARCH 2024 - 1.00 PM**

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

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

**P113/23**      **F/YR23/0431/O**  
**LAND NORTH EAST OF TROTTERS LODGE, THE OLD DAIRY YARDS,**  
**WESTFIELD ROAD, MANEA**  
**ERECT UP TO 3NO DWELLINGS (OUTLINE APPLICATION WITH MATTERS**  
**COMMITTED IN RESPECT OF ACCESS) INCLUDING DEMOLITION OF 3 X DAY**  
**ROOMS AND OUTBUILDINGS**

Gavin Taylor presented the report to members.

Member received a presentation, in accordance with the public participation procedure, from Alan Melton on behalf of Manea Parish Council. Mr Melton stated that the Parish Council has no objection to this development and they feel it is a replacement of dwellings that are already there, although they may be caravans. He finds it interesting to note that the proposed development would see the loss of a gypsy traveller site, which may be the strict interpretation of the rules, but having known this family for a long time and know of them and their work this site as a travellers site is dependent and personal to the occupants, Mr and Mrs Savage and family.

Mr Melton stated that under no circumstances, if there had been a planning application come in for a gypsy traveller site in that location, would it have been granted in the first place. He referred to the consultees and made the point that he can see no objections, especially from Highways as he knows residents have shown concern about the access and egress.

Mr Melton referred to the County Ecology report which recommends refusal due to lack of biodiversity but, in his view, it is surrounded by biodiversity and reiterated that there are already structures on the site so he feels it cannot be detrimental by building these homes. He feels there is a lot of writing about ecology but having read it thoroughly, in his opinion, this should all be dismissed.

Mr Melton highlighted the comments from the Council's Traveller and Diversity Manager who stated the existing development was approved for a gypsy traveller caravan but expressed the view that circumstances and people change, with people wanting to move on and Chatteris and Manea and the surrounding areas years ago welcomed lots of traveller sites and travellers and their descendants are now living in houses and are prominent business people who have contributed a lot to the local economy and the local environment. He, therefore, feels these comments are not relevant and should be dismissed.

Mr Melton referred to local need, with it stating in the report that there is no discernible need but, in his view, from training he has received in the past the baseline of planning is land use and the

need of houses will be determined by the market place. He expressed the view that the emerging Local Plan makes no provision for any housing whatsoever in Manea, with in one section it saying it is a growth village and in another section it says there is no growth so it cannot be both.

Mr Melton questioned whether it encroaches into the countryside and referred to piecemeal development, with, in his opinion, anybody who uses that road as regularly as he does will know that Westfield Road is made up of piecemeal development so this proposal is not out of character. He stated that it is the conclusion of the Parish Council that this application stands as a good application, a replacement application, it is going to have no detrimental effect on the village or highways and, therefore, the application should be approved.

Members asked questions of Mr Melton as follows:

- Councillor Mrs French referred to it being stated that this would never have obtained planning permission but in 2014 it received planning permission? Mr Melton agreed that it did but if the report is read carefully it says it was personal to the family that lived there as they were already living there and had done for some time. He added that if the County Council had identified a need for further traveller sites within the boundaries of Manea that site would not have been considered.
- Councillor Mrs French stated that the policy for gypsy travellers is not up to date and she would suggest as the Clerk of Manea Parish Council that this information is submitted to the Council for inclusion in the emerging Local Plan. Mr Melton responded that in the next municipal year Manea Parish Council are going to embark on a Neighbourhood Plan and this will be included. He stated that he recognises as does the Parish Council that there is a need for gypsy sites but there are sites that are far better than this one.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall expressed the opinion that the key points with this application are Policies LP3, LP12 and LP16 and he feels that Manea is a growth village, with the site lying within the built-up form of Manea. He stated that he has been visiting this site for around 20 years and there has always been various buildings on site.

Mr Hall, referring to a map on the presentation screen, stated that under Policy LP12 it states development should abut existing built-up form and, in his opinion, this does by abutting Cox Way to the southeast and there are further permanent residential dwellings to the southwest of the site that are established. He made the point that Policy LP16 states that proposals should make a positive contribution to the character of the area and this site cannot even be seen from Westfield Road and is well screened from the public right of way running along the front of the site so, in his opinion, the proposal will not be detrimental to the area and would have no impact on neighbouring dwellings, with there being no objections from any adjacent neighbours.

Mr Hall made the point that there are no technical objections to the application and the site is in Flood Zone 1, has an existing access which will be utilised and there has been no objection from Highways and there have been already for a number of years persons living on site. He stated that the indicative site plan submitted with the application shows three dwellings but as can be seen from the size of the site it could accommodate in terms of area a lot more dwellings, but it has been limited due to the existing access and persons that are on site now and persons assumed that would be on site if the proposal gets approval.

Mr Hall expressed the view that members will be aware of other applications along Westfield Road, on the northern side, that are just like this one having been approved by committee and they go back a similar distance from Westfield Road compared to where this one would be. He expressed the opinion that this is an ideal site for development with persons already living on the site, it has an existing access, it will not block the public right of way, there is existing drainage, it is in Flood Zone 1, there is no change in the street scene with it being well screened and it is supported by all the consultees, particularly the Parish Council as just heard from Mr Melton.

Members asked questions of Mr Hall as follows:

- Councillor Mrs French asked if this proposal is for the traveller's family, ie sons/daughters? Mr Hall responded that the persons living on site are all the same family as it is and from what he has been told it will be the same persons who will still be living on that site.

Members asked questions of officers as follows:

- Councillor Mrs French questioned the proposal being in the open countryside and what she can see and has read this is a brownfield site and this is for replacement of structures that are already in existence and asked if this is correct? Gavin Taylor responded that the planning permission in use currently is for residential use, the structures for residential use are tighter to the existing built form than the extent of the site plan proposed via the red line so the concern is the depth of that site relative to the existing built form and how that relates, with it being considered that it relates more closely to the countryside. He stated that there are structures on the site but they do not extend as far as the red line goes and notwithstanding the residential use of the site is restricted by virtue of the special circumstances that were considered at that time, the policies that direct development to villages and countryside are no different to what they were before due to the need to protect the open countryside and keep development tight to the existing built form.
- Councillor Gerstner referred to the comments of the Traveller and Diversity Manager who states that the existing development was approved as a gypsy traveller caravan accommodation to meet the cultural needs of their lifestyle and it would appear that the family that are living there have lived here for some considerable time so they are seeking to replace the accommodation that they are living in now with brick structured buildings and the agent has said that the brick structured buildings will be lived in by the applicants and their family. He sees that the Traveller and Diversity Manager has questioned that the loss of the traveller site would mean the need to look elsewhere to replace it but there has been no movement on that site for a number of years, so the people are not transient. Councillor Gerstner asked for clarification on the loss of the traveller's site and what that means to the Council. Gavin Taylor responded that there is some discussion in the report at 10.7 onwards regarding that, which considers this development on accommodation for gypsy travellers, but it is acknowledged that this is specifically restricted to specific individuals which are intending to reside on this site. He stated that it does not form a reason for refusal in terms of loss of gypsy traveller site and is not an open permission for any gypsy traveller to accommodate, it is specific to this family. Gavin Taylor made the point that whilst he acknowledges the agent's comments in terms of the intention of the applicant it is not good business to restrict market dwellings to individuals to live in and it would be unreasonable to restrict it so these would be open market dwellings and the previous permission that restricts occupancy would fall away as a result.
- Councillor Gerstner asked for clarification that it is not a reason for refusal on the loss of a gypsy traveller site? Gavin Taylor responded that officers do not consider it is because the applicant themselves who are restricted by that condition of occupancy are the applicants who wish to have an alternative type of accommodation.
- Councillor Imafidon referred to the officer's response to Councillor Mrs French that the depth of the site as opposed to the existing built form and structures is more than what is proposed to be built and the way it is laid out there is more land space available and asked if this was correct? Gavin Taylor made the point that it is an indicative layout only and officers would have to take into consideration associated paraphernalia that could go with that residential use and curtilage afforded to one or two or three of those dwellings is quite substantial and goes out further into the countryside than the current built form. He added that whilst the layout is not committed it could be this layout, it could be deeper, or it could be with residential paraphernalia so it is a consideration regarding the depth of the site and how this encroaches into the countryside.
- Councillor Imafidon made the point that when he visited the site there were a lot of structures on site and from what he sees now from the proposal this would be a better use

of the site, in his opinion, from what it currently is. He asked if officers agree with this? Gavin Taylor responded that it is not considered by officers to comply with policy and is more about landscape and visual impact.

- Councillor Imafidon stated that the use is already in existence in an open countryside location and is surrounded by buildings, so he does not understand this and asked for clarification. Gavin Taylor responded that the extent of the red line goes into the countryside well beyond any built structures that are on that site.

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

- Councillor Benney stated he has visited the site, and he fails to see why it is at committee as, in his view, it brushes with policy and councillors are here to put a human touch and to bring benefit to the community in which councillors represent. He stated that he has known the site for years, it is a brownfield site and in relation to building in the open countryside members are told that the gaps have to be filled in before moving out but Manea is sprawling in all directions and is a very large village in terms of area and what cannot be seen on the map is Glebe Close which equally protrudes out into the open countryside. Councillor Benney expressed the opinion that there is a family here that have decided they want to give up living in caravans and live in a house and this proposal is not going to interfere with anything, there will not be additional traffic and there are no objections. He does not agree with Policy LP12 as it is in the middle of Manea, and he fails to see how this is in the open countryside and nothing would be built if this approach was taken to all development. Councillor Benney referred to LP12 stating that schemes must be considered for new dwellings and this is a site that could have more development on it but the applicant only wants it for his family and his family are already there and whilst he recognises the recommendation of officers but feels that the committee and councillors are here to put a human face to the proposal and he feels this would be supporting a family and does not think it is detrimental. He expressed the view that it is a development that should be approved, and he will be supporting the proposal.
- Councillor Mrs French referred to the loss of a traveller's site but her understanding is that these travellers have been there for many years, they are born into the traveller's world and because they live in a solid building does not stop them being travellers. She feels it is a brownfield site, disagrees that it is in the open countryside and is a replacement of dwellings, so she will be supporting it.
- Councillor Gerstner expressed the view that there are 6 letters of support for this proposal, there is no intensification of the area, Highways have not made any objections, it sits within its own curtilage, it is a visual improvement on what is there at the moment, the family has been on the site a long while and he will be supporting the application.
- Gavin Taylor stated that the debate mentioned the family and if that is a significant material consideration if they were to ultimately support the application it would need to be considered whether or not there is so much weight on this that a restricted occupancy condition should be imposed but the NPPF does dissuade from doing this as if housing is being delivered it should be unencumbered. He added that the site itself currently is an extension of default agricultural land and does not form the residential use so, therefore, it would not technically be previously developed land under brownfield. Gavin Taylor referred to the mention of 6 letters of support and whilst the content of letters of support or objection might be material, there is no policy indication that this should be given any more weight.

**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 reasonable conditions in association with the Chairman.**

Members do not support officer's recommendation of refusal of planning permission as they feel under LP3 that this is not an elsewhere location as it lies within the boundary of Manea, it is delivering high quality accommodation, it is improving the quality of lives of the residents and under LP16(d) this proposal is adding to the high-quality environment.

*(Councillor Benney declared that he knows the applicant as he went to school with him and over 20 years ago, he was a sub-contractor that undertook work for him but he does not socialise with him and also the agent has undertaken work for Chatteris Town Council and himself personally but he is not pre-determined and will consider the application with an open mind)*

*(Councillor Marks declared that he knows the applicant and is undertaking personal work for them and took no part in the discussion or voting thereon)*

**P114/23**      **F/YR23/0858/F**  
**41 QUEENS ROAD, WISBECH, PE13 2PE**  
**CHANGE OF USE OF 4-BED DWELLING (C3) TO FORM HOUSE OF MULTIPLE**  
**OCCUPATION (HMO) (SUI GENERIS) FOR UP TO 8 PERSONS INVOLVING**  
**DEMOLITION OF EXISTING GARAGE AND FORMATION OF AN ACCESS.**

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

Members received a presentation, in accordance with the public participation procedure, from Councillor Tierney, ward councillor. Councillor Tierney stated that he is the County, District and Town Councillor for this area but Councillors Hoy and Wallwork have fed into what he is going to say and Councillor Edwards who is a Town Councillor is also present to support residents in opposing this application. He stated that Queens Road is a normal residential street full of family character homes in a well-established community neighbourhood and under the Local Plan's health and wellbeing guidance LP2 it aims to provide high levels of residential amenity which, in his view, this proposal only pays scant lip service to, with it having almost no communal areas and does not give a sense of community.

Councillor Tierney stated that LP2 also states the ambition to create an environment in which communities can flourish and, in his view, people cannot easily flourish in these sorts of proposed accommodations. He expressed the opinion that this proposal is also contrary to paragraph 8 of the NPPF which states that development should support strong, vibrant, and healthy communities and living in a small box room with no community space he feels is the opposite of that ambition and is not conducive to a healthy life.

Councillor Tierney expressed the opinion that the key reason why this application should be refused is that it breaches LP16 in multiple ways, LP16(b) states that development should protect and enhance biodiversity on and around the site, with this proposal not doing this as the garden is removed to create multiple parking spaces but not enough parking spaces, LP16(d) states that developments should make a positive contribution to the local distinctiveness and character of the area and this application cannot possibly, in his view, do this, LP16(e) states that development should not adversely impact upon the amenity of neighbouring users, with one example given being loss of privacy, and, in his view, this site will lead to overlooking of No.39 and so contravenes this. He added that LP16 sets out the desire to deliver and protect high quality environments, with this building normally being a high-quality family home but under these proposals becomes multiple small dwellings creating isolation and having a negative effect on the physical and mental health of people forced to live their entire lives in one room.

Councillor Tierney expressed the view that the parking provision is poor for this many proposed residents and committee did refuse another application last year at Langley Lodge, 300 yards along the road, for the same reason, with that application going to appeal and the appeal supported this committee's reservations and decision, and he feels this is the same situation. He stated that LP15(c) stipulates development schemes should provide well-designed car parking appropriate to the amount of development proposed and in line with car parking standards, but this development proposal would result in a shortfall of car parking which would result in on-street

parking to the detriment of road safety and contrary to the aims and objectives of this policy.

Councillor Tierney asked for consistency asking members to replicate that logical decision and turn this application down. He referred to the Town Council comments when they discussed this issue which is that a lot of problems that Wisbech has come from poorly planned and poorly placed HMOs and, in his opinion, this proposal is in a poor place and is a poor plan requesting that it be refused.

Members asked questions of Councillor Tierney as follows:

- Councillor Mrs French asked whereabouts would the overlooking occur that was mentioned? Councillor Tierney responded that one of the neighbours at No.39 will be overlooked from one of the high repositioned windows.
- Councillor Benney asked what is the on-street parking situation in Queens Road? Councillor Tierney responded that lots of cars park along the road, with residents often complaining about people speeding and driving recklessly down this road, but it is an odd road as it very wide so there is no easy way to slow people down or control parking. He added that the on-street parking is first come first served and there is already a parking difficulty and issues with the traffic, and he feels this proposal would exacerbate the issues.
- Councillor Hicks requested clarification that the 6 car spaces are for the residents and not for visitors and that there are double yellow lines all the way around the front of the building and on the side, so the immediate parking is not outside the property? Councillor Tierney responded that he cannot remember where the double yellow lines run to but he believes this is correct and there are 6 parking spaces for 8 residents presuming one car each and no visitors which is not enough and will create an overspill. Councillor Connor stated that there are double yellow lines down Queens Road and also down Kings Street.

Members received a presentation, in accordance with the public participation procedure, from William Morris, an objector. Mr Morris stated that he is a resident of Queens Road and has been asked to speak by other residents who are very concerned about this application and do not want it to be approved, with there being a lot of depth of feeling. He added that he has lived in Queens Road with his wife for very many years and brought up his family here, with it being a road of family houses and to his knowledge there have not been HMOs in that road before.

Mr Morris expressed the view that multiple occupancy has never really featured and if this application is approved this is going to change the situation fundamentally and will change and debase the amenity of the road and its character. He feels it is important to realise that this application is for 8 people and 8 bedrooms but 6 of the 8 bedrooms could accommodate a double bed so what is going to stop up to 14 people residing in this property albeit against regulations and rules but, in his view, these things happen, and he suspects it will happen. He questioned how the Council would enforce the restriction on numbers, with this point being raised in correspondence to the Council as there had been another similar case in another district where the Planning Inspector had said that “they are not persuaded that a condition attempting to limit the number of occupants would be practicably possible to enforce in terms of its interpretation and detecting a contravention consequently it would fail the tests of precision and enforceability set out in the NPPF” and this concern was raised with this Council within a letter of objection sent on 12 January 2024 but has not been acknowledged within the summary of objections at Section 5.8 of the officer’s report but it is a real issue if there is to be multiple occupancy on how can it be policed.

Mr Morris queried the amenity of residents in the HMO if the proposal is approved as it seems that the accommodation will not be fit for purpose, there are limited communal facilities and the residents would be expected to relax, cook and eat all in the same room, which, in his view, is not good. He questioned again how many residents there would really be, would there be 8 or will there be more.

Mr Morris referred to the impact on the amenity of Queens Road and he thinks there are real

issues as there would be a lot more noise from comings and goings to this property, with the people who will suffer particularly will be those that live next door and close by and there will be an increase in litter, with there already being a litter problem and anybody that goes down the service road behind Queens Road properties see how so often that there is fly tipping here and he suspect this situation will be made worse with this proposal. He stated that the site is close to a tricky crossroads and the situation will be made more difficult here with a multiple occupancy house just next door and environmentally it is not good as they are proposing to remove the garden for residents parking.

Members asked questions of Mr Morris as follows:

- Councillor Marks referred to an HMO that has been approved in Manea and there was a lot of people against it and time will tell whether it actually works out or not but from this there is a noise issue from night workers 24 hours a day going in and out. He asked with what is proposed on this application does Mr Morris feel it is going to be more transient workers or for longer term residents? Mr Morris responded that he suspects the property will be used by transient workers, but he does not know but he is convinced there will be more interference.
- Councillor Marks asked for confirmation as Mr Morris has lived in the area for a long period of time whether there has been any anti-social behaviour up to this point? Mr Morris responded that there has not been anti-social behaviour that he is aware of.
- Councillor Imafidon referred to the alleyway behind the proposed development and asked what the problems are as when he visited the site there were wheelie bins placed on both sides of the road and one of his concerns is the parking at the back and does this remove the place where you can put wheelie bins and in HMOs they do not take responsibility for rubbish collections. He asked what the situation was with the alleyway currently, is there any fly tipping issues and are bins being collected regularly? Mr Morris responded that most to the houses in Queens Road put their bins in the alleyway behind and they are collected but the problem is the dumping of rubbish, which is not collected at all and his wife is very often having to contact the Council to say there has been fly tipping or refuse left and can it be collected and the Council is extremely good at collecting it. He stated that one of the fears they have is that if this application is approved then there will be more of this problem and the road behind Queens Road, Chestnut Road, is fairly narrow and not well maintained.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated he was pleased to see the officer's report and the recommendation of approval. He added that one of the key points of the application being the existing dwelling is not to be extended and the property was originally constructed as a 2½ storey dwelling with rooms in the roof and there are already windows in the side gable and at the front, which are not being touched and no windows are being introduced at the first or second floor.

Mr Hall stated that the proposal is not to enlarge the property in any way and only 2 additional ensuite frosted glass windows are to be introduced in the side wall facing No.39 and they are both at ground floor level, with the design of the proposal being specifically set out to ensure the actual dwelling from the street scene would remain as existing. He expressed the opinion that with a house of multiple occupancy of this size there would be additional sound proofing added to the property as part of Building Regulations and the Environmental Health Officer is not objecting to the proposal.

Mr Hall made the point that officers are happy with the bin storage provision and the proposal leaves over half of the plot as garden area, which is in accordance with Policy LP2. Mr Hall expressed the view that there are 6 onsite parking spaces, which the Highways Officer and Planning Officer have not raised any objection to and under 9.14 of the officer's report it states that this is reasonable.

Mr Hall stated that when he took on this job, he did look around the area and 2 streets away from this site at Alexandra Road is an 8-bed HMO that was approved at No.26 with no on-site parking in 2019 and at No.27 a 9-bed HMO was approved with no parking also in 2019, with both of these applications being 100 metres from this site. He made the point that all technical consultees support this application including Highways, Environmental Health and the Private Sector Housing Officer.

Mr Hall stated that during the application the layout has been amended in conjunction with the Private Sector Housing Officer and also the applicant in terms of communal facilities and sizes of rooms, with the Planning Officer being very proactive during the application and worked with them excellently to allow the application to come forward with a recommendation for approval and, in the officer's opinion, this proposal is policy compliant.

Members asked questions of Mr Hall as follows:

- Councillor Hicks referred to the other HMOs in the area as mentioned by Mr Hall and asked if these were surrounded by double yellow lines? Mr Hall responded that when he looked at these applications, they were approved under delegated powers in 2019 and he believes there are yellow lines along this road. It was indicated that there are not yellow lines.
- Councillor Imafidon made the point that Alexandra Road is right next to the big public car park so it will not require any parking spaces for HMOs there so, in his opinion, this is entirely different from this property, which has no parking spaces surrounded by double yellow lines and the front garden is going to be lost as well as the garage demolished in the rear garden to create 6 parking spaces for 8 residents who may have more vehicles who may have visitors who will then park on the street. He asked Mr Hall to agree that this is not the same situation? Mr Hall responded that the public car park is close to both sites and accessed from Queens Road and Alexandra Road and the properties in Alexandra Road provided no on-site parking, but this proposal provides 6 and whilst it is an 8-bed HMO, in his opinion, and he thinks the Highways Officer's opinion also, this is considered a town centre location. Councillor Imafidon referred to a map and where the car park was and, in his view, it is not the same thing. Mr Hall responded that whilst it is not ideal residents from this property could access the car park off Queens Road and Alexandra Road also has a public car park next to it and, in his opinion, all sites are close to public car parks.
- Councillor Mrs French asked if people were living in the dwelling currently? Mr Hall responded that when the applicant purchased the property it was empty and to his knowledge it is still empty.
- Councillor Mrs French asked about the overlooking mentioned by Councillor Tierney? Mr Hall responded that on the side of the dwelling overlooking No.39 at the moment there are windows in the roof now which are staying, nothing is being introduced at first floor level but at ground floor level which does face No.39 there will be an additional 2 en-suite windows 600 wide with frosted glass.
- Councillor Benney made the point that Mr Hall is saying that this proposal is suitable but, in his opinion, would he want this next door to him? Councillor Connor stated this is a leading question and Mr Hall did not have to answer it.
- Councillor Marks stated that committee have heard from a resident and Councillor Tierney, and he has a real concern over 8 bedrooms, with the proposal being reduced from 12, and how quickly will this be increased to 12 to 14 to bed sharing, etc. He asked what is being put in place for some sort of management and that there are not people going in and out 24 hours? Mr Hall responded that with regard to the persons that are going to occupy the property are they going to be in 9-5 jobs or are they going to be on a night shift he does not know and is that something that can be controlled by planning condition, in his opinion, probably not and he can see a proposed planning condition limiting the numbers to 8 and if there are more people it can be enforced. He stated that he has worked with the Private Sector Housing Officer and they were going to provide facilities in the rooms due to the size of the rooms but they said no. Mr Hall stated that he cannot give a guarantee that there would be more than 8 people living there but there is a planning condition limiting the



numbers and that would be what the licence would be if approved.

- Councillor Marks asked if there would be some form of management in place for this building? Mr Hall responded that the applicant owns several other properties in Wisbech, he is a management letting agent himself and his understanding looking at some of the positive comments online from the Council's Private Sector Housing Officer he is the management company, and he would do this himself.
- Councillor Marks expressed concern that the 8 is going to escalate as it goes forward and is there anything else being put in place, such as security cameras? Mr Hall responded that the applicant would be happy to accept security cameras if the application is approved and would be happy to accept a condition that there needs to be a management plan agreed with officers.
- Councillor Connor stated that when he visited the site there was a for sale outside the property and he thinks it is still advertised with a local estate agent.

Members asked questions of officers as follows:

- Councillor Hicks asked why with 8 residents 6 car parking spaces are allowed? Gavin Taylor responded that the Local Plan does not set out parking standards for HMOs and Section 10.2 of the officer's report draws on what officers have gleaned from numerous appeal decisions where a Planning Inspector generally considers an HMO yields lower car ownership, which would make officers consider whether or not the loss of potentially 2 parking spaces, making assumptions that every occupant would have a car, is a reasonable reason to refuse the application. He referred to Paragraph 115 of the NPPF where it sets out that applications should only be refused on transport grounds if there are severe cumulative impacts or on highways grounds or highway safety grounds and there are no technical objections on that basis, and it would be difficult to defend an appeal on those grounds. Gavin Taylor made the point that the site also lies close to a town centre location and the Local Plan does set out the parking standards where in market towns where there are more local jobs and better transport networks that a lower parking provision can be considered notwithstanding that there is not a standard for HMOs. He feels that the 6 parking spaces is more than would normally be secured on HMOs and there is no evidence that this would result in a severe harm in highway safety terms.
- Councillor Marks asked by reducing the numbers from 12 to 8 does this change any legislation regarding fire or anything else or is it just because 12 was felt unsuitable for that building? Gavin Taylor responded that the room sizes are set out through standards and are licensed through the Licensing Team. He advised that fire standards would be captured through the licensing regime and is not a planning consideration and the reasons for going from 12 to 8 may be due to the development as proposed for 12 did not demonstrate it could comfortably accommodate 12 people.
- Councillor Imafidon stated that he lives in Wisbech and Queens Road is one of the nicer roads in the town, with a lot of the occupants being owner occupiers and elderly, it is also in a Conservation Area and they are quite substantial properties and asked if allowing an HMO will set a precedent for people to buy up properties and convert them to HMOs which would then ruin the character of that area, which is a lovely, broad street. Troy Healy responded that it is lawful for every single property on this road to be brought and converted into a 6 person HMO without planning control, so it is not being considered whether it is acceptable for any property to be converted into an HMO and is about the capacity of 2 beyond what is already lawful. Gavin Taylor added that the starting point is that this property could accommodate 6 unrelated people lawfully so the extra over is 2 persons that need to be considered. He feels it would be very difficult to evidence and demonstrate that the character would be reduced as a result of this property becoming an 8 person HMO, particularly when there is a fallback position of 6 persons so would an additional 2 people result in a degradation of that property that is significant and demonstrable, which, in his view, it would not. Gavin Taylor made the point that there are a number of HMOs across the District, there is a need for HMOs as an accommodation type and there are no strategic policies as to where they should be located so, therefore, it is each case on its own merits.

Councillor Imafidon expressed the view that there will be character harm as the front garden will become hard standing, the garage will be demolished to provide 3 car parking spaces, which he does not know how these spaces can fit in this space, and provision for bins has not been mentioned. He stated that there are a lot of HMOs in Wisbech already, he is not against HMOs but feels this is the wrong location and the health and wellbeing of the people that live around the site need to be considered.

- Councillor Connor referred to this proposal being an 8 person HMO but they may have partners who may wish to live with them so there could be 16 people in the premises which would contribute to noise issues and asked what would be put in place to stop this? Troy Healy responded that he has dealt with overoccupancy issues in relation to HMOs historically in other authorities and a lot of these have been lawful HMOs where there has been an issue going beyond the 6 people allowed lawfully without requiring planning permission and whilst he takes on board the comments of the Planning Inspector regarding controlling the number of occupants in relation to a property can be difficult, the occupancy limits are set both by Planning and the licence and they are ably enforced by Licensing as well as by Planning. He stated that in terms of the total number of occupants, officers would be looking to work with Licensing and if there is a report of over occupancy a Breach of Condition Notice could be issued but there is no provision in relation to proactive visits to HMOs on the assumption, they are over occupied.
- Councillor Connor expressed the view that it would be difficult to enforce as when you visit a property the total number of residents are not going to be present all at the same time. He made the point that this HMO is not a detached dwelling in a large area, it is a semi-detached dwelling in a predominantly lovely area where you could probably hear noise next door and he is not comfortable with it. Troy Healy responded that occupation of a single dwelling by a single unit of people acting or living as a family has no upper limit on the number of people that could reside there nor on the number of vehicles they could have. He stated that this is a situation where under the extreme circumstances if it is going to be illicitly occupied by more than the requisite number of people it could be lawfully occupied by far more. Councillor Connor expressed the view that these residents will be transient, have no relations there and be probably different nationalities, which could lead to disturbance in a lovely area. Troy Healy responded that this would not be a material planning consideration and the committee should not be basing its decision on this.
- Councillor Gerstner expressed the view that the occupants could be limited to 6 but 12 people live there and previous applications for HMOs that were approved are also open to abuse on occupancy levels so he is not saying it is a weak argument, but it is the level playing field that members are on. He feels the issue is the residential amenity, the loss of the garden at the front, the car parking and the possible number of vehicles that could be trying to access that site and the potential of enforcement is difficult for Planning or Licensing to keep track of.

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

- Councillor Imafidon stated that he does not support this application for the many reasons he has stated, and, in his view, it is overdevelopment and under LP2 it does not facilitate the health and wellbeing of Fenland residents. He recognises what the officers have said that there could be a family of 6 living there but then they are a family, with most properties on that street seem to have a maximum of 2 cars, and a family of 6 is most probably not going to have 6 or more cars. Councillor Imafidon made the point that on this site there are going to be people of working age maybe seasonal workers or shift workers and due to the District's transport facilities, which is non-existent in Wisbech, people are going to have cars and they are going to park them somewhere, whether it be at the property or on the street. He does not feel this application should be supported, he referred to a doggy park just down Queens Road beside Kings Street where there has been problems in the past where HMOs in the area have caused issues and the Police have had to be called, which drains their resources, and thankfully that property got closed and the problem got resolved and the reason he is referring to it is the park is called the doggy park and is notorious for people

sitting around and doing nothing and for fly tipping and he does not feel this is the right location for this HMO. Councillor Imafidon expressed the view that decent houses are required in Wisbech and there is a shortfall of 3-4 bed family homes so this will be a loss if it is converted amongst other problems it is going to create, such as social problems.

- Councillor Hicks stated that whilst councillors have their own areas, they have a bigger duty to represent the people of Fenland and he does not think the people in Queens Road want this proposal and he can see where they are coming from. He does not think there are enough car parking spaces, that it is in keeping with the area, the fact that it has double yellow lines on the road mean that any overspill to the property will result in residents having to park up the road. Councillor Hicks expressed the opinion that members also have to be aware of high-quality development and the loss of privacy, with 8 residents in the property going up and down stairs with it being a semi-detached property it is going to be heard next door and if it was a detached property he would probably be more willing to support it. He stated for these reasons he is not going to be supporting this proposal.
- Councillor Mrs French referred to Policy LP2 which requires development proposals to promote high level of residential amenity and also Policy LP16 and, in her view, this proposal does not do this as it is a semi-detached property. She feels if the application is approved the human rights are being taken away from the local residents who are entitled to enjoy a peaceful home and environment, with this application going against their human rights.
- Councillor Marks stated that he came to the meeting with an open mind, however, having in the back of his mind the HMO in Manea, which has created serious issues and from hearing everything today he will not be supporting the proposal. He expressed the view that there is no control over numbers, the 3 car parking spaces on Queens Road will be reversing straight out onto a crossroads which is another concern that has not been mentioned today and whilst he acknowledges the comments from Highways this was probably a desktop survey and also the issue with the wellbeing for the people who already live in the area.
- Councillor Gerstner expressed the opinion that there is also a highways issue here from the Highway Authority about the covering over of the front garden, with it stating that they do not wish surface water to be drained onto the highway so a drain or a channel has to be made, which may be very difficult to achieve.
- Councillor Benney stated that he does not disagree with the comments made by anyone else and, in his view, the parking is unsuitable in this location, LP16(d) refers to a positive contribution and distinctiveness to the area which this proposal fails on miserably, it adversely impacts neighbours with overlooking, amenity space is an issue with unknown numbers of people there, there will be noise as it is a semi-detached property with people coming and going at different times of the day and he feels it is not a suitable area. He expressed the opinion that the whole proposal to put people in this small area, bearing in mind that officers did mention the local transport and it is known that local transport is appalling in Fenland, so everybody has to have a car, results in negatives that are too great to support the proposal.
- Gavin Taylor referred to the number of people that could occupy the property and made the point that there could be a family of 6 people living here but there could also be 6 unrelated people living here. He stated that he gets the feel for where this application is going, with concerns about the lack of on-site parking and the resultant highway safety issues that may result, the fact that it is not in keeping with the character of the area and that it could cause amenity harm through overlooking and noise.
- Councillor Marks added residents' wellbeing with the people living in this property in a large house with very small rooms. Councillor Connor agreed with these comments.
- Councillor Mrs French made the point that it is not that many months ago that committee refused an application for a residential home not far from this property for some of the same reasons and it lost at appeal.
- Troy Healy stated that in terms of impact on quality of accommodation for the potential occupants it is compliant in relation to minimum room size standards so he would not recommend that this is a reason for refusal.

- Councillor Marks expressed the opinion that the welfare of the existing residents has to be taken into account.
- The Legal Officer reminded members that from listening to the debate and potential reasons for refusal, if this goes to appeal Council will have to demonstrate with evidence that its reasons for refusal are supported and that they are against the development plan and given the response from consultees, in his view, the Council will have difficulty in defending a claim for costs in the event of an appeal.

**Proposed by Councillor Benney, seconded by Councillor Hicks and agreed that the application be REFUSED against the officer's recommendation.**

Members do not support officer's recommendation of approval of planning permission as they feel there is a lack of on-site parking which results in highway safety harm, it fails to make a positive contribution to the character of the area, the development would result in an adverse impact on neighbouring properties through noise and it fails to protect the amenity of both future and existing residents, therefore, there would be highway, character and amenity harm.

*(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind)*

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

*(Councillors Connor, Mrs French, Hicks, Imafidon and Marks declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)*

*(Councillor Benney left the meeting after this application and was not present for the remaining agenda items)*

**P115/23**

**F/YR23/0921/F**

**LAND WEST OF THE SPORTSMAN, MAIN ROAD, ELM**

**CHANGE OF USE OF LAND FOR USE AS PUBLIC HOUSE CAR PARK INVOLVING THE FORMATION OF HARDSTANDING, NEW LIGHTING, THE SITING OF A STORAGE CONTAINER AND THE ERECTION OF A 2.0M ACOUSTIC FENCE (PART RETROSPECTIVE)**

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

Members received a presentation, in accordance with the public participation procedure, from David Johnson, the applicant. Mr Johnson stated that the original fence design was based on fences previously built and designed by English Brothers for Highways England without any specific data to work from to ensure it was suitable for his site and it became clear that the pre-made panels would be too big and heavy to easily be handled and erected on site. He made the point that they were asked not to include an acoustic fence in his first submission for conservation reasons but it was requested by the committee.

Mr Johnson stated that realising that he might need some data to go along with an acoustic fence he contacted a firm specialising in designing and installing acoustic fences and they had a computer programme that required him giving them data for parameters, but it was a rough and ready tool at best and ended up with a 2.4 metre fence submission. He made the point that post Covid the price of timber has increased and if they are investing a vast sum of money in a fence it needed to be fit for purpose not unnecessarily costly or over engineered and he felt he had no route other than to commission a bonafide acoustic engineer to model the site and carry out a full

noise investigation.

Mr Johnson stated that the results confirmed what he expected but to a much greater degree, with the levels monitored from all receptors recorded in the lowest possible table category of none or not significant and were very comfortably inside the upper limit of this category. He asked the engineer if the difference was virtually undetectable to the human ear and he confirmed exactly that and he requested that the engineer include this sentence in the report as he felt it would be more relatable to those who were not used to the technical language but he confirmed that the regulatory body with whom they were affiliated did not permit such a sentence because there is always a chance that someone can produce a person with the hearing of a bat.

Mr Johnson expressed the view that whilst there does not appear to be a document to make it absolute fact it is a long-standing well-known understanding within the planning system that the minimum 1.8 fence to a garden is an agreeable height in order to protect neighbour's private amenity in terms of overlooking. He added that Peter Humphrey Associates confirmed he had never asked for anything over 1.8 metres between gardens and has never been asked to make a fence 2 metres for that reason, with it being documented in permitted development guides relating to heights of windows that if a window is over 1.7 metres above the internal floor level it is not considered an overlooking issue and also most people are under 1.8 metres tall, which is relevant as add to this the distance between one's eyes and the top of their head is about 6 inches, especially for a tall person, only people over 7 foot tall would have a chance of seeing over a 2 metre fence.

Mr Johnson stated that he is not in a financial position to waste money, some months he makes a profit and some months he does not, and a 2.4 metre fence would require 44 x 3.3 metre gate posts to support the fence, with a 2-metre fence requiring more standard heavy duty posts but at half the cost. He added that there would also be less wastage in materials as standard lengths work much better for 2 metre fences than 2.4 metre fences, with a 2.4 metre fence requiring working platforms and a 2-metre fence can be constructed with feet on the ground.

Mr Johnson referred to trading since Covid, with people's social habits being very much different and they now close an hour earlier each day and often sooner than their advertised hours and his busy periods are no longer late in the evening, with people coming out earlier and leaving earlier.

Members asked questions of Mr Johnson as follows:

- Councillor Imafidon stated that he knows the site and he owns multiple pubs as well so he knows the challenges the industry is facing. He asked how will granting this application now impact the business? Mr Johnson responded that there is a need to extend the car parking and reducing the height of the fence could potentially reduce the cost of construction by nearly half, therefore, the benefits of the extra 40cm are small but the cost to the business are high as he does not know when they would be able to spend possibly £40,000 and even £20,000 for a 2 metre fence is going to take some time to find the money. He made the point that no other car parks or pubs in Fenland are forced to suffer an acoustic fence.
- Councillor Imafidon asked further about the benefits to the business as well? Mr Johnson responded that the business is drawing from a wider demographic not just local people walking to the pub, people using the pub are coming more for food and from further distances so are using cars and sometimes there will be 4 cars out the front and it is impacting the local community for parking and it is making people drive past thinking the pub is busy when it is not. Councillor Imafidon agreed with this as when he went to view the proposal, he did struggle to park even though the pub was not open at this time.
- Councillor Marks asked if there had been any noise complaints at the pub within the last 3 years? Mr Johnson responded that there has not been an upheld complaint but there are neighbours attached that were not suited to buying a house attached to a 200-year-old pub and they did raise complaints, with Environmental Health monitoring the sound and said there was not a complaint to be made. Councillor Marks asked if this was one neighbour

and not anyone else? Mr Johnson replied that it was a difficult neighbour who influenced other neighbours but not recently and they have not fallen foul of anything.

- Councillor Marks asked if the acoustic fence is for the car park so it is really for transient car noise as opposed to music which you would expect to find in a pub? Mr Johnson confirmed that the acoustic fence is purely for the predominantly now electric hybrid arriving on the near silent tarmacked planings that have been put down as a base, so it is ready to go and support his business.
- Councillor Mrs French asked if the proposal is approved when is it likely to be installed? She added that she knows the site as it sits in her County Council Division and many years ago, approximately 15 years ago, there were serious noise complaints but when Licensing undertook a site inspection it was actually the priest hole within the private property which was butting onto the wall and she believes this priest hole had to be filled in so she is not concerned about that type of noise it is just the car park. Mr Johnson responded that he does not think it was a priest hole but a void which became the porch for the adjoining property and was central to a single building but they did not pay their fire insurance and the right hand side was burnt to the ground, which was later half built back as a forge so the priest hole was a void and people have wonderful stories about what it was. He stated that once they know what they are dealing with he will get some quotes, with the last quote he got pre-Covid was for £27,000 plus VAT and timber prices did triple, and what the next steps will be as it is a big investment. Councillor Connor stated that what Councillor Mrs French is saying when is it envisioned starting once he has undertaken investigation. Mr Johnson responded that he would like to commence this year, within 6 months. Councillor Mrs French stated this is good as members have considered this proposal previously but made the point that if approved there should be 2 years to undertake the work anyway.
- Councillor Gerstner asked if when the pub is closed is the car park locked and when it is open it is open and closed half an hour before opening and closure of the pub? Mr Johnson confirmed this to be correct and he would like his staff to park at the furthest part of the car park from the pub, which is the area that is less convenient for customers and the chef and kitchen staff will arrive earlier so the gates will be opened when the staff arrive and be closed when the staff leave and it is not in his interest to leave his land open to problems.
- Councillor Hicks asked if this land had been used in the Summer months for beer festivals and outside events as it could, in his view, be repurposed. Mr Johnson responded that the reality is that they would not require it to be a car park to do this as they could apply for a TENs licence, however, he has no interest in doing this and they only want to park cars on it and it cannot be serviced from the pub as a beer garden as you have to walk 100 metres down the road, then across the front and into the pub to get a drink or go to the toilet so it would not be practicable.

Councillor Connor reminded members that they are not debating the established use of the car park and only if a 2-metre acoustic fence is appropriate and made the point that the Environmental Health Officer has no issues.

**Proposed by Councillor Imafidon, seconded by Councillor Marks and agreed that the application be GRANTED as per the officer's recommendation, with the update to Condition 1.**

**P116/23      F/YR23/1016/O  
LAND EAST OF 54 QUEENSWAY, CHATTERIS  
ERECT 1 X DWELLING (OUTLINE APPLICATION WITH ALL MATTERS  
RESERVED)**

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Maria Hobbs, the applicant, and Ian Gowler, the agent. Ms Hobbs expressed the view that this proposal offers a chance for a property to be built in an established residential area providing

Chatteris with another home it vitally needs, which would be a modest home and offer the chance for a self-build or someone to look to start out on the housing ladder either as an owner or renter. She feels that not every home needs to be a 4-bedroom house and the property proposed is the sort that is lacking, enabling a good strong start for people coming onto the housing market or those looking to downsize.

Ms Hobbs expressed the view that Chatteris is ever expanding and whilst there are plenty of new build estates not everyone wants to live on a new estate, with the expansion of Chatteris commercially and residentially she believes that smaller and modest builds like the one she proposes are just as important as brand-new estates. She stated that she runs the Green Welly Café and Garden Centre, a local business run by a local businesswoman, and she has lived here all her life, with economic times being hard through Covid, the cost of living, cost of fuels and materials and she had to close the motel and change it into residential flats due to changes in the economy and running an independent business is now harder than ever and she has had to adapt to the challenges.

Ms Hobbs stated that to move forward with the next stage of developing her garden centre she requires money, banks and private funding are synonymous with long-term debt and it is not sustainable for her to build her own business and by obtaining planning she can provide a property into the pool and also take her business to the next level. She feels it is important to note that the neighbours have not raised an objection to the proposal, there has already been development in Queensway estate showing that the principle of development has already been established within the area.

Ms Hobbs made the point that this is an outline application and as such the Council will have control when it comes to the Reserved Matters application to ensure the property is built sympathetically to the current street view.

Mr Gowler referred to the reasons for refusal, the first being the character of Queensway and, in his view, as can be seen from the site plan the front of the proposed bungalow is slightly set forward from No.54 but does follow the characteristic of that part of Queensway and is also set in line with the property to the rear as it goes around the corner. He stated that in terms of the amenity space for No.54, he notices a lot that properties carve their gardens off without permission so this proposal could already have that garden separated off and be below the standard, but he also appreciates that people with a small bungalow such as this proposal do not want big gardens and he feels this space is suitable.

Members asked questions of Ms Hobbs and Mr Gowler as follows:

- Councillor Mrs French stated that she has visited the site and it is a small site but asked if this application is approved in outline, what would the proposal be, such as one-bedroom or two-bedroom? Mr Gowler responded that ideally it would be as the indicative drawing to create a small one-bedroom bungalow, which he feels suits the plot size and that location as the properties are bungalows along Queensway.
- Councillor Imafidon asked what the site is currently being used for because when he visited the site it looked like there was a garage or disused structure on site. Ms Hobbs responded that she owns the whole site and believes this structure belongs to the person in the existing bungalow at present and this will be removed. Mr Gowler added that it is parking for the bungalow which it would be proposed as part of the site plan to move the parking in front of No.54 for that existing use.
- Councillor Gerstner asked would there be a car parking space for this proposal? Mr Gowler responded that the proposal is outline but it is proposed that there are 2 car parking spaces for the existing bungalow and 2 parking space for the new bungalow which fits with the parking standards.

Members asked questions of officers as follows:

- Councillor Gerstner asked if anything substantial had changed since the last application? Gavin Taylor responded that in terms of the site and site conditions there have been no changes and the application previously refused in May last year was an outline application with all matters reserved, with this proposal being different apart from a slightly different indicative block plan.

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

- Councillor Gerstner made the point that Chatteris Town Council recommend refusal, they are the local council and know what is going on in the area and he feels the committee should be consistent as only last year it was refused, and the officer has confirmed that there has been no change. He would go along with the officer's recommendation.
- Councillor Marks stated that he visited the site, and he understands that it is a very tight area, but it stands derelict at present and whilst it is an indicative plan that shows a one-bedroom bungalow this is something that Chatteris and the District need now suiting someone who wants to downsize, and it may release a family home. He stated that it has off-street parking, and he is struggling to find anything wrong with the proposal, with the proposal being in front of committee this time, it is in outline, and he feels he can support it.
- Councillor Mrs French stated she visited the site; it is a mess and could certainly do with something and whilst it is a tight site she is getting complaints from many elderly residents who want one-bedroom bungalows and they do not exist. She referred to an application approved at Rings End for a smaller plot than this.
- Councillor Imafidon stated that when he visited the site his initial reaction was that it was a small plot and how would a one-bedroom bungalow fit on the site but after a proper walk around it is a deceptively large plot, and he feels it will be suitable for a bungalow. He added that the fact that it has 2 parking spaces will not impact on the parking issues in the area and the site is an eyesore at present, which is why he was asking the applicant about what the site is used for. Councillor Imafidon stated that he is inclined to support the application as it will tidy the area.
- The Legal Officer reminded members that the Planning Code of Conduct in the Constitution applies in this scenario and what it says is that if committee is minded to approve an application for a development previously refused the proposer of the motion or the Chairman should state what the significant change in the planning circumstances justifies that approval before the vote is taken. He continued that the fact that it has come before committee is not a legitimate planning change in circumstances.
- Councillor Marks stated that there is a red line around a piece of land, and this is whether members believe it is suitable to be built on rather than what the indicative plan there is today and are member not saying today that this is a suitable piece of land that can be built on. The Legal Officer stated that committee may well be saying this, and it is legitimate but that is not a change in planning circumstances. Councillor Marks made the point that the application is before committee now and he feels that the material change is that there are now 7 people on the committee instead of officers looking at the proposal, which is why members are on the committee to be accountable for what their thoughts are, and the question is the land is suitable for development. The Legal Officer responded that the Constitution says what it does and was approved by the Council, with the public having a right to expect consistent planning decisions whether taken by the officer or by members and it is a duty of members of this committee to give planning reasons why things have changed.
- Councillor Imafidon questioned why it is not a relevant reason that it is now before committee when it was not determined by committee previously? The Legal Officer responded that the public are entitled to see consistent planning decisions being taken and it is not right to expect the public to investigate whether that decision was taken by committee or by officers and a change of circumstances would be a change of policy or Government guidance or in the development itself. Councillor Imafidon stated that he appreciates this, but members of the committee are elected to represent the constituents so feels this is enough reason for it to be reconsidered. The Legal Officer made the point that



members of Planning Committee represent the Council as a whole and decisions are taken in the name of the Council, with the Constitution being in the name of the Council, and it is not for individual committees to say they take a different view than officers or a previous committee without giving good reasons for doing this.

- Councillor Mrs French made the point that the reason there is a Planning Committee is because there are controversial planning applications and when members want to go against the officer's recommendation, they are not questioning their professionalism but it is a difference of opinion, which members are entitled to have. Troy Healy stated that the recommendation for refusal was under delegated powers taken previously in May 2023 and it would have been reviewed by the Chairman at the time as officers do not move forward with delegated refusals without the Chairman's approval. Councillor Connor stated that he did look at the site about 3-4 months ago due to it being proposed to be refused under delegated powers and he was told by officers that it had been withdrawn. Troy Healy clarified that the previous delegated decision was in May 2023 so it may have been an intervening additional application that was withdrawn.
- Ian Gowler was permitted to speak again by the Chairman and stated that he believes the Chairman is talking about this current application and what happened was the application was referred to the Chairman as it was recommended for refusal and at the same time there was an additional letter of support received, which took it to the 6 letters of support, which meant that it was submitted to committee and the Chairman did not need to make this decision. Councillor Connor thanked Mr Gowler for reminding him and confirmed this to be the case.
- Councillor Marks stated this is a triangle of land with a red line around it and has previously been refused and members are being told there are no material changes, but he cannot see how a triangle of land can be changed so this should have been refused beforehand if members are not allowed to go against officer's recommendation. The Legal Officer responded that he does not know the reasons it has come to committee this time other than what is in the report itself, but he is not saying that members cannot approve this application but if it is approved then the committee is in conflict with its own Constitution and there may be consequences if there are complaints afterwards. Gavin Taylor stated that the planning application is before committee as the Scheme of Delegation in the Constitution sets out that if an application receives 6 or more letters contrary to that officer recommendation it automatically triggers it being considered by committee, with there being no caveat to say unless it was previously refused and the previous decision is a significant material consideration as the Legal Officer has pointed out.
- Councillor Gerstner stated he is sympathetic to having a 1-bedroom bungalow on a plot of land, there is a great need throughout the whole of Fenland for this type of property, but he feels that officers have got the recommendation correct and made the point that Chatteris Town Council have recommended refusal, and the planning application has not materially changed since it was refused last time.
- Councillor Hicks expressed the view that there seems to be either a loophole in the Local Plan or a box ticking exercise because committee seem to have their hands tied in voting another way.
- Councillor Connor pointed out that Councillor Carney has no objections to the application, and he assumes he might be the local councillor.
- Councillor Marks asked to hear the reasons for refusal again. Gavin Taylor advised that there are 2 reasons for refusal and read them out from the report.
- Councillor Mrs French referred to the comments from the Council's Environmental Health Team who note and accept the submitted information and have no objections and highways is for reserved matters so there are 2 important bodies who have no issues. She feels the corner is in a bad state and this development would enhance it and not be detrimental.
- Councillor Marks added that if this is an elderly or disabled bungalow some people do not need a great deal of land and if next door has a problem with the loss of land why are they not cultivating or doing something with this site instead of which it is a rough piece of land. He feels the land is better being used and tidied up as opposed to what it is at the present

time.

- Troy Healy stated that he believes the applicant is the neighbour at no.54. He advised that in terms of garden sizes if No.54 was proposed with the proposed garden size on this application it would not have passed the policy test.
- Councillor Imafidon referred to LP16 and LP2, with LP16 enhancing the character of the area and the current state of that land, in his view, is derelict and there is a problem in Fenland, Wisbech in particular, of getting landowners to maintain their land and the Council has no powers. Councillor Connor stated that this is not a material consideration. Troy Healy advised that there are powers under Section 215 to require the maintenance of land that has got a negative effect on amenity. Councillor Imafidon stated that he has never seen this enforced and questioned who enforces it and rather than see this land derelict he would like to see it developed.
- Councillor Mrs French reiterated that just because this Planning Committee has a different view and interpretation from officers, it does not take any professionalism away from officers or is a criticism, but members believe that site could be developed modestly.
- Gavin Taylor stated that he would be concerned if substantial weight was given to the condition of the site as it could lead to a number of sites becoming derelict and justifying planning permission. He added that the question about who could accommodate this dwelling in terms of its target market is unknown this is an outline application only indicatively drawn and there is no demonstration that it would meet current M4(3) or M4(2) standards on Building Regulations for accessible and adaptability.

Proposed by Councillor Gerstner to refuse the application but no seconder was forthcoming.

**Proposed by Councillor Marks, seconded by Councillor Mrs French and agreed that the application be GRANTED, subject to authority being delegated to officers to apply reasonable conditions in conjunction with the Chairman, Proposer and Secunder.**

Members do not support officer's recommendation of refusal of planning permission as they feel under LP16 that the land could be used for a high-quality modest dwelling, it removes an untidy and unsightly site and not everyone wants large gardens in terms of amenity space.

*(Councillor Connor declared that he knows the applicant from many years ago when he rented a scrap yard at Chatteris from her late father, but he has not spoken directly to her in the past 20 years and he is not predetermined and will consider the application with an open mind)*

*(Councillor Marks declared that his business hired a machine to the nursery that is connected to the applicant's business, but he is not pre-determined and will consider the application with an open mind)*

*(Councillor Marks declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is the District Councillor for Chatteris and Manea and does attend Chatteris Town Council meetings but takes no part in planning)*

**P117/23      F/YR23/1036/F  
LAND SOUTH EAST OF THE CHASE, GULL ROAD, GUYHIRN  
ERECT 3 X DWELLINGS (SINGLE-STOREY, 4-BED) WITH GARAGES**

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

Members received a presentation, in accordance with the public participation procedure from Derek Widdowson, an objector to the proposal. Mr Widdowson stated that he is speaking on behalf of all the local neighbours affected by the proposal, adding that he lives at Copper Beeches which would be one of the main houses impacted by the dwellings. He stated that it is the fourth time that

a planning application has been submitted and all applications to date have been refused by the Planning Committee citing the reason that the proposal is back land development, with the first application going to appeal to the Secretary of State which was also rejected.

Mr Widdowson explained that the current application has been changed to three four-bedroomed detached single storey dwellings and the proposed build is still on back land and has been sited closer to his property, with the site being landlocked, is behind existing buildings and would have no street frontage. He added that the access is very limited and would not be in the best interest of Gull Road, with Gull Road being busy with heavy haulage and farm traffic, and this will not be assisted by new residents and service vehicles which would have to turn into a narrow access road by making a left turn from Gull Road causing some vehicles to use the offside lane of Gull Road against oncoming traffic.

Mr Widdowson added that the 40mph speed limit is not adhered to and the access road itself is only single access in width and is unlit, with it also narrowing to the width of a gate between the corner of his property and his neighbour and there is not option for a passing place which will mean vehicles need to back up. He stated that his two main bedrooms adjoin the access road which, in his view, will be affected by noise and light pollution from persons entering or leaving and he currently has a view of an extensive field which is shielded by a row of conifers on its western edge but that is not shown on the plan.

Mr Widdowson added that the dwellings would be intrusive and would block out his natural light in his property, with the land in question being higher than his ground floor and with current regulations it would force any builders to raise the ground floor to negate the issue of flooding which in turn will mean that his property will be overlooked and dwarfed by all three developments. He explained that his hedge is 7ft high, however, his privacy will still be compromised within his house and garden with the possibility of at least 10 additional vehicles from dusk to dawn with their headlights shining into his living room and main rear bedroom.

Mr Widdowson expressed the view that a further problem to consider maybe the water table as the land in question is higher and, therefore, may have an impact on his drainage and biodigester. He stated that he has no problems with the expansion of housing and has not objected to other applications which front onto Gull Road in keeping with a linear appearance and it is his understanding that previous applications to build on back land elsewhere on Gull Road have been rejected, with no new amenities having appeared in Guyhirn since the current building projects have been agreed and he expressed the opinion that he wonders at what point more housing in Guyhirn will become unsustainable.

Mr Widdowson stated that his neighbours also share the same concerns that there may be more planning applications submitted for The Chase and, in his opinion, if the application is approved then there will be trees felled causing more light pollution and the proposed back land development would only affect his neighbours and those that back onto the development. He stated that collection of refuse is also something that will need to be considered and he questioned whether the refuse collection will take place via an unadopted road and like The Chase where the bins appear to be on constant display on Gull Road.

Mr Widdowson added that at the same time as this application it would appear that another application has been submitted to the Camping and Caravan Club to use the land as a camping site and the Council's Enforcement Officer has advised that the organisation has complete autonomy over such applications although their rules have to be observed.

Members asked Mr Widdowson the following questions:

- Councillor Imafidon stated that according to the officer's report in 2006 there was an application for bungalows which was approved for the site, and he asked Mr Widdowson when he moved to his home? Mr Widdowson stated that he moved into his home in 2010

and he made the point that the bungalows that Councillor Imafidon is referring to maybe his property and that of his neighbours.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that the proposal is for three bungalows in Flood Zone 1 and within the built-up area of Guyhirn, with the scheme being recommended for refusal on the grounds of the principle of development and that the proposal will be out of keeping with the character of the area. She added that with regards to the principle, LP3 identifies Guyhirn as a small village where infill development is supported, and she made reference to the aerial photo which shows that the site is within a built-up area with buildings on either side and, in her opinion, the proposal meets the definition of infill and can, therefore, be supported by LP3.

Mrs Jackson made the point that this position is supported by Appeal Inspectors across the country where it has been confirmed that development can be considered as infill if it is limited by the other development around it. She stated that since the principle can be considered as acceptable, the concerns with regards to the form and character are less pertinent and there are clear examples of buildings to the rear of the frontage development along Gull Road and, therefore, the proposal would not appear out of keeping with the surroundings.

Mrs Jackson made the point that the scheme is for bungalows which is not only a rare and beneficial opportunity which results in the development being barely visible from a public viewpoint. She added that on the basis that the proposal would not be seen from a public vantage it cannot be asserted that the proposal would be visually harmful or incongruous and, in her view, no harm is caused to the character and appearance of the area.

Mrs Jackson stated that consideration has been given to the scheme in light of the historic refusals on the site and it has been redesigned in a way which is now felt to address those concerns which were previously raised and given the fact that the proposal is for a single storey development, no harm will be caused as a result of overlooking or overshadowing towards neighbouring dwellings. She stated that there are significant benefits as a result of the proposal which will provide new housing in Guyhirn and help to support local existing amenities, including the pub and primary school. and the scheme will also provide a benefit by providing bungalows which is becoming a rare occurrence in Fenland given the flood risk implications for the district.

Mrs Jackson expressed the opinion that the scheme overcomes the previous reasons for refusal and it complies with the policies of the development plan and she asked committee to support the proposal.

Members asked Mrs Jackson the following questions:

- Councillor Imafidon asked how many similar developments there are in the area? Mrs Jackson stated that on the aerial photo it shows a number of dotted back land pockets of development.
- Councillor Gerstner asked how far from the development is the main road? Mrs Jackson stated that if the question posed is in relation to highways implications, she can advise that the access is going to be upgraded at the entry point and, therefore, it will be 5 metres wide by 10 metres which will allow vehicles to pass and there is also a turning head within the site which will allow vehicles to enter and exit. Councillor Gerstner asked whether a dustcart would be able to access the site? Mrs Jackson stated that she cannot be 100% certain that a dustcart could access the site, however, the residents could wheel their bins to the front, or a private bin collection service could be arranged. Councillor Gerstner asked whether the road would be fully adoptable? Mrs Jackson stated that it would be a private driveway, but the first section would be made up to the standards of the County Council as that is the point where it meets the highway. Councillor Gerstner stated that if the bin collection was not achievable by the Council, then a private contractor would undertake the service. Mrs

Jackson explained that it is her understanding that there is an appeal decision which states that it is unreasonable to enforce the RECAP guidance which is the 30 metre distance for residents to wheel their bins and as a result of that she is aware that the Council has been approving schemes where the distance is beyond the 30 metres and, therefore, taking that into consideration it would be acceptable in policy terms for future residents to wheel their bins to the public highway to be collected. She added that if that was a problem and members were of the opinion that storage of bins on the public highway would be an issue then she would be willing to accept a condition to secure a private bin collection contract to stop the bins being left on the highway and each plot has ample storage space for the three bins.

- Councillor Marks asked whether there is already a property there? Mrs Jackson stated that it is the host dwelling, The Chase, where the applicants live and the site in question is the extended garden area of the applicants.

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

- Councillor Mrs French stated that she knows the site well as it forms part of her County Council Division and having reviewed the previous reasons for refusal it is clearly back land development. She added that it is evident that a lot of development in the area is all frontage development which all look very nice, however, in her view, it would appear that the owner of the site missed an opportunity in 2006 where they had reserved matters planning permission which was approved but they did not act on it and the officer's recommendation with the current proposal is correct.
- Councillor Connor stated that since 2014 when the Local Plan was introduced, on that site there have been a number of refusals and appeals dismissed and apart from one dwelling he can see no difference as the current proposal is still back land development and he wholeheartedly agrees with the officer's recommendation.
- Councillor Marks expressed the view that he agrees that the proposal is back land development and when considering the other development which has taken place in Guyhirn along the road which have all been refused he cannot support the application before the committee today.
- Councillor Gerstner stated that he endorses the points that other members have made, and he added that he has also taken into consideration the views of Wisbech St Mary Parish Council and he will fully support the officer's recommendation.

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

**P118/23**

**F/YR23/1052/F**

**LAND SOUTH OF 200 COATES ROAD, COATES**

**ERECT 2 X DWELLINGS (2-STOREY 5-BED) AND RETENTION OF A CONTAINER, INVOLVING DEMOLITION OF EXISTING OUTBUILDINGS**

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

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that the proposal is for 2 two-storey dwellings and at 10.3 of the officer's report it states that the principle of development is acceptable, and the concerns lie with the scale of the proposal and the impact on the neighbouring dwellings. She added that the applicant are long standing residents of the local area and Swann Edwards were appointed to design forever homes for them and their son and family.

Mrs Jackson made the point that the designs are bespoke to the needs of the applicants and their

son and the dwellings will meet the everchanging needs of the users which is something that is supported by the National Design Guide. She stated that from previous applications she understands that there were concerns with the design and general form of the dwellings and, therefore, steps have been taken to revise them as much as possible whilst still meeting the design and accommodation criteria for the family and whilst the dwellings may appear to be longer than other properties in the area, in her opinion, that is not harmful, and they extend no further into the countryside than the existing development to the west or that approved to the east, and they will not be visible from a public viewpoint.

Mrs Jackson stated that the roofscape of the dwellings has been broken up and there is variation in the width of the buildings which results in giving the dwellings character and they do not appear bulky. She advised the committee that the scheme provides over and above the necessary garden land and provides sufficient parking and it will also secure the long-term care and maintenance of the existing lake to the rear as it will form part of the extended garden area for the dwellings.

Mrs Jackson explained that the scheme provides over and above the amenities required within the Local Plan, there are sufficient gaps between the buildings as well as maintaining an internal roadway to the site and, in her opinion, the scheme does not represent over development and as the scheme proposes two dwellings it promotes a better and more efficient use of land which is promoted in Section 11 of the National Planning Policy Framework. She stated that she understands that there are concerns with regards to the application representing an overbearing impact and resulting in loss of light to the neighbouring properties to the west, however, there is an existing hedge on the boundary which is approximately 7.6 metres high which is significantly higher than the eaves height of plot one which is 5.4 metres.

Mrs Jackson added that since the eaves height of the proposal will be lower than the existing hedge and the side elevation of plot 1 would be no closer to the common boundary of the existing hedge there will be no additional impact on neighbours in her view. She made the point that she would also like to make the point that there have been no objections from any of the neighbouring properties or any technical consultees and she would consider that the scheme is an appropriate form of development which provides high quality homes in a sustainable location and makes efficient use of land.

Mrs Jackson stated that the application is compliant with policies LP3, LP12 and LP16 of the local plan, the National Design Guide and Section 11 of the NPPF and she asked the committee to support the application.

Members asked Mrs Jackson the following questions:

- Councillor Gerstner stated that there was a 2 storey four bedroomed dwelling approved in 2017 and he asked why that was built? Mrs Jackson stated that was for a single dwelling and the applicants have decided that they wish to build two dwellings on the site.
- Councillor Gerstner asked whether the pond is owned by the applicant? Mrs Jackson confirmed that it is. Councillor Gerstner stated that in the officer's report at 5.1 it states that there will be the removal of the public access to the pond, and he questioned how that access is going to be possible. Mrs Jackson stated that she does not know why it states that it is a public pond due to the fact that it is within the applicant's ownership and to her knowledge it is not a public pond. She explained that if you review the site plan then there is an access roadway which leads all the way down to the pond and she added that everything is within the ownership of the applicant and, therefore, if it was a concern, a gate could be included. Mrs Jackson stated that the applicants wanted to keep the access there so that they could access the area for maintenance purposes.
- Councillor Gerstner asked whether the public have access at the present time to the pond? Mrs Jackson stated that to her knowledge they do not as it is a private pond. Councillor Gerstner stated that the question needed to be asked as it is a concern as there is a difference between a public highway, a right of way and a public access onto private land as

they are all different. He asked whether there is anybody fishing there at the current time? Mrs Jackson stated that there is nobody fishing there as it is private pond.

- Councillor Marks referred to the presentation screen and asked for clarity with regards to the aerial photo. Mrs Jackson explained that the brown houses shown on the drawing she supplied to officers would be taken from ordnance survey data which is different to what has been carried out on site. Councillor Marks asked for the clarity that the intention is to remove the trees, fence, and hedgerow on the top boundary? Mrs Jackson stated that will be the intention and only where it is affected by plot 1.
- Councillor Imafidon stated that there appears to be a new dwelling which is not shown on the map. Mrs Jackson stated that ordnance survey has not been updated yet. The committee reviewed the presentation slides and identified that photographs 6 and 7 demonstrate the hedge which is going to be removed is beside that and, therefore, there is going to be an element of overlooking.
- Gavin Taylor drew members attention to the aerial photograph and referred the committee to the first dwelling that you come to after the frontage development with has three Dorma windows in the roof and that dwelling identifies with the photograph shown earlier and is the new dwelling not detailed on the site plan which was provided by the applicant. He stated that it was new dwelling which was considered under the previous planning application and the belt of trees that can be seen are proposed for removal and he added that according to the plan they are 25ft in height.
- Councillor Marks stated that the trees that are to be removed are against the fence and he asked whether that means that the top of the proposed new build is without the band of trees? Gavin Taylor confirmed that it is the case.
- Councillor Gerstner asked for clarity with regards to the applicant assuming residency in one of the dwellings? Mrs Jackson stated that plot 2 is going to be lived in by the applicants and plot one is going to be occupied by the applicants' son and family.
- Councillor Gerstner asked whether there is the intention to replace any of the trees that are removed? Mrs Jackson stated that there are no plans within the submission but there is the scope to include that within a landscaping scheme.

Members asked officers the following questions:

- Councillor Gerstner stated that he would like officers to clarify the issue concerning the access to the pond. Gavin Taylor stated that there is no public access to the pond as it is a private access point as it is a private fishing lake. He added that it appears that it is a misunderstanding by the Highway Authority.

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

- Councillor Gerstner stated that he has reviewed the previous refusals and when considering the application which came before the committee last year, he can see that nothing has changed, and the committee need to be consistent.
- Councillor Marks stated that he has concerns with regards to how close it is to the boundary, and it seems very narrow and pushed in and he would feel happier if the bottom property was further along. He added that the trees are being removed which currently provide shielding to the properties behind it and at the top and he questioned whether this is a quality build or is there just the ambition of trying to push something in.
- Councillor Gerstner asked whether there have been any significant changes between the current proposal and the last application which was refused? Gavin Taylor stated that officers have concluded that the reasons for refusal have not been overcome with this latest planning application in terms of its relationship to existing properties and its inter relationship with one another and its general form and scale and massing. He added that there have been some amendments, but they are not significant enough to overcome officers' concerns.
- Councillor Hicks stated that he is not convinced that enough has changed and on balance he feels that he cannot support the proposal.
- Councillor Connor stated that something could be put on that site, but he is not content with

the removal of 25 trees as it would have an adverse impact on the other houses in the area. He added that on planning balance he will support the officer's recommendation.

- Councillor Gerstner stated that he has reviewed the officer's executive summary, and it is contrary to the Whittlesey Neighbourhood Plan which has just been introduced. He added that he agrees with the view of the Chairman and agreed that something smaller scale would possibly be looked at more sympathetically.
- Councillor Mrs French stated that something could go there but the size of the proposed dwellings is not suited to the site. She expressed the view that having read about the trout in the pond she feels that the pond is a bit of a red herring and, therefore, it should be made clearer about whether it is a public pond and if it is then it should not be included within the application. Councillor Mrs French made the point that officers have made the correct recommendation and added that the applicant could consider something slightly smaller even if that is just one dwelling.
- Councillor Imafidon stated that he also agrees that something should be on that site and agrees with the point that Councillor Marks made that when the conifers are removed the dwelling would be built right up against the fence and overlook the other property. He made the point that he does agree that something should be there, however, not the current proposal.
- Gavin Taylor confirmed that the public right of way to the pond is not identified as such.

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

*(Councillor Gerstner declared that he knows the applicant but has had no dealings with him for over 5 years and he is not pre-determined and will consider the application with an open mind)*

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

**P119/23**

**F/YR23/1072/RM**

**45 WESTFIELD ROAD, MANEA**

**RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PERMISSION F/YR21/1141/O TO ERECT 2NO DWELLINGS (1 X 2-STOREY, 3-BED AND 1 X 2-STOREY, 4-BED SELF-BUILD), AND THE FORMATION OF AN ACCESS AND WIDENING OF AN EXISTING ACCESS, INVOLVING DEMOLITION OF EXISTING DWELLING**

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Ian Gowler, the agent, and Nick Price, the applicant. Mr Price stated that he would like to build two quality self-build homes which would be one for his parents and one for his family, which includes four children. He explained that his old, dilapidated house is beyond economic repair, and he stated that he currently has buckets catching rainwater in both the kitchen and his son's bedroom.

Mr Price made the point that he hopes he does not have to spend another winter in the house due to the cold and damp conditions causing his children to become ill and he aims to work with the developers from the mill development site which is further up the road and to replace a storm drain which runs alongside his plots which will solve the issue of flooding on Fallow Corner Drive. He added that the site will create a footpath for pedestrians to use around the corner and provide a wider visibility splay for motorists.

Mr Price stated that with regards to the concerns raised, in his opinion, he does not feel that there will be a negative impact on neighbouring dwellings, and at the present time there are large 30ft



high conifers on the neighbouring property which provide a separation from his two plots. He stated that the sun rises in the rear, in the gardens of the neighbours' properties and sets in the front.

Mr Gowler referred to the presentation screen and made reference to the overbearing nature of the proposed dwellings, making the point that in photograph two it shows large leylandii trees which are close to the windows of the bungalow and the proposed dwelling is 5 metres away from the existing bungalow and the trees are on the neighbouring property and will, therefore, be retained. He explained that he has tried to keep that property as close as possible to the indicative layout that was provided to the committee so that there is no real change from the outline application to what is before the committee.

Mr Gowler made the point that one of the benefits to the development includes the introduction of the footpath which goes around the corner and also the intention of the applicant to try and improve the issue of surface water situation along Fallow Corner Drove. He expressed the opinion there have been changes made to the development in order to try and mitigate all of the reasons for previous refusals to the proposal and he would hope the committee can approve the application.

Members asked Mr Price and Mr Gowler the following questions:

- Councillor Imafidon asked Mr Price for clarification with regards to what the area is like and does it include a mixture of both residential and commercial premises. Mr Price explained that he is currently living on the site, and it is mainly residential. Mr Gowler stated that previously across the road from the site there had been industrial buildings and approval for a dwelling on the site was given approximately 10 years ago and there is also a site under development for two extra dwellings opposite the site.

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

- Councillor Hicks stated that he was surprised to see the size of the site when he visited it especially when considering how big it will be once the existing dwelling is removed. He made the point that he sees the proposal as a natural progression of the village and, in his opinion, there are no issues with the application, and he will support it.
- Councillor Imafidon stated that he is encouraged to hear that the applicant is going to develop the site for his family to live in and for their betterment, health and wellbeing. He added that there is already a dwelling on the site, the site is on the edge of the village and the land appears to lie higher than that of the farmland adjacent to the plot which places it in a better location in case of episodes of flooding. Councillor Imafidon stated that he will support the proposal.
- Councillor Gerstner stated that he agrees with the opinion of Councillor Imafidon, and he added that the main objection is overlooking of the neighbouring property. He expressed the view that when the full plans are compiled then he would expect that there would be the opportunity to mitigate against that by considering the layout, size, and direction of how the two dwellings will sit.
- Councillor Mrs French made the point that the application already has outline permission, and this is the Reserved Matters application before the committee. She added that there is only one reason for refusal which is Policy LP16, and she added that she disagrees with that as she feels that the proposal will tidy up the corner and be an enhancement to the area.
- Gavin Taylor clarified the point made by Councillor Gerstner and stated that the application is a detailed plan and contains the committed detail and layout of the dwellings. He explained that this follows the outline application and, therefore, what is before the committee is what is actually proposed.
- Gavin Taylor referred to the point made with regards to the trees by Councillor Hicks and stated that the trees are located on the neighbours land and, therefore, there is a burden which lies with those residents to ensure that the trees are maintained at that height and

density and should the trees die then there would be the requirement to replant trees immediately in order to try and screen their site off from the overbearing nature of the dwelling. He made the point that he would be concerned to suggest that the trees apply suitable mitigation as the development should mitigate its own impacts.

- Gavin Taylor added that with regards to the actual physical impact of overlooking, there are no overlooking issues which have been raised due to the fact that the elevation gable that faces onto the existing property is actually a blank gable wall and the issue is one of overbearing and poor outlook to their amenity which is the reason for the proposed refusal. He added that the application has been refused previously on those exact grounds and the proposal has not changed in that respect. Gavin Taylor referred to the point made by Councillor Mrs French concerning the fact that the proposal will tidy the corner off, and the issue concerning the amenity impact and whether or not those residential amenity impacts have been overcome through the latest scheme rather than how it will look on the street scene as visual appearance was not raised as a concern previously in terms of character harm. He stated that what is being considered is the amenity and the relationship between the existing bungalow and the northern most plot on the site.
- Gavin Taylor stated that members will recall the legal advice that they were provided previously concerning the reasons for refusal the last time. He added that the offer was to take the previous application to committee, however, it was suggested that there was no reason for the application to come before the committee due to the fact that the Chairman had agreed to those refusal reasons previously and it is a significant material consideration for members to reflect on.

**Proposed by Councillor Hicks, seconded by Councillor Imafidon and agreed that the application be GRANTED against the officer's recommendation.**

Members do not support the officer's recommendation of refusal of planning permission as they do not feel there would be an overbearing impact to the neighbouring property in accordance with Policies LP2 and LP16 and feel that the application will be an improvement to the area and street scene.

*(Councillor Marks declared that he has had dealings with both the applicant and agent and took no part for the duration of the discussion and voting thereon)*

*(Councillor Connor declared that he knows the agent from when he was a member of Doddington Parish Council but does not socialise with him, and is not predetermined and will consider the application with an open mind)*

5.06 pm

Chairman

# PLANNING COMMITTEE



**WEDNESDAY, 3 APRIL 2024 - 1.00 PM**

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

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

## **P120/23      PREVIOUS MINUTES**

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

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

Gavin Taylor presented the report to members.

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

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

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

Mr Humphrey made the point that the Environment Agency have no objection to the proposal provided that the flood risk assessment measures are adhered to. He stated that at the time that the application was submitted to the Council on 22 June 2023, the site passed the sequential test and unfortunately as eight months have passed in order to determine the application, officers have now decided that it does not pass the sequential test as there is another plot available and he finds

this disappointing.

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

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

Members asked Mr Humphrey the following questions:

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

Members asked officers the following questions:

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

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

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

- Councillor Benney referred to the development in Wype Road in Eastrea which, in his opinion, set the entrance to the village off very nicely. He expressed the view that things can change which is not a negative thing and polytunnels are not pleasing to the eye when you enter a village, adding that when considering the character of the area, personal taste should be considered and, in his view, a dwelling on the site would enhance the entrance to the village. Councillor Benney added that he is concerned with regards to the sequential test, however, given the fact that it passed the test when it was first submitted and now forms part of the reasons for refusal, there has been money spent by the applicant along with the time spent on the application by the agent and officers continuing with an application which has already passed the test to then go on and refuse it is, in his opinion, would be unfair. He stated that with regards to the principle of development there is one there and is a natural boundary with the dyke that is there and he added that if the application had been for a greater number of dwellings then his view and opinion may have been different. Councillor Benney expressed the view that he sees very little wrong with the proposal and has concerns with regards to the sequential test, however, as it already passed in June it should not be a block to development.
- Councillor Imafidon stated that with regards to the access when he undertook a site visit there was a dirt track which is not a very good access road and there is a steep incline and, in his opinion, having the second access is a good idea. He added that the people who rent the land out to house the polytunnels have included a gate in order that the dyke can be accessed due to previous issues with trespassers on the land. Councillor Imafidon expressed the view that development on the site would be a good idea so that the issue of trespassers and anti-social behaviour does not occur again.
- Councillor Marks stated that when considering the local distinctiveness and character of the area, Murrow is a Fenland village, and most Fenland villages have one road in and one road out with building off them and there are plenty of other villages within the area which are much the same. He added that another reason for refusal is cited as the application fails to reinforce the local identity and would adversely impact upon the street scene and he questioned what the local identity is of any village, and, in his view, it is what houses are there and it is whether they are new or old. Councillor Marks added that he does not see any issue with the proposal, and he referred to the Policy LP16 where it states in the officer's report that the application would have an adverse impact upon the street scene and he expressed the view that all street scenes change and for one dwelling he does not see any issues with it at all.
- Councillor Connor stated that the Highway Authority have stated that they have no objection to the proposed development, however, it is unclear if the access track can be constructed without earthwork encroachment. He made the point that if they cannot facilitate that then there will be no development and he referred to 5.6 of the officers report where the Highway Authority have stated that prior to commencement of the use of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600mm within an area of 2.4 metres x 2125 metres and, therefore, if members decide to approve the proposal against the officers recommendation then that is something that could be conditioned. Councillor Connor stated that the villages and towns are all changing and, in his view, that is a good thing as progress needs to be made and cannot live in the past.
- Gavin Taylor stated that he has measured where the 40mph sign is in relation to the site

access which is around 90 metres and the Highway Authority do not have any objection on that basis.

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

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

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

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

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

Gavin Taylor presented the report to members.

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

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

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

Members asked Mrs Jackson the following questions:

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

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

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

Members asked officers the following questions:

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

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

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



however, as it is policy compliant, he will approve it. Councillor Benney referred to the previous application where the officers stated that it would be detrimental to the character of the area, but, in his opinion, the current application appears to be cramming a dwelling into where residents are going to be coming in and out of an access and he questioned whether that is going to cause more harm than the previous application in Murrow. He expressed the view that the proposal appears to have less qualities than the previous application which had a recommendation for refusal and reiterated the point that he will support the proposal because it meets with planning policy.

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

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

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

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

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

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

Members asked officers the following questions:

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

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

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

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

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

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

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

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

Gavin Taylor presented the report to members.

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

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

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

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

Mr Jones made the point that he cannot understand why the application to build a better garage

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

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

Members asked Mr Taylor and Mr Jones the following questions:

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

Members asked officers the following questions:

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

caravans come and go whereas structures are permanent which is the difference in this case.

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

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

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

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

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

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

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