

BUCKDEN PARISH COUNCIL

Parish Clerk: Ramune Mimiene, Buckden Village Hall Burberry Road Buckden
PE19 5UY. Tel; 01480 819407

Planning Committee Meeting Meeting 22 February 2022 at 7pm On Zoom

Present: Cllrs Sue Ashwell (Chairman), Caroline Underwood, John Thelwall, Pauline Steel, Kathy Render, Josh Harris and Pam Fraser.

Ramune Mimiene, Clerk

Martin Page, Agent re Pasturelands application Agenda Item 118.2.3

7 members of the public

MINUTES

Chairman welcomed everyone and noted that we were pleased to have a number of observers attending this meeting of the Planning Committee.

The Chairman then set out a few points to help the observers understand the rules under which we operate as a planning committee, and how this meeting will be managed.

1. The committee can only deal with matters relating to planning.
 - 1.1. Other matters about the village are not covered by this committee
 - 1.2. We deal with business use applications and with residential applications for developments of 5 or fewer dwellings.
 - 1.3. Planning matters relating to larger developments, such as the ones on Lucks Lane and on Silver Street are dealt with by a different Parish Council group, although there is some cross-representation as matters can sometimes overlap.
2. Only Planning Committee members may speak on any of the matters on the agenda
 - 2.1. Others are present at this meeting only as observers tonight and may not speak or ask questions.
 - 2.2. We have received no requests to speak in our Open Forum at the start of the meeting.
 - 2.2.1. Should any member of the public wish to do so in the future they would need to notify the Clerk in advance and provide, no later than 4.30pm on the last working day before the Planning committee meeting, a written summary of the planning matters they wish to raise.
 - 2.3. Observers were asked to turn off the microphone on their Zoom screen and all did so.
3. It is important to note that the Planning committee does not make decisions on planning. Planning decisions are made by the District Council's officers ('delegated matters') or by the Huntingdonshire DC Development Management Committee (all other planning decisions).
 - 3.1. The Parish Council Planning Committee can only make recommendations on planning. These are important as they provide the District Council with local knowledge and insights.
 - 3.2. The Planning Committee follows the requirements of the National Planning Priorities Framework, the Hunts DC Local Plan and the Buckden Neighbourhood plan policies, as well as needing to be aware of legislation and previous cases relating to planning.
 - 3.3. The Planning Committee sends comments and recommendations to the Development Management department at Hunts District Council on behalf of the Parish Council and our submissions to HDC are taken account of and shown in their decision documents

BUCKDEN PARISH COUNCIL

Parish Clerk: Ramune Mimiene, Buckden Village Hall Burberry Road Buckden
PE19 5UY. Tel; 01480 819407

115. Apologies

To receive and accept apologies for absence.

Cllrs Anne Howell-Jones and Gerald Sansom sent apologies for absence.

116. BPC Planning Committee Open Forum

Members of the public may have up to three minutes speak on planning matters on this agenda. Items to be addressed must be notified to the Clerk no later than three working days in advance of the meeting and follow the BPC protocol for the Planning Committee Open Forum.

None received.

117. Declarations of Interest

To receive declarations of disclosable pecuniary interests, and the nature of those interests relating to items on the Agenda.

Committee members confirmed that there were none.

118. Minutes

118.1 To Agree and Sign the Minutes of the Planning Committee meetings held 18 January 2022.

Matters of accuracy:

Minute 108.2.3, line 1 town and country planning act should have capital initial letters.

PROPOSAL: Proposed by Cllr JH, seconded by Cllr PS, all in favour and it was RESOLVED that the Minutes of the meeting on 18 January 2022 are approved as true and correct record with the above amendment. Carried

118.2 Matters Arising

None raised other than those on the Agenda

118.2.1 Update on proposed Solar Farm development on the land off Vicarage Lane, Diddington

No application yet available on HDC public access planning website

Consultation around the village carried out. No formal application has been posted on HDC Planning Portal.

118.2.2 Update on Pre-application Consultation - Potential Solar Farm proposal on land south of Mill Road, west of Offord Cluny, PE19 5SN

No application yet available on HDC public access planning website

To note the creation of a website www.spaceforourriver.info and leaflet drop by the residents of The Old Flour Mills re the potential impact of this development on the flood plain

We have been advised that the proposed solar panels at Low farm will not look like the ones at Grafham Water, as at Low farm, if HDC is minded to approve the application, the approximately 40,000 PV panels would rotate to capture maximum sunlight and we have been told that the arrays proposed for Low Farm would be significantly higher than the static array at Grafham and in many other solar farms. Due to the sensitivity of the nationally recognised long-distance path through the proposed development site, and the potentially significant flood risks the consensus at the meeting was that BPC should push for a full Environmental Impact Assessment (EIA) as well as the PC's outright objection to the location of this potential development in the Ouse Valley Landscape Area.

Action to the **Clerk** assisted by Cllr **SA** to write to HDC to set out our rationale for asking that the developers submit a full Environmental Impact Assessment and that HDC should not exempt them based on their EIA screening submission Ref No. 22/70002/SCRE

BUCKDEN PARISH COUNCIL

Parish Clerk: Ramune Mimiene, Buckden Village Hall Burberry Road Buckden
PE19 5UY. Tel; 01480 819407

A member of the public joined the meeting

- 118.2.3 Update on Application under section 191 of the Town and Country Planning Act 1990 for a lawful development certificate for the existing use of buildings and land for commercial business purposes (sui generis mix of class e(g)(iii), b2 and b8). Site Address: Pasturelands Taylors Lane Buckden Reference: 21/02384/CLED
*We submitted a recommendation to Refuse on 02Jan2022 i.e. by original deadline.
Further information from Neighbours and from the Applicant have been added to the HDC website and provided by the applicant's agent following the committee's recommendation.
Members were asked to note those additional documents in advance of this meeting.*

The committee were reminded at this meeting that the Parish Council considered the initially available information about this application and, following that review, on 2nd January 2022 BPC submitted a Recommendation to Refuse the application.

HDC subsequently agreed to extend the date for submission from BPC until after this committee meeting, to allow time for further information to be provided by the applicant and by BPC, as there had been delays in making documents available on the HDC website for all parties to view.

It was noted that this application raises very technical issues of law.

BPC had therefore taken legal advice and instructed its solicitors to submit legal objections to the application, which they have done.

The legal arguments in support of a recommendation to **REFUSE** this application were submitted by our solicitor on Monday 21st February 22 on behalf of BPC.

Our solicitors' letter will appear in due course on the HDC Public Access website where it will be available in full to the public.

In view of the opinion of our solicitors that this application should be rejected committee members agreed that the Clerk should state again that Buckden Parish Council recommends **Refusal** of this application.

It was further agreed to ask Hunts District Council to take enforcement action particularly in relation to the steel fabrication and storage business, where we are advised there is clear evidence that the activity has not been ongoing for 10 years in this location and the breach of planning has not been for more than 10 years i.e. it is still within the enforcement period.

PROPOSAL: Proposed by Cllr PF, seconded by Cllr JT, all in favour and it was RESOLVED to write to HDC asking them to take enforcement action on this particular activity at this time. Carried.

The committee will await the decision of HDC in relation to the remainder of the business uses and locations (buildings) covered in the CLED application.

Once that decision is available the committee will review the available information and consider whether any further action on its part would be necessary or appropriate.

119. **To Consider Planning Consultations:**
Construction of porch on front of house. Total footprint of 3 sqm. Existing front door to be replaced by internal archway. Site Address: Mill House Station Lane Offord Cluny
Reference: 22/00029/HHFUL – received 27th Jan, extension agreed to 23 Feb 22
The committee members noted that this appeared to be potentially within PD rights. Nonetheless they considered the application and concluded that there were no material planning concerns with this application.

BUCKDEN PARISH COUNCIL

Parish Clerk: Ramune Mimiene, Buckden Village Hall Burberry Road Buckden
PE19 5UY. Tel; 01480 819407

PROPOSAL: Proposed by Cllr CU, seconded by Cllr KR, all in favour. Carried.

It was RESOLVED that BPC recommends **Approval** of the above planning consultation.

Note since meeting: Planning recommendations submitted to HDC on 23 Feb 2022.

120. Appeals

None.

121. Tree applications

None received.

122. Other Matters for Consideration:

Buckden Marina leisure facilities

A new indoor leisure facility at Buckden Marina has been advertised recently, under the business name of “Mini Monsters” (a franchise). It has been identified that this will be opened as an indoor soft play area for children, incorporating a café.

<https://www.facebook.com/MiniMonstersLtd/>

The Chairman reminded committee members that she is a lodge owner at the marina and that she has no pecuniary interest in the site ownership.

The Chairman explained that about a month ago this leisure facility had been highlighted by a Councillor who had noted the Facebook post and enquired whether we might be expecting any sort of planning application.

It was explained that Business Use Regulations from 1st September 2020 meant that was not necessary; the rationale was then covered. It was noted that what we had learned as a committee from previous detailed work on two business parks within the Buckden Parish boundary and on other business use applications informed our judgement.

It was noted that Buckden Marina has operated indoor and outdoor leisure/recreational and café facilities since the 1990s. The business use classification at that time under the 1987 Regulations was D2 (‘assembly and leisure’) and business use class A3 (‘restaurants and cafes’).

With the amendments to legislation around business use classes which came into effect on 1st September 2020 a new Use Class E¹ was created (Use Classes Order 1987 as amended).

¹ Information provided in advance of this meeting to Committee members:

Use Class E – Commercial, Business and Service is described as follows –

Use, or part use, for all or any of the following purposes

a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public, (**shops – formerly use class A1 includes Post Offices – but not sorting offices – see [sui generis](#)**)

b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, (**cafes and restaurants – formerly use class A3**)

c) for the provision of the following kinds of services principally to visiting members of the public—

(i) financial services, (**banks and building societies – formerly use class A2**)

(ii) professional services (other than health or medical services), or (**estate and employment agencies etc. – formerly use class A2**)

(iii) any other services which it is appropriate to provide in a commercial, business or service locality,

d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,

e) for the provision of medical or health services, principally to visiting members of the public, except the use of

BUCKDEN PARISH COUNCIL

Parish Clerk: Ramune Mimiene, Buckden Village Hall Burberry Road Buckden
PE19 5UY. Tel; 01480 819407

Use Class E covers the former use classes of [A1](#) (shops), [A2](#) (financial and professional), [A3](#) (restaurants and cafes) as well as parts of [D1](#) (non-residential institutions) and [D2](#) (assembly and leisure) and puts them all into one new use class.

This new Class E allows for a broad range of uses to reflect changing retail and business models. The chairman highlighted that the information available e.g. from the government planning portal and elsewhere online shows that the purpose of the 2020 amendments was specifically to make it easier for the use of buildings to be changed more flexibly.

Changes to another use, or mix of uses, within this class do not require planning permission.

The committee agreed therefore that no action by BPC is required, as the information available shows the business uses of these new facilities remain entirely within Class E.

Given that we had a number of observers present the Chairman advised that if others feel there may be an issue they should contact HDC and that the BPC planning committee would be interested in any information they may receive in response.

123. EXCLUSION OF THE PUBLIC AND PRESS

That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the public and press be excluded, and they are instructed to withdraw, Public Bodies (Admission to Meetings) Act 1960.

Confidential Business

None.

124. Date of the next meeting: Tuesday 15th March 2022 at 7pm on Zoom

Depending on the need and the planning consultations received

The Chairman ended the meeting by thanking all the observers for attending.

It is hoped that they found it interesting and useful to see how planning matters are dealt with at Parish Council level within the framework of rules and requirements as summarised at the start of the meeting.

Meeting finished at 7.36pm

Signed

Date

premises attached to the residence of the consultant or practitioner, (**Doctors, clinics & health centres, acupuncture clinic etc. (must be medical or health related)) (but not beauticians, nail bars, massage parlours etc. see [sui generis](#) – formerly use class D1(a)**),

f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public, g) for—

(i) an office to carry out any operational or administrative functions, (**Offices – formerly use class B1(a)**)

(ii) the research and development of products or processes, or (formerly use class B1(b))

(iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (Light Industrial – formerly use class B1(c))