

PLANNING COMMITTEE



WEDNESDAY, 21 APRIL 2021 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis, Councillor Mrs J French, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor M Purser and Councillor W Sutton, Councillor A Miscandlon (Substitute)

APOLOGIES: Councillor C Marks and Councillor R Skoulding,

Officers in attendance: Nick Harding (Head of Shared Planning), David Rowen (Development Manager), Jo Goodrum (Member Services & Governance Officer) and Jennifer Seaman (Senior Development Management Officer)

P85/20 PREVIOUS MINUTES

The minutes of the meeting of the 17 March were agreed as an accurate record.

P86/20 F/YR/20/0585/F FORMER COACH HOUSE, LONDON ROAD, CHATTERIS, ERECT A 2-STORY 4- BED DWELLING INVOLVING DEMOLITION OF STORE BUILDING. F/YR20/0586/LB FORMER COACH HOUSE, LONDON ROAD, CHATTERIS. DEMOLITION OF A CURTILAGE LISTED STORE BUILDING,

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Weetman from the Chatteris Past, Present and Future Society in objection to the proposal.

Mr Weetman expressed the view that the applicant's Heritage Consultant, Mr Donoyou, may have inadvertently misled this committee in December when he told members that "the reason the ceilings are barrel vaulted is because they have a zinc ventilation shaft at the top and historically the building could have been used for poultry rearing or other animal stock", but he is perplexed as to why such a description does not appear in Mr Donoyou's historic building analysis, written in 2018 and re-submitted in support of this application on 30th March, and he stated that the very detailed, eleven-page report didn't refer to the building's use as a poultry house or to ventilation shafts. He stated that in his society's initial response to the application, he provided copies of advertisements for the sale of Fortrey house and he added that these clearly describe the building as a coach house, with stables and a two-storey granary. He added that those adverts date from 1894 and 1946 and neither mention the building's use as a poultry shed and added that Members should be very clear that this is a Grade II Listed Coach House that is of vital significance to the main heritage asset at 22 London Road and that no evidence has been found, that it was ever used as a poultry house.

Mr Weetman stated that in Mr Donoyou's 2018 report, it refers to the barrel-vaulted ceilings as an "impressive" and "striking architectural feature" of the coach house and added that it goes on to say that a "barrel-vaulted ceiling in a late 19th century utilitarian structure is both an unusual and notable feature of this curtilage building" and he questioned as to whether Mr Donoyou was wrong

in 2018 or is he wrong now? He stated that the applicant has repeatedly implied that Historic England has no objections to the demolition of the building and its opinion is a gross mischaracterisation of Historic England's responses, which say that while the building falls outside of its prioritisation criteria for casework and he added that Historic England say that the Council should defer to the advice of its Conservation Officer.

Mr Weetman stated that the Council's Conservation Officer has clearly laid out important reasons as to why the application should not be granted if the Council wishes to make a decision that is consistent with its legal obligation in accordance with the Fenland Adopted Local Plan and the National Planning Policy Framework, as well as the Council's legal duty to protect listed buildings. He expressed the opinion that if the Council wishes to make a decision that does not comply with the Council's Local Plan and the National Planning Policy Framework, councillors are clearly leaving the Council vulnerable to a judicial review by one of the four national societies that have strongly opposed this application to demolish part of Chatteris' heritage and further diminish its "at risk" Conservation Area.

Mr Weetman stated that he does not intend to fully re-hash the planning points raised by the Conservation Officer and the advice provided by the Planning Officer, except to remind councillors that the application must meet all four of the criteria set out in Paragraph 195 of the National Planning Policy Framework. He added that if any one of these criteria has not been met, the application must not be granted and, in his view, it is hugely doubtful that the applicant has provided sufficient evidence that they have met any of these criteria at all, let alone each and every one of them.

Mr Weetman explained that, in particular, one of the criteria says that it must not be possible to save the building through marketing of the property, but a neighbouring resident has made an offer to purchase the building for use as an art studio and educational facility and this would result in significantly greater public benefit than a single dwelling. He stated that the applicant provides no evidence that they have fully explored this opportunity, so the applicant has already failed the test set out in the National Planning Policy Framework and has also failed to sufficiently explore the non-residential uses for the building, and the efforts to find charitable funding seem half-hearted at best.

Mr Weetman stated that the Conservation Officer, and the Planning Officer's report, both outline exact reasons why each and every one of the other tests in the National Planning Policy Framework have not been met, and, in his opinion, granting the application would be a clear breach of the Council's legal obligations and it may also be a breach of the Members Code of Conduct, since there has been no significant change in the circumstances of this property since Fenland District Council refused a 3-bed conversion at the site due to the damage it would cause to a designated heritage asset. He explained that the Council's Planning Code of Conduct is clear that approving such a follow-up application may be an indication of, in the words of the Code of Conduct, "perversity and maladministration" in the planning process and stated that the fact that the previous application was not determined by this committee does not seem to be a mitigating factor in this regard.

Mr Weetman stated that he would like to point out that there has been an alternative option available to the applicant throughout this process, whereby the developer could have asked Historic England, for a relatively small fee, to consider de-listing the coach house at 22 London Road or to modify the listing to explicitly exclude the coach house and if the coach house is as insignificant as the applicant claims, this process would have been concluded within 12 weeks. He stated that if the applicant had taken this action when I suggested it at the December meeting, the process would have been concluded by now.

Mr Weetman explained that given that this would have been a much quicker process, and given that it would have avoided asking councillors to contemplate ignoring countless planning policies

and breaking the law in the process, members must surely wonder why the applicant hasn't decided to do this? He expressed the view that the applicant has not tried to de-list the coach house, because it is in fact historically significant and instead of doing the right thing, the applicant is forcing members into an untenable position and members shouldn't allow it.

Members received a presentation in accordance with the public participation procedure, from Kate Wood, the Agent and Richard Donoyou, the Heritage Consultant.

Kate Wood stated that Richard Donoyou would present on behalf of them both and she would answer any questions that members may have. Mr Donoyou referred to the presentation screen which showed a slide of the existing street scene and then a further slide of the conversion street scene and stated that, when the application was previously refused, one of the main reasons cited for refusal was that the view of the Council's planning officers was that the proposal would have a negative impact on the relationship of the conversion to the existing house and the street scene in general and it was said to be not in the public interest. He stated that the application was accompanied with a financial analysis of the conversion scheme cost and the market value and the scheme would not make any profit which he accepted in 2019, and since that time an independent viability assessment has been carried out, which has been reviewed by a Fenland Senior Planning Officer.

Mr Donoyou added that if consideration is given to the preference suggested by the Council's Conservation Officer, which is for a one bedroomed unit, a development of such a type would result in a loss of over £100,000. He stated that it is pleasing to note that members of the committee have had the opportunity to carry out a site inspection and he referred to a speaker from Save Britain's Heritage, who spoke at the meeting in December, who had made reference to a possible judicial review if the application was approved and when questioned by members he had admitted that he had never visited Chatteris, but still felt empowered to make a threat of a judicial review.

Mr Donoyou stated that after four months, Save Britain's Heritage have still not inspected the building or visited Chatteris and, in his view, it should be noted that anybody can seek a judicial review on any decision made by a Local Authority, including the applicant. He referred to the point that had been made with regard to the demolition of a third of the listed building at 22 London Road, but having looked through the officers reports and in coming to that decision, there is no mention of judicial review, even though the building is specifically listed and queried whether there has been any threat of legal proceedings from any party, following that decision.

Mr Donoyou stated that he has considered the legal position of the application in relation to the four tests that had been outlined following the December meeting and made the point that the building was offered to Cambridgeshire Historic Buildings Trust and they had responded by stating that the Coach House had insufficient architectural merit for them to be really interested in it and the requirement for a one bedroomed unit even at a nominal cost, would in their opinion, not be financially favourable and, therefore, declined all interest. He stated that he has been made aware that a local resident has offered to purchase the building, but he reputed that fact and added that the owner of the building has never been contacted and neither has his agent and he added that to bring the building into a usable condition would cost in the region of £100,000.

Mr Donoyou expressed the opinion that enough has been done to fulfil the four tests as detailed in paragraph 195 and added that the reason that there has been no progress with the building is due to the constrictive requirements of the Conservation Officer. He added that an application was submitted to convert a building which was refused and stated that the objective is to work together to provide a scheme which will work and allow the renovation of a Listed Building at number 22 and to enhance a derelict site in the Chatteris Conservation Area.

Mr Donoyou added that it is in everyone's interest to overcome the issue of unused buildings and

asked the committee to consider the scheme carefully and referred them to the presentation screen to view a further slide. He stated that if the committee feel that they cannot approve the proposal he asked them to consider the submitted conversion scheme and advise him further with regard to the possible resubmission of the scheme.

Members asked Mr Donoyou and Miss Wood the following questions:

- Councillor Miscandlon asked for clarity with regard to when they were made aware of the legal position and the requirements concerning the maintenance of the Listed Building to bring it back into use? Miss Wood stated that the owner knew of the legalities when he purchased the building and Mr Donoyou confirmed that the purchase took place in 2018. Councillor Miscandlon stated that due to the timescales the building has deteriorated over three years and Mr Donoyou stated that the building is regularly photographed, and, in his opinion, there has not been a significant deterioration of the building.
- Councillor Mrs Davis asked whether any attempts have been made to get the building delisted? Miss Wood stated a building cannot be delisted if it is not on the list. She added that if attempts were made to delist the building in this case, then number 22 would also have to be delisted, which is a Listed Building that is valued and that advice was provided by Historic England.
- Councillor Cornwell asked for clarity with regard to the ownership of the building from 2018 and asked what protective measures have been put in place for the building since that time? Mr Donoyou stated that the building and site have been made secure and as a result of that there has been no vandalism or unauthorised entry and remains in a similar state, since when it was purchased. Councillor Cornwell questioned that the holes in the roof, the slipped slates and the poor condition of the staircase are in exactly the same condition, without any deterioration due to weather since 2018? Mr Donoyou confirmed that the staircase was unusable in 2018 and the Council's Conservation Officer has stated that the upper floor of the granary section was not inspected due to the condition of the staircase. Councillor Cornwell asked for clarity with regard to the roof and Mr Donoyou stated that the roof has not been raised as an issue by the planning officers and they have not insisted on adding an Urgent Works Notice to a Listed Building. Councillor Cornwell expressed the view that if the building had been maintained better over the last three years, it may now be in a better state of repair for any conversion. Miss Wood stated that in 2018/2109, the application was for a conversion and it was always in the owners interest to maintain the building to facilitate the conversion and to keep the costs to a minimum in order to provide the conversion works, but since that time the application has been refused and an alternative has been looked at with regard to demolishing and replacing the building, but if the proposal is refused, then consideration will have to be given to turning the site into a three bedroomed dwelling as per the previous proposal and now that more information is available in terms of the viability assessment which brings forward a change in circumstances since the previous refusal. She added that it is not in anybody's interest to let the building fall into disrepair.
- Councillor Meekins referred to Mr Donoyou stating that the reason that the application was refused in 2019 was to do with the appearance of the building, however, he thought that it was due to the extensions that were being applied for. Mr Donoyou stated there were a number of reasons for the refusal and made the point that there was a proposal of a small rear extension and officers had advised at one point that the proposal would be acceptable, but then it was added as a reason for refusal, with the reasons for refusal including the relationship of the conversion scheme and the small extension with the Listed Building and the impact of the Listed Building on the street scene. He added that the illustration provided is a true and honest reflection and most people they would not have been aware that from the street scene point of view that the building had changed in any way at all and, therefore, he was surprised to hear that the conversion scheme was deemed to be not in the public interest and compromised its relationship with the listed building. Mr Donoyou added that the building cannot be converted and make a large financial loss at the same time, with the development for renovation and conversion of the coach house needing to be financially at

a break-even position and the conversion scheme has to be one which will not make a financial loss.

- Councillor Benney stated that the presentation appears to bring forward a conversion scheme and he asked whether, if the proposal was not approved, would a conversion scheme be something he would like to consider? Mr Donoyou stated that the site was purchased with the intention of a development within the yard and the conversion of the Listed Building and the Coach House, but it appears that he is unable to produce a scheme which satisfies the planning officers requirements and at least to break even financially, hence, the proposal before members today. Mr Donoyou added that if the committee could advise him to submit a conversion scheme, then he will be happy to work with the planning officers in order to submit an application and for the economics of the scheme to be independently examined. He stated that the Coach House will not make as a conversion any profit at all and will only form part of the development.
- Councillor Murphy questioned whether it would be possible for the application to be deferred in order for a conversion scheme to be submitted? Nick Harding stated that would not be feasible as it would be a fundamental different proposal to the one that is before the committee.

Members asked officer's the following questions:

- Councillor Cornwell asked Nick Harding to provide the committee with advice on how to determine the application. Nick Harding stated that the committee cannot indicate that it would go onto approve a subsequent application for a conversion scheme as the detail of the conversion scheme is not yet known. He added that any further application received will be reviewed in conjunction with the Council's adopted planning policies and any other national guidance available. Nick Harding added that with regard to the 2019 application, that was refused for the conversion, it did include some alterations to the roof of the building as well as the rear extensions, so it was not a simple scheme, which, in his view, influenced the reasons for refusal. He added that the applicant could resubmit the previously rejected scheme or alternatively the applicant could enter into pre application discussions with officers to reach a suitable conversion scheme that meets both requirements of the applicant and would also accord with the appropriateness of a listed building.
- Councillor Benney asked whether it is possible that the Coach House could be delisted or is it something that just will not happen? Nick Harding stated that the full criteria, which is identified in the National Planning Policy Framework has no reference to the question of delisting or not, because they are there on the basis that the property in question is Listed and therefore the issue of delisting is a separate matter. He added that application to delist would involve both properties and he is not in a position to prejudge any conclusion that would be drawn by Historic England. Claire Fidler, the Conservation Officer, added that Miss Wood is correct in what she has stated with regard to the fact that the Coach House cannot be delisted by itself, but the applicant could apply to Historic England and ask them to clarify the listing of number 22, with the potential result that Historic England and the Secretary of State would deem that the Coach House was not of significance to the principal dwelling, so that the listing would then be clarified.
- Councillor Meekins stated that it is his understanding that if the application were approved the committee would be breaking the law by approving demolition of a Listed Building and if that is the case, does each committee member deem themselves liable. The Legal Officer, Chris Gordon, stated that by granting planning permission you would not be breaking the law, however, it would not look favourably on the Council. Nick Harding stated that should there be a legal challenge to any planning permission granted then individual members of the Planning Committee would not be liable, it would be a corporate decision that was made and if the challenge was accepted by the judge the outcome would be that the consent approved by the Council is quashed and then it would come back to Planning Committee for redetermination. He added that the judgement from the court would identify from what areas in the law the committee had gone awry in and the purpose for reconsidering the applications would be taken in a way that addresses the short comings of the original

decision made.

- Councillor Mrs Davis asked for clarification with regard to the delisting point. Claire Fidler stated that somebody could apply to Historic England for clarification on the listing as it stands and then Inspectors might determine that the Coach House does or does not contribute to the significance of the principal dwelling, and then exclude it from its curtilage, however, it would still be within the setting of the Listed Building and an application would need to be considered for demolition against section 16 and 66 of the law in terms of how the demolition would affect the setting and, therefore, the significance of the principle dwelling.

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

- Councillor Cornwell stated that a solution needs to be reached, so that the building can be protected, and the Council fulfils its duty under legislation. He added that, in his opinion, it would be better that the application be refused in accordance with the officer's recommendations, but with the expectation that negotiations between the applicant and officers takes place so that the site is developed with the retention of the Coach House and its conversion and protection for the future.
- Councillor Benney stated that his concern is that a blot will be left on the landscape. He added that, in his opinion, the site should have been included when the six bungalows were developed, but the proposal cannot be passed in its present form, but neither does he want to refuse the proposal. Councillor Benney stated that Mr Donoyou appears to be considering resubmitting the original plan for a conversion and questioned whether the proposal could be deferred to give the applicant the opportunity to investigate the options available to him. He stated that a one bedroomed property on the site is not viable and it could remain empty for years and he emphasised that he wants to see a positive outcome on the site. Councillor Benney stated that the applicant should be given the opportunity to investigate the possibilities of delisting the building and if that is not possible then he could withdraw the application and there would not be a refusal on site and a new scheme could be submitted by working with officers.
- Councillor Miscandlon stated that it is not in the developer's interest to leave a derelict building at the front of his prestigious site that is being developed. He expressed the opinion that the application should be refused so that the developer can reconsider the options and come back with a positive application.
- Councillor Murphy stated that he agrees with the comments raised by Councillor Cornwell and Councillor Benney. He queried that should the applicant come back again with another application would he be charged? Councillor Murphy expressed the opinion that Listed Buildings and archaeological buildings need to be reviewed regularly, so that there is an awareness of them, their condition and the significance of them.
- Councillor Connor stated that a compromise does need to be reached and stated that the developer should be allowed to investigate the delisting possibilities and if this cannot be achieved, then he should be encouraged to work with officers to bring the site to a satisfactory conclusion.
- Councillor Mrs Davis questioned whether the committee could request that the application be withdrawn in order to allow the applicant to resubmit a further proposal without incurring costs? Nick Harding stated that the committee does not have the ability to give the applicant a zero fee application as the fees are prescribed in the legislation. He stated that with regard to the comments made by members concerning a further deferment of the application, he would advise the committee against that, due to the fact that if the delisting exercise is not successful then the situation will still be the same as the development proposal still does not meet all the criteria as set out in the National Planning Policy Framework. He added that if the delisting exercise is successful, the applicant can always decide if the committee were to refuse the application, to withdraw the application before the decision notice is issued and the applicant would not then have a notice to show that their application was refused.
- Councillor Mrs French stated that in 2015, the building was placed on the at-risk register by

the Council. She made the point that six years have now passed and she questioned why the Conservation Officer is not looking at buildings at risk.

- Nick Harding stated that the responsibility of the maintenance of the buildings lays with the owner.

F/YR20/0585/F

Proposed by Councillor Meekins, seconded by Councillor Mrs Davis and agreed that the application be REFUSED as per the officer's recommendation.

F/YR20/0586/LB

Proposed by Councillor Mrs Mayor, seconded by Councillor Miscandlon and agreed that the application be REFUSED as per the officer's recommendation.

(Councillor Sutton stated that he would take no part in this item as in his opinion he felt he was predetermined)

P87/20

F/YR20/0910/F

1 MAIN ROAD, PARSON DROVE, WISBECH. CHANGE OF USE FROM GARAGE TO PART TAKEAWAY AND PART STORAGE BUILDING FOR SHOP INVOLVING DEMOLITION OF SINGLE STOREY BUILDING TO REAR; INSTALLATION OF EXTERNAL FLUE AND RETROSPECTIVE INSTALLATION OF AIR SOURCE HEAT PUMPS

David Rowen presented the item to members:

Members asked officers the following questions:

- Councillor Murphy asked for clarity over the opening hours of the premises and David Rowen stated that if members were to approve the application, then delegated authority could be given to officers to clarify the point.

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

- Councillor Sutton stated that, in his opinion, it is good to see an extra service coming into a village rather than being withdrawn.
- Councillor Meekins stated that he agrees that there are too many facilities being withdrawn from villages and he welcomes the proposal, which will enhance the village of Parson Drive.
- Councillor Miscandlon stated that the take away food premises do serve healthy food options and should there be a cause for concern in the future then steps can be taken to look into this further.
- Councillor Cornwell stated that it is important that the rural villages receive the services they need and remain viable. He added that any provisions of food and routes to school, he would like to see form part of the new Fenland Local Plan.

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

P88/20

F/YR20/1048/F

NORTH WEST OF MEPAL AD PLANT, IRETONS WAY, CHATTERIS.CONSTRUCT AN EXTENSION TO EXISTING ANAEROBIC DIGESTER PLANT (5 X DIGESTER TANKS, 3 X INDUSTRIAL/PROCESS BUILDINGS, 10 X CO2 STORAGE TANKS, CONCRETE HARDSTANDING AREAS AND FLOODLIGHTS INCLUDING 7 X MOUNTED ON 5.5M HIGH COLUMNS)

Jennifer Seaman presented the report to members.

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

Ms Eyeington stated that that whilst she fully understands the need for 'green energy', this should not be at the expense of everything else, including the environment that has been here thousands of years. She added that she would like to raise concerns with regard to all ecological effects having been investigated in depth, including the effect on bats, and, in her view, sufficient surveys have not yet been carried out as required under the law, to avoid harm to the bats, which, in her belief, should be done before planning permission is granted.

Ms Eyeington expressed the opinion that the Anaerobic Digester (AD) plant is not in keeping with the Fenland environment and is spoiling the outlook of the countryside. She added that the original planning application, was for a larger plant and this was rejected, and questioned whether planning laws have changed and asked whether it was felt acceptable to increase the size of the current AD plant, with any increase making a bigger impact and an eyesore even worse.

Ms Eyeington added that the original AD plant was supposed to provide planting to landscape the border, providing cover and this was to be maintained, which has not been done and, therefore, not providing the screening required in the original planning consent. She added that even since raising this point, nothing has been done to rectify the problem and expressed the view that this does not bode well for installation and maintenance of the new boundary planting for the extension.

Ms Eyeington highlighted that the screening proposed must be of a mature planting, with evergreen included, otherwise the plant is fully exposed for 6 months of the year and stated that it must also ensure it is fully maintained. She stated that the lighting on the existing and new proposed extension is, in her view, excessive and whilst she understands the need for security, the plant is manned 24/7, with a multitude of CCTV cameras and questioned the need for so many lights. She added that the revised lighting plan, puts in more lights, not less, and the height is still 18 ft and the excessive lights around the plant is causing lighting pollution, having a detrimental effect on the environment and wildlife.

Ms Eyeington stated that there has been no LUX report on the intensity of the lighting, which affects all wildlife and bats, which should be undertaken before permission is granted not after. She added that she understands that the new extension to the plant will be using mainly straw and highlighted that straw is already used by the existing plant, and the waste left over from the site is dumped on the field next to her property, which she stated will only increase with the extension.

Ms Eyeington stated that the AD plant seem to take no responsibility for this waste as it is on the associated farmers land and she added that she has been advised that this waste would be removed within 3 months, and it has not happened, as it is still there. She stated that the A142 is a busy single carriage way road, which the plant uses for access and, in her opinion, any increase in traffic, especially slow tractors and heavy good vehicles, will cause the whole local area problems.

Ms Eyeington explained that she has had very large vehicles turning up at her door, intended for the plant, which has caused inconvenience for her family as they then need to open her gates to allow them onto her paddock to turn around and, therefore, signage is needed so there is no access via her track, and better information given to delivery drivers so this does not happen.

Members received a presentation, in accordance with the Public Participation procedure, from Mr Steve Ripley, the applicant.

Mr Ripley explained that the AD plant will produce transport fuels and will produce bio methane, which will be certified green methane. He added that going forward, he will be using straw at the

plant, which is a residue from the production of wheat and the straw will have a high concentration of energy in it and its digestibility is lower.

Mr Ripley stated that the process will use heat, biology, and enzymes in an anaerobic environment to fully digest and the process has to be thinned down considerably by using processed water. He added that the technology used will be a leading example of renewables and once produced the bio gas will be separated from the bio methane in order to capture the carbon dioxide, which will then be chilled to turn it into a liquid and then that will be sent to the food and beverage sector.

Mr Ripley stated that there will be the need to employ additional people and explained that the project will ensure a reduction in emissions by using residues and capturing the CO₂, which does not become carbon neutral, it becomes carbon negative and is a massive step forward.

Members asked Mr Ripley the following questions.

- Councillor Cornwell asked Mr Ripley to clarify whether it is new technology which is being introduced at the site? Mr Ripley stated that it is not new, but it is refined and specific to the nature of the work being carried out at the plant. He added a great deal of research development has been carried out and it is all to do with pre-treatment of the raw materials which is assisted with enzymes designed to assist with the nature of the biomass. Councillor Cornwell stated that the plant is using a waste product rather than a prime product which is being used on the original site. Mr Ripley stated that the product being used is a residue and it is consistent product and in plentiful supply. He added the product when broken down will release carbon back into the atmosphere. Councillor Cornwell asked whether there will be an odour from the new processing system? Mr Ripley stated that maize is approximately 30% dry matter and having been preserved and fermented there will quite a sweet smell omitted from it, whereas straw is approximately 90% dry matter and is basically odourless. Councillor Cornwell asked for clarity that the waste is going to be transferred into pellets? Mr Ripley stated that it is pellets that will be used in horticulture as a peat replacement.
- Councillor Mrs Davis asked for clarity with regard to vehicle movements in and out of the site and asked for confirmation that it is 4 heavy goods vehicles entering and exiting the site each day?. Mr Ripley confirmed that this was correct. Councillor Mrs Davis asked for information as to how the pellets are transported? Mr Ripley stated that the pellets are transported via a lorry and the straw used is brought in by lorries as well.
- Councillor Mrs French asked Mr Ripley what his intentions are to ensure that his business is considerate towards the neighbouring properties? Mr Ripley stated that he is planning to have a meeting with Ms Eyeington and discuss the development and work out solutions to any problems that can be foreseen.
- Councillor Miscandlon referred to light pollution and stated that the upward glare from the lighting at the plant is quite significant and he asked Mr Ripley what mitigation is being put in place to correct the issue? Mr Ripley stated that he has just been made aware of the issue and he stated that there are several factors to be considered, safety, security, and observation. He added that the Police have advised him that from a security perspective the lighting is important at the plant and he stated that good lighting is important with regards to safety and observation. Mr Ripley stated that he is going to undertake a study to investigate the lighting aspect and it is his understanding that there are areas of the site where timers can be placed on certain lights and will be motion activated, which will assist with the issue of light pollution and save electricity. He explained that he is also going to review the lux level of the existing lighting and see if it can be toned down slightly and added that he is also going to look at the necessity of some of the lighting. Councillor Miscandlon stated that he appreciates the necessity of the lighting from the perspective of the Police, but added that the light beam does not need to shine so high into the sky and added that shades can be fitted to alleviate and control the issue.

Members asked officers the following questions:

- Councillor Sutton asked planning officers to clarify a condition with regard to working hours

for the plant where the officer's report states that the operating hours are Monday to Sunday from 7am to 7pm and he questioned whether the condition should be altered to reflect the deliveries to the site, as well as the operating hours of the site, as the plant is a 24 hour operation. Jennifer Seaman stated that condition 17 specifically deals with deliveries to the site, which is 7 to 7, Monday to Sunday and she added that it is an applicant specific request that the working hours be 7am to 7pm on the extended site. She added that the existing site can operate 24 hours a day, 7 days a week and confirmed that deliveries are restricted from 7am to 7pm.

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

- Councillor Cornwell stated that he is intrigued by the process and where it is. He added that he is relieved that the site is not going to be serviced by tractors and trailers and is pleased to hear that Mr Ripley is going to be a good neighbour. Councillor Cornwell expressed the view that he is concerned with the effect of the vegetation from the exit point from Greys Farm onto the main road, which does cause poor visibility out on to the main road and is also concerned with regard to the closeness of the pre-determined mini town close to Chatteris which will be developed in time, but he added that the utility provision and services are already in place and he will support the application as it also includes an element of new technology.
- Councillor Sutton stated that he is also pleased to hear that the company wish to work with their closest neighbour, and it is a positive step. He added that the surrounding trees and bushes will cover up the area and the site will be not be visible. Councillor Sutton stated that he is pleased to hear that the applicant will review the lighting at the site and he added that officers have worked with the applicant to bring the proposal forward and he will be supporting the application.

Proposed by Councillor Miscandlon, seconded by Councillor Cornwell and agreed that the application be APPROVED as per the officer's recommendation.

(Councillors Connor, Mrs Davis and Miscandlon, registered in accordance with Paragraph 2 of the Local Code of Conduct on Planning Matters, that they had been lobbied on this item)

P89/20

F/YR20/1230/O

LAND EAST OF, 25 - 27 RUSSELL AVENUE, MARCH.ERECT UP TO 3 DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RELATION TO ACCESS ONLY) INVOLVING DEMOLITION OF DOUBLE GARAGE AND HIGHWAY WORKS INCLUDING FORMATION OF A FOOTPATH

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation procedure, from Mr Craig Brand, the Agent.

Mr Brand stated that the outline application seeks permission in principle to develop the site, with details of the necessary access improvements only committed and the submitted indicative site layout plans and house designs are for illustrative purposes only. He added that the applicant is happy to reduce the proposed maximum number of dwellings to 2, to match the existing semi-detached houses in the vicinity.

Mr Brand explained that the site is 1 of 4 potential development sites adjacent to the playing field surface road and garden land development has already been approved at the rear of 30 and 32 Russell Avenue and he highlighted on the presentation slide to the committee where the development fronts onto West Close. He stated that committee approval led to 7 and 8 West Close gaining permission for their gardens and this was demonstrated in slide 2.

Mr Brand added that the committee report concentrates on the terrace proposal even though a semi-detached illustrative design was also submitted and he stated that the officer's report highlights what it deems to be the failings of the terrace scheme by being only separated by 10m from the existing dwellings whereas the semi-detached proposal has a 15m separation between dwellings as shown in Slide 3. He explained that in 9.2 of the officers report, the Inspector of the 2015 appeal found there would be no harm from the semi-detached proposal to the living conditions of neighbouring properties and the reason for dismissing the appeal was the perceived harm the development would cause to the character of the post war estate and the playing field.

Mr Brand stated that March Town Council recommend approval of the application with the improvements to the access road shown and they are happy that the development would comply with Policy H2 of their Neighbourhood Plan and would be in keeping with the settlement pattern and character of the estate. He added that the dwellings, surrounded by the playing field which are bounded by high hedges and close border fencing, along with outbuildings in their gardens, have little or no views of the open space and, therefore, views of the new houses would be negligible from the surrounding properties and there would be no harm to them as they are a distance away.

Mr Brand stated that in general playing fields in March and public open spaces have housing in closer proximity and he used Southwell Close as an example. He expressed the view that the proposal would cause no harm to the playing field, but would provide a strong presence that the existing surrounding housing would deter anti-social behaviour.

Mr Brand referred members to slide 4 which shows a layout introducing landscaping to the playing field boundary, which, in his view, will significantly reduce the harm perceived by the Inspector to the playing field and houses that surround it. He added that the final layout, scale, and appearance of the proposal to be determined by a reserved matters application would overcome the Inspector's reasons for refusal.

Mr Brand added that since the right to buy scheme began the estates original uniform identity has been eroded by alterations to the houses external appearances due to extensions, new dwellings and flats have been constructed and approval of the application would be another progression in this changing identity of the original post war estate. He added that there are no technical issues with access as Highways have approved the layout with a widened 5m road and separate 1.5m footpath.

Mr Brand stated that he would ask that the committee agree with him that the development will not harm the character of the area and will provide much needed homes. He added that the final detailed design can be controlled at reserved matters stage to ensure that the building scale and mass will respect the playing field and its surrounding area.

Members asked Mr Brand the following questions:

- Councillor Mrs French asked Mr Brand for clarity about the existing footpath which goes into the field and does not support traffic and asked whether the footpath he had referred to is a new proposed footpath? Mr Brand stated that he will be widening the existing footpath by a metre either side that is already in existence. Councillor Mrs French stated that the access does not belong to number 25 and it used to belong to the Council. Mr Brand stated that the area is on the County Council Highway's List of Adopted Roads and is indicated as being a footpath. Councillor Mrs French expressed the view that is a public right of way and it does not give permission for users to drive down there.
- Councillor Miscandlon stated that on the presentation screen, Mr Brand had pointed out the distance between number 25 and 27 and that of the proposed development, which was 15 metres, where he had questioned the original decision by the Planning Inspector. Councillor Miscandlon added that the drawing that had been displayed was for the two houses and not the three and, therefore, the 15 metres is greatly reduced between 25 and 27 and the proposed development for the three properties. Mr Brand stated that he is

seeking outline consent for the principle of development and stated that since he has seen the officer's report, the applicant is prepared to reduce the proposal down to two dwellings, which would be a distance of 15 metres.

Members asked officers the following questions:

- Councillor Murphy stated that Mr Brand had explained that the presentation had shown a proposal for two dwellings, but the application is for outline permission for up to three dwellings. David Rowen stated that the application is for up to three dwellings and, therefore, members would need to consider that if they were minded to grant planning permission contrary to officer's recommendation that three dwellings can satisfactorily accommodated within the site.

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

- Councillor Mrs French stated that, in her opinion, the officer's recommendation is correct. She added that she has known the site for over 30 years and added that the neighbouring properties have objected as they feel the proposal will invade their privacy. Councillor Mrs French stated that her concern is with regard to overlooking and that they propose to use the road for vehicles to drive down and it has never been used for that purpose before. She added that children use the area to play and she congratulated the officers for their work and recommendation on the application.
- Councillor Mrs Mayor expressed the view that she has concerns over the access and stated that if the land is not in the applicants ownership, they should not be using it as an access and she will be supporting the officer's recommendation.
- Councillor Mrs Davis stated that she will be supporting the officer's recommendation and added that she does not like to see applications brought forward when the access road is not even in the applicant's ownership. She added that she also has concerns that further development on the opposite side of the field may come forward which should be taken into consideration.
- Councillor Sutton stated that he has no issue with regard to the road, however, the application was refused some time ago. He added that Mr Brand has referred to West Close which was built some time ago as a cul-de-sac, however, that was an infill development and the proposal being determined today is totally different. Councillor Sutton stated that he has noted that the application was discussed three times by March Town Council, before they recommended the proposal for approval. He added that he concurs with the comment made by Councillor Mrs Davis with regard to her concerns over further development and he stated that he will also be supporting the officer's recommendation for refusal.
- Councillor Mrs French added that the photo presented by Mr Brand, which was referred to as West Close, was not in fact a photograph of West Close. She stated that West Close was built at the same time as the rest of Russell Avenue was built and she stated that the houses that Mr Brand had referred to are up the alleyway where the Council's allotments were and the access is on the left hand side. Councillor Mrs French reiterated the fact that she cannot support the application and added that children use the footpath and it is not a road.
- Councillor Sutton stated that two of the dwellings that Mr Brand had referred to are in West Close and were approved in outline planning permission in 2004 and full in 2005.

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

(Councillor Cornwell took no part in the debate or voting on this item, due to the fact that he had lost internet connection)

P90/20

F/YR21/0130/F

10 HIGH STREET, CHATTERIS.CHANGE OF USE AND SUBDIVISION OF RETAIL

SHOP AND 3-BED FLAT TO RETAIL SHOP, HOT FOOD TAKEAWAY AND 3 -BED FLAT INCLUDING FORMATION OF AN ADDITIONAL SHOP FRONT AND INSTALLATION OF EXTERNAL FLUE AND AIR CONDITIONING UNIT TO REAR OF TAKEAWAY

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Emily Warner, the agent.

Ms Warner stated that the UK High Street has witnessed significant changes in the past decade, and the impact of the Covid-19 pandemic has only served to exacerbate this. She added that the National Planning Policy is clear that planning decisions should support town centres by taking a positive approach to their growth, management and adaptation and she added that town centres should be allowed to diversify in a way that can respond to rapid changes.

Ms Warner explained that the current property at 10 High Street is too large to successfully operate as a newsagents given the national decline in newspaper sales, which means that the current floorspace is much underused and the application responds to the changing needs of Aspinall's to enable the longstanding business to continue trading from this established location, but in a size much more suited to their needs and the proposal will also enable a hot food takeaway provision to provide some diversification and contribute to the provision of a dynamic town centre, as sought by the Local Plan. She explained that the resulting mix of uses will support both the daytime and night-time economies, will bring additional employment opportunities and will serve to enhance the vitality and viability of the High Street.

Ms Warner referred to the officer's report, where in September 2020 the Government introduced new legislation to amalgamate some of the current use classes including shops, financial and professional services, offices, restaurants and cafes into a single new Class E, therefore, deregulating changes of use between them, with the overarching aim being to support High Street revival and economic recovery. She added that the property could potentially change in its entirety, without any planning permission, to another non-retail use or for example, a pizza restaurant, and the limitations of the Local Plan in terms of protecting and limiting the uses in the Primary Shopping Frontage are, therefore, superseded and notwithstanding this, this proposal would result in the retention of a retail use and this part of the High Street would remain predominantly in retail use.

Ms Warner explained that the proposals include sympathetic external alterations to the façade of the unlisted building to facilitate the sub-division and stated that a separate advertisement consent for the new signage has already been approved by the authority. She stated that the Council's Conservation Officer has raised no objection to the proposed alterations, subject to a condition, and confirmed there would be only a neutral impact on the character and appearance of the Conservation Area and no impact on the setting or significance of the adjacent listed buildings.

Ms Warner stated that the application has also been submitted with full details of the flue system for the extraction and dispersal of odorous smells and this will be installed before the use commences and following the submission of a noise assessment which is to be secured by condition. She stated that the Council's Environmental Health Officer raises no objection on this basis and the applicant is agreeable to the revised operating hours as requested by the Town Council, again which will be secured by condition.

Ms Warner explained that the Local Highways Authority has raised no objections to the proposal, advising that the trip generation and transport impacts for the existing and proposed uses are comparable and the site is located in the Town Centre which provides the maximum opportunity to make journeys using modes of transport other than the private car. She stated that there is also

the ability to park on street and within public car parks within walking distance.

Ms Warner stated that it has been demonstrated that the principle of development is acceptable and that the development would not give rise to any adverse impacts on heritage assets, residential amenity, or the highways network. She advised members that there are no outstanding technical objections and asked the committee to accept the officer's recommendation and vote to approve the application.

Members asked Ms Warner the following questions:

- Councillor Sutton stated that he has noted from the officer's report that the current flat kitchen to the rear of the property is going to become a storage area and there is going to be a kitchen diner where the current diner is. He added that in effect there are two different users of the ground floor and first floor, which could create some noise issues and he asked whether any noise mitigation has been considered, such as an insulated ceiling? Ms Warner stated that the storage area will only be used very infrequently, however, noise mitigation is something that could be looked at. She added it had not been raised as a concern by the Environmental Health Officers.
- Councillor Benney asked whether Building Control will confirm that the building is fireproof and sufficient sound proofing is in place in accordance with regulations? Nick Harding stated that the introduction of a takeaway constitutes change of use in respect of building regulations and, therefore, there is the expectation that the building regulations application will be forthcoming in order to resolve noise and fire safety issues.

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

- Councillor Murphy stated that over time he has seen the property altered and added that the proposed changes will make for a viable business and he welcomes the application.
- Councillor Cornwell stated that if there is a market for this type of business in the High Street it should be supported. He added that looking at the site plan, the layout appears to be convoluted and unusual and he is concerned that immediately adjacent to one of the red boundary markers there is something on the plan identified as 'ruins' and asked for an explanation of the term in the context of the application. David Rowen stated that he is unaware that any of the operations proposed for the application would materially affect anything. Ms Warner clarified that the word ruins in the context of the application and confirmed that there are no archaeological issues which have been confirmed by the County Council. She added that the word ruins are often noted when there are essentially buildings in ruin form on an earth plan and she added that in that location there is a building which has very much fallen.
- Councillor Benney stated that the trade of newsagents is a dying trade and the premises do need to find another use. He added Chatteris does not have many empty shops currently thankfully and although it is sad to lose little shops, they are no longer viable and, in his opinion, the application should be supported.

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

(Councillor Purser took no part in this item due to the fact that he lost internet connection)

P91/20 PLANNING APPEALS.

David Rowen presented the appeal report to members.

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

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- Councillor Connor asked whether there were any associated costs involved with this application? David Rowen confirmed that no cost claim was submitted as part of this particular appeal.
- Councillor Sutton stated that he finds it disappointing that somebody out of the area can overrule the decision made.
- Councillor Mrs Mayor stated that the site is in her ward and there is an issue with regard to highway safety. She added that initially that area and the outbuildings were in the ownership of one person and they had one car and used that entrance. She added that now people are parking in the gateway and cars are overhanging the footpath and there is now an issue being caused. David Rowen stated that officers were of the view that the application should be refused and that was the decision that was taken. He added that it is a judgement that was made by that particular inspector in this particular case and sometimes that judgement goes against the Council and officers are also very disappointed.
- Councillor Miscandlon stated that he is also very disappointed that the inspector did not take into consideration the flats at 44 to 46. He agrees with Councillor Mrs Mayor with regard to the cars overhanging the pavement and that issue has also been reported to the Police. He added that the parking outside is also time limited, however, this is not being adhered to.
- Councillor Sutton asked whether there is the opportunity for representation to be made to the Inspector to address the fact that the committee are very disappointed about the decision. Nick Harding stated that a letter could be written to the Inspectorate to request that the decision is reviewed.
- Councillor Mrs Mayor stated the property was in one family's ownership and they resided above the shop and the area above the shop is now going to be flats of which there is no parking for them.

Proposed by Councillor Sutton, seconded by Councillor Mrs Mayor and it was AGREED that the Head of Planning write to the Inspectorate to raise the concerns highlighted by the committee.

(Councillor Mrs French had left the meeting prior to the commencement of this item)

4.38 pm

Chairman