

# PLANNING COMMITTEE



**WEDNESDAY, 27 OCTOBER 2021 - 1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor I Benney, Councillor Mrs S Bligh, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor C Marks, Councillor Mrs K Mayor, Councillor P Murphy, Councillor M Purser and Councillor W Sutton, Councillor A Lynn (Substitute) and Councillor A Miscandlon (Substitute)

**APOLOGIES:** Councillor Mrs J French, Councillor R Skoulding and Councillor D Topgood,

Officers in attendance: Jo Goodrum (Member Services & Governance Officer), David Rowen (Development Manager) and Vanessa Blane (Legal Officer)

## **P53/21      PREVIOUS MINUTES**

The minutes of the meeting of the 22 September 2021 were confirmed and signed as an accurate record.

## **P54/21      F/YR21/0337/O LAND WEST OF 207 TO 215, FRIDAYBRIDGE ROAD, ELM ERECT 2NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

David Rowen presented the report to members.

Members received a presentation in accordance with the Public Participation Procedure from Ben Hornigold, the Drainage Consultant, associated with the application.

Mr Hornigold stated that it is his understanding that the committee had decided at its meeting of 30 June to agree the proposal in principle and defer the application for further detail with regard to the Flood Risk Assessment. He explained that he had prepared the Flood Risk Assessment for the site and consulted the Environment Agency (EA), Middle Level Commissioners and the Hundred of Wisbech Internal Drainage Board, with the exercise confirming that the proposed development was appropriate and would remain safe for the 100-year period as required by the National Planning Policy Framework (NPPF).

Mr Hornigold stated that the site falls within Flood Zones 1 and 2 and in line with the NPPF and associated technical document does not require the exception test to be applied. He explained that the title has mapping provided by the EA and it indicates that the site is not at risk of flooding in the case of a breach in tidal defences and the one in a thousand-year event was applied to that element.

Mr Hornigold stated that the EA and Hundred of Wisbech IDB do not object to the development, with the EA recommending that its advice is followed which it has been, and added that the finished floor levels have been required to be raised by 500mm above the adjacent land level. He made the point that the online Government flood risk data indicates that a small portion of the site may suffer from localised surface water flooding, but expressed the opinion that the standing surface water, which was illustrated, is a consequence of a topographical low in the area and as the development site has been down to grass for the past 17 years, due to the traffic on it, the

compaction of the soil has taken place which has prevented the infiltration of the surface water into the ground.

Mr Hornigold added that the photograph was taken after an extreme rainfall event in December 2020, and this is not the area within the villages that suffered from flooding and the Hundred of Wisbech IDB have indicated that they will look to find a resolution to that problem by revising the way in which they operate. He explained that he undertook the sequential test review, and, in his opinion, there is no other site in the settlement of the same character or equitable to this site, where two properties can be housed on 2.71 acres of land, which offer the same placement of those properties and he asked the committee to support and approve the application because there are no grounds on flood risk to refuse the application.

Members asked Mr Hornigold the following questions:

- Councillor Miscandlon asked Mr Hornigold to elaborate on what advice and mitigation works the Internal Drainage Board have proposed to address further flooding episodes. Mr Hornigold provided detail from a letter received from the IDB confirming that they are undertaking a massive improvement programme including works to the drainage ditches.
- Councillor Sutton asked for clarity for the benefit of other members with regard to the terminology of the word 'free board'. Mr Hornigold explained that free board is the difference in level, between the water level retained in a ditch and the land level it serves.

Members asked officer's the following questions:

- Councillor Murphy referred to Mr Hornigold stating that the site was in Flood Zone 1 and 2 and asked officers to confirm that this is correct. David Rowen stated that he has consulted the EA flood mapping system earlier that day and stated that two thirds of the site is in Flood Zone 2 and the remaining third is in Flood Zone 1.
- Councillor Sutton referred to the exit on to Fridaybridge Road and stated that whilst the hedge on the adjoining dwelling is currently only 900mm high what would happen when it reaches 2 metres high. David Rowen stated that it is a valid issue, which has also been raised by residents in their representations, and added that the Highway Authority have raised no concerns with regards to vehicular access.
- Councillor Cornwell asked for clarity with regards to the application and confirmation that the committee are only considering the issues surrounding flooding and no other aspects of the application which had been discussed at the previous meeting. Councillor Connor stated that it was his understanding that there was another matter to be considered and he asked officers to confirm. David Rowen stated that when the application was reported to members, there were two reasons for refusal, one was due to flood risk, which members requested further information on and the other related to character and appearance. He added that the debate at the meeting on the 30 June concluded that the character and appearance was not deemed an appropriate reason for refusal by committee, however, the officer's professional opinion is that the issue remains and, therefore, there are the two reasons for refusal sited in the officer's recommendation. Councillor Cornwell stated that the committee are, therefore, only looking at the flooding matter of the application and he did not agree with the decision taken by members of the committee at the meeting of 30 June and for that reason he confirmed he would take no further part in the discussion or voting on this item.
- Councillor Sutton stated that he notes that the officer's report references the application as being in Friday Bridge, but, in his opinion, the application site is in Elm.

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

- Councillor Miscandlon made the point that the Drainage Consultant has stated that the IDB are apparently going to carry out large improvement works, however, there were no timescales given to back that information up and the properties will be vulnerable to surface water flooding. He added that even though the properties will be raised by 500mm, it will alleviate some of the problems but will not cure it. Councillor Miscandlon expressed the view that more information regarding the improvement works should be provided and questioned

whether the developer can contribute towards the works to expedite them.

- Councillor Sutton stated that he can answer the question raised by Councillor Miscandlon as he sits on the board of the Hundred of Wisbech IDB and on its working group. He stated that at a recent meeting, two consultants attended to map out the IDB area and the work has already started, with in the region of £1,000,000 having been spent improving the outflow into the Walderley pump and a further £1,000,000 has been spent to line the old arcon pipework with further investment still to be spent.
- Councillor Benney stated that if the application is passed in its outline form, when it is brought back at the reserved matters stage, it will contain a drainage scheme which will either be deemed acceptable or not. In his opinion the application should be passed, and the drainage issues can be reviewed at the reserved matters stage.
- Councillor Mrs Bligh referred to climate change and expressed the opinion that moving forward she expects that there will be further flooding events.
- Councillor Marks stated that the photographs shown were taken following the flooding event in December and there have been two further flooding events since that time and he asked whether Councillor Sutton could advise when the works he alluded to being carried out by the IDB commenced and has it benefitted the area suffering from further flooding episodes. Councillor Sutton stated that the works carried out to date would not resolve the surface water flooding at the site and going forward, in his opinion, there will be no IDB who to date could undertake works to be able to deal with torrential downpours.
- Councillor Sutton referred to the sequential test and stated that there is nowhere in Friday Bridge or Elm with planning permission that would be able to accommodate two dwellings of that size on that size of plot.
- Councillor Murphy stated that Councillor Sutton had stated that there will never be another two dwellings built in Friday Bridge or Elm, as there are no available plots to do it and he questioned his comment as, in his opinion, there will be further development. Councillor Sutton stated that he referring to the size of the plot as most developers will want to build dwellings close together but, in this case, they are nice sized dwellings on big plots.
- Councillor Benney stated that there has been numerous dwelling developments between Elm and Friday Bridge over the last few years which, in his opinion, is a good thing as it maintains the sustainability of the villages. He added that if the reserved matters application is approved, it will bring forward two nice dwellings on a spacious plot which is hard to find.
- Councillor Lynn expressed the view that he will support the application if there are only two dwellings built on the site.
- David Rowen clarified to members that the reason for refusal in respect of flooding is not one concerning the issue of surface water or whether the site can be adequately drained and can be made safe from flooding, it is whether it is an appropriate use of land in a flood risk area. He reiterated that the site is in Flood Zone 2 and local and National policy makes it quite clear that local planning authorities should direct development to area of lowest flood risk. He added that there are sites in Elm and Friday Bridge which would be available for the purposes of the sequential test as set out in the policy and stated that although members have made comments with regard to the IDB and drainage concerns, the recommended reason for refusal is about the sequential approach to flooding and directing development to the lowest risks of flooding.
- Councillor Lynn asked whether the developer already owns the land or has it been purchased specifically for development? David Rowen stated that the applicant is the owner of the land. Councillor Lynn stated that if the applicant already owns the land, he has no reason to look elsewhere for land to develop on. He expressed the view that the sequential test appears to have been written for developers coming into an area looking to buy land and develop. David Rowen stated that the purposes of the sequential test is to put development in areas at lowest risk of flooding to enable planning authorities to make strategic decisions as to where housing development should be located and, therefore, land ownership does not form part of the considerations when applying the sequential test.
- Vanessa Blane, Legal Officer, stated that land ownership is irrelevant, and the sequential test is set out to aid and guide planning committees and local authorities on flood risk.

Proposed by Councillor Benney, seconded by Councillor Miscandlon and agreed that the application be APPROVED against the officer's recommendation, with delegated authority given to officers to determine appropriate conditions.

Members did not support the officer's recommendation of refusal as they feel that flooding mitigation measures will be brought forward in the reserved matters application and there is not an abundance of land in the area that can provide this developments potential, with the benefits of approving the application outweighing the non-adherence to the sequential test.

*(Councillor Sutton declared that he knows the applicant for this application, but this will make no difference to any decision made on the application)*

*(Councillor Purser declared in accordance with Paragraph 2 of the Local Code of Conduct on Planning Matters that he had been lobbied on this application)*

*(Councillors Cornwell and Sutton both abstained from voting on this item)*

**P55/21**

**F/YR21/0411/F**

**8 MARKET HILL, CHATTERIS**

**CONVERSION OF REAR STORAGE AREA OF EXISTING RESTAURANT AT GROUND FLOOR LEVEL TO 1 X 1-BED MANAGER'S FLAT INVOLVING THE INSERTION OF 1 X SIDE WINDOW AND RELOCATION OF EXTERNAL STAIRCASE**

David Rowen presented the report to members.

Members asked officers' the following questions:

- Councillor Miscandlon expressed concerns in relation to the term manager's flat as this is very often not the case, with the dwelling ending up being rented out and asked officers to advise what safeguards can be put in place to make sure that this is solely associated with the business. David Rowen stated that if members are minded to grant the application there is the potential to add a condition to limit the occupancy and tie the flat to the existing restaurant use.
- Councillor Cornwell stated he agrees it is an important issue to consider and from the presentation it shows the outside area, which is a service area and could have an adverse impact on the residential amenity space of the conversion. He feels if it is a conversion with the possibility of doing more with it then the lack of residential amenity needs to be considered and he would support a condition as suggested by officers.
- Councillor Marks stated that if a condition was added could it stipulate numbers of persons permitted to reside in the flat to negate any possible issues with overcrowding. David Rowen stated that it would be difficult to add a condition which limits numbers and whilst he accepts the point raised by Councillor Marks in relation the type of housing being occupied intensely, these issues would fall under Housing and Environmental legislation.
- Councillor Connor reminded members that the application being determined is for a manager's flat.
- Councillor Murphy stated that if the Council cannot dictate the numbers that the dwelling can accommodate then, in his opinion, it should be refused. David Rowen stated that to impose a planning condition on a manager's flat to stipulate that it can only house a specified number of people would be unreasonable and any potential breach would have to be addressed by planning enforcement, environmental health, or the private sector housing team.
- The Legal Officer reiterated to members that they must consider the application on the information before them and they cannot work on suppositions or assumptions.

- Councillor Cornwell stated that if there are any associated risks with regards to the occupation of the dwelling then weight should be given to the officer's recommendation with regard to amenity space.
- Councillor Sutton referred to the drawing at page 43 of the agenda pack where it shows 2 vehicles parked on the driveway and stated that, in his opinion, the drawing is either wrong or the vehicles are very small as the amount of space there is limited. David Rowen stated that the issue of car parking and vehicles manoeuvring has not formed the main consideration of the application and he expressed the view that the survey drawings for the living accommodation would be accurate.
- Councillor Murphy stated that when the flat at this premises was previously occupied cars were also parked on the hardstanding area and wheelie bins were then left in Station Road on the road itself. He expressed the view that if cars remain parked there this situation will reoccur. David Rowen stated that there is commercial operation taking place currently on the site and the application is for accommodation associated with that business and the access and level of car parking associated with the business has not formed part of the consideration of the scheme.

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

- Councillor Cornwell expressed the view that if members have concerns about an application then there is the tendency to review the officer's recommendation in finer detail and the actual issue of the environmental aspect with regard to residential amenities has been highlighted by officers and they have recommended refusal on that basis and, in his view, that needs to be considered.
- Councillor Mrs Bligh reiterated the point made by Councillor Cornwell and added that if members have any concerns then the officer's reasons for refusal should be considered as they have considered the application to be detrimental to health and wellbeing.
- Councillor Benney stated that he is familiar with the premises and has eaten in the restaurant a few times and, in his opinion, the owner of the business is operating it in an exceptional way and it is an asset to Chatteris. He added that the owner of the business does not live in the locality and has invested a significant amount of money into the business. Councillor Benney expressed the view they need somebody to live on site to receive early morning deliveries and they will have staff who work late into the evening. He expressed the opinion that he does agree with Councillor Murphy's comment concerning the previous issues with wheelie bins left on the road, but that issue to the best of his knowledge has been resolved. Councillor Benney stated that as the owners live away they want somebody to live on site for security reasons and that as the business is also a licensed premises, it is a good deterrent against crime to have somebody living on site. He stated that the application is for a manager's flat and it needs to be taken at face value and, in his opinion, it is a good thing for the town and for the business and everything should be done to support the owner. Councillor Benney stated that the premise will be subject to regular inspections from Environmental Health due to the nature of the business and if the owner breaches any legislation then the Council has the powers to take any necessary action. He expressed the view that the address of the premises is in Market Hill, which is a town centre location and, therefore, the application site does not need any car parking and the comments surrounding parking facilities is irrelevant. Councillor Benney stated that the 6 wheelie bins are for the business and the waste arising from the manager's flat can be disposed of in the commercial bins. He feels there will be no issues of overlooking as the premises next door is a solicitors and he cannot see any issues at all with the application and will be voting to go against the officer's recommendation and support the application.
- The Legal Officer drew members attention to the officer's reasons for refusal, which are that it is contrary to the National Planning Policy Framework and Local Planning policies.
- Councillor Purser expressed the view that local businesses should be supported, and he agrees with the views of Councillor Benney.
- Councillor Miscandlon stated that he agrees with some of the comments made by Councillor

Benney, but, in his opinion, the application does not address the good amenities that the occupation of the premises would require and the amenities in place are substandard and would affect the health and wellbeing of any occupant living there.

- Councillor Mrs Bligh referred to a recent application in Wisbech St Mary, which was also a site where the applicant wished to reside on the site of his business and was also approved against the officer's recommendation due to the fear of opportunistic crime in Fenland. She added that businesses should be encouraged and if the owner does not live locally and it leaves the premises insecure, she does not see any reason as to why the proposal should not be supported.
- Councillor Cornwell made the point that much of what has been debated already are not planning matters and, in his view, the application must be looked at as it stands, and consideration should be given to the comments made by the Planning Officer.
- Councillor Sutton expressed the view that every attempt should be made to support and assist local businesses. He questioned the fact that if the application site was a flat a few years ago and is considered to be detrimental to health and wellbeing now that must also have been the case previously. Councillor Sutton stated that he has reservations in several areas of the application and consideration should be given to what can be done to improve those areas to make the application acceptable in planning terms. He stated that lots of flats do not have amenity space and questioned whether conditions could be added to the application if it was approved against the officer's recommendation.
- Councillor Lynn referred to 1.4 of the executive summary of the officer's report where it states that owing to the limited natural light ingress to the proposed flat, the scheme will result in poor residential amenity for the occupant and, in his opinion, adding an additional window may help provide a solution, if not cure the problem totally. He added that it also makes reference to the refuse bins and the delivery point for the restaurant outside the proposed access to the flat where it states that it would cause rise to the potential of noise, odour, and pests, resulting in substandard living conditions for the occupants of the flat but, in his opinion, these issues would be down to the operating practices of the manager of the restaurant as to how it effects the living standards of the occupants of the flat.
- Councillor Connor stated that the application has to be considered as a manager's flat and if there are any issues pertaining to the running of the business these can be dealt with by the appropriate departments at the Council.
- David Rowen highlighted to members the officer's recommendation for refusal which are based on the standard of accommodation and amenity which would be afforded to the resident of the flat. He added that members have highlighted other issues concerning what the flat may or may not be used for, but that does not form part of the officer's reasons for recommending refusal, which include the poor quality of light, outlook, adjacent commercial activities and nature of those and the poor quality of living accommodation.
- David Rowen referred to the point raised by Councillor Sutton as to why the application was deemed acceptable in 2012 and he added that at that time policies were slightly different and greater weight was given to facilitating bringing back of the building into wider use. He added that over the last few years the advice from Central Government has significantly increased with regard to quality of living environment, including good levels of accommodation and natural light and the permitted development regime has changed and natural light calculations now have to be provided to ensure schemes have a higher quality of living accommodation provided .David Rowen explained that it is for those reasons that the officer's recommendation has been made, assessing all of the amenity issues which are apparent to officers, notwithstanding the benefits that there may be to the business and there may be other units in the town centre that have accommodation associated with them. He added that the application has been looked at in isolation and in making an assessment whether the proposal affords a good quality living accommodation for future residents.

**Proposed by Councillor Benney, seconded by Councillor Mrs Davis and agreed that the application be APPROVED, against the officer's recommendation.**

**Members did not support the officer's recommendation of refusal as they feel that the proposal provides a purpose for the business and will improve the health and wellbeing of the occupants of the flat, with the benefits of the scheme to the business outweighing the poor quality of residential environment for the occupier.**

*(Councillor Benney declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council Planning Committee but was not present when the item was discussed.)*

*(Councillor Murphy declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council Committee, but takes no part in Planning matters)*

**P56/21      F/YR21/0804/F  
LAND WEST OF 256 RAMSEY ROAD ACCESSED VIA, MILK AND WATER  
DROVE, PONDEBSBRIDGE  
ERECT 1 X DWELLING (SINGLE-STOREY, 4-BED) INVOLVING THE FORMATION  
OF A NEW ACCESS**

David Rowen presented the report to members.

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

- Councillor Benney stated that the application site did have a previously approved planning permission, which was also without a sequential test and, in his view, members need to be consistent in their decision making. He acknowledged that the application is in Flood Zone 3, but for consistency he will be approving the application against the officer's recommendation.
- Councillor Sutton stated that he is struggling to see why this application should not be approved as the site did have planning permission previously which has since expired and, in his view, it would therefore be unfair for the proposal before members not to be granted.
- Councillor Cornwell stated that he was surprised that the site has not been built on before as it is in a very good location. He expressed the opinion that the current Local Plan does not cater for small hamlets and there is no possibly that development can take place in Pondersbridge without being in Flood Zone 3. Councillor Cornwell expressed the view that the proposal will add value to the hamlet, and he does not see any issues with the application and will support it.
- Councillor Connor stated that if the floor levels are raised then he cannot see any issue with the proposal.
- Councillor Bligh stated that she cannot see any reason why the application should not be supported.
- Councillor Marks stated that he can recall that the field opposite the bus stop used to flood regularly, however, the application site to the best of his knowledge has never been known to flood.
- Councillor Murphy stated that he agrees with the comments made by other members and he can see no reason why the site should not be built on.

**Proposed by Councillor Cornwell, seconded by Councillor Mrs Bligh and agreed that the application be APPROVED against the officer's recommendation with conditions to be delegated to officers.**

**Members did not support the refusal of planning permission as they felt that the application site was the only available land in Pondersbridge, apart from one other site which was not in Flood Zone 3, due to the site previously having approved planning permission members should be consistent in decision making and with adequate mitigation measures against flooding being put in place the site has less chance of flooding than the surrounding**

**properties.**

*(Councillor Mrs Mayor registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of Whittlesey Town Council's Planning Committee, and was present when this application was discussed, and took no part in the discussion and voting thereon)*

*(Councillor Miscandlon registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is Chairman of Whittlesey Town Council's Planning Committee, and took no part in the discussions or voting thereon)*

**P57/21**

**F/YR21/0872/F**

**EASTREA HILL FARM, 182 WYPE ROAD, EASTREA**

**ERECT AN AGRICULTURAL CONTRACTOR'S WORKSHOP INVOLVING THE DEMOLITION OF EXISTING BUILDINGS TO THE REAR OF THE SITE**

David Rowen presented the report to members.

Members received a presentation in accordance with the Public Participation Procedure, from Mr Ian Lockhart, in objection to the application.

Mr Lockhart stated that he is currently building dwellings to the north of the applicants' business premises. He expressed the view that he has no objections to the running of the current business and respects that it has been in the village for a long time but stated that if approved any new planning application needs to take into consideration the health and safety regulations and respect the neighbouring properties and surrounding area.

Mr Lockhart stated that the applicant has objected to every planning application for the houses to the north and the bungalows to the south and that the future homeowners will complain to the Council about the noise created from his business. He stated that as the application is for a new engineering workshop much closer to the houses to the north of the original buildings, if the application is approved, in his opinion, it is the perfect opportunity for the Council and the applicant to install sound reducing cladding to the new building to negate noise complaints in the future.

Mr Lockhart added that he is also concerned about the chemicals which he believes could be stored on the site due to the type of business in operation and expressed the view as to whether a concrete floor should be stipulated, rather than an earth floor, to mitigate any spillages or leaks omitting from the spraying machinery stored to ensure that any issues can be cleaned and cleared appropriately and there needs to be consideration given to the local children and grandchildren that reside locally in this instance. He expressed the view that according to the current application and the previous application that was approved in 2020, both are more than 60% bigger than the replacement buildings and questioned that if this increase is required for business expansion, will it also mean an increase in agricultural traffic and employees working on site?

Mr Lockhart stated that Wype Road has a weight limit and road width concerns have been raised previously by the Highway Authority with regard to other planning applications. He expressed the opinion that misinformation has been presented to Whittlesey Town Council, the Planning Department at the Council, and the Planning Committee with regard to information provided concerning the electricity power lines and the electricity transformer, which is situated between his site and the applicant's business premises.

Mr Lockhart explained that the transformer pole is on the southern side of an existing boundary fence and within a laurel hedge which he assumes belong to the applicant. He referred to the presentation screen which showed the hedge and electricity pole and added that it has been suggested as part of the planning process that the laurel hedge is part of his land but on the



planning application it details the hedge as being on the applicant's land forming the north west boundary of the site.

Members asked Mr Lockhart the following questions:

- Councillor Marks advised Mr Lockhart that chemicals stored on site can be kept in a bunded facility that can be in a metal frame and still leak regardless of the type of surface that they are stood on. Mr Lockhart stated that he has seen the open tanks and between the sprayers and the open tanks there can be spillages and that the Environmental Protection Team at the Council have also seen them. Councillor Marks asked Mr Lockhart whether he believes that the chemicals are being stored illegally and he responded that he did not know. Councillor Marks advised Mr Lockhart that it is a matter for the Environmental Health Team to consider and it is not a material planning consideration.
- Councillor Lynn stated that under 10.5 of the report it explains that a local farmer also uses the premises for maintenance to his equipment and it states that the business owner requires all chemicals to be emptied from the equipment before it is allowed on the premises. Mr Lockhart expressed the view that he does not know if that is the case and added that he has spoken to the farmers who have advised that they have taken sprayers there which still contain chemicals and if there are any mitigation measures which can be put in place to alleviate any issues.
- Councillor Connor stated that there is a great deal of supposition and advised Mr Lockhart that any concerns that he may have need to be raised with the Environmental Health Team for investigation.

Members received a presentation in accordance with the Public Participation Procedure, from Martin Williams, the Agent.

Mr Williams stated that the proposal is to replace the existing workshop with one which is 4% smaller than the existing building. He explained that there are six letters of objection to the proposal and 17 letters of support, with the objections centred on environmental, traffic and noise issues and a transformer on the application site.

Mr Williams added that there have never been any complaints in the 22 years that the owner has occupied the site and the only liquid used in the agricultural business to calibrate the sprayers is water. He stated that Highways have no objection and Whittlesey Town Council have withdrawn their objection regarding the transformer as they have concluded that it is not on the applicant's land.

Mr Williams explained that the design and appearance of the proposal are accepted by the Planning Officer and the design is no higher than a single storey ground floor domestic extension. He explained that the letters of support have included comments such as the site will be of benefit to the local community, it is essential service to farmers and stated the importance of continuation of a family business.

Mr Williams explained that all sprayers are purged of all hazardous chemicals prior to arrival on site and all maintenance and repairs are conducted with clean water. He added that the business is a main certified agent for a number of international companies, with the business undergoing rigorous yearly audits to ensure it remains compliant and concluded by stating that no hazardous chemicals are stored on site.

Members asked Mr Williams the following questions:

- Councillor Sutton referred to page 46 of the officer's report where it refers to composite cladding to the exterior walls and asked for clarity that it is double skinned which is a sound deadening material. Mr Williams confirmed that is correct and they have also undertaken a test to ensure everything is in order.
- Councillor Sutton asked for clarification that on the extant planning permission size and

stated that the length is 21336 metres by 7925 metres and the current application is 15.250 by 7925, which is over 6.86 metres shorter. David Rowen stated that if the applications are reviewed accumulatively, the application which was granted in 2020 which is now built on site did propose an increase in floor space over and above the buildings that it replaced of approximately 35%, whereas the current application proposes a slight reduction of 4% and, therefore, overall taking the two developments together there would be a 30% increase in floor space, with the buildings also being higher.

- Councillor Cornwell asked for an explanation as to why an earth floor is used as opposed to a different surface. Mr Williams stated that in his opinion a concrete floor is not needed as it is only water that is sprayed in the building. Councillor Marks stated that if a soil floor is used then the spray pattern can be seen more easily.

Members asked officers the following questions:

- Councillor Mrs Davis asked David Rowen to confirm whether the Environment Agency have been consulted regarding the concerns over the soil surface being used as flooring. David Rowen stated that the Council's Environmental Health Team have commented on the application and they do not have any concerns. He added that they were also consulted on the 2020 application and no representations were made from any technical bodies concerning that application.

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

- Councillor Benney stated that, in his opinion, officers have made the correct recommendation on the application. He added that there are no technical reasons in objection to the application and, in his view, there are no planning reasons for this application to be refused. Councillor Benney stated it will be nice to see the business grow and thrive and he wishes the applicant well.
- Councillor Sutton stated that he understands the concerns of the residents and there has also been a lot of misconception surrounding chemicals and agriculture, however, chemicals have changed farming over the years beyond recognition. He expressed the opinion that earth flooring is the better option, when testing the spray facility, as the water will be absorbed far better than a concrete floor. Councillor Sutton expressed the view that he agrees with the officer's recommendation and he will support the application.
- Councillor Cornwell expressed the view that officers have made the correct recommendation and it is a well-established business which has been on site for a considerable amount of time. He added that everybody who resides in the locality is aware that the facility is in operation 24 hours a day 7 days a week.

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

*(Councillor Mrs Mayor registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of Whittlesey Town Council's Planning Committee, and was present when this application was discussed, and took no part in the discussion and voting thereon)*

*(Councillor Miscandlon registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is Chairman of Whittlesey Town Council's Planning Committee, and took no part in the discussions or voting thereon)*

**P58/21**

**F/YR21/1057/F**

**THE PIGGERIES, FLAGGRASS HILL ROAD, MARCH**

**ERECT 2 X 2-STOREY 4-BED DWELLINGS WITH COVERED PARKING INVOLVING DEMOLITION OF EXISTING OUTBUILDINGS**

David Rowen presented the report to members

Members received a presentation, in accordance with the Public Participation Procedure, from Gina Taylor, an objector to the application.

Ms Taylor stated that she is representing the objecting bungalow residents along Creek Fen and added that these are not solely her personal views and concerns. She added that the residents of just one of the bungalows knows Mr Upton, the applicant, and she clarified that none of the objections are directed personally towards him.

Ms Taylor expressed the view that they strongly feel that the application is completely detrimental and out of character with the surrounding bungalows and she added that the proposed properties are approximately 8.9 m in height and the current UK average height for a two-storey property is between 4.7 m and 5.8 m. She added that the plans clearly show windows in the roof and a large void area on the first floor indicating the true intention is for 2 times 3 storey properties.

Ms Taylor stated that the proposal does not make a positive contribution to the local distinctiveness and character as required by new development under Policy LP16 of the Local Plan. She stated that the site is not Brownfield, so it is in clear conflict with LP3, and as such to be used for land-based purposes.

Ms Taylor explained that most of the surrounding neighbours were present when the land was used for pigs with no concerns other than pigs escaping into the gardens. She stated that with the current buildings being in a derelict state there could be a case for abandonment before they could be used for housing livestock again and, in her view, the site is a haven for wildlife enjoyed by the residents and a late submission ecology report states the presence of Pipistrelle bat droppings.

Ms Taylor added that when considering the sightings of bats in the resident's gardens they all request that the site be fully and independently surveyed before any clearing of the land or buildings works are undertaken and with special attention to the genuine and real potential for Protected Species on site especially bats and newts, as these creatures are most likely to inhabit the most undisturbed and inaccessible areas. She explained that flooding around the residents' properties is already an issue, with surface water in their gardens a regular occurrence following heavy rainfall and referred to the presentation screen which showed instances of historic flooding.

Ms Taylor explained that there is concern regarding the dimensions and general access to the site and she requested that this should be properly and independently measured with the relevant neighbours present as well as the applicant. She made the point that the Fenland Local Plan addresses facilitating the health and well-being of Fenland residents, however, in her opinion, the types of residents occupying such huge properties will undoubtedly be families, totally different to the current homeowners.

Ms Taylor stated that all immediate neighbours on all 4 sides joining the site have objected and the application has been refused twice before and, in her opinion, the Agents are still presenting the Council with aerial site photographs from over 10 years ago. She stated that the road infrastructure has not improved during this time and the applicant has not updated the plans to be more sustainable with no consideration for climate change.

Ms Taylor concluded by stating that she trusts that the committee will come to a thought out and fair conclusion to the application in an unsustainable location for development.

Members asked Ms Taylor the following questions:

- Councillor Marks asked when the site ceased being a piggery and Ms Taylor stated that it was approximately 10 years ago.

Members received a presentation, in accordance with the Public Participation Procedure, from

Gareth Edwards, the Agent.

Mr Edwards explained that the application is for 2 executive agricultural styled dwellings at land at the Piggeries, Flaggrass Hill Road, March, which has the support of March Town Council and all other standard consultees. He stated that the site is within Flood Zone 1 of the Environment Agency maps, which further supports residential development on the site and added that March is a market town under Policy LP3 where the majority of the new housing should take place.

Mr Edwards explained that the site is in a cluster of dwellings all within a close distance to the facilities in March, especially the railway station, which, in his opinion, make the site ideal for the use of public transport for both work and leisure and the site also mirrors a number of recently approved dwellings within the district and surrounding area. He stated that the dwellings have been designed so as not to have a detrimental impact on neighbouring properties and will utilise the existing access on to the site and upgrade it as required by the Highway Authority.

Mr Edwards explained that comment has been made on the gable features, which are traditional brick detailing not windows as there is no space in the roof as part of the proposal and the choice of agricultural styled dwellings fits in with the existing use on the site which was the applicant's fathers' piggeries that have been left unused for a number of years. He stated that the land has not been farmed either so there is no loss of food producing land by this development, and due to the size of the holding and access to it, it is not suitable for the large farm vehicles that are seen on the surrounding roads.

Mr Edwards explained that a full ecology survey and report has been carried out by Philip Parker Associates, which shows that the proposal will have minimal impact on the ecology on the site and he is prepared to accept the findings in his report and provide ecological enhancement on the site. He stated that the existing boundary treatments are to remain and be reinforced where required to maintain privacy to existing and proposed dwellings and additional landscaping is proposed, being happy to accept a condition for the retention of existing boundary treatment.

Mr Edwards expressed the view that the proposal makes the best use of the land and will finish off this part of the town and remove any conflict between the existing residents and any future non-residential use on the site. He expressed the view that the proposed site has ample size to accommodate both surface water and foul water from treatment plants and will be subject to a soakage test carried out in accordance with BRE365, with consideration also to be given to the use of rainwater harvesting and all soakaways will be positioned so as not to have any detrimental effect on neighbouring properties and building regulation compliant.

Mr Edwards expressed the opinion that it has been stated at previous planning committees that parcels of land like this are massively valuable to housing supply in the District and are at a prime, plots like these will be developed by self-builders or smaller developers that are being priced out of the larger sections of land due to the cost of the infrastructure and land price, small builders and self-builders employ local tradesman and agents and buy locally from local merchants, which in turn contribute to other businesses in the district. He added that support for this type of development can be seen in the 24 letters of support from neighbouring properties and local developers with many showing an interest in purchasing the site to build out what is proposed, and he asked the committee to support the proposal and approve the application with the conditions members deem appropriate.

Members asked M Edwards the following questions:

- Councillor Cornwell asked for clarification as to how long it has been since the site was an actual operational piggery and Mr Edwards responded that the previous speaker had mentioned that it was 10 years, however, he did not think that information was correct. Councillor Cornwell stated that he also agrees that ten years is incorrect due to the condition the area is in and he added that the owner has already stated that that if

planning permission is refused, he will revert the building into pig farm usage.

- Councillor Mrs Bligh questioned whether bat boxes could be introduced on the site should planning permission be approved? Mr Edwards stated that this is something that can be included, and the surveyors had advised there was an area which could not be surveyed at the time but further investigation under a licence would be carried out.

Members asked officer's the following questions:

- Councillor Cornwell stated that he has noted that at the back of the site there is a drain and he questioned whether there has been any response as part of the consultation process from Middle Level Commissioners? David Rowen confirmed that there had been no response received from the Middle Level Commissioners.
- Councillor Mrs Bligh asked, as she notes that there are flooding issues, whether the Environment Agency maps are out of date? David Rowen stated that the source of flooding appears to be a surface water issue, or a drainage problem rather than a more strategic flood issue and added that Flood Zone 3 does come close to the area, but the majority of the dwellings are situated in Flood Zone 1.
- Councillor Murphy asked why Cambridgeshire County Council are insistent on an archaeological investigation on the land, as it will mean an additional expense for the applicant? David Rowen stated that the line of the Fen Causeway, which is a substantial piece of archaeology in Fenland, runs through the middle of the site, and over a number of years, the Fen Causeway has been subject to a number of archaeological finds. Councillor Murphy questioned what the process will be if something is found on the site? David Rowen stated that the officer recommendation encompasses three significant reasons for refusal and if members decide to go against the recommendation, there is also a recommendation for an archaeological condition to be added and if there is something found then that would need to be addressed at that time dependent on its significance.
- Councillor Marks questioned whether there is the requirement for piggeries to be phased out due to their impact on the environment? David Rowen stated that Planning Officers and the Committee are looking at the usage of the site for residential development and members need to decide whether the proposal is a suitable usage of that land taking into consideration the relevant planning policies, with the historic use of the site not being a material planning consideration.

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

- Councillor Cornwell stated that the Fen Causeway is a Roman causeway which goes through the area and he can understand why the County Council Archaeology Team have an interest in the site as our heritage needs to be protected. He added that the area is not adjacent to March and it is a small area which, in his opinion, should be left as a small area. Councillor Cornwell expressed the view that that the proposal is for substantial buildings, which are out of keeping, apart from one recently developed dwelling as most of the surrounding dwellings are all low level and the proposal would not be in keeping with the area.
- Councillor Mrs Bligh stated that she is concerned that the proposal is for two storeys which will overlook bungalows.
- Councillor Sutton stated that the proposal does not align with the true specification of brownfield although it does have the built form and, in his view, he would expect all the pig sty areas to be bound by concrete drives and paths. He added that in terms of permeable area, in his opinion, the proposed dwellings will be less than what is already on site, which will improve the flood risk issues. Councillor Sutton stated that if the proposal had been for four single storey dwellings he may have been in support of the

application, but the site is an awful mess and already has built form on it. He expressed the opinion that as long as the distances are within the permitted parameters of 21 metres there is no difference for a 2-storey dwelling being built there or in another location. Councillor Sutton stated that he could consider supporting the proposal and supporting the application, against the officer's recommendation.

- Councillor Miscandlon expressed the opinion that he is always surprised that redundant piggeries can be allowed to deteriorate into a dilapidated condition and the Planning Officers are presented with a proposal to build two exceptionally large dwellings. He made reference to a previous planning application at the same location, which was also refused, and, in his opinion, nothing has changed with the current proposal, with these proposed dwellings being exceptionally high, and, in his view, that should be reflected in the decision.
- Councillor Benney expressed the view that the plans show that the dwellings are high but are also a fair distance from the other dwellings and the layout shows that most of the gable wall have no windows which would, therefore, not cause any overlooking. He added that the build form of the old piggery is no different to the proposal for the dwellings and, in his opinion, they would not be built any further into the open countryside than the existing dilapidated buildings on the site. Councillor Benney stated that the proposal would smarten the area up, and it is a fair distance from the existing dwellings and, in his view, it would provide good homes for people as long as there is no overlooking.
- David Rowen clarified that the relationship between the proposed dwellings and the existing dwellings is not the recommended reason for refusal. He stated that the reason for refusal is the incongruous visual impact of two substantial detached dwellings being located at the back of existing single storey dwellings and the visual conflict that would arise from that which would be detrimental to the character and appearance of the area. David Rowen stated that with regard to the sustainability of the proposal, the application site is physically detached from the main settlement of March and does not comply with the definition of LP12 of the Local Plan which was the previous reason for refusal made by the committee in 2018. He added that the decision was made in the context that the Council did not have a five-year housing land supply at the time and greater weight should have been given to the delivery of housing than needs to be given currently due to the fact that there is a 6.69 year housing land supply. David Rowen referred to the comment made by Councillor Sutton with regards to whether the site is brownfield land or not and he added that the definition of brownfield is contained in the glossary within the National Planning Policy Framework document, which excludes agriculture and land previously used for agriculture purposes and, therefore, from a planning policy aspect the land is not previously developed and cannot be considered as such, which is consistent with the view that the planning committee took in 2018. He added that at that time issues surrounding tidying the site up were also considered and the committee decided that the state of the land and the condition of the land was not a justification to go against planning policy.
- Councillor Benney stated that there has been flooding in the area and building can resolve flooding issues. He added that the agent has advised that the site can deal with surface water in terms of permeable surfaces. David Rowen stated that if there is a development site with issues of surface water flooding potentially putting an engineered solution into that may resolve the issue. He stated that the information provided to members does not show the application site being affected by flooding, it is only Brownlows Yard which is 50 yards away and adjacent gardens in the vicinity which have been subjected to flooding and there is no information to show what the source is which is causing the flooding and there is no information to determine whether the application site suffers from surface water flooding and whether developing the site would provide an engineered solution.

- Councillor Cornwell stated that there has been no response from the Middle Level Commissioners, however, he is aware that there have been drainage issues nearby and he is not convinced that there would not be drainage issues on site. He added that if permission was granted would drainage be a consideration at the detailed stages of the application? David Rowen stated that it is a detailed application and if members granted planning permission, given the uncertainty around the drainage situation with the site and surrounding area, a condition with regard to surface water drainage could be applied. Councillor Cornwell expressed the view that is something that would definitely need to be included should approval be given.
- Councillor Sutton stated that the Middle Level Commissioners do not have the manpower to respond in detail to every single planning application and they are not statutory consultees.
- The Legal Officer addressed the committee and stated that the application has been before the Council twice, once as a delegated decision in 2016 and once before the committee in 2018, and those decisions were very clear. She added that the officer has given the committee three very sound reasons for refusal and if the committee are minded to go against the officer's recommendation for refusal then they Council may be subject to a complaint to the Ombudsman and/or be subject to a Judicial Review, which may result in a cost award against the Council.

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

*(Councillor Connor registered that, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application and therefore took no part in the discussion and voting on this item)*

*(Councillor Mrs Davis assumed the position of Chairman for this item)*

*(Councillor Lynn left the meeting during the discussion on this item)*

## **P59/21      PLANNING APPEALS.**

David Rowen presented the appeals report to members.

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

- Councillor Sutton referred to the Eastwood End appeal and stated that over the years officers have cited the recommendation for refusal as Eastwood End is in an elsewhere location and, therefore, unsustainable. He asked that now an Appeal Inspector has made his decision, which is different to all other decisions made by Inspectors previously, would that now mean that officers will look at that settlement differently? David Rowen stated that the point could have been raised that the decision made was an inconsistent decision taken by this Inspector. He added that the issue which has changed the thinking in respect of Eastwood End is the granting of planning permission in August 2021, where the Planning Committee decided that it was a sustainable location connected to Wimblington. David Rowen stated that the Inspector's decision followed by the decision made by the Planning Committee for the purposes of consistency may now change the way Eastwood End is viewed going forward. Councillor Sutton asked will that view be held by officers going forward? David Rowen stated that officers need to be mindful of decisions made by the Council and the last decision made by the committee in respect of Eastwood End is that it is an appropriate location for residential development and, therefore, the in principle issues that surrounded Eastwood End in the past have now been eroded by the decision of the Inspector and that of the committee.
- Councillor Mrs Davis stated that it is unfortunate that the Inspector did not take into

consideration that this particular application was a lot further out of the settlement than the applications that the committee had deemed acceptable. She added that this application had to cross a public byway and she fails to understand how the Inspector reached his decision.

- Councillor Murphy questioned that if another application is brought forward then it would need to still be considered as a standalone development. David Rowen stated that although the broad principle would be accepted, it would not mean that the assessment of the individual character and appearance issues would not still be required.

**Members agreed to note the appeals report.**

4.26 pm

Chairman