

PLANNING COMMITTEE



WEDNESDAY, 7 AUGUST 2024 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor P Hicks, Councillor S Imafidon and Councillor E Sennitt Clough.

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

P23/24

F/YR23/0772/F

**THE NAGS HEAD PUBLIC HOUSE, 402 EASTREA ROAD, EASTREA
CHANGE OF USE OF PUBLIC HOUSE TO CONVENIENCE STORE (CLASS E(A))
INVOLVING THE INSTALLATION OF A SHOP FRONT, A NEW CROSSOVER TO
THE FRONT SERVING THE IMPROVED CAR PARK WITH NEW SCREENING
FENCE TO THE FRONT AND DEMOLITION OF EXISTING OUTBUILDING AND
PORCH (PART RETROSPECTIVE)**

David Rowen presented the report to members.

Members asked officers the following questions:

- Councillor Sennitt Clough referred to the officer's report at 9.4 where it states that some marketing was undertaken which received limited interest. She asked whether officers could confirm how active the owner was in trying to find a tenant for the pub and for how long the marketing took place? David Rowen stated that detail is unknown, and the officer's report contains the information held. He added that normally when consideration is being given to the loss of a pub or the change of use of a pub to another use, the marketing information is required in order to comply with policy but in this case as the proposal is effectively moving from one community facility to another there is less of a requirement for the marketing information to be submitted.

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

- Councillor Hicks expressed the opinion that the Planning Officer has made the correct recommendation as pubs are unfortunately notorious for closing in the current climate and the buildings do need to be repurposed. He made the point that it is a good application, and he is happy with the car parking arrangements.
- Councillor Mrs French stated that she agrees with the points made by Councillor Hicks.
- Councillor Imafidon stated that he has driven past the building many times and it is an eyesore. He added that he thinks it is commendable to consider bringing the building back into use and the officer's recommendation is correct.

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

P24/24

F/YR23/0819/F

**LAND EAST OF 22 EASTWOOD INDUSTRIAL ESTATE, EASTWOOD END,
WIMBLINGTON
ERECT A STORAGE BUILDING FOR THE STORAGE OF FERTILISERS AND
PROVISION OF HARDSTANDING TO SERVE THE BUILDING (CLASS B8)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Councillor Maureen Davis of Fenland District Council and Wimblington Parish Council. Councillor Mrs Davis stated that this is yet another application to increase business on what was initially granted as a light industrial estate. She made the point that the continued growth and extended hours which have been granted individually to various businesses on the site are having an overall impact on the residential areas of Eastwood End, Hook Lane, Rhonda Park and Horsemoor.

Councillor Mrs Davis explained that one major concern is the current state of Law Fertilisers present site and the possibility of fertiliser leeching. She referred to the presentation screen and added that the photographs demonstrate that the site is not well kept and causes legitimate public concern that any new development will be maintained to a high standard.

Councillor Mrs Davis added that the location map demonstrates that there are a number of ditches which run adjacent to Mr Law's properties and the leeching of fertilizer into surface water and into the ditches can prove to be harmful to the ditches, to wildlife and to humans and she made the point that both chemical and organic fertilisers can pollute both surface and groundwater. She stated that the applicant has stated, within the drainage strategy, that there is an existing ditch to the northeast of the site which currently handles all of the water and she questioned whether that statement is acceptable and with the increase in production and storage questioned whether a health impact assessment is required along with an environmental permit for the application when considering the various sites that the applicant now operates from within the industrial estate.

Councillor Mrs Davis stated that the Joint Strategic Needs Assessment for Cambridgeshire contains an evidence review of the built environments impact on health and has distilled the evidence into themes including generic evidence which supports the built environmental impact on health, communities that support healthy aging and, in her view, relevant themes impacting on health and wellbeing do need to be considered. She expressed the view that proposals which ensure the future resilience of community should take into account any significant impacts on human health and well-being risk of harm to human health or safety, noise and/or vibration levels resulting in disturbance, air quality from odour, fumes, dust, smoke or other sources.

Councillor Mrs Davis stated that the Council's Local Plan Policy LP2 makes reference to facilitating health and well-being of Fenland residents stating that development proposals should contribute to the Council's goal of Fenland residents achieving the highest attainable standard of health. She added that development proposals should positively contribute to creating a healthy, safe and equitable living environment by creating an environment in which communities can flourish promoting high levels of residential amenity, with Policies LP7 and LP16 referring to delivering and protecting high quality environments across the district and stating that any development should not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy, loss of light and should identify, manage and mitigate against any existing or proposed risk for sources of noise emissions, pollution contamination, odour and dust, vibration, landfill gas and protect from water body deterioration.

Councillor Mrs Davis stated that considering the various planning policies that protect human health and well-being amenities and the environment, the Law Fertilizers application will increase incrementally an impact in a number of areas. She made the point that the County Council Minerals and Waste Team state that new development should not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such development.

Councillor Mrs Davis explained that the Woodman's Way is a popular walking, cycling and leisure area that many people regularly use, and it runs close to the boundaries, west and east, of the industrial estate and the properties that exist on eastward end of Hook Road, Hook Lane and Rhonda Park, many of which were here way before the development of the industrial estate and these residents will find themselves having to endure and tolerate an increase in air pollution, dust,

odour and no doubt an increase in heavy traffic movement. She explained that the design statement says that the surrounding open spaces will be enhanced because the current Brownfield site will no longer look like wasteland but will be organized, smooth and tidy but she feels there is no evidence to support this statement.

Councillor Mrs Davis explained that there is a risk to flooding if the industrial estate is allowed to keep growing and growing and the two dwellings which are located close by have both experienced problems with excessive surface water on their properties and both of their septic tanks consistently feel water back flushing into them from the ditches which is due to the lack of maintenance of the ditches plus the drains getting blocked through debris. She added that one of the residents has had to spend three months out of her home because she could not flush the toilet, have a shower or do any washing.

Councillor Mrs Davis made the point that part of the village's historic heritage is open spaces that give views out across the landscape and looking like wasteland is not a reason to permit additional development.

Members asked Councillor Mrs Davis the following questions:

- Councillor Imafidon stated that he finds the images displayed to be quite concerning and when he carried out a site inspection, he also took his own photographs. He explained that even though there had not been any heavy rainfall for some time it was clear to see the standing water at the site and there also appeared to be some damage at the site which concerned him as well. He asked Councillor Mrs Davis to give her opinion on how this proposal will affect neighbouring properties and people who live in the area? Councillor Mrs Davis stated that it is not clear what is actually in the standing water which was seen at the site and whether there is anything which could be leeching into the ditches and in turn effecting the environment.
- Councillor Imafidon referred to the Local Plan Policies LP16 and LP17 relating to Community Safety, and he agrees that there is no indication as to what is in the standing water at the site or whether there are any chemicals in the water. Councillor Mrs Davis explained that the colour of the water is concerning.
- Councillor Connor expressed the view that he agrees that the photos do not display a very good image. He expressed the opinion that the site is badly run and managed and he also has concerns that there may be a leak of fertilizer going into the drainage system as the standing water is not clear. Councillor Connor added that the site requires clearing and tidying and a greater deal of supervision. He asked Councillor Mrs Davis whether she has any further concerns? Councillor Mrs Davis explained that the major concern is that the building will not be kept in good repair, and she worries about the future because these things take time to take effect and she does not think that the effect will become evident for years and years. She added that no site should look like it does regardless of what industry it is.

Members received a presentation, in accordance with the public participation procedure, from Mark Law, the applicant. Mr Law explained that the planning application is to erect a storage building on spare industrial land at the existing site at Eastwood End Industrial Estate. He added that Law Fertilizers started trading in 1988 and operates as a fertilizer blender importing fertilizers into the Port of Wisbech and manufactures bespoke mixes for local farmers either in a granular or a liquid form, the business does not manufacture the individual raw materials such as nitrogen phosphate or potash.

Mr Law explained that he moved to the Eastwood End site in the year 2000 when it was just a stubble field and over the last 24 years, he has evolved the site with multiple uncontested planning applications and appropriate constructions to leave just one piece of undeveloped land at the far end of the site which is the subject of the current application. He made the point that the proposed development will not lead to any difference in the operational activities or increase of traffic flow,

with the aim of the building being to store finished goods and raw materials undercover to protect the integrity and quality of the product from the regular wet periods that occur and, therefore, also protecting the environment as all operations and products will then be undercover.

Mr Law made the point that the site is part of a designated industrial area and is hidden from view by the large Fen grain silos to the west and his existing buildings, with other industrial operators to the north and to the east and to the south there is a belt of trees and several hundred acres of farmland which helps screen the site. He stated that it is at the furthest point from the village of Wimblington on Eastwood End Industrial Estate and is out of sight of both the village and local roads.

Mr Law made the point that after over 35 years his company is an experienced fertilizer blender, running a safe and regularly monitored operation with audits having been undertaken within the last few months from the AIC which is the Agricultural Industries Confederation to check the security and quality of operations. He added that visits from the Environment Agency have taken place to check emission controls along with the Health and Safety Executive who have checked the companies Control of Substances Hazardous to Health and MSDS inventories where general fertilizers are declared as non-hazardous as well as industry bodies such as organic certifying organizations all without issue or non-compliance notices.

Mr Law advised the committee that the fertilizers are not flammable, and he explained that if organic granular nitrogen is heated with a blow torch it would only melt rather than burn, with most of the company's fertilizer materials being inert raw materials which are then used to make the bespoke mixes for local farmers to grow their crops. He advised the committee that he currently employs 10 staff which will increase to 13 with the opening of his soil and plant laboratory early in 2025.

Mr Law referred to the presentation screen and pointed out the building which has been built at significant expense which will make Law Fertilisers the only integrated fertilizer business in the UK which will be able to sample soils and manufacture solutions for the growers. He stated that the site is on an existing industrial area that will not cause any increase in traffic, there will be no change in activity, the proposal will be out of sight to the village, it will be safe and have no negative impact on the environment or the village.

Mr Law stated that one of the photographs displayed during the previous presentation was outside of the application site and the other two were a part of extreme weather patterns that have not impacted where the waters come from the road not from the application site. He confirmed that the whole fertilizer factory is secure from any discharge of any raw materials from inside the factory, with the water being from the road that is a public road within the site.

Members asked Mr Law the following questions:

- Councillor Hicks asked whether ammonium nitrate is either stored as a raw product or as a finished product on the site? Mr Law confirmed that he does not store this.
- Councillor Imafidon asked Mr Law to confirm when the laboratory was built? Mr Law stated that it has been built for two years. Councillor Imafidon asked whether it is currently in use as its condition appears to stand out from all of the other buildings that are there? Councillor Imafidon expressed the opinion that the colour of the standing water does not appear to be normal rainwater and there is something else contaminating the rainwater and he asked how long it will take for the new building to look like the ones currently on site? Mr Law stated that the plan is that the proposal will conclude his site and will allow him to have a high-quality enterprise, with the laboratory being transformational for his business. He advised the committee that the business is a family enterprise, and it is his intention to pass the business onto his son who does not like mess, he wants growth for the business and wants to make the business a world-class operation as they deal with products which are Global due to the fact that the business is an innovative fertilizer manufacturer. Mr Law

added that the intention is to have an official opening by Lord Dannatt who has undertaken some work for Law Fertilisers with the Government and he has agreed to be at the official opening of the business next year. He added that before that can take place the site would need to be finished and upgraded so not only is it officially open but also his son will then inherit the business.

- Councillor Imafidon stated that he finds it very commendable and members are all aware that part of the ethos of the Council is that Fenland is Open for Business and likes to support family run small businesses and see small businesses grow but at the same time there is a responsibility to the community to ensure safe practice that businesses are operating in the right manner and do not harm the environment and do not harm people or other businesses which is why he has raised concerns over the current condition. Councillor Imafidon stated that he would hope that Mr Law understands why he is concerned. Mr Law stated that the sheets of materials have come from the inclement weather episodes and the standing water comes off that road and it is contaminated by the soil which is between the road and the outside of that building and that building has concrete sheets to stop anything coming in. He added that at the other side of that wall is machinery and there is no fertilizer, only granulating machinery. Mr Law added that this is part of an important evolution of the business to the next stage and he wants to be a world-class business and he asked the committee to help to support the proposal to enable him to finish the site off.
- Councillor Imafidon stated that he understands the thoughts and aspirations of Mr Law, however, they have visited other sites and been amazed with regards to the condition and immaculate upkeep of other warehouse sites. He expressed the view that businesses should keep their sites tidy. Mr Law explained that as part of finishing off the site it is his intention to improve the employee satisfaction so everywhere is clean and tidy. He added that it is difficult to keep staff in Fenland and the staff he does have are excellent but are all very busy. Mr Law explained that he does need to have improved employee retention, get his son involved and part of that is making the whole site world class and immaculate at all times which is his goal.
- Councillor Connor expressed the opinion that the site is not screened enough, referring to the presentation from Councillor Mrs Davis with the photographs displaying how badly the site is maintained. He stated that if the application is approved by the committee is it the intention of Mr Law to move the whole business to the new site? Mr Law explained that the smaller site where the pictures were taken will be totally dedicated to organic regenerative fertilizer as it is the intention to segregate the two different types of fertilizer and the other site will be for laboratory plant services and for conventional fertilizers. He added that there needs to be separate sites for the two different types of farming and he operates the only organic fertilizer factory in in the UK at the moment.
- Councillor Connor stated that the site is in poor condition with poor fencing, and he asked Mr Law to explain what plans he has to tidy up the existing site? Mr Law provided assurances that within a week the site will be cleared with the steel removed to a scrapyard and then that area re-hardcored. He added that he will include a ditch so that the water from the road does not come onto the site and that area will be re-cladded. Mr Law explained that the rest of the site and inside the site is an efficient and safe site and the business is scrutinized by many organizations who check on the quality of operations and the fact that he has been trading for 35 years says a great deal. He added that he wants to use this opportunity to bring the business to another level especially as it is his legacy and he spent half of his life at Wimblington and has built his business up.
- Councillor Connor added that it is very commendable and the Council support local business as much as it can but as Councillor Imafidon stated there is also the need to ensure public health and if the application is approved he would welcome the opportunity to come and visit a nice clean site which will include hopefully some sort of drainage in the site such as an interceptor where the rain water from the site can be managed.
- Councillor Hicks asked that if the improvements to the site can be achieved so easily and quickly why have they not been undertaken previously? Mr Law explained that he did not think that there was a health hazard because the water is contained there, and it is only

some steel. He added that the site is not open to the public as it is a private industrial estate but he will look to raise that particular area of land up, create a drain and due to the busy nature of the business that piece of land was not deemed to be a priority.

- Councillor Hicks asked whether there is a reception area to meet and greet visitors? Mr Law stated that visits from Anglia Farmers have taken place and they have looked around the site. Councillor Hicks added that the overall impression of the site in the current condition would not be pleasing. Mr Law made the point that there has been extreme weather and the buildings do need to be managed so they are more resilient. He added that all of the internal water goes through an interceptor and an underground pipe, so all of its internal drains go outside the new building. Mr Laws explained that all the water from the new building will be harvested and used to manufacture foliar fertilizers so there will be no loss of water from the new building to the environment.

Members asked officers the following questions:

- Council Sennitt Clough stated that the officer's report details information from the Environmental Health Team which states that the applicant must ensure the fertilisers are stored properly and she questioned whether an Environmental Health Officer (EHO) has visited the site and also is there a condition that can be applied to the application should it be approved which states that procedures are in place and adhered to going forward with regards to the storage of the fertilisers. David Rowen stated that he is unaware whether an EHO visited the site but he added that in terms of the issue that Environmental Health raised about the ongoing management of the site it is really not a planning issue and Mr Law has given an indication that there are numerous other bodies who are responsible for ensuring the ongoing and appropriate management of the site where planning deals with ultimately the general land use of the site. He added that in terms of whether fertilizer is stored in the building, outside the building or in a safe or unsafe manner that would be down to one of the multiple other agencies that have got the remit to deal with that.

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

- Councillor Imafidon stated that this is an application where consideration needs to be given towards trying to balance the need for business growth in the area and issues of public safety. He made the point that as a business owner himself and also as a resident of Fenland he supports any small business or any business at all in the current economic climate. Councillor Imafidon stated that any business that is brave enough or bold enough to want to expand should be commended and that is extended to Mr Law and his team. He expressed the view that the fact that he is talking about his legacy as well and he wants to pass the business onto the next generation and to create further employment for local people and generate income for the local economy should be supported. Councillor Imafidon added that he does have big concerns that the application will be approved whilst other areas relating to public safety and the safety and security of the site will be overlooked. He made the point that Mr Law has said that he will within a week rectify the condition of the site, however, Councillor Hicks has highlighted the fact about these works could have been undertaken already and the fence in several places at the existing property are mangled and the steel has been blown down and should have been fixed before. Councillor Imafidon added that he all for the expansion of business and for encouraging business in Fenland, but the condition of the site has left some doubt in his mind.
- Councillor Hicks stated that consideration has to be given to the material planning considerations and, in his view, there are no reasons to go against the officer's recommendation. He made the point that whilst he agrees that the site may be untidy, that is not a relevant consideration. Councillor Hicks stated that Mr Law has all the right paperwork to suggest that he is running his business from the inside properly, but he does need to ensure that the outside of the building is maintained and kept to an acceptable condition. He stated that he will support the application because there are no material reasons for it to be refused.
- Councillor Connor stated that committee cannot take the previous operating performance of

the site into consideration, and it has to be determined on what is before the committee both in the report and from the discussions at the committee meeting.

- Councillor Benney stated that he has listened to both the applicant and also to other members of the committee and, in his view, members are putting far too much weight on the actual maintenance of the site. He made the point that there is a planning application to be considered which is about land usage and the application is policy compliant, with an officer recommendation to approve and the untidy nature and unkempt condition of the site is not the concern of the committee. Councillor Benney reiterated that the application is policy compliant and, in his opinion, there are no material planning reasons to turn the application down.

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

(Stephen Turnbull advised members of the committee that the applicant had inadvertently created the impression in an email to the Clerk to Wimblington Parish Council that he has had discussions with Planning Committee members whilst his application was progressing. The applicant has now confirmed that he was referring to discussions with Kings Lynn Borough Council which he has confirmed in writing to Matthew Leigh, which also contains the text of the earlier misleading email from Mr Law to Wimblington Parish Council. Stephen Turnbull advised the committee that for the avoidance of doubt, Mr Law has also confirmed to him that he has had no discussions with Planning Committee members concerning his application)

(Councillors Benney, Mrs French, Hicks, Imafidon and Sennitt Clough declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they do not know the applicant)

(Councillor Connor declared that whilst he does know the applicant, he has had no communication or dealings with him for at least nine years and he is not pre-determined and will approach the application with an open mind)

(Councillor Marks registered that the applicant is known to him via business and took no part in the discussion and voting thereon)

**P25/24 F/YR24/0161/F
LAND SOUTH OF 4 HOLE IN THE WALL COTTAGES, PADGETTS ROAD,
CHRISTCHURCH
ERECT 1 X DWELLING (2-STOREY 4-BED) IN ASSOCIATION WITH EXISTING
FARM, AND FORMATION OF AN ACCESS**

David Rowen presented the report to members and drew members attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Mr Matthew Hall, the agent. Mr Hall explained that the Gladwin family purchased the farm in 1993 together with the cottages all as one and at that time there were 420 acres now there are 1,364 acres some of which is contract farming, and it is a mixed arable and livestock farm. He made reference to the officer's report and stated that under section 4.0 it makes reference to the planning history, and it gives a good overview of the farm, pointing out that in 1996 there was an application for the erection of an agricultural building, in 2011 the erection of a pig fattening unit and in 2019 the erection of an agricultural store which demonstrates that over this period of time there has been expansion at this farm and the applicant wants to expand further.

Mr Hall explained that the applicant has invested in a pig fattening unit which holds 1,050 pigs and to his knowledge this is only one of two operating in Fenland, with the other one being at Wood Street in Doddington, and the farm also has a contract with Warburtons, the bread company, for

some of their grain as well. He stated when the application was submitted, an independent agricultural appraisal was enclosed which was carried out by Cheffins and within the Council's consultant's comments under 9.14 it states that the need for an additional worker is marginal which, in his opinion, states that there is a need but he does not believe that the Council's agricultural consultant has visited the site.

Mr Hall added that the shed and infrastructure are already in place and are being used and this is not a new enterprise as it is an expanding long-established farm, with their appearing to be a great deal of support for the application and the Ward Councillor for the area, Councillor Dal Roy, supports the application along former member, Will Sutton, who has written a letter of support for the proposal along with Christchurch Parish Council who fully supports the proposal and they have submitted a detailed response which is in the report. He stated that the proposal will give continuity for one of the largest family farms in the area and family farms play an important role in the local rural economy, with the applicant advising him that they are also in discussions to take on a further 250 acres under contract farming.

Mr Hall stated that the proposal sites the dwelling where officers have shown in line with a row of cottages along frontage linear development in Flood Zone 2 and had it been sited to the north of the farm buildings that would fall in Flood Zone 3. He explained that the applicants have confirmed that to the north of the current farm buildings they are considering further expansion of either a grain store, machinery store or both.

Mr Hall recalled a very similar application in 2019 which was determined under the current Local Plan which was approved for an agricultural worker dwelling on a 1200-acre farm at Fallow Corner Drove in Manea which was approved against the officer's recommendation and was located in Flood Zone 3 whereas the proposal before the committee today is in Flood Zone 2. He made the point that the proposal is very similar application and is located in the next village and on inspection looks a very nice dwelling.

Mr Hall stated that the applicant currently resides in one of the starter homes on site that officers have indicated to the committee, with these cottages being what he would identify as being two up, two down cottages comprising of a kitchen, living area, bathroom downstairs and upstairs having two bedrooms. He explained that the property that the applicant currently resides in on the farm is in reality a one-bedroom property because his long-term partner, who also works in agriculture, uses that as an office and, therefore, it is a one bed property.

Mr Hall added that the applicant is looking to the future and might want to start a family and he wants to live in a larger property and stay on the farm. He stated that those cottages are not owned by an individual, but they were purchased and owned in 1993 by the farm and the income from them goes into the farm.

Mr Hall added that there is a great deal of support for the application and there are no objections from any persons in Christchurch. He made the point that the Highways Officer, Environmental Health and Parish Council have no concerns, with the applicant being fully aware that if the proposed dwelling is approved it will be subject to an agricultural tie and he reiterated that this is an established farming business that wishes to expand and secure its future growth going forward and on the previous application it was stated that Fenland is Open for Business.

Members asked Mr Hall the following questions:

- Councillor Sennitt Clough stated that Mr Hall has spoken about the expansion of the farm, and she asked why the demonstration of need was not made evident and clear in the application? Mr Hall stated that it is his understanding that the Cheffins report demonstrates the need here for two persons to be on site so, in his opinion, the agricultural consultant has demonstrated that need in the report, and it is the Council's agricultural consultant who disagrees.

- Councillor Connor asked Mr Hall to clarify how many pigs are actually on the site? Mr Hall confirmed that the pig fattening unit has 1050 pigs, and they get brought in at a lower weight, fattened up and then taken to the abattoir at Spalding.
- Councillor Marks asked Mr Hall to point out on the presentation screen where the pigs are located? Mr Hall explained that the actual pig fattening unit is not shown on the map but to the left there is a track at the top of the slide and the unit is to the rear of the sheds.
- Councillor Imafidon referred to the five existing dwellings and asked for clarity with regards to the rents coming from those dwellings being reinvested in the farm. Mr Hall clarified that the farm owns those cottages, they brought them with the farm in 1993 and the money from the tenancies get reinvested into the farm. He added that it is his understanding that the starter homes which are owned by the farm are only occupied for a short period of time before the tenants move on.
- Councillor Imafidon stated that he understands that an agricultural tie will be affixed to the property, and he questioned whether the dwellings will be occupied by people who work on the farm as well. Mr Hall confirmed that the new dwelling would be occupied by the farmer's son who is a director of the company and works permanently on the farm so that would be solely occupied by him.
- Councillor Connor stated that 1300 pigs must be very labour intensive, and he struggles to think how just one person can look after those pigs. Mr Hall expressed the view that it is his understanding with pig farming that there is quite a high fatality rate and if you cannot attend to the pigs in an emergency. He added the Mr Gladwin and Mr Gladwin Senior are on site, but it is very labour intensive.

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

- Councillor Marks expressed the opinion that he feels that there is good reason to be on site if it is tied into the business which it does seem to be and equally with livestock, with their having been various other applications where farmers and contractors have submitted applications who have had livestock and crops to deal with and who operate 24 hours a day. He stated that he knows the area well and he does not think that it will look out of keeping, with it being just one very long road that goes up to a river and, in his view, the proposal is for a modern type farmhouse, which he is minded to support.
- Councillor Imafidon stated that Fenland is Open for Business and the application is to have a dwelling on site to support a livestock business. He stated that he is not an expert in farming, but he is aware that livestock requires people to be on site if you have large quantities of animals and, therefore, he is inclined to support the proposal.
- David Rowen stated that he fully accepts the need for somebody to be living on site in connection with the livestock but as the Council's own consultant has recognized that is fulfilled to a degree by the existing farmhouse within the centre of the complex. He added that the agent has confirmed that the son of the applicant who the new property is intended for already lives on the site and, therefore, that is effectively two people associated with the farm who are on site who can provide that welfare for the animals. David Rowen stated that there are already two dwellings on the site associated with the farm that can provide that welfare requirement and he added that planning policy is extremely clear that new dwellings in the countryside should only be permitted where there is a clear functional need and in this case that functional need is already being addressed by the properties that are on site and, therefore, from a planning policy point of view there is no justification for a new dwelling on site and the fact that a nicer house can be built and that it is perhaps more convenient to build a new house rather than extend one of the existing ones, it is not an essential need there so from a planning policy point there is no justification for a new dwelling to be built at this site.
- Matthew Leigh stated that in relation to a worker's dwelling as David Rowen has stated the policy refers to evidential need and the independent review of the document that was submitted stated at best marginal and for a professional document, in his opinion, this is a very low value to what was submitted and their professional opinion is that there is a very marginal at best need to put an additional workers dwelling on this site. He added that as a

Council it is acknowledged by the independent review undertaken that there is a need for a dwelling on the site to deal with the business in a functional and an operational manner on a day-to-day basis but that is being met and by another dwelling on the site so there are already two homes. Matthew Leigh made the point that it then needs to be decided whether there is need above that for a further additional dwelling and if it is because there are a certain number of pigs or because there is a certain amount of grain that is a decision the Council makes, however, this decision would have to be repeated for every applicant. He expressed the view that there is one farmhouse on this site and there is another dwelling being occupied on this site by people that work on this farm and that meets the operational needs of this business and in relation to sequential test there is other land within the site and within the District that does not fall within flood zones that are highly likely to be susceptible to flooding. Matthew Leigh added that it is still an area where the Government directs housing away from and that needs to be a material planning consideration. He made the point that the sequential test does not have to be passed if it is considered that there is a specific reason and in this instance as was explained in the presentation there is other land under the applicant's control that could accommodate a dwelling. Matthew Leigh expressed the opinion that his advice would be that future occupiers of this dwelling should not be put at risk from being in a house that could flood, plus the people that if there was a flood would have to rescue them and also thirdly that if it is a flood zone being built on, there are only limited resources to rescue people and to save those people it actually puts people that are already in flood zones at risk and that is one of the reasons why dwellings should not be built in flood zones.

- Councillor Hicks asked whether the report is considering what is on site now or is it taking into consideration what it will be in three years' time? Matthew Leigh stated that it is his understanding it was taken from what was submitted with the application and the agent has raised additional information but that should not be a consideration for this application because it is not in front of the committee in a formal process as there is no business plan and no evidence. He added that if the applicant comes forward and there is growth in the business and they decide that they do need an additional house then they should submit at that time.
- Councillor Marks made the point that he appreciates the officer's advice with regards to flood risk, however, when the committee considered an application three years ago, the applicant needed to be on site 24 hours a day and mitigation was added so that the dwelling was raised 1.5 metres out of the ground and, therefore, there could be mitigation measures put in place which could be conditioned for the current proposal. He expressed the view that when considering the welfare of the applicant and his family they have a right to start a family which will mean he needs more space in his home and the agent has advised that the applicant is using one of the two bedrooms as an office currently and he expressed the opinion that extra bedrooms should be encouraged instead of overcrowding.
- Matthew Leigh stated that he was not in post when that particular application was determined, however, an application does not have to pass a sequential test, explaining that if there was a blank scheme for a farm for an agricultural workers dwelling where there was no agricultural workers dwelling at the moment so there was a need for this site which at the moment the Council's independent report is saying there is not but if there was a need that may be a reason to allow a site in the flood zone because the need outweighs the harm. He added that in the Council's independent review it says there is a marginal need at best so that is very different to where it states there is definitively a need and there is no occupation at the moment. Matthew Leigh made the point that he does not know the other site that Councillor Marks was referring to, however, that site may have had no other land that was safe from flooding whereas the current application site does have other land that is safe from flooding and, therefore, consideration should be given to building the dwelling there before it is built in a place that is at a high risk of flooding. He expressed the view that his professional advice in this instance is for those two reasons he has given it would be very difficult for the Council to argue robustly that there is a reason that this site should be allowed to be built on when it is at risk of flooding. Matthew Leigh added that with regards to

the welfare of the family it is not a material consideration for the committee as decision makers in the planning system as there is no requirement in front of members to evidence that it has to be this gentleman on site, it could be somebody else as the agent has implied that there are multiple workers on the site and this is about ease for the applicant, about the quality of life of the applicant and that is not what the committee are in place to determine and members should be considering and determining land use and to determine applications for their lifetime and to look at the planning merits. He explained that the room currently being used as office space was for the applicant's partner who works for a different company but these points are actually not material considerations and unless they are relevant to the application which are laid down in law then they should not be considered.

- Councillor Mrs French asked whether the application could be deferred in order for a business plan to be submitted by the applicant. She added that the agent has stated that the applicant wishes to expand, and, in her view, it would be useful if there was a business plan which could back up the actual need. David Rowen explained that with regards to the information that has been submitted with the application, there has been some financial information submitted in respect of the agricultural operation which proves that the business is a viable business and, therefore, there is no doubt about the viability of the business. He added that consideration need to be given to the agricultural need and the fact that ultimately that this is more than accommodated for with the existing occupation on site.
- Matthew Leigh stated that if members wish to defer then that is within their gift, however, in his view, he does not think that any further information received would differ significantly to that already submitted.
- Councillor Benney stated that the applicant has stated that he has a report which dictates that there is a need for extra staff here and even the Council's own report says minimal, but it is not marginal and that shows that there is still a need. He expressed the view that looking after that volume of pigs must require significant work. Councillor Benney expressed the view that the best place for a business owner to be is with his business as it adds security and there is also animal welfare to be considered. He made the point that the words 'minimal need' has been used and that, in his view, shows that there is need. Councillor Benney added that there is building in Flood Zone 2 which is fully mitigated, and the land will be built up like it always is and committee need to decide whether they accept that there is a need for this and in which case that overrules other aspects of planning. He made the point that it is a good application and there is a need as the pigs need looking after and the Council should be helping businesses wherever it can in his view.
- Matthew Leigh stated that the report is an independent report and it states at best marginal and, in his opinion, that is about as low as you probably get in a professional independent report. He expressed the view that it is very rare that an independent report would states explicitly no need. Matthew Leigh made the point that there are already at least two people tied to the business that live on this site as there are multiple units and members need to consider whether there is an evidenced need for a further property on this site and the answer is not irrespective of anything else because there are actually already six properties on this site.
- Councillor Imafidon asked whether the other units on the site are occupied by persons who are working on the farm? David Rowen expressed the view that the occupation of the other units that are on site is irrelevant and the application which has been submitted is for an additional dwelling to accommodate the son of the applicant who currently resides already in one of the properties on site. He added that the Council's agricultural consultant was commenting upon the information submitted with the application and at no point within that is there actually any reference to the fact that there is already somebody living on site or a second dwelling on the site occupied and, therefore, in terms of the marginal need that was concluded on a theoretical basis rather than there is actually somebody practically already on site. Councillor Imafidon questioned that if the units on site were all occupied by people who work on the farm why nine additional units are needed and not maybe one or two units.
- Councillor Connor clarified that it is only one additional unit which has been proposed.
- Matthew Leigh explained that in the officer's professional opinion the application is

recommended for refusal.

It was proposed by Councillor Mrs French that the application be refused as per the officer's recommendation, which was not supported by other members.

It was proposed by Councillor Hicks to defer the application to allow the applicant to provide more detailed information as well as a business plan, which was not supported by other members.

Proposed by Councillor Marks, seconded by Councillor Imafidon and agreed that the application be GRANTED against the officer's recommendation, with authority delegated to officers to apply conditions in conjunction with the proposer and seconder and to include an agricultural tie condition.

Members do not support officer's recommendation of refusal of planning permission as they feel that there is the need for the additional dwelling on site and that mitigation measures can be included to protect the dwelling from flooding.

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

(Councillor Marks asked for it to be noted that he sits on March East Internal Drainage Board along with Councillor Mrs French and Councillor Hicks)

**P26/24 F/YR24/0254/PIP
BROWNLOWS YARD, 400 CREEK ROAD, MARCH
PERMISSION IN PRINCIPLE TO ERECT UP TO 9 X DWELLINGS**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall explained that the officer's report confirms that it is a brownfield site which has been in the Brownlow family's ownership for 40 years and has long been established as a yard which has expanded over many years with the site having been used as a patio company, car dealer, furniture maker, storage, persons with banger cars, persons with reptiles, a joinery workshop and portacabins. He stated that at present as the officer's report confirms there is storage, various commercial buildings, building materials and various vehicles.

Mr Hall made the point that in the officer's report the Highway Authority does not object to the proposal, not only to the access point but also that the visibility splays can be achieved. He added that even though the application is for Planning in Principle (PIP), consideration has been given to the fact that if the application is approved to the technical details.

Mr Hall stated that the whole site is located in Flood Zone 1, there would be associated drainage and if the application is approved there would be a requirement for an adoptable footpath to the front of a site, street lighting and widening the road, with the opportunity to allow a community benefit of the road being widened all the way along where it is currently narrow. He referred to the location map on the presentation screen and pointed out the site and the access point and explained that there have been two other delegated officer approvals here which are located where the red line is on the small section of land adjacent to the access way and along the frontage which already has PIP for residential dwellings and are located in Flood Zone 1, with extant permission under delegated approval for up to three dwellings around the corner of Creek Road to Flaggrass Road.

Mr Hall referred to the photos on the screen which displayed the existing access way which is a

track, with the photo taken in December 2022 in the winter months, which shows the area to be unkept, there is standing water, and it looks very untidy and the second photo displays a Google overview which clearly shows that the site is a brownfield site, where the access is at the moment and the proposed access will be over the existing one to improve it. He explained that on the 30 July he spoke to Middle Level Commissioners regarding the proposal site and the letter they had sent out, during the conversation the riparian ditch was discussed which is located along the northern boundary and a discussion took place with regards to the discharging into that ditch a greenfield runoff rate, so it has to be attenuated through a crate system or a basin and then a discharge point, with the officer at Middle Level stating that the proposal would be acceptable, and she did advise that a direct discharge with no attenuation or anything would not be acceptable.

Mr Hall referred to the photos which show the standing water, and expressed the view that the access at the moment is pretty poor, with standing water and it is not going to improve and will probably get worse but if the proposal is approved then an engineered drainage solution would have to be undertaken to address those issues. He made the point that there have been no neighbouring objections including no objections from Environmental Health, Archaeology, Highways and March Town Council, with all of the site being located in Flood Zone 1 and officers have confirmed that this site is brownfield and would be efficient use of brownfield land.

Mr Hall stated that as part of any technical details, the road would have to be widened along with the formation of a footpath and the introduction of street lighting for which discussions with Highways have already taken place. He made the point that agents are often told, quite rightly, to look at the character of the area which in this case is currently a mess, however, if the proposal was to be approved with the introduction of some residential dwellings the character of the area would be vastly improved.

Members asked Mr Hall the following questions:

- Councillor Mrs French stated that this site already has approvals for two other PIP applications and there is another application which has been submitted for six dwellings which is still pending and now a PIP proposal has been submitted for 9 dwellings. She asked whether the intention is for that to become a full-blown estate? Mr Hall referred to the presentation screen and explained that there is a PIP at the front which has approval and the further pending application for 6 has had the technical details submitted and then another three. He referred to the screen and highlighted the green area and the yard which is split in two between two different owners within the Brownlow family but he has not received any instruction to advance the three on the corner or the small piece of land and there have been no discussions or instructions for any of the remaining areas of land.
- Councillor Marks asked whether the road improvements are still being introduced for the two PIP applications? Mr Hall explained that the application at the front is still pending and that includes street lighting, an adoptable footpath and widening of the road and, therefore, that scheme is being progressed, with the details available on Public Access.
- Councillor Marks asked whether a letter confirming the conversation has been received to confirm the agreement regarding the drainage? Mr Hall explained that he has received a standard response from Middle Level and then following that he had a telephone conversation with them on the 30 July and it was conversation over the phone about surface water drainage going forward if the application was approved and, therefore, nothing has been put in writing to that effect. Councillor Marks stated the site is known to him and he is aware of just how wet the site can get, especially in the winter months, and he would have liked to have seen the actual response from the IDB, which is site specific concerning the drainage on the site.
- Councillor Hicks asked for confirmation that the entire site falls within Flood Zone 1? Mr Hall stated that the whole of this PIP application is in Flood Zone 1.
- Councillor Sennitt Clough asked for further clarity concerning the comments from the Archaeology Team at the County Council and the fact that they do not have any reservations as she is aware that the site is located near the Fen Causeway and the

comments from the Archaeologists state that there would need to be an archaeological investigation should any works commence. Mr Hall stated that other applications just off Flaggrass Road, such as the Piggeries, which was approved a couple of years ago is extremely close and maybe on the Fen Causeway, was subject to an archaeological dig and the applicant is aware that there would be the need for a next stage contamination report and archaeology and he explained that the site at the front may also have to have one as well.

- Councillor Marks referred to 1.5 of the officer's report which states that in the course of the application the officers have provided the agent with the opportunity to explore alternative options for the site which would avoid siting development within the area of high and medium risk of surface water flooding such as relocating the proposed access, however, the agent has confirmed that they wish to proceed with this current proposal. Councillor Marks asked Mr Hall to explain the reasoning behind that decision? Mr Hall referred to the location plan on the presentation screen and he pointed out to the left where the access is shown which also encompasses the existing track, explaining that the access is also in the same position as the application which already has a PIP but as there is another application pending it has been kept there because there were queries from Highways with regards to the access, radius kerbs, and splays on the one at the front. He added that this proposal has been tied in with the application which already has PIP and the technical details that are pending which is why the access has been kept there to tie in with the other development.

Members asked officers the following questions:

- Councillor Hicks referred to 10.10 of the officer's report and stated that it confirms that the application site is all located in Flood Zone 1, but within the conclusion in the report it states that by virtue of its location and land use it is within an area of high and medium risk of water flooding. He asked officers to clarify why they have provided a recommendation of refusal when the site is located in a Flood Zone 1 area as it appears that officers are going against their own policy? David Rowen stated that fluvial flooding is what Flood Zones 1, 2 and 3 cover and when considering the proposal, the issue being considered is surface water flooding which is a different source of flooding.

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

- Councillor Mrs French stated that she totally agrees with the officers with regard to surface water flooding and as the application site falls within her County Council Division, she knows the site very well and every time there is heavy rainfall it floods, with there being a field and a ditch in the vicinity which has caused issues in the past and there is surface water flooding there. She added that with regards to the drainage board, it is her understanding that this falls under March Fifth Board, where she is a representative on, and any time that there has been an application for this they do raise concerns because that is March North and it does not have the infrastructure. Councillor Mrs French added that further down Creek Road, there is an Anglian Water depot and there are five to seven lorries every day bringing in their tanks and that is obviously an ongoing thing. She made the point that she did ask the agent with regards to how many further applications are in the pipeline and she expressed the view that should the application be approved; she can foresee there being a complete estate down there. Councillor Mrs French added that it is not in the March Neighbourhood Plan and when that was adopted it was specifically stated that because of the infrastructure in March North it cannot take anymore, with further up the road there being a planning application for St John's College for 99 dwellings which was refused and lost on appeal. She added that this is not a location to intensify housing, the officer's recommendation in her opinion is correct and she would like to see the outcome of the pending application for six dwellings before any more PIP applications are considered.
- Councillor Marks stated that the issue of the surface water does cause him concern and he is disappointed that the Middle Level have not provided a letter to confirm the discussions that took place with Mr Hall. He expressed the view the officers have made the correct recommendation.

- Councillor Mrs French stated that she is a member of eleven drainage boards and added that March Fifth are over capacity, referring to a report which was circulated which states that they will not allow anything unless it is greenfield flow which obviously then means attenuation tanks have to be included. She reiterated that she cannot support the application as it is now.

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

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

(Councillor Mrs French declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of March Town Council, but takes no part in planning)

**P27/24 F/YR24/0333/F
LAND NORTH EAST OF HORSEWAY FARM ACCESSED FROM BYALL FEN
DROVE, MANEA
ERECT 1 DWELLING (2-STOREY 3-BED) AND FORMATION OF A NEW ACCESS**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mrs Baxter, the applicant, and Ian Gowler, the agent. Mrs Baxter stated that she is looking for a new dwelling for her family, to continue living at the same address and to continue providing support for the businesses, with at the current time her family residing with her father-in-law, and she explained that they are all involved with the businesses which are family orientated and are operated from the site where the application is proposed. She explained that her husband works in the family's construction business and undertakes work in the local area for the local community and she explained that valuable plant equipment and materials are stored at the address along with the holiday let business they operate at the site which is becoming increasingly popular.

Mrs Baxter added that she anticipates that part of the business to grow due to the proposed reservoir and she explained that there are also cattle on site which require looking after. She stated that she is involved with the holiday let business including the arrival and departure of the guests which can be at different times of the day, and she added that she also deals with the security on the site as there have been thefts in the past of diesel and vehicles.

Mrs Baxter explained that it is the intention for the businesses and new dwelling to remain in the family's ownership and she made the point that whilst that is not a material consideration to give planning permission, it would support local businesses and also give her family its own space.

Mr Gowler stated that there are no technical objections to the proposal, and he explained that the extended roadway to the site is due to highway visibility. He added that the need for the dwelling is due to the expanding family's requirements and the intention is for the new dwelling to be for Mrs Baxter and her family in connection with the businesses that are already operating on the site.

Mr Gowler added that the holiday let business can mean that guests arrive either early in the morning or late in the evening which is why there is the need for somebody to be there on site. He made the point that Mr and Mrs Baxter are already living at the property and, therefore, it is not an additional home that is being sought it is for residents already living on the site.

Mr Gowler added that he notes an additional reason for refusal is appearance and he referred to the presentation screen which displays the extent of the hedging to the front of the house and the

image of the streetscene shows an image which is not quite representative of what the view will be from the road as it will not be visible. He explained that the photos shown in the officer presentation displayed a large gap in the hedge which was there whilst hedging works took place, however, that has been replanted and will be filled in once it grows.

Members asked Mrs Baxter and Mr Gowler the following questions:

- Councillor Hicks referred to the slide which shows the driveway and he asked whether any consideration was given with regards to a different access point? Mr Gowler stated that the highway visibility standards for that type of road is 245 metres and he explained that a very long section of the road was surveyed to ascertain where the 245 metres could be achieved and from previous experience of the Highway Authority is that they do not normally allow anything less. Councillor Hicks stated that he appreciates the points made, however, in his view, the current access point lends itself to accommodate another 2 or three properties on the site and he questioned whether that is going to be the plan going forward. Mr Gowler stated that to consider further buildings there is not the business need argument as there is with the current proposal, where there is a need for there to be somebody on site to look after the businesses.
- Councillor Marks questioned that as there are not going to be any additional vehicles, could the current access point not be shared with the other family members? Mr Gowler stated that is achievable and the location plan shows the existing entrance which is on an awkward corner and the 245-metre splay would not be achievable although a sensible splay could be attained. Mr Gowler made the point that the applicants are already living there, the access point is already being used for both of the businesses and he would be happy to omit the proposed access and for the existing access to be used instead. Councillor Marks stated that for a comfort factor it goes some way towards nobody considering a development in the paddock behind it.
- Councillor Marks expressed the view that the proposal demonstrates the need for somebody to live on site, especially with the holiday lets on the site and asked Mrs Baxter whether she also works with the family building business as well. Mrs Baxter responded that she mainly deals with the holiday lets and undertakes a small amount of secretarial work for the building business.

Members asked officers the following questions:

- Councillor Marks asked whether it is possible to condition and add a tie to the application should it be approved, albeit not an agricultural tie, so that it is tied to the business or the site. Matthew Leigh stated that one of the needs for an agricultural workers dwelling is the need for regular activity outside of reasonable hours and there is a reason why the planning system supports agricultural workers specifically within the National Planning Policy Framework due to the likelihood and the frequency of the unattractive hours and it does not pick out other industries. He explained that he has seen many discussions at planning appeals where applicants have argued that they need a dwelling for security purposes but made the point that there are numerous other security steps that can be taken to protect properties and businesses before a dwelling is built and for that reason he advised members to give that aspect very limited weight. Matthew Leigh referred members to 9.5 of the officer's report where it states that no planning permission appears to exist for the site to function as a builder's yard, with only planning permission for the replacement dwelling and change of use of garages to holiday lets apparent in the planning history and members should not be looking to approve an application where there is a potentially unauthorised business operating from the site. He referred to the holiday let accommodation and stated that members need to consider whether in reality the unsociable hours and the number of units should allow it to have a new dwelling when Government policies do not support it. Matthew Leigh added that if members support the proposal then it is likely that a precedent is being set for any rural business to then be considered which is an approach that he would not recommend. He stated that there can be tie added to the application and it would have to be added as a personal permission, however, the viability information for the holiday lets

has not been received to confirm that the business is financially viable enough to support a dwelling in its own right and, therefore, in this instance he would advise that a tie should not be added.

- Councillor Imafidon made the point that with regards to the need on the site for security to be present, he runs a holiday let business and from his experience, just like agriculture, there are very often instances why people arrive late such as accidents or traffic delays and in some cases he has assisted with a check in at 2.00am and, in his view, there is the need for somebody to be on site to look after that aspect of the business. He stated that it has been mentioned that there are details concerning the planning history for the holiday lets and, in his opinion, there is a good plausible reason why somebody needs to be there. Councillor Imafidon added that there have been numerous thefts from construction sites and farms over recent times in Fenland and again that proves that somebody should be on site. He expressed the view that if it can be applied to the agriculture sector then that should also be the case for the holiday let business.
- Councillor Connor stated that he thinks the points made by Councillor Imafidon are valid especially as he is speaking from personal experience.
- David Rowen stated that there is already a dwelling on the site and for those instances of late arrivals then there is already somebody living on site who can deal with them. He referred to the actual layout for the application and stated that that, in his view, he would question how effective that the proposed arrangement would be with regards to being able to service those customers arriving for the holiday lets given the physical separation from the operation to the west and that from a practical point of view it does not seem to support that type of operation.
- Matthew Leigh stated that with regards to the planning guidance and the fact that agricultural dwellings are allowed, security is not a consideration as it is about the functional need for farming and if security was a material consideration then it would mean that every business or factory could have a dwelling on the site to provide security. He stated that members need to consider that there are only three holiday lets on site and, therefore, need to give thought to the fact that there is already a dwelling on the site and whether there is an additional need for another dwelling for someone to be on site for 24 hours a day, seven days a week for three holiday lets. Matthew Leigh added that members need to consider whether the need is so significant in order to go against the adopted planning policies and the lack of evidence that could weigh in favour of the material considerations in relation to the viability and also Government guidance on where dwellings should be sited and, in his view, members should not be going against that.
- Councillor Marks stated that he knows the site and the location of the property to walk through into the farmyard is no more than 50 metres and he does not feel that it is disjointed from the business. He added that, as the agent has already stated, if the roadway could be reinstated so that there was just one access it would make access far easier. Councillor Marks made the point that with regards to the holiday lets, there is a very large provider and supplier of leeks in the county, located in very close proximity and they have people employed for 24 hours a day. He added that he also recalls an application from a site in Manea where the residents where hot bedding every 8 hours and, therefore, the owners needed to be on site to deal with arrivals and departures.
- Councillor Marks stated that officers have expressed the view that the house appears to be located too far away and are disjointed from the business. David Rowen made the point that visitors to the site do not know the layout of the site and usually if there is an argument that a dwelling is needed in connection with a business that the business is better linked, located or more closely located than the proposal before the committee. He added that with regards to the point made concerning the alternate access arrangement, the application is a full application and what has been applied for is displayed on the presentation screen and that is what members need to determine.
- Councillor Sennitt Clough stated that it appears that there is a third business operating from the site with regards to the rearing of animals which would lend itself to people being present on the site. She added that the dwelling already on the site has occupants which

she presumes are from the older generation and, therefore, to continue with that aspect of business, in her view, would require younger people on site so that they could be on standby to assist with the animal rearing business. David Rowen stated that with regards to animals on site and animal welfare there was very limited information submitted with the application to substantiate that fact, with the focus in the application appearing to be with the construction business and the holiday let operation. He added that there has been no information provided with regards to the number of animals on site and there is no other land which has been indicated as being owned by the applicant and when he drove past the site there only appeared to be 2 horses on site and no evidence of any other animals. Councillor Sennitt Clough referred to paragraph 9.3 where reference to the animal business is made and she added that she has undertaken a site visit, but it is obscured significantly by the laurel hedge.

- Councillor Imafidon stated that the sustainability of the holiday let business also needs to be taken into consideration when taking into account cancelled bookings and loss of business. He added that, when considering the existing dwelling on site, Mrs Baxter explained that her family are currently residing with her father-in-law and partner which, in his opinion, shows that there is a need for an additional dwelling.
- Councillor Mrs French referred to 9.5 of the officer's report which states that no planning permission appears to exist for the site to function as a builder's yard and she asked whether the agent has provided any indication that a planning application maybe submitted for that. David Rowen stated that there is no supplementary information which has been submitted to indicate that either an application for planning permission or for a certificate of lawfulness to demonstrate that the builder's yard is lawful is indicated within the submission. Councillor Mrs French asked David Rowen if he is aware how long the builder's yard has been there, and he confirmed that he does not know.
- Councillor Hicks stated that the Local Plan is in place to provide guidance for members to follow and he asked officers to confirm whether approvals should only be given for proposals in the agriculture industry. Matthew Leigh stated that decision makers, whether that be officers, members of the committee or the Planning Inspector, should determine applications in accordance with the development plan unless material considerations indicate otherwise, with the policy specifically referring to agricultural workers dwellings as that reflects the nature of the district and the historic point with regards to highlighting the need for specific types of accommodation for these properties. He added that there can be material considerations that would mean that a different business could be supported in a similar thrust, however, he added that if that were the case then the guidance and the policy with regards to agricultural workers would need to be looked at. Matthew Leigh stated that consideration would be needed with regards to the business having to be lawful and to have evidence to substantiate its lawfulness and, in this case, discounting the builder's yard. He added that you would also need to have a level of comfort that the business has a long-term life span, and, in this case, it is a very small concern with it being only three holiday lets and no information with regards to viability has been provided. Matthew Leigh made the point that if permission is granted with the restricted condition and the business goes bust then the existing occupiers will have to move out and in theory the house should remain vacant forever and end up being demolished. He made the point that there is not a policy which dictates that applications can be supported which go against the Council's actual policy but there should be material considerations in place which make the decision makers comfortable to go against the actual policy. Matthew Leigh expressed the view that the officer's report outlines the very clear concerns and added that when considering the access and the distances between the properties, it actually considers the aesthetic harms that it has moved away from the other building, along with the physical remoteness of it when considering how it connects, which would not be able to be amended as part of the application because the red area would need to change and, therefore, it would need to be a refusal. Matthew Leigh stated that if the existing access was used the required visibility splays would not be met and the Highway Authority would say that there is an existing visibility splay and will the 1.2 vehicle movements from the site as a result of the new

dwelling result in any demonstrable harm which is probably very unlikely and, therefore, there is no requirement to meet the 245-metre distance on an existing access.

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

- Councillor Marks stated that he would describe the area as a hamlet as there are 5 or 6 other properties there and when considering the size of the proposed dwelling, in his view, it is a sensible three bedroomed family size property, with there being across the road a dwelling which is behind a hedge and further along there are other dwellings together with a digester. He made the point that he does not believe anybody would want to build a property in this location due to the odour from the digester, unless it was tied into their business and Mrs Baxter is involved with the business and whilst disregarding the building business, which could possibly be unlawful, there are buildings there which could in the future be converted into further holiday lets. Councillor Marks expressed the opinion that there is the need for somebody to be on site at the location and Mrs Baxter appears to be the key person involved with the holiday let business. He expressed the view that he is not content with the entrance and feels that it could be made to be just one access point for the whole site. Councillor Marks made the point that he feels that it is a good application, and they already own the land, if they need to purchase a property where else are they going to be able to do that in the local area so that they are close to the holiday lets. He expressed the view that Fenland is Open for Business and with the introduction of the reservoir it is going to bring forward further business.
- Councillor Benney stated that Councillor Marks has stated that the site is three miles from Manea, and he anticipates that it will be the same distance from Chatteris. He asked for it to be recorded that he has never spoken to Mr Baxter, but he has seen his business vehicles driving around the area as he appears to undertake a great deal of work in the Chatteris area. Councillor Benney stated that to the best of his knowledge it is a family business, and his sons work in the business, with it being a local business who operate their business from the home, and it is a family run operation who are asking the Council to support them. Councillor Benney stated that the number of holiday lets is irrelevant and the decision making comes down to different interpretations of policy and whether certain aspects are given additional weight. He added that it is the committee's role to consider applications and there are aspects of applications which are not always policy compliant but that is the role of a councillor to bring a personal touch to the determinations, to look at them with compassion and to take into account aspects that are not covered in policy.
- Councillor Imafidon stated that he agrees with Councillor Benney with regards to the amount of holiday lets as there is nothing to say that the business will not expand in the future and with the proposed growth in the area, which is likely with the introduction of the reservoir, he will be personally and strongly looking to support a local family business.
- Councillor Hicks stated that he is not content with the fact that the construction business appears to be operating from the site without permission.
- Matthew Leigh stated that he wishes to clarify that planning policies cannot be interpreted any differently to how they are written, committee can interpret and give weight to material considerations differently but when policy is read clearly and explicitly it cannot be interpreted any differently. He added that members and officers can give different weight to different material considerations, and it can be said that material considerations outweigh the harm with a policy, but policies cannot be interpreted differently.

Proposed by Councillor Marks, seconded by Councillor Imafidon and agreed that the application be GRANTED, against the officer's recommendation with authority delegated to officers to apply suitable conditions in consultation with the Chairman, proposer and seconder to include a tie to one of the businesses operating from the site.

Members did not support the officer's recommendation of refusal of planning permission as they feel that there is a need to have people living on the site and they do not agree that it is out of character in the area.

(Councillors Benney, Mrs French, Hicks, Marks and Sennitt Clough declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they have been lobbied on the application)

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

P28/24

F/YR24/0410/F

**LAND EAST OF STORES AT THE LODGE, FENDYKE LANE, LEVERINGTON
ERECT A DWELLING (2-STOREY 5-BED) INVOLVING THE DEMOLITION OF
EXISTING COMMERCIAL BUILDINGS**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards stated that the business is owned by the applicant and his son, and they have operated from the brownfield site for nearly 20 years, with the business currently employing four members of staff, adding that previously he had employed six people, however, due to not being able to operate equipment at the site he had to let them go. He explained that the equipment was partly funded by the Council in 2020 and is a company which deals with engine electronics and race engine operating all over the country and world.

Mr Edwards explained that the application site has the applicants own converted dwelling to the front of the application proposal and that obscures the application from the street scene on the lane, with a recent approval for a garage block with an annex above to the north of the dwelling which should commence imminently. He made the point that he has worked closely with the planning officer and was delighted to receive an email with an officer's recommendation for approval, which needed to be signed off and was somewhat disappointed to be then told that the application would be brought before the Planning Committee for determination with a recommendation for refusal.

Mr Edwards added that the business has operated from the site with no real issues and with the new dwelling that has been constructed to the south and the sale of the previous home of the owner to the north it has brought with it more of an issue with noise and he referred to another application in close proximity to the site which is for the conversion of an existing cold store into two dwellings. He stated that the application comes with the support of neighbouring properties, the Parish Council and other statutory consultees.

Mr Edwards added that the suggestion was made with regards to looking into carrying out a Class MA application on the building, however, in his view, it is clear that the structures are not the most attractive and the proposal which is smaller in size than the current is more appropriate and would accord with the neighbouring properties. He explained that the dwelling is to be located in Flood Zone 1 and by removing the business it will reduce the traffic flow to and from site and the applicant is looking to purchase a building on an existing industrial site which the proposal before the committee will provide the revenue to do so.

Mr Edwards stated that the proposal will also allow the applicant to have the use of all his machinery in the one location and to allow the business to progress, with at the current time he is having to use space within other businesses which is disruptive, expensive and time consuming. He explained that the applicant does not own any other buildings to operate from and is keen to have his own premises in order to allow for expansion without causing a nuisance.

Mr Edwards referred to the reasons for refusal and added that the application site falls within a cluster of residential dwellings on Fendyke Lane and following on from other recent approvals will

increase the number but made the point that the proposal will not be seen from the road itself due to the applicant's house and garage block. He reiterated that it is located in Flood Zone 1 and is only the access that is in Flood Zone 2.

Members asked officers the following questions:

- Councillor Hicks referred to the issue of the initial officer's recommendation of approval being communicated to the agent to then end up changing to one of refusal. He added that it is not the first time that this has occurred, and he asked officer to provide an explanation. David Rowen stated that most of the agents should know that an indicative informal recommendation from the case officer is not necessarily binding and is always dependent on being reviewed by a more Senior Officer. He added that the report before members sets out the material planning considerations and whilst an email has been sent during the application process indicating that the case officer may be minded to support an application is not a material planning consideration and does not overcome the material issues as set out in the officers report.
- Councillor Hicks expressed the view that going forward he would suggest the officers do not give any indication of the recommendation as it may give false hope to the applicant and should not form any part of any correspondence. Matthew Leigh stated that he agrees with the points made by David Rowen and added that it will be something that is reviewed to ensure that there is a consistent approach across the authority.
- Councillor Mrs French expressed the view that an indication should not be given in advance of a final determination. Matthew Leigh stated that the case law is clear, and no individual officer can bind the Council and decisions are made by the committee or delegated to officers. He added that Senior Officers do not proactively look to overturn recommendations and he explained that during his career he had recommendations overturned by a more Senior Officer which did not impact or effect his confidence. Matthew Leigh added that whether or not officers communicate a recommendation it is not a material consideration for the debate and it is the planning agents who are bringing it forward to try and influence the committee which is undermining the planning process and not taking into consideration the fact that the Council are developing and upskilling its officers and making informed decisions as a committee. He made the point that it is actually irrelevant to the committee's decision-making process and the fact that it is discussed and given credence, in his view, is the issue.
- Councillor Connor stated that he is sure that members of the committee will debate the application and will be open minded in their decision making.

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

- Councillor Sennitt Clough stated that when she undertook a site visit, she noticed that there was a sign attached to a telegraph post adjacent to a wheatfield which is very much the open countryside and, in her view, it would not be a good place to build on. She made the point that the actual site was further down the road and, therefore, she was unclear why that planning notice was affixed to the post she saw. Councillor Sennitt Clough added that when she viewed the actual site, she felt that it was open countryside and the point made with regards to the house being built and imposing over the lane, in her opinion, is incorrect.
- Councillor Marks stated that there appears to be concern with regards to the height and size of the building which he recalls had been an issue some years ago with a property in Wimblington and now that the property has been built out it cannot be identified due to its height. He expressed the view that the proposed site is a barn, and it will still look like a barn with the property next door to it and, in his opinion, he does not see any issue with the size and height of the proposed dwelling.
- David Rowen stated that, in accordance with the Local Plan, as the site does not fall within the main settlement of Gorefield or Leverington and it is deemed to be an elsewhere location where the Council and national policy indicates that new dwellings should not be allowed unless there is justification such as agricultural workers. He explained that in this case there is a dwelling in an elsewhere location with no functional justification to it and,

therefore, the principle of the development is clearly contrary to local policy. David Rowen drew members attention to the presentation screen and stated that with regards to the height, the existing dwelling is 7.6 metres high and the building to the rear can be seen which as part of the proposal would be 2.4 metres higher along with a bigger mass. He referred members to the elevations which are proposed and explained that the mass is different along with the access being in Flood Zone 2 and the fact that there was no sequential information submitted.

It was proposed by Councillor Hicks that the application be refused as per the officer's recommendation, which was not supported by other members.

Proposed by Councillor Sennitt Clough, seconded by Councillor Imafidon and agreed that the application be GRANTED against the officer's recommendation, with authority delegated to officers to apply conditions in conjunction with the Chairman, proposer and seconder.

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal will clear up the site aesthetically, will not impose on the location and there are a number of other dwellings in the vicinity of the application site already on the same side of the road.

4.14 pm

Chairman