

PLANNING COMMITTEE



14 DECEMBER 2011 - 2.30PM

PRESENT: Councillor P Hatton, Chairman; Councillors M I Archer, M G Bucknor, T R Butcher (substitute for Councillor H B Wegg), D W Connor (from 3.15pm), M J Curtis (until 4.15pm), Mrs J French, B M Keane (until 6.00pm), P Murphy (until 6.15pm), Mrs F S Newell, D R Patrick, K G Peachey, T E W Quince, R E Scrimshaw and D Stebbing.

APOLOGIES: Councillor H B Wegg.

Officers in attendance: G Nourse (Chief Planning Officer (Delivery)), Ms A Callaby (Chief Planning Officer (Performance)), S Lalor (Area Development Manager), Mrs E Cooper (Member Support Officer) and R McKenna (Principal Solicitor (Litigation and Planning)).

Councillor Booth attended the meeting in relation to minute P89/11.

Councillor King attended the meeting in relation to minute P91/11.

Councillors Hodgson and Sutton attended the meeting as observers.

P81/11 MINUTES OF 16 NOVEMBER 2011

The minutes of the meeting of 16 November 2011 were confirmed and signed.

*** FOR INFORMATION OF THE COUNCIL ***

P82/11 F/YR11/0344/O (6.5.2011) ELM - LAND EAST OF 176-180 FRIDAYBRIDGE ROAD, ERECTION OF FOUR DWELLINGS INVOLVING DEMOLITION OF EXISTING GARAGE (MR T WEAVER)

Members considered objections and one letter of support.

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- the Council's Tree Officer states that to achieve the required visibility splay for the proposed development it would require the removal of a mature tree now the subject of a Tree Preservation Order
- the Local Highway Authority comment that the visibility splay to the north has been correctly plotted but cannot be provided without the removal of one of the mature trees. The splay to the south has been drawn incorrectly as it has been shown at 105m in length when it should be 120m. The Local Highway Authority cannot support this application unless the applicant can demonstrate that the full 2.4m x 120m splay is achievable in both directions
- some of the mature trees to the western boundary of 176 Fridaybridge Road are now the subject of a TPO. One of these will need to be removed in order that visibility to the north of the access can be achieved, which raises serious concerns with regard to the impact on the

character and visual amenities of the area and further demonstrates why the proposal is unacceptable. A further refusal reason is, therefore, recommended as follows:

- in order to achieve the required visibility to the north of the access, a mature tree which is now the subject of a Tree Preservation Order would need to be removed. This would be to the detriment of the character and visual amenities of the area. The application is, therefore, contrary to Policy E8 of the Fenland District-wide Local Plan, ENV7 of the East of England Plan and Planning Policy Statement 1.

Members received a presentation, in accordance with the public participation procedure, from Mr Brand, the applicant's agent. Mr Brand expressed the view that the site plan shown on screen by officers is incorrect and an amended plan has been submitted.

Mr Brand expressed the opinion that the visibility splay to the north can be achieved without removing any trees, which lies on neighbouring land and not within the applicant's jurisdiction. He feels that the main issue is the visibility splay to the south, which the Local Highway Authority say is unacceptable as they are requesting a 120 metre splay as the speed limit is 40 mph, but he feels that no account has been made of the fact that just before the site to the south is a traffic calming area and a 30mph speed limit and, in his view, vehicles would be travelling less than 40mph in this area, and, therefore, he consider the visibility splay to be more than adequate and demonstrated this view on a plan.

Mr Brand made the point that the Parish Council supports the application, as does the neighbour at 176 Fridaybridge Road. He referred to one of the reasons for refusal as being that the proposal is out of character as it is road frontage development in this area and he showed a plan showing other dwellings in the area, which, in his view, shows that there is scattered development in the area with no distinct building line and there are buildings behind buildings. He feels that as the site is not visible from the road there would be no effect on the character of the area and he feels there would be no disturbance to the adjacent building as the access passes along a flank wall, which has no windows.

Councillor Mrs French referred to the mature trees that are not in the applicant's ownership (stating that cutting down a tree is sacrilege) and asked if this area is not part of the land swap? Mr Brand responded in the affirmative.

Councillor Curtis asked if Mr Brand had any evidence to support his view that traffic will be going much slower past the site? Mr Brand advised that he had not as no speed survey had been undertaken.

Councillor Scrimshaw referred to the fact that Mr Brand stated there has been no objection but four letters of objection have been received as detailed in the officers' report. Mr Brand advised that the nearest neighbour has no objections and the objections received are from properties further away from the site.

Councillor Peachey asked what the two building are that are to remain in the proposed site. Mr Brand advised that they are a timber workshop and garage.

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

- Councillor Mrs French expressed the view that it is sacrilege to cut down a tree, which from the photos looks healthy, and she cannot support this application, which she feels is unacceptable;
- Councillor Archer requested clarity about the speed limit, with the report stating it is 40mph

and the agent stating 30mph. Mr Charity of the Local Highway Authority advised that the speed limit is 40mph;

- Councillor Curtis stated that given the Local Highway Authority's recommendation based on highway safety grounds and with no hard evidence regarding the speed of vehicles, he has to support officers' recommendation;
- Councillor Peachey stated that having visited the site and seen the outstanding garden, he is of the view that the proposal is tandem development and garden grabbing;
- Councillor Stebbing agreed that the proposal constitutes tandem development, which, in his view, is out of character and made the point that the visibility splay is not of sufficient depth to the south.

Proposed by Councillor Archer, seconded by Councillor Mrs French and decided that the application be:

Refused for the following reasons -

1. **the safety of users of the site and users of the public highway would be compromised as a result of poor visibility to the south of the site. The proposal is, therefore, contrary to Policy E8 of the Fenland District-wide Local Plan and Planning Policy Statement 3**
2. **the proposal would represent a tandem form of development in an area which is strictly characterised by road frontage development. As a result it would appear as an incongruous form of development, which is out of keeping with the character of the surrounding area, contrary to Policy E8 of the Fenland District-wide Local Plan, ENV7 of the East of England Plan and Planning Policy Statement 1**
3. **the proposed development will cause harm to the residential amenities of the existing property at 180 Fridaybridge Road by virtue of increased vehicular activity and noise due to the proximity of the access. The proposal is, therefore, contrary to Policy E8 of the Fenland District-wide Local Plan**
4. **the proposal would set a precedent for similar proposals thereby intensifying the built form and weakening the visual gap between Friday Bridge and Elm, which could ultimately lead to the merging of the two villages. The proposal is, therefore, contrary to ELM/H2 of the Fenland District-wide Local Plan and Planning Policy Statement 1**
5. **in order to achieve the required visibility to the north of the access, a mature tree which is now the subject of a Tree Preservation Order would need to be removed, which would be to the detriment of the character and visual amenities of the area. The application is, therefore, contrary to Policy E8 of the Fenland District-wide Local Plan, ENV7 of the East of England Plan and Planning Policy Statement 1.**

P83/11

F/YR11/0632/F (12.8.2011)

DODDINGTON - LAND NORTH-WEST OF GREENVALE PRODUCE LTD, FLOODS FERRY ROAD, ERECTION OF A 59 METRE HIGH (HUB HEIGHT) WIND TURBINE WITH ASSOCIATED INFRASTRUCTURE INCLUDING A CONSTRUCTION COMPOUND, ELECTRICAL EQUIPMENT, ACCESS TRACK AND HARDSTANDING AND SITING OF A STORAGE CONTAINER (GREENVALE AP)

Members considered objections.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- Anglian Water confirm that there are no concerns from a ground water perspective
- the recommendation is updated to delete prior completion of a unilateral undertaking/Section 106 as the local trust arrangements highlighted represent a private contractual arrangement between the applicant and affected residents and fall outside the planning requirements of the scheme.

Members received presentations, in accordance with the public participation procedure, from Ms Mortimer, the applicant's agent, and Mr Dear, on behalf of the applicant. Ms Mortimer made the point that the Council has been supportive of wind energy in the past and this proposal is not for a standard wind farm, but for a single wind turbine to support Greenvale's intention to operate their business using sustainable energy.

Ms Mortimer stated that Greenvale employs 300 people and is proud that its employees live locally. She stated that a trust fund would be set up for the nearest residents, making the point that there are no objections from the nearest residents, only from people who live 2km away. She also stated that no statutory consultees object to the proposal.

Ms Mortimer expressed the view that the benefits extend beyond a normal wind farm as it would enable Greenvale to reduce its carbon use, make the business more sustainable and reduce its energy prices.

Councillor Quince asked Ms Mortimer what the energy consumption of Greenvale is from a turbine that is expected to generate 2MW? Ms Mortimer advised that the turbine is expected to produce 5,000MW hours per year and Greenvale would use 4,000MW per year.

Councillor Bucknor asked if the request of the Police Architectural Liaison Officer for a LED navigation light would be implemented? Ms Mortimer advised in the affirmative if it formed a condition of the planning permission.

Councillor Archer asked if the surplus energy would be fed back into the grid? Ms Mortimer advised in the affirmative and that Greenvale would benefit from this.

Councillor Butcher asked how does the height of this turbine compare to others that have been granted in the vicinity? Ms Mortimer that this turbine would be the same height as those at Ransonmoor and slightly lower than those at Burnt House.

Mr Dear advised members that he is Operations Director at Greenvale, which is the largest potato company in the UK. He expressed the view that this proposal is key to keeping the site in Fenland, which employs 300 people, and is the biggest part of their sustainable plans, with the company being dedicated to reducing its environmental impact.

Mr Dear stated that Greenvale has invested in a water recycling plant and wants to reduce its carbon emissions by 20% by 2015, with this proposal playing a major part in this objective. He stated that energy prices are highly volatile and Greenvale's costs are £300,000 per year.

Councillor Peachey asked how many turbines was Greenvale erecting at its various sites? Mr Dear advised that a turbine was being erected at two different sites, with this proposal being one of them.

Councillor Scrimshaw asked if solar panels on the warehouses were not considered? Mr Dear advised that the carbon strategy of the company is not just about a wind turbine, but the installation of a water recycling plant, LED lights and the introduction of solar panels.

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

- Councillor Mrs French expressed her concern about the amount of turbines that Fenland has, but she feels that this proposal accords with the Council's Open for Business objective and she commends the company for trying to reduce its operation costs and is impressed that local residents will benefit from it;
- Councillor Stebbing stated that his only concern is, whilst this is only for one turbine, the overall cumulative impact in this area as the villages of Benwick and Turves are surrounded by turbines;
- Councillor Archer made the point that there are only two objections to this application, the turbine is in close proximity to other sites which will lessen the visual impact and he feels this site is an appropriate location. He supports the applicant's desire to reduce its carbon footprint;
- Councillor Mrs French made the point that the Council spent along time getting a policy for wind turbines, which should be delivered on sites where they are not in isolation;
- Councillor Mrs Newell referred to no comments on archaeology and asked if there is not a need in this area? Officers advised that no comments were made by the Archaeological Team and they would imagine that a high percentage of this land is previously developed land. Councillor Mrs Newell expressed the view that this is an area of archaeological interest.

Proposed by Councillor Mrs French, seconded by Councillor Archer and decided that the application be:

Granted, subject to the conditions reported.

(Councillor Curtis registered, in accordance with Paragraph 3 of the Code of Conduct on Planning Matters, that he had pre-determined view due to comments he has previously made against wind turbines, and retired from the meeting for the duration of the discussion and voting thereon)

**P84/11 F/YR11/0688/F (2.9.2011)
PARSON DROVE - LAND EAST OF SOUTHEA HOUSE, 16 MAIN ROAD,
ERECTION OF A TWO-STOREY 3-BED DWELLING
(MR D HATTERSLEY)**

Members considered objections.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey expressed the view that he did have numerous meetings with officers on this proposal and the indications he received were positive.

Mr Humphrey stated that there are two issues, the affect on the Conservation Area and width of the access. He made the point that the site is within the Development Area Boundary and Dr Hattersley has lived on the site for 30 years, he has now retired, and the family want to remain together, with his daughter needing to live on the site to look after her mother.

Mr Humphrey stated that it seems a shame that the trees that are causing problems were planted by Dr Hattersley. He expressed the opinion that there is 4.3 metres between the Lime trees at the access, with the Local Highway Authority requesting 5 metres, asking if a pinch point causes a problem and, in his view, the doctor's surgery would have caused more problems than there is now.

He expressed the view that the dwelling is acceptable in form and design and does not appear cramped, being similar to Southea House, which has been converted into flats, in design and would be a distance of 25 metres from Cannon House.

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

- Councillor Curtis requested clarification in relation to the comments in the second paragraph on Page 54 of the officers' report regarding the trees on the northern and eastern boundary and asked if there are more than two trees on the entrance to the site where there is a problem? Officers advised that the Tree Officer does not agree with the tree report submitted by the applicant and the impact of the development in relation to the trees at access and the spread and crown of other trees surrounding the site by placing a dwelling in a location that could potentially damage tree roots and effect the health of the trees;
- Councillor Archer asked if the removal of conifers was authorised or unauthorised work? Officers advised that it was unauthorised;
- Councillor Scrimshaw stated that he cannot support the application as he has major concerns about the entrance which already six properties using its access and the large number of trees that have been removed without authorisation.

Proposed by Councillor Scrimshaw, seconded by Councillor Archer and decided that the application be:

Refused for the following reasons -

- 1. the proposal is contrary to Policies H3, E8 and E14 of the Fenland District-wide Local Plan in that it has not been adequately demonstrated that the site can be developed without the loss of mature trees on and adjacent to the site, which constitutes a special feature of the Conservation Area;**
- 2. the proposal fails to respect, preserve or enhance the character of the Parson Drove Conservation Area, contrary to Policy E12 of the Fenland District-wide Local Plan and ENV7 of the East of England Plan.**

(Councillor Scrimshaw registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he attended the meeting of Parson Drove Parish Council at which this application was discussed but had took no part)

P85/11 **F/YR11/0703/F (2.9.2011)**
WISBECH ST MARY - LAND NORTH OF ORCHARD HOUSE, HIGH ROAD,
ERECTION OF 5 X TWO-STOREY 5-BED, 3 X TWO-STOREY 4-BED WITH
DETACHED GARAGES AND 3 X TWO-STOREY 2-BED DWELLINGS INVOLVING
DEMOLITION OF EXISTING BUILDING
(MR M GRANGE)

Members considered objections.

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- following a consultation response from the Police Architectural Liaison Officer the plans remain unchanged. Officers consider their response unacceptable as fencing would appear too hard and urban for the rural landscape and the proposed footpath provides a good pedestrian link from the development to the amenities of the village.
- officers raise no concerns with regard to the comments relating to links to the highway as it is considered that the proposed links to the village are acceptable.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey welcomed the fact that the Parish Council has changed its mind from the first application that was submitted and explained, in his opinion, how the application is one affordable housing short.

Mr Humphrey expressed the view that this proposal would be a quality executive development, which meets the IPPLS and infills and rounds off the area. He stated that the access is being served from a protected access in the 1993 Local Plan, which would be to an adoptable standard.

Mr Humphrey advised that his client is happy with the archeological and contamination conditions and is happy to offer a mix of brick types for the dwellings to compliment the site, which could be conditioned as he does not want the hard work of the design to be spoiled by getting the materials wrong. He stated that there is a slight difference of opinion with the Police Architectural Liaison Officer and negotiations are on-going, but he agrees with the views of the planning officers.

Mr Humphrey advised that he has spoken to the local school and there is capacity and a contribution would be made for affordable housing if there is a shortfall. He stated that the existing dyke at the entrance to the access would be piped and filled and asked members to support the application.

Councillor Mrs French asked for confirmation that the roadway will be of adoptable standard and there will be adequate street lighting? Mr Humphrey advised in the affirmative.

Councillor Scrimshaw referred to the residents concerns regarding overlooking in the far corner of the site. Mr Humphrey advised that chalet bungalows are proposed in this location to overcome overlooking and to respect the neighbours.

Councillor Scrimshaw stated that he would like to see different brickwork on some properties. Mr Humphrey advised that he would welcome a condition to agree materials with officers.

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

- Councillor Murphy stated that he supports this application, but feels that officers could report things differently within the report, such as the Parish Councils recommendation for refusal for 8 but now 10 is acceptable, with no reason to explain why and members need to understand this;
- Councillor Mrs French expressed her concerns about the possibility of overlooking in the far corner of the site, but thinks that a chalet bungalow as explained by Mr Humphrey will overcome this issue;
- Councillor Curtis expressed the view that there is lots that is good about this development, with the access being the natural entrance, but the only concern he has is that it does invite further applications to the west, however, they would be dealt with at the time they are received;
- Councillor Peachey referred to officers stating that the development adjoins development to the east and he asked for a plan showing this. Officers showed plans detailing this on the presentation screen.

Proposed by Councillor Archer, seconded by Councillor Bucknor and decided to:

Grant, subject to

1. **prior completion of a Section 106 Agreement relating to the provision of affordable housing**
2. **the conditions reported, plus a condition for the use of mixed materials for the dwellings.**

(Councillor Scrimshaw registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of Wisbech St Mary Parish Council at which this application had been discussed but had taken no part)

P86/11 **F/YR11/0735/EXTIME (16.9.2011)**
WISBECH - LAND NORTH OF 13-17 NORWICH ROAD, ERECTION OF 3 X 2-BED
FLATS (RENEWAL OF PLANNING PERMISSION F/YR08/0818/F)
(MR R LE MARE, P K PROPERTIES)

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

- Councillor Mrs French referred to the Town Council's recommendation for refusal and its request for the application to be resubmitted. Officers advised that the Town Council may be confused about an extension of time application, not realising that a new application cannot be submitted under this process;
- Councillor Archer asked what weight is given to the comments of the Conservation Officer that this proposal is over-development? Officers advised that all comments are taken on board, and whilst this is a very tight site, the comments of the Conservation Officer are not supported by officers.

Proposed by Councillor Mrs French, seconded by Councillor Curtis and decided that the application be:

Granted, subject to the condition reported.

P87/11 **F/YR11/0764/F (26.9.2011)**
MARCH - LAND EAST OF THREEACRES, WHITEMOOR ROAD, ERECTION OF A
TWO-STOREY 2-BED DWELLING WITH ATTACHED 1-BED ANNEXE AND
DETACHED GARAGE AND STABLE BLOCK/FEED STORE TOGETHER WITH
THE TEMPORARY SITING OF A MOBILE HOME
(MR D MOORE)

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- the description has been amended from that on the officers' report to that detailed in the title above
- the Local Highway Authority is satisfied with amended plans to show relevant access and surface water drainage details and no longer requires the surface water run off condition, therefore, Condition 10 is deleted
- amendments to conditions to now read as follows:
 - Condition 2 - The construction of the dwelling hereby approved shall not commence until the completed sale of the property known as Threeacres, Whitemoor Road, March has occurred and evidence provided to the LPA to that effect. Reason as in the report
 - Condition 3 - Within 2 months of completion of the development hereby approved, or 2 years from the date of this permission, whichever is the sooner, the use of the land for stationing of the temporary mobile home hereby approved shall be discontinued and the land incorporated into the garden area unless a further planning application for renewal of continued use is submitted prior to that date. Reason - the proposal is not one the Council is prepared to permit other than for a limited period in view of the temporary nature of the mobile and the site's location
 - Conditions 6 and 10 are removed.

Members received a presentation, in accordance with the public participation procedure, from Mr Brand, the applicant's agent. Mr Brand stated that officers have summed up the position with this application well, he thanked the officers for working with him on this proposal and he hoped that members can support the officers' recommendation for approval.

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

- Councillor Mrs French expressed the view that part of the history is missing as she believes that an application was submitted in the early 1990s and she feels that common sense has prevailed with this application as the applicant is aging and the son is severely disabled. She expressed concern regarding the conditions; she believes it is unreasonable to attach Condition 2 due to the economic climate and age of the applicant. Officers advised that they have been speaking to the agent about this condition and it has been re-worded to that works could not start on the house, but a mobile home could be placed on the site and services could be connected. Councillor Mrs French expressed the view that Condition 3 referring to the mobile home is woolly and asked what happens to the dwelling once the parents are not here and the possibility of the son having to go into special care? Officers advised that the proposal will enable the son to live long-term in the property, with an area for a carer, and this condition is merely stating that as long as the need exists the dwelling is acceptable in this location and if the need does not exist a further application would need to be submitted;

- Councillor Curtis made the point that planning legislation states that personal circumstances will not normally be taken into account, but he feels that the circumstances here should be taken into account as minimising disruption to the son is very important and this proposal looks the right thing to do for this person;
- Councillor Archer asked what happens if the house is built, the residents needs change by the parents no longer being there and the son going into care? Officers advised that an application would need to be submitted to discharge that condition. Councillor Mrs French expressed the view that this condition could have been written in plainer English. Officers advised that extensive discussions have been held with the agent and he is fully appreciative of the condition.

Proposed by Councillor Mrs Newell, seconded by Councillor Mrs French and decided that the application be:

Granted, subject to the conditions reported including the amendments to Conditions 2 and 3 and deletion of Conditions 6 and 10.

(Councillor Curtis declared his personal interest in this application, by virtue of being Cabinet member for Adult Services at Cambridgeshire County Council)

(Councillor Quince declared his personal and prejudicial interest in this application, by virtue of being a Trustee of FACET which the applicant's son attends, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillors Mrs French and Keane registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they were present at March Town Council at which this application had been discussed but had taken no part)

(Councillor Murphy abstained from voting on this application, by virtue of having a disabled daughter)

P88/11 **F/YR11/0775/F (29.9.2011)**
COATES - LAND SOUTH OF 180-192 COATES ROAD, ERECTION OF 6 X 4-BED
TWO-STOREY DWELLINGS WITH ATTACHED AND DETACHED DOUBLE
GARAGES
(MR R GREGORY)

Members considered one objection.

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- Cambridgeshire County Council's New Communities Team have commented that this application would generate the following requirements:
 - Pre-school contributions = £7,560 (sought in line with Cambridgeshire County Council guidance, £8,400 x 0.9 places generated). There would be no contributions required for primary education, secondary education and lifelong learning
- the site area of the current application is 0.468ha and the total site area including the approved application is 0.630ha.
- the Section 106 contribution is based on a net gain of 6 dwellings.

Proposed by Councillor Archer, seconded by Councillor Patrick and decided that the application be:

Deferred to enable the correct ownership certificate to be submitted.

(Councillor Butcher declared his personal and prejudicial interest in this application, by virtue of owning, and having given an option to Rose Homes, on some of land subject to the application, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Curtis declared his personal and prejudicial interest in this application, by virtue of close association with Councillor Butcher as members of the Cambridgeshire County Council, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Peachey declared a personal interest in this application, by virtue of knowledge of the applicant)

(Councillor Stebbing declared a personal interest in this application, by virtue of being a colleague of Councillor Butcher)

(Councillors Archer, Mrs French, Patrick, Peachey, Scrimshaw and Stebbing registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

(Councillor Stebbing registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of Whittlesey Town Council at which this application had been discussed but had taken no part)

P89/11 **F/YR11/0783/F (5.10.2011)**
GUYHIRN - BRETT'S TRANSPORT, THORNEY ROAD, CHANGE OF USE OF
AGRICULTURAL LAND TO HAULAGE YARD, ERECTION OF A WAREHOUSE
EXTENSION, OFFICE AND STAFF FACILITIES AND FORMATION OF CAR PARK
AND EXTENDED PERIMETER ACCESS ROAD AND NEW DRAIN
(MR S BRETT, BRETT'S TRANSPORT)

Members considered objections.

Officers informed members that a consultation response has been received from the Highways Agency, as follows:

'As the application will not adversely affect the A47 trunk road at this location the Highways Agency does not intend to issue a direction'

In light of the above they have issued a formal response which raises no objection and does not require any particular highway conditions to be imposed.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey made the point that officers, the Highway Agency and the Parish Council support the application.

Mr Humphrey advised that this is a family run business that has been in existence for 33 years and this proposal would help secure jobs and the business for the future. He read a statement from his client supporting the application and advised that his client is currently renting a 78,000 square feet warehouse at Orton Southgate, which has a break clause in December 2012 to allow the transfer of this warehouse to Guyhirn, which would significantly reduce their fixed costs and secure the long-term future of the company in Fenland.

Mr Humphrey expressed the view that there are conditions imposed on the proposal to ensure the landscaping is undertaken and the proposal builds on the reputation of an effective progressive local company who wishes to expand, but reduce its costs. He made the point that the business only stores its goods at Peterborough, it is transferred to Guyhirn for sorting and this proposal would enable it to be stored, sorted and dispatched in one place, which would reduce traffic movements.

Councillor Mrs French expressed her disappointment that the applicant has not complied with landscaping conditions imposed on an approval 10 years ago and asked if members have a guarantee that these conditions will be complied with? Mr Humphrey advised that he welcomes the landscaping conditions as he feels that landscaping is important to this application, making the point that it can be enforced if the landscaping has not been completed in year 1.

Members received a presentation from Councillor Booth who advised that he had asked for the application to be called-in to Planning Committee due to concerns raised by local residents in relation to landscaping, which the agent has now addressed, and highway safety. He expressed his disappointment at the response provided by the Highways Agency, which he thought would have requested an island to be created as there is often traffic backing up when lorries are trying to access the site and impatient people trying to overtake, making reference to a similar site further along the road which has an island.

Councillor Booth stressed that he was not objecting to the application, he feels it is very important to encourage local businesses, but there is a need to ensure that the right conditions are placed on an application.

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

- Councillor Mrs French welcomed the comments from the Highways Agency, making the point that it is key to the application that it has no objections. She thinks the application should be approved, as it is a local businessman supplying jobs and it would reduce vehicle movements;
- Councillor Connor made the point that Fenland is Open for Business and he supports the application.

Proposed by Councillor Mrs French, seconded by Councillor Connor and decided that the application be:

Granted, subject to the conditions reported.

(Councillor Scrimshaw declared his personal and prejudicial interest in this application, by virtue of knowledge of the applicant and having agricultural land in the vicinity, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Curtis had left the meeting prior to determination of this application)

P90/11 F/YR11/0794/F (7.10.2011)
MARCH - LAND NORTH-WEST OF STAFFURTHS BRIDGE FARM, STAFFURTHS
BRIDGE ROAD, ERECTION OF 1 X 36.4 METRE HIGH (HUB HEIGHT) WIND
TURBINE
(MR H WHITTOME)

Members considered one letter of objection and letters of support.

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- Anglian Water has no concerns from a groundwater perspective
- Chatteris Airfield comment that the proposal will not conflict with aircraft or parachuting activity.

Members received a presentation, in accordance with the public participation procedure, from Mr Whittome, the applicant for the proposal. Mr Whittome advised members that he is a farmer and applicant for the proposal and he believes there are three aspects to the proposal; its relative size, its contribution to the farm and strength of local support.

Mr Whittome expressed the view that this proposal is for a 50KW farm size turbine, which would have a low visual impact as it has a much narrower tower and shorter blades compared to larger turbines. He stated that this proposal is six times smaller than commercial turbines and its total height is comparable to the length of one of the blades on a larger turbine.

Mr Whittome expressed the opinion that the increasing energy costs threatens the viability of the farm and the jobs of his employees unless it is addressed, with this proposal, in his view, being appropriate and proportionate to the farm. He hopes that the electricity bills can be significantly reduced by this proposal and that his business would have a lower carbon footprint. He informed members that his grain store has 5 gas tanks which all have electric fans and this proposal is the best output for consumption and reducing costs.

Mr Whittome informed members that he visited the nearest properties prior to submitting the application, with all the properties being supportive and writing letters of support. He asked members to support officers, local people and a local business that employs five people.

Councillor Mrs French referred to the bridge and asked if this is substantial? Mr Whittome advised that the bridge is used on a daily basis and is adequate.

Councillor Peachey referred to the strength of local support and asked if these people would be a beneficiary of this energy? Mr Whittome advised that they would not, however, two of the properties on the farm are lived in by employees and the application would benefit them by ensuring their jobs for the future.

Councillor Quince asked Mr Whittome if he visited the owners of the Marina? Mr Whittome advised in the affirmative, stating that they were fully supportive and have submitted a letter of support.

Councillor Butcher asked if all the traffic goes over Staffurths Bridge? Mr Whittome advised in the affirmative that Staffurths Bridge is used to access Knights End Road.

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

- Councillor Murphy asked what is the approximate distance between this and other wind turbines? Officers advised approximately 2KM at the nearest point;
- Councillor Mrs French expressed the view that this proposal is a 'baby' compared to other wind turbines and it will benefit the farm and business and sustain jobs. She asked if there are any benefits to the community under a Section 106 from the proposal? Officers advised

that this proposal is too small a scale;

- Councillor Mrs Newell asked if the RSPB comments are conditioned? Officers advised that the RSPB were concerned about birds in the area, asking for a condition for monitoring during the first year, which is conditioned;
- Councillor Mrs Newell referred to the Police Architectural Liaison Officer's request about the cables. Officers advised that this is not a condition and it is for the applicant to decide whether to carry this out.

Proposed by Councillor Patrick, seconded by Councillor Archer and decided that the application be:

Granted, subject to the conditions reported.

(Councillors Mrs French, Keane and Quince registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they were present at the meeting of March Town Council at which this application had been discussed but had taken no part)

(Councillor Murphy registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application)

(Councillor Curtis, who had a pre-determined view on this proposal, had left the meeting prior to determination of this application)

P91/11 **F/YR11/0797/F (10.10.2011)**
WISBECH - 13 MARKET PLACE, CHANGE OF USE FROM A1 TO A2 USE AND
TWO CONDENSER UNITS ON EASTERN ELEVATION
(INSTANT CASH LOANS, T/A THE MONEY SHOP)

Members considered letters and a petition of objection.

Officers informed members that:

- a petition of 123 signatures objecting to the application has been received on 5 December 2011. The petition states "We, the undersigned, strongly object to the planning application for the Money Shop as it will adversely affect the vitality and viability of the town centre, the character of the town centre and the attractiveness of the town centre"
- the Conservation Officer has no objection to the change of use in principle, which did not seem to require significant changes to the Listed Building (although the changes were undertaken before the application was submitted). The air conditioning units are not visible from the public realm and are as discretely positioned as possible.

Members received a presentation, in accordance with the public participation procedure, from Mr Finlay, an objector to the proposal. Mr Finlay informed members that he is associated with the petition that members have been informed about.

Mr Finlay expressed the view that the number of outlets, in the wider area of the Market Place, that are offering similar services to this proposal is nine and he referred to national planning guidelines stating that new developments should make a positive contribution and he feels that the signage on the building is garish and requires consent, and it is out of keeping with a Listed Building in an important town in Fenland. He expressed the opinion that national planning guidelines state that outlets should contribute to safe, sustainable and mixed uses and asked that as one part of the

business is for pay day loans, how is encouraging vulnerable members of the community using this business contributing to a positive footfall for the town of Wisbech. He made the point that members are public representatives.

Mr Finlay referred to the comments of the Chief Executive of the Citizen Advice Bureau in a recent national newspaper article regarding these types of business. He expressed the view that people seeking these loans would be in long-term financial difficulty, with mind boggling rates of interest and asked what has happened to the old system where an employee would approach the boss for a sub?

Mr Finlay expressed the view that, whatever the decision, the distaste and negative consequences of these facilities in the town should be made clear.

Councillor Mrs French asked Mr Finlay where the other outlets in competition to this proposal are? Mr Finlay advised that these outlets are building societies and banks.

Councillor Archer referred to part of Mr Finlay's objection being to the sign and asked how does this proposal's sign compare to the one of the British Heart Foundation? Mr Finlay expressed the view that this sign stands out and it is a service that is not needed in the town.

Councillor Scrimshaw made the point that you cannot obtain an instant cash loan from a building society so it is not competition.

Councillor Mrs French asked if Mr Finlay would like to see an empty shop or a shop? Mr Finlay advised not this shop.

Members received a presentation, in accordance with the public participation procedure, from Ms Budd, the applicant's agent. Ms Budd informed members that she is a Senior Planner at Freeth Cartwright LLP Solicitors acting as agent for this application.

Ms Budd appreciated that this application is retrospective as the shop opened in November but assured members that the decision taken by The Money Shop to open prior to obtaining planning permission was not taken lightly. She expressed the view that the submission of a planning application in this instance was delayed by legal factors outside of her client's control and it was only after consideration of all relevant issues including discussions with officers, planning policy and guidance, the vacant nature of the premises and the benefits of the proposal, that the decision was taken to open.

Ms Budd made the point that officers support the occupation of the premises by The Money Shop and conclude that the use is acceptable with regard to relevant planning policy and guidance. She acknowledged the number of objections received but feels that the proposal complies with the Local Plan, specifically the criteria in Policy S3 which relates to non-shopping uses in the primary shopping frontages.

Ms Budd expressed the opinion that the proposal involves the reuse of a previously vacant shop, which has been vacant for over 6 months. She feels the change of use has not affected the number of A1 retail shops in the centre and would reduce the number of vacant units which is higher than the national average in Wisbech.

Ms Budd expressed the view that The Money Shop generates a high number of customers which would increase shopper activity in this part of the town and would not, in her view, affect the vitality and viability of the centre. She feels that the unit has all the characteristics of a shop, with an active shop front with window display and its opening hours are the same as any other shop and,

in her view, it would not affect the character of the town centre or reduce the attractiveness of the centre to shoppers.

Ms Budd expressed the opinion that the proposal has been accepted by the Conservation Officer that the extent to which The Money Shop has renovated the unit would secure the long-term future reuse of the property for a purpose that is sympathetic to its conservation, in accordance with Planning Policy Statement 5. She feels that in the current economic climate The Money Shop has made a significant investment in Wisbech in the form of refurbishment of the premises, commitment to a 10 year lease and the creation of 8 full and part-time jobs and she hopes that members would support the proposal by granting retrospective planning permission.

Councillor Peachey referred to the concerns of Wisbech Town Council that changes were carried out prior to permission being secured. Ms Budd advised that the reason for the delay in submission of a planning application was due to the applicant waiting for approval from the landlord.

Councillor Hatton asked how many of its 400 shops has The Money Shop opened before submitting an application? Ms Budd advised that this is not the first instance, however, the level of opposition is unexpected in Wisbech.

Members received a presentation from Councillor King who objects to the proposal. Councillor King informed members that the reason he requested this application to be called-in to Planning Committee was due to the real concern about the activity being operated by this shop, with 123 people signing a petition regarding it.

Councillor King referred to the criteria of Policy S3, which he feels the proposal does not accord with as:

- he believes the proposal would affect the viability and vitality of the town centre as the message it sends is a negative one for Wisbech and how can the town attract other quality businesses with this proposal
- the type of business that is being run has an effect on the town centre as a whole
- he believes that it will reduce the attractiveness of the town to shoppers as it is a prominent site which cannot be missed when you enter the Market Place.

Councillor King expressed the view that this proposal is sending out the wrong message that Wisbech is too poor to support good businesses and members have a chance to stop this, urging the committee to think carefully about the proposal and not support it.

Councillor Mrs French asked Councillor King, in this economic climate, would he prefer an empty shop or a shop? Councillor King advised that he would prefer an empty shop as he is against this particular type of business.

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

- Councillor Stebbing expressed the view that he finds it deplorable that a company such as this puts pressure on members and the local community to accept a retrospective application, which is almost blackmail and he does not condone it;
- Councillor Connor agreed and feels the fact that the business has taken it for granted should be taken into consideration;

- Councillor Mrs Newell also agreed. She does not feel that it is right that this company went ahead with the proposal knowing that planning permission was required;
- Councillor Mrs French asked if Listed Building consent is required? Officers advised that the Listed Building and Advertisement consent are still going through the validation process;
- Councillor Archer agreed with the feelings of members, but made the point that a planning reason is required to object and he has heard no planning reasons to refuse;
- Councillor Peachey asked why the Council is allowing a company to trade until all the requirements in law, such as Listed Building and Planning consent, have been met? Officers advised that, from a planning point of view, they have to consider whether the premises change of use from an A1 to A2 use is acceptable, which they consider it is. A retrospective application is considered as if the development has not taken place, with there being little alteration to the building externally in relation to the Listed Building, which would not effect the recommendation for the change of use;
- Councillor Mrs French asked if there is any material reason to refuse this application? Officers advised there was not;
- Councillor Archer made the point that this proposal is bringing the building back into use and whilst people do not like this type of business, this is personal choice and not a planning issue;
- Councillor Patrick made the point that the Town Council approves the change of use and its only concern is that the change was carried out prior to planning permission being granted.

Proposed by Councillor Mrs Newell, seconded by Councillor Connor and decided that the application be:

Refused for the following reasons -

- 1. the proposal would have a detrimental effect on the vitality and viability of the town centre;**
- 2. the proposal reduces the attractiveness of the shopping frontage to shoppers.**

Members do not support officers' recommendation of grant of planning permission as they feel that the proposal would have a detrimental impact on Wisbech Town Centre.

(Councillor Bucknor registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he has been lobbied on this application)

(Councillor Curtis had left the meeting prior to determination of this application)

P92/11 **F/YR11/0805/F (7.10.2011)**
WIMBLINGTON - KNOWLES TRANSPORT LIMITED, MANEA ROAD, ERECTION
OF EXTENSION TO EXISTING GRAIN STORE AND FORMATION OF A
BALANCING RESERVOIR
(MR T KNOWLES)

Members considered objections.

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- a local resident advises that the site is operational in advance of the highway/landscaping works being complete, providing photographic evidence of the same
- discussions with the agent/Local Highway Authority have been on-going regarding achievable visibility, the Local Highway Authority suggests that speed data is submitted to support the present application as it is considered not unreasonable to require speed data to be submitted where it is clear that the visibility appropriate for the speed limit in force is not achievable. If the applicant/agent is now proposing that the 2008 data be used, the 85%ile westbound speed is logged as 30mph, requiring as the report suggests, a 90m visibility splay. From the plan submitted with the latest application it is clear that even 90m suggested by the 2008 report cannot be achieved. The 110m shown on the submitted drawing is clearly flawed as a vehicle travelling westwards towards the site, as is clear from the drawing, cannot be seen at 110m. The recommendation is, therefore, maintained
- the agent has amended the plan to reintroduce the bund and landscaping along the eastern boundary.

Members received a presentation, in accordance with the public participation procedure, from Mr Smith, an objector to the proposal. Mr Smith used photographs on the presentation screen to demonstrate the points that he was making. He stated that it is a 60mph speed limit along Manea Road, with, in his view, all vehicles having to go onto the other side of the road facing on-coming traffic exiting the site, showing the visibility for lorries from their cabs looking east and west from the site entrance and, in his view, stopping distances cannot be achieved.

Mr Smith expressed the opinion that coming off the A141 lorries have to follow the radii as they would be on the wrong side of the road and he showed photographs showing accidents in the vicinity. He stated that he would like to see double white lines around the bend and a 30mph speed limit in this location, as it is only recommended vehicles travel at 30mph at the bend.

Mr Smith showed photographs of debris from the site on the road, which has been used since September. He also stated that there was a problem with drainage in the area.

Councillor Mrs French asked if Mr Smith has any photographs showing lorries causing accidents and have any been caused recently? Mr Smith advised that no lorries had caused any accidents.

Councillor Archer asked Mr Smith what his main grounds of objection were? Mr Smith advised that they are highways, drainage, flooding in relation to the reservoir and infilling of a dyke.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey made the point that he is not sure where the objector is coming from, as the junction of A141 is not an issue and there have been no accidents involving lorries in the vicinity.

Mr Humphrey advised that this proposal is identical to one submitted last year, that he was requested to withdraw, and the concerns have tried to be addressed. He stated that Stirling Maynard have undertaken a speed survey, which shows the speed is 30mph in one direction and 38 mph in the other, and whilst it may be a 60mph speed limit, vehicles, in his view, cannot travel round the bend at 60mph.

Mr Humphrey made the point that the site was formerly a haulage yard for many years and Mr Knowles purchased the site as it lies in the middle of his 400 acres of land, which would not be used for haulage purposes but for an agricultural use. He expressed the view that there would not be lorries entering and exiting the site regularly.

Mr Humphrey referred to the unfinished landscaping and roadway and feels that members only have to look at Mr Knowles' other site in Wimblington to see how good the site would look, but he does not want to undertake works twice.

Councillor Patrick asked if the proposal is likely to create jobs? Mr Humphrey advised in the affirmative.

Councillor Mrs French asked Mr Humphrey to explain the issue regarding the dyke. Mr Humphrey stated that there are two parties involved, the Environment Agency and Middle Level Commissioners, he went through the Middle Level Commissioners who have advised that they are happy with the proposal. Officers advised that the Middle Level Commissioners indicated that they would be commenting on the proposal but nothing has been received.

Councillor Butcher asked for clarification that the store has now solely reverted to agricultural use, but it may not come just from the applicant's farm? Mr Humphrey advised that it is an agricultural storage depot.

Councillor Archer expressed the view that the site was low intensive, which has hugely expanded, with the Local Highway Authority objecting and asked why their requirements are not being addressed? Mr Humphrey advised that consultants were appointed, a speed survey has been carried out and they have undertaken everything they can to meet highway requirements.

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

- Councillor Murphy made the point that members approved an application for a transportation yard on the A47, which is a very fast and straight road, where accidents do happen, but like any road this is signposted so if people do not take notice it is their fault. He feels that the County Council should be taking action. He does not believe this application should be refused as it was previously Ron Palmer's yard where 12 lorries exited the site with no problems. He feels that obstacles are being put in the way of Mr Knowles and if members look at Mr Knowles other site it is perfect so he knows that this will be to the same standard;
- Councillor Mrs Newell made the point that there is a haulage yard on the opposite side of the road so why is there no objections to this? Officers advised that it is the characteristics of the road and the bend that has an impact on this proposal. Councillor Mrs Newell stated that this site was previously a haulage yard so if it was taken over for haulage purposes it would not require any permission. Officers advised that an earlier consent did increase the size of the yard and members have to consider the current application. Officers are taking on board highway comments as this is a larger extension and there is a bigger volume to be filled in relation to vehicle movements, which may be agricultural machinery, but there are no details for this. Councillor Mrs Newell expressed the view that she does not believe a car can travel at 60mph along this road;
- Councillor Connor agreed with Councillor Murphy that Knowles haulage yard is one of the tidiest sites that he has seen;

- Councillor Quince made the point that lorries today are larger than in Ron Palmer's days and he feels that if the access was wider lorries would not have to go on the wrong side of the road;
- Councillor Mrs French agreed with Councillor Murphy, making the point that Fenland is Open for Business and a farming area and Mr Knowles is a businessman who supports many local people and the Council should be encouraging him to remain in the area;
- Councillor Archer expressed the view that the firm is expanding and site activity intensifying and ignoring the comments of the Local Authority is at members peril;
- Councillor Butcher stated that the County Council have provided Parish Councils the opportunity to reduce speed limits within their parishes and the applicant could assist with reducing the speed limit in this area

Proposed by Councillor Murphy, seconded by Councillor Mrs French and decided that the application be:

Granted, subject to suitable conditions.

Members do not support officers' recommendations of refusal of planning permission as they feel that the proposed development is an existing storage and distribution depot, improves the site and extends the existing use of the site.

(Councillor Archer requested it be recorded that he did not support this decision)

(Councillors Curtis and Keane had left the meeting prior to determination of this application)

P93/11 F/YR11/0826/FDC (24.10.2011)
WISBECH - CRAB MARSH BOAT YARD, CRAB MARSH, CONTINUED SITING OF
TWO PORTACABINS (RENEWAL OF PLANNING PERMISSION
F/YR08/0975/FDC)
(MR C DORRINGTON, FENLAND DISTRICT COUNCIL)

Proposed by Councillor Mrs French, seconded by Councillor Patrick and decided that the application be:

Granted, subject to the condition reported.

(Councillors Curtis, Keane and Murphy had left the meeting prior to determination of this proposal)

(All members present declared a personal interest in this application, by virtue of the applicant being Fenland District Council)

P94/11 F/YR11/0831/F (26.10.2011)
TYDD ST GILES - LAND EAST OF TINDALL MILL, KIRKGATE, ERECTION OF 2 X
THREE-STOREY 4-BED DWELLINGS WITH ATTACHED DOUBLE GARAGE
(MRS J RUDD)

Members considered letters of support.

The committee had regard to its inspection of the site in August 2011 (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

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Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey informed members that this proposal is the resubmission of a withdrawn application to overcome some of the grounds for refusal on the application.

Mr Humphrey made the point that this site is immediately to the east of a site that was approved at Committee on 19 October for four executive properties. He expressed the view that it is a good site for two executive dwellings, which is closer to the village than the application approved in October, and officers are happy with the design.

Mr Humphrey advised that the applicant is happy to undertake a joint venture to provide a footpath to the village and the site lies in front of an approved proposal for 35 two-storey lodges and 51 cabins on the Golf Course. He expressed the view that this proposal would not encroach and create sprawl along Kirkgate as to the west there is a Listed Building which would prevent further development.

Mr Humphrey asked for consistency in decisions due to the application approved for four to the east of the site.

Councillor Peachey asked how far outside the Development Area Boundary this site lies? Mr Humphrey advised 180 metres.

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

- Councillor Archer asked if there are any pictures of the overall map of the area clarifying where the Development Area Boundary and Golf Course are? Officers displayed a map on the presentation screen;
- Councillor Mrs French expressed the view that this is a fantastic site, which blends in and accords with the executive housing policy.

Proposed by Councillor Mrs French, seconded by Councillor Scrimshaw and decided to:

Granted, subject to

- 1. a unilateral agreement in relation to the provision of a footpath from the development to the existing footpath on Kirkgate**
- 2. suitable conditions.**

Members do not support officers' recommendation of refusal of planning permission as they feel that this proposal accords with the executive housing criteria and the character of the area.

(Councillors Curtis, Keane and Murphy had left the meeting prior to determination of this application)

P95/11 **F/YR11/0867/F (4.11.2011)**
WISBECH - 21A HIGH STREET, CONVERSION OF FIRST FLOOR AND SECOND
FLOORS INTO 5 X 1-BED FLATS
(MRS L CARRICK)

Officers informed members that:

- the Council's Conservation Officer has no objections to the proposal and recommends

conditions requiring the windows on the front elevation to be returned to 8-over-8 sliding sash windows and the rear elevation windows should be restored and retained

- it is considered that the recommended Condition 3 would be sufficient to ensure the preferred windows are put in place, with the wording of the condition to include "prior to the commencement of development" to ensure that the details are agreed before the windows are installed
- to ensure that the rear windows are restored and retained, a condition to that effect should be applied to any consent given, as follows:
 - Condition 4 - The rear elevation windows, shown as Georgian 8-over-8 sliding sashes, shall be restored and retained where possible unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development. Reason - in the interests of the visual amenities of the Conservation Area.

Proposed by Councillor Mrs French, seconded by Councillor Patrick and decided that there be a:

Committee inspection of the site.

Members feel it is necessary to inspect the site of this application to assess the impact of the proposal upon the character of the area.

(Councillors Curtis, Keane and Murphy had left the meeting prior to determination of this application)

P96/11 **F/YR11/0883/FDC (14.11.2011)**
MARCH - PUBLIC CONVENIENCES, BROAD STREET, REFURBISHMENT OF
PUBLIC CONVENIENCES TO FORM FIVE SELF-CONTAINED TOILET CUBICLES
(2 MALE, 2 FEMALE AND 1 UNISEX DISABLED CUBICLE) INCLUDING
ELEVATIONAL ALTERATIONS AND ERECTION OF A SINGLE-STOREY
EXTENSION TO EXISTING BUILDING
(MR T WATSON, FENLAND DISTRICT COUNCIL)

Officers informed members that:

- there is a new description for the proposal (as detailed in the title)
- the Town Council recommend approval subject to not being unisex cubicles, except for disabled/baby changing cubicle
- the Police Architectural Liaison Officer has no comment on the proposal
- Middle Level Commissioners has no comment on the application
- the recommendation is amended to include ii) expiry of consultations with no new grounds of planning objection.

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

- Councillor Mrs French stated that the Town Council were concerned about the unisex element of the proposal, which it unanimously rejected, and the only cubicle to be unisex now is the disabled one? Officers advised in the affirmative;
- Councillor Mrs French asked how the public have been consulted if the 21 days consultation has not taken place? Officers advised that the normal consultation procedure does have to be followed, but as the proposal is a Fenland District Council one officers know that it has to come to committee so add it to the first available committee, however, if any objections are received that haven't be considered previously in the officers' report the application would be returned to committee for consideration. The Principal Solicitor stressed that these

would be planning objections and the recommendation would make this clear;

- Councillor Mrs French raised objection to CCTV covering the toilets breaching human rights and data protection. Officers advised that it is the individual's discretion as to whether they use the facilities and Fenland will not be breaching any CCTV guidelines;
- Councillor Quince asked if all the materials on the extension would match the existing building? Officers advised in the affirmative. Councillor Quince referred to the blockwork to be used on L2 expressing the view that stronger materials should be used as this will get damaged. Officers advised that they can refer this comment back to the applicant;
- Councillor Archer asked whether these facilities were to be coin operated or free access? Officers advised that this is not a material planning consideration, however, the design enables charging to be made, which will be a decision for Cabinet;
- Councillor Archer welcomes the fact that the Council is spending money on improving the facilities but needs to commit itself to maintaining them.

Proposed by Councillor Mrs French, seconded by Councillor Archer and decided to:

Grant, subject to

1. **expiry of the site notice with no new grounds of planning objection**
2. **expiry of the consultation period with no new grounds of planning objection**
3. **the conditions reported.**

(Councillors Curtis and Keane had left the meeting prior to determination of this application)

(Councillor Murphy, who had a personal and prejudicial interest in this application, by virtue of being Portfolio Holder for the Environment, had left the meeting prior to determination of this application)

(All members present declared a personal interest in this application, by virtue of the applicant being Fenland District Council)

(Councillors Mrs French and Quince registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they were present at the meeting of March Town Council at which this application had been discussed but had taken no part)

P97/11 **F/YR11/0886/FDC (14.11.2011)**
CHATTERIS - PUBLIC CONVENIENCE, FURROWFIELDS ROAD,
REFURBISHMENT OF PUBLIC CONVENIENCES TO FORM FOUR SELF-
CONTAINED TOILET CUBICLES (1 MALE, 2 FEMALE AND 1 UNISEX DISABLED
CUBICLE) INCLUDING ELEVATIONAL ALTERATIONS
(MR T WATSON, FENLAND DISTRICT COUNCIL)

Officers informed members that:

- there is a new description for the proposal (as detailed in the title)
- the Town Council raise no objection on the proviso that the cubicles are not unisex
- the Police Architectural Liaison Officer has no comments on the proposal
- Middle Level Commissioners has no comments on the application

- the recommendation is amended to include:
 - ii) expiry of consultations with no new grounds of planning objection
 - new Condition 2 - The development hereby approved shall be finished externally in materials to match the existing building, unless the Local Planning Authority agrees in writing prior to commencement of development. Reason - to safeguard the visual amenities of the area.

Councillor Archer asked why there is only one male cubicle and two females, why is it not the other way round? Officers advised that this is generally accepted as the norm, but if it does become an issue for this particular toilets it can be revisited.

Proposed by Councillor Archer, seconded by Councillor Mrs French and decided to:

Grant, subject to

- 1. expiry of the site notice with no new grounds of planning objection**
- 2. expiry of the consultation period with no new grounds of planning objection**
- 3. the conditions reported to include the new condition 2 detailed above.**

(Councillors Curtis and Keane had left the meeting prior to determination of this application)

(Councillor Murphy, who had a personal and prejudicial interest in this application, by virtue of being Portfolio Holder for the Environment, had left the meeting prior to determination of this application)

(All members present declared a personal interest in this application, by virtue of the applicant being Fenland District Council)

(Councillor Mrs Newell registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she was present at the meeting of Chatteris Town Council at which this application had been discussed but had taken no part)

P98/11 **F/YR11/0893/F (14.11.2011)**
WHITTLESEY - PUBLIC CONVENIENCE, STATION ROAD, REFURBISHMENT OF
PUBLIC CONVENIENCES TO FORM FOUR SELF-CONTAINED TOILET
CUBICLES (1 MALE, 2 FEMALE AND 1 UNISEX DISABLED CUBICLE)
INCLUDING ELEVATIONAL ALTERATIONS
(MR T WATSON, FENLAND DISTRICT COUNCIL)

Officers informed members that:

- there is a new description for the proposal (as detailed in the title)
- amended plans have been received reflecting the amended description
- Environmental Protection has no objections to the proposed development as it is unlikely to have a detrimental effect on local air quality or the noise climate nor be affected by ground contamination
- the Whittlesea Society comment that the new design looks quite attractive, but does this mean you have to pay to use them?
- the Police Architectural Liaison Officer has no comments to make concerning this proposal in respect of crime prevention and fear of crime
- the Council's Valuation and Estates Officer comments that the proposal provides enhanced and improved facilities to users and increases the life expectancy of the asset and is, therefore, supported

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- the recommendation is amended to include ii) expiry of consultations with no new grounds of planning objection.

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

- Councillor Stebbing made the point in relation to a consultation notice not being received by Whittlesey Town Council that it does not receive its consultations through the post, they are received by the courier delivering to the One Stop Shop;
- Councillor Peachey stated that he has been informed by the Town Clerk that their choice has not been considered after a visit and presentation provided to them by officers and asked why the other toilets were not chosen? Officers advised that this question would have to be raised with Cabinet colleagues as it is not a relevant consideration that Planning Committee needs to make, only on the application that is front of them today.

Proposed by Councillor Patrick, seconded by Councillor Quince and decided to:

Grant, subject to

1. **expiry of site notice with no new grounds of planning objection**
2. **expiry of the consultation period with no new grounds of planning objection**
3. **the conditions reported.**

(Councillors Curtis and Keane had left the meeting prior to determination of this application)

(Councillor Murphy, who had a personal and prejudicial interest in this application, by virtue of being Portfolio Holder for the Environment, had left the meeting prior to determination of this application)

(All members present declared a personal interest in this application, by virtue of the applicant being Fenland District Council)

(Councillor Stebbing registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of Whittlesey Town Council at which this application had been discussed but had taken no part)

P99/11 **F/YR11/0917/FDC (25.11.2011)**
WISBECH - PUBLIC CONVENIENCES, CHURCH TERRACE, REFURBISHMENT
OF PUBLIC CONVENIENCES TO FORM FIVE SELF-CONTAINED CUBICLES (2
MALE, 2 FEMALES AND 1 UNISEX DISABLED CUBICLE) INCLUDING RE-
ROOFING AND ELEVATIONAL ALTERATIONS
(MR T WATSON, FENLAND DISTRICT COUNCIL)

Officers informed members that:

- there is a new description for the proposal (as detailed in the title)
- amended plans have been received reflecting the amended description
- the Council's Safer Fenland Manager comments there are no crime and disorder issues
- Environmental Protection has no objection to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate nor be affected by ground contamination
- the Police Architectural Liaison Officer has no comments to make concerning this proposal in respect of crime prevention and fear of crime

- the Council's Valuation and Estates Officer comments that the proposal provides enhanced and improved facilities to users and increases the life expectancy of the asset and is, therefore, supported
- Middle Level Commissioners state that it will not be commenting on the application
- the recommendation is amended to include:
 - ii) expiry of consultations with no new grounds of planning objection
 - amended Condition 2 - the development hereby approved shall be finished externally in materials to match the existing building, unless the Local Planning Authority otherwise agrees in writing prior to commencement of the development. Reason - to safeguard the visual amenities of the area.

Councillor Bucknor asked if the service area to the rear of the cubicles was merely for access to them? Officers advised that there is scope for storage to be moved into this area. Councillor Bucknor asked if this space could not be used to provide more cubicles? Officers advised not as this area would open onto a brick wall. Councillor Bucknor expressed the view that the cubicles seem to be widely spaced and if the Council wanted to expand the provision in the future it would be difficult, asking if there is expandability possibility? Officers advised that this proposal takes into account the aesthetic appearance of the building.

Proposed by Councillor Mrs French, seconded by Councillor Archer and decided to:

Grant, subject to

- 1. expiry of site notice with no new grounds of planning objection**
- 2. expiry of the consultation period with no new grounds of planning objection**
- 3. the conditions reported to include the amended Condition 2 above.**

(Councillors Curtis and Keane had left the meeting prior to determination of this application)

(Councillor Murphy, who had a personal and prejudicial interest in this application, by virtue of being Portfolio Holder for the Environment, had left the meeting prior to determination of this application)

(All members present declared a personal interest in this application, by virtue of the applicant being Fenland District Council)

P100/11 TPO 05/2011 WISBECH - 28 TAVISTOCK ROAD

Further to minute P79/11, members considered the confirmation of a Tree Preservation Order (TPO) on a Sycamore tree located to the rear of 28 Tavistock Road, Wisbech following the committee's inspection of the tree.

Officers informed members that further comments have been received from the objector, the occupier of 28 Tavistock Road, as follows:

- reiterating the objections to the TPO and that the tree is diseased as confirmed by Fenland District Council's Arboricultural Officer
- raising concern that falling branches pose a potential danger to passing pedestrians
- drawing attention to the case of a 13 year old girl being killed by a falling branch from a diseased tree in Yaxley, providing a link to the article in the Wisbech Standard
- in light of the case, asking for the Council to withdraw the TPO application.

These comments are noted, however, in light of the Arboricultural Officer's comments it is still felt that the tree is worthy of a TPO. If the current situation were to deteriorate over the next 12 months, the tree can be reassessed by the Arboricultural Officer if pedestrian safety were to become an issue.

Members received a presentation, in accordance with the public participation procedure, from Mr England, an objector to the TPO. Mr England informed members that he likes trees and does believe wherever possible they should be preserved and protected, and he has not undertaken this action lightly.

Mr England expressed the view that the crown of the tree is decayed and a large screwdriver can be pushed into it. He stated that the tree overhangs the footpath on Clarkson Avenue and, in his view, poses a passing danger to pedestrians, referring to a girl that was killed in Yaxley by a falling branch, feeling that imposing a TPO on a tree that is known to be diseased is irresponsible.

Mr England referred to the comments of the Tree Officer that the tree should be given time to recover and asked if the committee is prepared to take this risk as he does not believe it would recover as he has lived in his property for the past 14 years and, in his view, its condition has worsened. Mr England disagrees that the tree has high landscape value and expressed the opinion that it is crowding a neighbouring Lime tree, which he feels is important and makes up an avenue of these trees in Clarkson Avenue, feeling the Sycamore's removal would enhance the street scene.

Mr England expressed the view that there is no case for a TPO, the tree is detrimental to the public and its removal would enhance the area rather than detract from it.

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

- Councillor Mrs French stated that on the site visit members did receive advice from the Tree Officer who was clear that the tree is worthy of preservation. The only concern she has is that the tree has not been seen in the Summer and she would request that if a TPO is placed on the tree that its condition is reassessed in the Summer;
- Councillor Archer reiterated his comments from the last meeting that the tree cannot be both diseased and smothering a Lime tree;
- Councillor Bucknor made the point that on the site visit the Tree Officer did state that remedial work and trimming would be acceptable, but he wanted the crown to be able to thrive;
- Councillor Peachey made the point that a TPO does not stop the tree from being pruned and cut back and if it is proved that it is diseased and not recoverable, it does not stop it being felled in future.

Proposed by Councillor Mrs French, seconded by Councillor Archer and **decided that the Tree Preservation Order in respect of the Sycamore tree at 28 Tavistock Road, Wisbech be confirmed, but that the tree is re-visited and its condition re-assessed in the Summer.**

(Councillor Hatton declared his personal and prejudicial interest in this item, by virtue of the applicant being the son of a client of his wife's business, and retired from the meeting for the duration of the discussion and voting thereon. In the absence of the Vice-Chairman, Councillor Mrs Newell took the Chair for this item)

(Councillors Curtis, Keane and Murphy had left the meeting prior to determination of this item)

P101/11 WHITTLESEY - UNTIDY LAND AT CREASE BANK, BRIGGATE WEST

Members considered what action to take in relation to the untidy condition of land at Crease Bank, Brigade West, Whittlesey, which is adversely affecting the character and amenity of the area and neighbouring view from the railway as an impression of the town. Members were informed that:

- the site was visited on 28 October 2011 whereby it was evident that the land is showing no sign of improvement or change;
- the landowner has been contacted and has decided to take no action on its current upkeep nor plans to in the future;
- the land is being used for fly tipping and disposing of household and commercial waste, with the site requiring regular monitoring by FDC officers;
- the Council has received 15 complaints from the public in the last 5 months about the appearance of the site and the Police have undertaken 9 arrests for trespassing and scavenging in the last 3 months;
- the appearance of the land has been a negative factor when considering the revised route for Whittlesey Walks by Cambridgeshire County Council and was ultimately responsible for another area being chosen despite the lovely view of the river. The field in its entirety can be viewed by visitors travelling via rail as the track runs along the rear land boundary;
- officers are of the view that it is necessary to initiate formal proceedings to secure the clearance of the land and bring it back to a reasonable condition.

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

- the Principal Solicitor circulated a plan showing the site correctly marked;
- Councillor Peachey advised that this site is in his ward and he questions whether the Council would obtain the co-operation of the owner, and asked how the Council recovers the costs from the owner. The Principal Solicitor advised that a demand is served on the owner and if he does not pay, a charge can be placed on the land;
- Councillor Connor stated that he know the yard, it has not been a well tended site and he does not want the Council to be legally responsible for clearing up a contaminated site. The Principal Solicitor advised that this action would only make the site presentable, it is not to decontaminate the site, which would be costly. If the owner does not comply, the Council can either prosecute or take direct action;
- Councillor Mrs French made the point that this is the start of enforcement, with the committee's consent required to threaten the owner with enforcement, but negotiations would be on-going. The Principal Solicitor provided an example of where the threat of legal proceedings encouraged the owner to clear the land;
- Councillor Butcher stated that he has known this site a long time, which will contain much contamination, and asked what is a reasonable condition and as the owner is elderly, does the obligation pass to whoever is left the land? The Principal Solicitor advised that the

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notice is attached to the land and not the person. Officers advised that reasonable is deemed to be the removal of items and rubbish on the site to address the visual impact;

- Councillor Archer asked if it is just the flytipping material that is to be cleared? Officers drew members attention to the quotes which details the work to be undertaken and that it is also about taking preventative measure so that the site cannot be continued to be a flytipping site;
- Councillor Mrs French expressed the view that the report originator should have attended the meeting to explain the report to members.

Proposed by Councillor Mrs French, seconded by Councillor Archer and **decided that:**

1. **proceedings under Section 215 of the Town and Country Planning Act 1990 be instituted to secure the clearing of the land;**
2. **subject to a review of the evidence, legal proceedings be instituted in the event of any non-compliance with any Requisition for Information;**
3. **that legal proceedings and/or default action be carried out in the event of non-compliance with any notices issued;**
4. **Cabinet authorisation be sought should all other mechanisms to secure compliance be exhausted.**

(Councillors Curtis, Keane and Murphy had left the meeting prior to determination of this item)

7.25pm

Chairman