

# PLANNING COMMITTEE



**30 MAY 2012 - 2.30PM**

**PRESENT:** Councillor P Hatton, Chairman; Councillors M G Bucknor, M J Curtis, Mrs J French, B M Keane, Mrs K F Mayor, A Miscandlon (substitute for Councillor D W Connor), P Murphy, Mrs F S Newell, D C Oliver, D R Patrick, K G Peachey, T E W Quince, R E Scrimshaw and D Stebbing.

**APOLOGIES:** Councillor D W Connor.

Officers in attendance: G Nourse (Chief Planning Officer), Ms A Callaby (Planning Performance Manager), Ms S Penney (Senior Development Officer), Ms A Buckley (Development Officer), Mrs E Cooper (Member Support Officer) and I Hunt (Chief Solicitor).

## **P1/12      MINUTES OF THE MEETINGS OF 2 AND 9 MAY 2012**

The minutes of the meetings of 2 and 9 May 2012 were confirmed and signed.

**\* FOR INFORMATION OF THE COUNCIL \***

## **P2/12      F/YR12/0024/F (25.1.2012) MARCH - LAND NORTH OF POULTRY FARM, CROSS ROAD, CHANGE OF USE OF LAND FOR USE AS AN AIR SPORTS ACTIVITY CENTRE (D2) INVOLVING THE SITING OF A TRAINING ROOM, TWO STORAGE CONTAINERS, TWO TOILET BLOCKS, ERECTION OF ENCLOSURE FENCING AND ALTERATIONS TO FIELD ACCESS (FENLAND WIND AND AIR SPORTS CENTRE)**

Members considered letters of support and 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:

- in response to the submitted Assessment Report on Livestock, the Animal Health and Veterinary Laboratories Agency (AHVLA) acknowledge that birds can be startled by sudden noise or low flying aircraft and can huddle to the point of suffocation, however, they become habituated to a certain amount of noise and activity. The AHVLA has not made any recommendation relating to this application
- a further response from Sport England has been received supporting the development of new facilities and stating that the application site is ideally suited to hosting air sports activities. Sport England believes that this proposal will develop an exciting new sports/recreational facility within Fenland that will offer an opportunity for the local community to take part in sport
- amended plans have been received to show the two storage containers clad and a pitch roof formed to produce an agricultural building type structure, which will be visually better than two storage containers sited independently on the land. This amendment to the scheme is considered acceptable

- the officers' recommendation is to Grant, subject to the following conditions:
  1. The development permitted shall be begun before the expiration of 5 years from the date of this permission. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004
  2. The use hereby permitted shall be discontinued, all structures removed from the land and the land restored to its former use which is agricultural on or before 30 May 2017 unless a further planning application for renewal or 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 buildings on the site
  3. The use hereby permitted shall be carried on only by Fenland Wind and Sports unless otherwise approved in writing with the Local Planning Authority. Reason - In granting this permission the Council has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent use in the event of Fenland Wind and Sports vacating the site, in the light of the development plan and any other material considerations
  4. The site and premises shall be used for air sports activities only and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). Reason - In granting this permission the Council has had regard to the special circumstances of this case and considers that unrestricted use within Class D2 would be unacceptable in view of the location and character of the site
  5. Within 3 months of commencement of use of the site a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection shall accord with the agreed details and thereafter be retained in perpetuity unless otherwise agreed in writing. Reason - To ensure a satisfactory form of refuse collection.
  6. No materials or equipment shall be stored on the site outside the buildings at any time, excepting those agreed under Condition 5 of this permission. Reason - To safeguard the visual amenities of the area
  7. The storage containers hereby approved shall be painted dark green within one month of commencement of the operations on site and thereafter retained and maintained. Reason - To safeguard the visual amenities of the area
  8. No external lights are to be erected on the site without the consent of the Local Planning Authority except any lights affixed to the structures approved and reasonably required for the personal safety of the operators of the site. Reason - To safeguard the visual amenities of the area
  9. Prior to the commencement of the use hereby approved any gate or gates to the vehicular access shall be set back 5 metres from the near edge of the highway carriageway, hung to open inwards, and retained in perpetuity thereafter. Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway
  10. Prior to the commencement of the use hereby approved the access road shall be constructed to a minimum width of 5 metres for a minimum distance of 10 metres measured from the near edge of the highway carriageway and thereafter maintained in perpetuity. Reason - In the interests of highway safety
  11. Prior to the commencement of the use hereby approved, the alterations to the vehicular crossing of the ditch/watercourse along the frontage of the site shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority in conjunction with the Local Highway Authority. Reason - To ensure construction of a satisfactory access
  12. Sufficient space shall be provided within the site to enable all vehicles to park clear of the highway. In addition, space shall be provided to enable all vehicles to enter, turn and leave the site in forward gear. The parking shall not be formally surfaced.

Reason - In the interests of highway safety and visual amenity

13. Prior to the commencement of any development, a scheme and timetable for the provision and implementation of foul and surface water drainage shall be submitted and approved in writing by the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity. Reason - To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of flooding
14. All operations from this site shall accord with the information contained within the application including the details shown on the 'No Fly Zones' indicating protected areas from flight. Reason - In the interests of residential and commercial amenity

#### Informatives

1. This consent does not convey any rights to erect advertisements on the site and you are advised to contact Development Services for further information
2. You are advised that in the absence of any noise conditions attached to this Decision Notice any issues relating to noise disturbance will be dealt with under Environmental Protection legislation.

Members received a presentation, in accordance with the public participation procedure, from Mr Davies, the applicant for the proposal. Mr Davies acknowledged that this application is unique and unusual providing details of the activities that would be held on the site, however, the use has been operating on adjacent land for six years holding national and local events during this time with no complaints being received, due to, in his view, the low impact of the proposal on the environment and the business being respectful to neighbours and businesses.

Mr Davies expressed the opinion that the proposal would draw in people from other areas, who would use the local facilities and businesses in the area, with most of its users travelling from outside of Fenland and the next facility being over 60 miles away. He expressed the view that there would be no noise from the proposal, with the majority of activities taking place on the ground, being wind based and all ages and abilities being catered for.

Mr Davies expressed the opinion that the site can be easily accessed on foot, by cycle or by car and activities are weather dependent. He stated that the business plans to work with local schools and would have disabled facilities to enable this sector to participate safely in sports.

Mr Davies referred to correspondence he had received from people that welcome the facility in this area, and it is his intention to hold corporate, team building and British events at the site. In relation to Health and Safety, he stated that members of the public are briefed and provided with full training before using any equipment, with radios being used at all times whilst people are airborne and video footage from the ground being recorded for safety and legal reasons.

Mr Davies expressed the view that this proposal would be of benefit to the Fenland area and he would like the use to be for the longest period possible due to the finances being put into the facility.

Councillor Mrs French referred to the different activities that Mr Davies has mentioned and asked if there is any intention of undertaking balloon flights? Mr Davies advised not initially.

Councillor Bucknor asked Mr Davies about the hours of operation being between sunrise and sunset, referring to the early sunrise hours in the Fens. Mr Davies advised that the regulations state that flying can only take place during daylight, which is 30 minutes before sunrise to 30 minutes after sunset, however, these activities would not start until respectful hours, which realistically would not be before 8.00am.

Councillor Miscandlon referred to the plan showing the minimum height areas for flying and asked what guarantees Mr Davies has that these will be complied with? Mr Davies advised that all airmen have to comply with CAA regulations, all pilots carry GPS and records can be produced as evidence of where flying has taken place.

Councillor Peachey referred to the fact that Mr Davies stated the activities have taken place for the past 6 years and asked if there would be an escalation of activities? Mr Davies advised that the activities have been operating on an adjacent field to where this proposal would be located, with the land based activities increasing, but not aviation. Councillor Peachey asked what difficulties has Mr Davies experienced with neighbours? Mr Davies advised none.

Councillor Miscandlon asked if Mr Davies has any proposal for fixed wing aircraft? Mr Davies advised not as it is an unlicensed airfield.

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

- Councillor Mrs French expressed concern at the Highway comments, particularly in light of the comments in the officers' report that 25-30 people could access the site for corporate events, which she feels is significant traffic movements and she feels that if the application is approved this needs to be monitored. She asked about the approach to Cambridgeshire County Council in relation to using these facilities? The applicant advised that he has approached the County Council offering the activities to be used by local schools in the area.
- Councillor Mrs French expressed concern about the noise, with neighbours being concerned about disturbance and she understands that there will be an element of noise. She acknowledged that Environmental Services visited the area and listened to the noise without equipment, which she finds unusual, although she knows noise can be monitored. Officers referred to the report which identifies that paramotor silencer units are set below 60db as required by EU Regulations so they are within acceptable tolerances. It was explained that there would only be noise at take off as the motor is turned off once launched;
- Councillor Mrs French asked if there is any intention to fly across the A141 as she feels this would cause a distraction? The Chairman invited Mr Davies back to answer any questions that members may have. Mr Davies advised that flights would have to be 500 feet plus and with the size of March, aircraft would need to cross it at 6-7,000 feet. He made the point that the business does not undertake a lot of flying, but is more of a training centre and ground based activities. He stated that there is no flying north over the Prison, which has a no fly zone, due to the open cockpits;
- Councillor Mrs French stated that as local residents are not happy with the proposal, she would prefer a three year temporary consent rather than five years, due to the many ifs, buts and unknowns;
- Councillor Murphy asked if the event days would be conditioned, as it is a narrow road to the site and as most of these events would be likely to be held at the weekends he would feel sorry for the residents in this area. Officers advised that event days could be conditioned. Mr Davies advised that there would be 4-5 events per year. Councillor Mrs French made the point that under rules of land usages they could have events on 28 days without planning permission anyway. Mr Davies explained what he viewed as an event day, which did not include training;

- Councillor Bucknor referred to the Environment Protection assessment of the noise and asked if it would have been beneficial to take measurements from the facility when it was being used as different frequencies travel different distances and it would have indicated how significant the noise was? Officers advised that the definition of statutory nuisance and the way it is dealt within in law is based on an assessment of a qualified Environmental Health Officer on what is not a nuisance and for a facility such as this to be granted planning permission would not stop action being taken by relevant officers if it does become a statutory nuisance;
- Councillor Curtis expressed the view that this application is completely different to the one refused for the motorcross track in Chatteris and safeguards are in place that say this proposal will not have an impact. He thinks the facility is good for Fenland;
- Councillor Peachey made the point that a noise of 60db is relatively low;
- Councillor Mrs Newell referred to the comments from the Environment Agency and Middle Level Commission and queried that no pre-application discussions have taken place? Officers advised that the Middle Level Commission comments would have been forwarded to the applicant, there is a proposed foul and surface water condition, which needs to be reasonably related to the development and there are only minimal buildings;
- Councillor Miscandlon referred to the times of operations and requested that this be conditioned as at this time of year sunrise could be 4am in the morning. Mr Davies advised that out of respect flying would not take place this early and would be after 8.00am;
- Councillor Patrick made the point that the proposal would bring employment and tourism to the area;
- Councillor Quince welcomes the application, he feels it would provide good leisure facilities that has something for everyone;
- Councillor Mrs French advised that she also welcomes the application as it will bring tourism and business to the area, but her only concern is for the residents. She requested a guarantee that the facility does not commence at 4.00am in the morning or late at night and she would prefer to see a three year, rather than five year, consent as if the residents are suffering unduly it can be rectified, although she acknowledged the powers that Environmental Protection has. Councillor Patrick disagreed with a three year consent feeling it should be for five years.

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

**Granted, subject to the conditions reported, with amendment to Conditions 2 and 7 to read as follows:**

- **The use hereby permitted shall be discontinued, all structures removed from the land and the land restored to its former use which is agricultural, on or before 30 May 2015 unless a further planning application for renewal or continued use is submitted prior to that date**
- **The storage containers hereby approved shall be clad, and any other structure not clad painted dark green, within two months of commencement of operations on site and thereafter retained and maintained.**

P6

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

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

**P3/12**      **F/YR12/0084/F (2.2.2012)**  
**MARCH - LAND NORTH OF 33 GAUL ROAD FRONTING OXBOW CRESCENT, REMOVAL OF CONDITIONS 7 AND 8 OF PLANNING PERMISSION F/YR08/1051/O (RESIDENTIAL DEVELOPMENT (0.49HA) (MAXIMUM OF 20 DWELLINGS)) RELATING TO PROVISION OF FOOTPATH LINK (GAUL DEVELOPMENTS LLP)**

Members considered 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.

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

- Councillor Mrs French welcomed the application, which lies within her ward, as residents were concerned that the footpath would be a 'rat run';
- Councillor Quince agreed with Councillor Mrs French, feeling that the footpath is not necessary.

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

**Granted, with the attachment of an informative that "All remaining conditions imposed on planning permission F/YR08/1051/O should still be adhered to".**

(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)

**P4/12**      **F/YR12/0164/O (24.2.2012)**  
**GUYHIRN - LAND TO THE NORTH OF GREENACRES, GULL ROAD, ERECTION OF THREE DWELLINGS (MR AND MRS M WRIGHT)**

Members were advised that this application had been withdrawn by the applicant.

**P5/12**      **F/YR12/0193/F (2.3.2012)**  
**NEWTON - LAND NORTH OF THE MOUNT, MILL LANE, ERECTION OF 2 X TWO-STOREY 4-BED DWELLINGS WITH DETACHED DOUBLE GARAGE/STORE (MR D PARRIN)**

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 advised members that the Local Highway Authority has confirmed that the widened access is acceptable as shown on the site layout plan.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey expressed the view that officers' had adequately outlined the key elements of the proposal in its introduction to members and referred to the previous application submitted under IPPLS, with this application being amended in its design, and in his view, being an attractive scheme positioned nicely between the existing building on site.

Mr Humphrey thanked officers for their assistance on the application, with the proposal receiving their support, sitting along the Newton Development Area Boundary and, in his view, complying with the Core Strategy and IPPLS. He referred to the support from the Parish Council, the Local Highway Authority and officers, and requested consistency and that members support the officers' recommendation.

Councillor Peachey asked if the house identified as The Mount is the end of the development settlement? Mr Humphrey pointed out the Development Area Boundary on the plan, with this site being adjacent to this boundary, but not within it, and is the filling of a gap.

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

**Granted, subject to the conditions reported.**

**P6/12            F/YR12/0226/F (19.3.2012)  
MARCH - 5 OXBOW CRESCENT, CHANGE OF USE OF ATTACHED DOUBLE  
GARAGE TO DOG GROOMING SALON  
(MRS M BAXTER)**

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.

Members received a presentation, in accordance with the public participation procedure, from Mr Hayes, on behalf of the applicant. Mr Hayes made the point that the proposal is not changing any structure of the garage and is purely a change of use of the garage.

Mr Hayes expressed the view that there would be no signage on or near the site advertising the business. He stated that his partner used to run this business for 8 years at a previous property and wants to start it up again part-time, which would not be expanded to full-time due to family commitments.

Mr Hayes advised that it is the target to receive 2-3 customers a day, with a minimum of 1 hour between customers. He made the point that he works Monday to Friday so there would always be parking available at the front of the property for customers.

Mr Hayes stated that neighbours had similar concerns when this business was run at the previous property, making the point that his family moved to this neighbourhood because of how quiet it was and how it looked.

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

- Councillor Murphy stated that he cannot recommend approval as he feels sorry for the people who live in this residential area and he feels that there are plenty of empty shops or premises where this business could be located and not in a residential area. He agrees with the comments of March Town Council and asked if this is approved, what is next?;
- Councillor Mrs French stated that due to the level of activity proposed she is happy to support it for a year. There would be four vehicles per day, which would not be more than would use the park and the barking of dogs could be monitored over the year's consent. She made the point that it is a criminal offence to erect advertising without permission. She expressed the view that the Town Council did not have all the facts when it considered this application;
- Councillor Curtis expressed the view that from what he has heard from officers and the speaker all issues in the letters of objection have been addressed satisfactorily, except perhaps for the last issue which would be covered by other legislation. He feels that given the low level of use and as it is for a one year period, limited to the resident of the property, he would support it.

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

**Granted, subject to the conditions reported.**

(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)

**P7/12**      **F/YR12/0232/FDC (21.3.2012)**  
**PARSON DROVE - LAND NORTH OF 1-5 BREWERY CLOSE, ERECTION OF 4 X**  
**2-BED DETACHED BUNGALOWS AND 1 X 3-BED DETACHED BUNGALOW**  
**WITH ASSOCIATED GARAGES/PARKING AND LANDSCAPING AND 6 PARKING**  
**SPACES TO SERVE EXISTING BUNGALOWS ON SPRINGFIELD ROAD**  
**(RENEWAL OF PLANNING PERMISSION F/YR09/0252/FDC)**  
**(MR C BELLAMY AND FENLAND DISTRICT COUNCIL)**

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 one letter of objection has been received stating that the neighbours comments are 'unchanged from those submitted with the original application 3 years ago'. For the avoidance of doubt, the neighbour's comments on the original application are 'Five letters of objection received raising concerns in relation to the proposal being out of character, loss of privacy, impact of development on existing private road in terms of maintenance costs, flooding problems with existing road, problems connecting to sewer, loss of trees, impact on Conservation Area'. The comments raised are noted and have already been assessed within the application.

Members received a presentation, in accordance with the public participation procedure, from Councillor Booth of Parson Drove Parish Council. Councillor Booth informed members that the Parish Council had a full debate on this application and wishes to ensure that its comments are taken on board.



Councillor Booth advised that the Parish Council's main concern is the existing drainage in the area, which, in its view, is not fit for purpose, with drains sitting proud of the road surface and water collecting in substantial volume, and this extra development would cause more surface water run off and compound the problem. He stated that the Parish Council feels that the roadway should be made up to an adoptable standard to ensure that the drainage is to an acceptable level as this proposal is adding a number of properties to a private roadway.

Councillor Booth expressed concern about the design and layout of the proposal, disagreeing with officers' claim that the proposal is in keeping as the properties are set back some distance, with one on the front being positioned on the pavement. In the Parish Council's view, the design is not aesthetically pleasing and whilst it is recognised that this site would be developed it wants a more sympathetic design, especially as the site abuts the Conservation Area.

Councillor Booth asked why a TPO has not been considered for the trees on site and the Parish Council would request that the proposal is deferred and better plans brought forward as it does not feel that sewerage issues or the comments of local residents have been addressed. He stated that the Parish Council feels that there should be the best possible quality development on this site and what is currently proposed does not meet this.

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

- Councillor Scrimshaw made the point that when members visited the site it was in a poor and untidy state and he has been passed an e-mail that states an order has been placed on 10 May to undertake works to tidy the site and he hopes that this take place. He expressed the view that the design of the proposal is not sympathetic to the rest of the properties in the area, the dwellings are too close to the kerb and he feels TPOs should be placed on the trees to the front of the site. He stated that the road is always covered in water when there is heavy rain and he would like to see the road adopted before any development on this site and he cannot, therefore, support it. Officers advised that Condition 9 of the officers' recommendation covers surface water drainage and as this application is for an Extension of Time the design cannot be revisited, with the point being made that the previous application is still current until August of this year;
- Councillor Mrs French made the point that the site can be built on tomorrow as it currently has permission and feels the sewerage arrangements proposed are adequate. She referred to unadopted roads and expressed the view that the County Council cannot be forced to adopt road and will not adopt them. She supports officers' recommendation, although expressing regret at the loss of trees on the site.

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

**Granted, subject to the conditions reported.**

(Councillor Quince declared a personal and prejudicial interest in this application, by virtue of friendship with one of the applicants, and retired from the meeting for the duration of the discussion and voting thereon)

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

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

**P8/12**      **F/YR12/0235/F (22.3.2012)**  
**PARSON DROVE - ESSEX FARM, 235 MAIN ROAD, ERECTION OF TWO 14.97**  
**HIGH (HUB HEIGHT) WIND TURBINES**  
**(MR A JARVIS)**

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:

- Chatteris Airfield has no objection to the application due to its distance from its airfield
- the Council's Conservation Officer does not object to the proposal
- two further letters of objection have been received from a neighbouring resident, which adds to their previous comments. The additional comments, which have not been mentioned before, are concerns with regard to the wind turbines being used to reduce the electricity bills for the associated dwelling, the site is in close proximity to 4 listed buildings, impact on human health and pre-application advice was not sought from the Local Planning Authority
- whilst the additional comments raised by the neighbour relating to the electricity have been noted, they can only be afforded limited weight as the impact of the proposal on bills does not constitute a material planning consideration. The comments relating to the proximity of listed buildings and the impact on human health have been noted, however, given that no objections have been raised by the Conservation Officer and the Environmental Protection Team respectively, it is considered that the objections could not be sustained at an appeal and do not outweigh the benefits gained by allowing the turbines. The NPPF encourages pre-application discussions, however, it also states that Local Planning Authorities 'cannot require that a developer engages with them before submitting a planning application', therefore, it is considered that the fourth point of objection cannot be sustained.

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

- Councillor Mrs Newell referred to the list of consultees that had not commented, questioning why they have not answered? Officers advised that they have a standard list of consultees they have to contact on wind turbine applications, however, smaller turbines such as this proposal would not feature on the radar of some organisations, but provision for comments has to be made in the report. Councillor Mrs Newell expressed the view that she would have thought the Wildlife Trust would have responded as according to the neighbours there is wildlife on site;
- Councillor Mrs Newell stated that she was of the view that turbines had to be sited some distance away from bridleways? Officers advised that the fall over distance depends upon the height of turbines and as these turbines are 30 metres it should be double the distance;
- Councillor Mrs French asked what is the distance from the bridleway? Officers advised that the bridleway is not identified immediately around the site, but there is a footpath to the west which is 180 metres away from the turbines according to the scaled plan;
- Councillor Peachey asked what power would be generated by these two turbines, questioning what would require this power consumption, although recognising that there are two farm buildings within the site, but no dwellings. Officers advised that the expected annual energy would be 8MW per turbine;

- Councillor Mrs French stated that she cannot support this proposal, the Council does have a Wind Turbine Policy and she feels that when this was introduced turbines had to be 200 metres away from dwellings. She also feels that policy states that only wind turbines in clusters would be supported, with, in her view, this proposal being another blot on the landscape and she cannot support new sites blotting the Fenland landscape.

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

**Refused for the following reason -  
the proposal would be detrimental to the existing area by virtue of its adverse visual impact.**

Members do not support officers' recommendation of grant of planning permission as they feel that the proposal would be detrimental to the surrounding area.

(Councillor Curtis registered, in accordance with Paragraph 3 of the Code of Conduct on Planning Matters, that he had a 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)

(Councillor Scrimshaw declared a personal and prejudicial interest in this application, by virtue of friendship with the applicant, and retired from the meeting for the duration of the discussion and voting thereon)

(All members present (except Councillor Miscandlon) registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

**P9/12**      **F/YR12/0237/F (23.3.2012)**  
**CHATTERIS - HORSEWAY FARM, HORSEWAY, REMOVAL OF CONDITION 2 OF**  
**PLANNING PERMISSION CU/71/26/D RELATING TO AGRICULTURAL**  
**OCCUPANCY**  
**(MRS W RAVEN)**

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 an e-mail has been received from Mrs Raven's nephew who acknowledges that the application did not contain any evidence of marketing stating that the property was advertised by Premier Properties from the end of last Summer to the Autumn with no response. The Local Planning Authority accepts this information, unfortunately no paperwork has been forwarded to evidence this and, therefore, the recommendation remains.

Members received a presentation from Councillor Melton in support of the proposal. Councillor Melton informed members that this property lies in his ward and he has not been consulted on this application, but picked it up as a result of ward alerts.

Councillor Melton expressed the opinion that the report is wrong and ill researched, having not taken into consideration all the evidence that it should. He stated that there has been no farming at this site for the last 15 years, with Mr Raven dying 12 years ago, and in the last few years Mrs Raven has moved into the town to be with her ill sister, who has since died, and now wishes to remain in the town and get her affairs in order.

Councillor Melton informed members that he has spoken to a number of farmers who would have no interest in a bungalow that is not associated with their own farm holdings, making the point that farming is a contracting industry. He feels that if the property had been marketed for 12 months

there would be no purchasers as there is no correlation between this property and other farms in the area, which could result in delays for another year and the property standing empty for another eighteen months.

Councillor Melton stated that in this area there are 19 properties and only 2 have agricultural workers living in them. He made the point that recently a barn was given planning permission to be converted into a dwelling with no agricultural restrictions, which is 150 yards from this property, and another dwelling has had a large extension, with no agricultural restrictions on it.

Councillor Melton expressed the opinion that the report does not take into account local knowledge, geographical circumstances or personal circumstances, and if he had not picked up the application as a ward member there would have been no discussion on it today. He feels that this is a property that has no hope of being occupied with its restriction and, in his view, should not be bound by agricultural rules in this instance, asking that members reject the officers' recommendation and approve the application.

Councillor Mrs French asked Councillor Melton if the agricultural policy should not be a saved policy under the Core Strategy? Councillor Melton expressed the view that flexibility is required, where there is a capital receipt or it is making a home available as people do want to live in the middle of the Fens.

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

- Councillor Mrs Newell stated that the property has been marketed in one of the local papers as she has seen it. Mrs Raven is an elderly lady, that went into Chatteris to nurse her sister, she is now on her own and would not want to live in this location;
- Councillor Scrimshaw stated that as part of the farming community that Councillor Melton referred to, he agrees with all that he said;
- Councillor Mrs French expressed the view that no one should be forced to stay in this location, especially at Mrs Raven's age. She feels the dwelling is surplus to management of agriculture and believes it has been advertised and the evidence could be produced. She would support the removal of the agricultural restriction, but on its own merits. She made the point that there are 498 empty properties in Fenland and there are 3,000+ people on the Council waiting list;
- Councillor Mrs Mayor stated that she has been part of the farming community all her life and, in her view, the request should be granted as there is going to be many empty properties in the middle of the Fens;
- Councillor Stebbing stated that from listening to the comments and looking at the site, he would propose acceptance of removal of the condition on this particular property;
- Councillor Curtis expressed the view that there are individual circumstances that make this a different case, but care needs to be taken in making a decision on this application measuring the impact of releasing agricultural dwellings. He feels that Policy H17 may need to be revisited, there is evidence that the property has been marketed, although not hard evidence, and there are individual circumstances that say yes in this case, but with a strong element of caution to prevent a "free for all";
- Councillor Peachey stated that he does have sympathy, but concurs with Councillor Curtis that if the Council gives way on personal circumstances it should not set a precedent as it could come back to haunt the Council;

- Councillor Bucknor sympathised with both arguments, asking if it is three months the property has been advertised for? Councillor Curtis advised that it states 6 months in the paperwork. Councillor Bucknor expressed the view that members should not go against officers' recommendation due to the length of time the property has been advertised;
- Councillor Quince asked if it was just the bungalow that was advertised or with the buildings? Officers advised that they do not have evidence of a marketing strategy, but believe it was just the property.

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

**Granted.**

Members do not support officers' recommendation of refusal of planning permission as they feel that Policy H17 does not apply in this instance due to the personal circumstances of the applicant.

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

**P10/12      F/YR12/0256/O (27.3.2012)  
MURROW - ARFWAYOME, MILL ROAD, ERECTION OF A DWELLING  
INVOLVING REMOVAL OF EXISTING MOBILE HOME AND DEMOLITION OF  
OUTBUILDINGS  
(MR AND MRS P LOOMES)**

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 in the Local Highway Authority comments appear in the body of the report and not within the Consultation section.

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, the applicants' agent. Mr Edwards informed members that the site presently has a number of structures on it and the mobile home, which has been in place for 24 years, which it is proposed be demolished and removed is in need of a complete overhaul.

Mr Edwards expressed the view that rather than provide a dwelling that is like for like, it is proposed to provide one that would enhance the street setting and is consistent with properties in terms of scale that currently exist on Mill Road. He stated that the existing site access would be used and as the site lies in Flood Zone 3, the proposal for a two-storey dwelling improves what is there and removes bedrooms from the ground floor.

Mr Edwards made the point that the site has its own electric, water and foul water system, and, in his view, the proposal is the best use of the site being sympathetic to the surrounding area.

Councillor Scrimshaw referred to a Parish Council meeting where Mr Edwards was present and would he agree that the Parish Council raised no objections to this application. Mr Edwards confirmed this to be the case. Councillor Scrimshaw questioned why these comments are not included in the consultation responses? Councillor Hatton and officers both advised that if these comments are not received by the Council they could not be put in the report.

P14

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

**Granted, subject to the conditions reported.**

(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)

**P11/12**      **F/YR12/0282/F (12.4.2012)**  
**CHRISTCHURCH - LAND NORTH OF PLAYING FIELD, UPWELL ROAD,**  
**ERECTION OF 3 X TWO-STOREY 4-BED DWELLINGS**  
**(MR COWELL, CHRISTCHURCH PARISH COUNCIL)**

Officers informed members that confirmation has now been received from the County Archaeology Team that for the sake of consistency the request for an archaeological condition is no longer required, therefore, Condition 11 is now removed.

Members received a presentation from Councillor Sutton in support of the proposal. Councillor Sutton informed members that he wanted to speak on this application for two reasons; firstly regarding the archaeology survey that was proposed and he welcomes its removal, and secondly to answer questions that members had that the agent was not fully able to answer stating that the land is subject to a five year tenancy which finishes at the end of the season. He stated that he cannot add anything further to what had been covered in the officers' presentation.

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

- Councillor Mrs French welcomed the removal of the archaeological condition, but asked why when previously approved there were 8 conditions and there is now 12 with this application? Officers advised that due to the standardised system of conditions, some conditions have been separated out however in principle there are no more obligations placed on the applicant;
- Councillor Curtis stated that he does not have a problem, in principle, with this proposal, however, he feels that the design of the building on a location on the approach to Christchurch represents three square boxes. In his view, if it is to be high quality development it should be of a design enhancing the approaches to villages, which he does not think this proposal does, although he acknowledges the previous history of the site means that the development cannot be objected to;
- Councillor Patrick asked that, as planning permission is already in place, building could commence tomorrow? Councillor Mrs French stated that it could not because the land ownership is wrong. Officers advised that the land does have planning permission that could be built, with the revised scheme proposing the inclusion of additional land which would result in an enhanced form of development.

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

**Granted, subject to the conditions reported.**

**P12/12**      **F/YR12/0290/O (16.4.2012)**  
**LEVERINGTON - LAND SOUTH OF TYRELL, MILL LANE, ERECTION OF A**  
**SINGLE-STOREY DWELLING**  
**(MR A KITCHING, MA BUNTING LTD)**

Members considered objections.

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

Officers informed members that:

- the Contaminated Land Officer has no comments on this application
- a letter has been received from Mill Lane Pet Centre who has no objection in principle, but raises three issues relating to:
  - right of access to Tyrell along with a turning area
  - unsure of where the storm drain soakaways are within the site
  - one metre outside the property is owned by the owners of Tyrell.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey informed members that the applicant, M A Bunting, is a fruit grower in the area growing mainly apples, and is not a developer, being happy growing apples in the area until the Pet Centre opened.

Mr Humphrey requested that a commonsense approach is taken on this application, the site is not in isolation having four bungalows one side and a bungalow and the Pet Centre the other, with, in his view, there being no policy criteria that fits this site perfectly. He expressed the view that when the applicant is spraying his orchard, he receives complaints from the Pet Centre, particularly in relation to him killing its Koi Carp, and he does not believe it is viable to grub the land up, being ashamed of the orchard in its current state.

Mr Humphrey expressed the opinion that if the opportunity is given to allow planning permission up to two acres of farming land would be lost, which is a considerable amount of crop to lose, but, in his view, it is not cost effective to spray the land by hand, which could mean that two acres becomes diseased, cross pollutes the good orchard, presenting a problem either way. He feels that the site could be argued as infill, although he acknowledged that there is not an infill policy.

Mr Humphrey expressed the view that this is a commonsense decision, which is providing a bungalow with four acres of land being ideal for the horse community. He feels that there are good reasons to allow this dwelling in the open countryside.

Councillor Mrs French asked how long the Pet Centre has been in operation? Mr Humphrey advised that it started as an aviary and has kept Koi Carp for the past three years.

Councillor Curtis referred to the officers' updates and the letters received from the Pet Centre regarding the access, and asked if all the land is in the ownership of the applicant? Mr Humphrey advised that the Pet Centre has a right of way over part of the access, but the indicative scheme can be built as shown on the plans.

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

- Councillor Mrs French asked if the information in the history section is correct? Officers advised that it should say the proposal was refused in 2002 and the application number should be F/YR01/0125/F;

- Councillor Hatton stated that this site lies within his ward and he travels down this road regularly. He does not feel that the site is an important gap, making the point that planning permission was granted for the Pet Centre, and he expressed concern that there are very few rural locations that can be developed feeling that this is one that could without altering the landscape or the character of the area. He stated that an application was previously refused on infill as it should normally be a group of 6 dwellings, but feels that applications have been granted with less than 6 dwellings with each application being taken on its own merits. He reiterated the comments of Councillor Melton earlier in that he feels the report has been written from the book with no local knowledge and he feels it is an ideal location for this proposal;
- Councillor Curtis disagreed, he has looked at the site on Google Earth and feels that gaps between dwellings in the countryside are important. He expressed the opinion that he would need to see more evidence that other solutions to the problems with the orchard could not be overcome and he would, therefore, support officers' recommendation;
- Councillor Mrs French agreed with Councillor Hatton, making the point that Policy H11 is a saved policy, which allows infill in villages suitable for no more than two, and she feels that the site is not an important gap, but an eyesore. She would support approval of the proposal;
- Councillor Scrimshaw agreed with Councillor Curtis, he feels it is very much a rural area and no real justification has been given for the proposal by the agent.

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

**Granted, subject to suitable conditions.**

Members do not support officers' recommendation of refusal of planning permission as they feel that the proposal complies with the criteria of Policy H11 and would enhance the visual character of the area.

(Councillor Patrick declared a personal interest in this application, by virtue of knowledge of the applicant, and retired from the meeting for the duration of the discussion and voting thereon)

**P13/12 CHATTERIS - LAND NORTH OF A BARTLETT & SONS, HUNTINGDON ROAD**  
**DEED OF VARIATION IN RESPECT OF F/YR01/0245/F**

Members considered a Deed of Variation to the original Section 106 Agreement attached to planning permission F/YR01/0245/F. Members were informed that:

- Alan Bartlett and Son entered into a Section 106 Agreement in respect of the relocation of their existing repair shops and stores on premises in London Road, Chatteris to a proposed new store and workshop premises on land situated in First Furlong Drove to the north of the A141 Huntingdon Road, opposite the company's main Chatteris site. Linked to this application was the agreement to carry out certain highway works at the junction of First Furlong Drove with the A141;
- an approach has been made to the Local Planning Authority by the applicant's representative as they required confirmation that all the relevant provisions under the initial Section 106 Agreement have either been complied with or are no longer applicable, and that there is no subsisting liability by the company under the Agreement terms. The Agreement called for three items of work:



- access upgrading
  - anti-skid surfacing
  - plant crossing signs;
- the Agreement has been implemented in part, by vacating the London Road site and by laying the anti-skid surfacing, the terms of the Agreement can still be regarded as being live so far as liability to the company is concerned. However, since the site was never used for its permitted use, with the repair and storage services being relocated within the curtilage of their main site on the south side of the A141, and remained in arable use, there would appear to the applicant to be no requirement for items 1 and 3 of the above works to be undertaken;
  - to safeguard the position of all parties it is proposed that a Deed of Variation to the Section 106 Agreement between the Applicant/Landowner, District and County Councils under which the Applicant/Landowner covenanted not to further implement the consent and not to seek compensation from the District Council in the event they took steps to revoke the permission;
  - this action would allow the County Council to discharge the highway requirements under the original obligation and refund the outstanding balance of the security deposit paid in respect of the highway works less the costs incurred by both the District and County Council in dealing with this matter.

Proposed by Councillor Mrs French, seconded by Councillor Curtis and **decided that authority be granted to officers to progress the Deed of Variation to the Section 106 Agreement.**

#### **P14/12      CHATTERIS - 44 NEW ROAD**

Members considered what action to take in respect of unauthorised changes to 44 New Road, Chatteris. Members were informed that:

- the property is a Grade II Listed Building, and following the serving of a Listed Building Enforcement Notice against the owner of the neighbouring property at 42 New Road, the owner complained of other uPVC windows in Listed Buildings in Chatteris, specifically highlighting this property as having uPVC windows in the rear elevation of its property;
- the Conservation Officer has waited until the various appeals to the Planning Inspectorate and subsequently to the High Court relating to No.42 were heard and rejected before progressing the enforcement further;
- in order to be consistent to the approach with No.42, the Conservation Officer has written to the owner of 44 New Road requesting that the windows be replaced to the same deadline of 14 May 2012;
- the owner of No.44 has agreed by letter to replace the windows, but to date this has not yet been undertaken;
- to reach a speedy conclusion to this issue, permission is sought to issue a Listed Building Enforcement Notice giving a fixed period of time for the windows to be replaced, recommended to be three months.

Members received a presentation, in accordance with the public participation procedure, from Mr Taylor, an objector. Mr Taylor informed members that he is the adjacent property owner at No.42 New Road, feeling that members should be aware of his longstanding case. He stated that he has

sent a photo to the Portfolio Holder via e-mail of a Grade II property in Chatteris that has many double glazed windows, feeling that he has been victimised and asking how this property has been allowed to get away with it?

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

- Councillor Mrs French advised that Mr Taylor is correct, there is a 17th Century property with double glazed windows, but action is being taken;
- Councillor Curtis expressed the opinion that the decision is straightforward, it is a Listed Building and the windows at No.42 has been through the Courts. He remembers a business premises in Whittlesey and the Inspector's comments saying that double glazing is acceptable as long as it is in keeping with the style of the property, referring to the letter to the owner from the Conservation Officer which states that "uPVC windows in Listed Buildings are not deemed acceptable", asking if this is correct? Officers advised that they are not aware of any Listed Buildings in Whittlesey that had uPVC windows, it may have been in the Conservation Area, with case law stating that uPVC windows in Listed Buildings are not acceptable;
- Councillor Mrs French made the point that enforcement action was authorised for No.42, which was appealed and lost. The site is in a Conservation Area, is a Listed Building and these issues are being taken seriously, however, enforcement and appeals takes time;
- Councillor Mrs Newell expressed the opinion that if you take the appearance of these properties she cannot see how they became Listed Buildings as whilst they are old they have no distinctive qualities. Officers advised that the front elevation is more attractive;
- Councillor Quince asked if these properties have been re-roofed? Officers advised that many had. Councillor Quince asked if the same materials had been used? Officers advised not in all cases, with conservation not being as diligent at that time.

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

1. **prosecution proceedings under Section 43 of the Planning (Listed Buildings and Conservation Areas) Act 1990 be authorised should any formal Notice proceedings, authorised and issued, not achieve compliance;**
2. **default works under Section 42 of the Planning (Listed Buildings and Conservation Areas) Act 1990 be authorised should any Notice issued or prosecution undertaken not result in a remedy of the current breach of control.**

*(Councillor Mrs Newell requested it be recorded that she abstained from voting on this item)*

## **P15/12      CHATTERIS - 46 NEW ROAD**

Members considered what action to take in respect of unauthorised changes to 46 New Road, Chatteris. Members were informed that:

- the property is a Grade II Listed Building, and following the serving of a Listed Building Enforcement Notice against the owner of the neighbouring property at 42 New Road, the owner complained of other uPVC windows in Listed Buildings in Chatteris, specifically highlighting this property as having uPVC windows in the rear elevation of its property;

- the Conservation Officer has waited until the various appeals to the Planning Inspectorate and subsequently to the High Court relating to No.42 were heard and rejected before progressing the enforcement further;
- in order to be consistent to the approach with No.42, the Conservation Officer has written to the owner of 46 New Road requesting that the windows be replaced to the same deadline of 14 May 2012;
- the owner of No.46 has agreed by letter to replace the windows, but to date this has not yet been undertaken;
- to reach a speedy conclusion to this issue, permission is sought to issue a Listed Building Enforcement Notice giving a fixed period of time for the windows to be replaced, recommended to be three months.

Members received a presentation, in accordance with the public participation procedure, from Mr Taylor, an objector. Mr Taylor informed members that he is the adjacent property owner at No.42 New Road, feeling that members should be aware of his longstanding case. He stated that he has sent a photo to the Portfolio Holder via e-mail of a Grade II property in Chatteris that has many double glazed windows, feeling that he has been victimised and asking how this property has been allowed to get away with it?

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

- Councillor Mrs French advised that Mr Taylor is correct, there is a 17th Century property with double glazed windows, but action is being taken;
- Councillor Curtis expressed the opinion that the decision is straightforward, it is a Listed Building and the windows at No.42 has been through the Courts. He remembers a business premises in Whittlesey and the Inspector's comments saying that double glazing is acceptable as long as it is in keeping with the style of the property, referring to the letter to the owner from the Conservation Officer which states that "uPVC windows in Listed Buildings are not deemed acceptable", asking if this is correct? Officers advised that they are not aware of any Listed Buildings in Whittlesey that had uPVC windows, it may have been in the Conservation Area, with case law stating that uPVC windows in Listed Buildings are not acceptable;
- Councillor Mrs French made the point that enforcement action was authorised for No.42, which was appealed and lost. The site is in a Conservation Area, is a Listed Building and these issues are being taken seriously, however, enforcement and appeals takes time;
- Councillor Mrs Newell expressed the opinion that if you take the appearance of these properties she cannot see how they became Listed Buildings as whilst they are old they have no distinctive qualities. Officers advised that the front elevation is more attractive;
- Councillor Quince asked if these properties have been re-roofed? Officers advised that many had. Councillor Quince asked if the same materials had been used? Officers advised not in all cases, with conservation not being as diligent at that time.

Proposed by Councillor Curtis, seconded by Councillor Patrick and **decided that:**

1. **prosecution proceedings under Section 43 of the Planning (Listed Buildings and Conservation Areas) Act 1990 be authorised should any formal Notice proceedings, authorised and issued, not achieve compliance;**

2. **default works under Section 42 of the Planning (Listed Buildings and Conservation Areas) Act 1990 be authorised should any Notice issued or prosecution undertaken not result in a remedy of the current breach of control.**

*(Councillor Mrs Newell requested it be recorded that she abstained from voting on this item)*

**P16/12      WHITTLESEY - FALCON HOTEL, 1 LONDON STREET**

Members considered what action to take in respect of the authorised changes to the Falcon Hotel, London Street, Whittlesey. Members were informed that:

- a complaint was received from a member of the public that a structure had been erected without any formal approvals;
- the property is a Grade II Listed Building and planning permission and Listed Building consent was given in 2008 for the "erection of a conservatory to the rear, alterations to garage block to form 1 bedroom and outside bar and erection of smoking shelter";
- the works undertaken do not comply with these permissions, in that the smoking shelter is of a poor quality design and construction, and in a different location from the one approved;
- the Conservation Officer has written to the owner, advising that the unauthorised structure may be retained temporarily for a period of 6 months from the date of the letter - 5 December 2011;
- permission is sought to issue a Listed Building Enforcement Notice giving a fixed period of two months for the smoking shelter structure to be removed, which is 30 July 2012.

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

- Councillor Mrs French stated that she has been told the structure has been removed. Councillor Mrs Mayor advised that she does not think it is present now. Officers advised that they were informed by the owner that the structure would not be removed until it was enforced;
- Councillor Curtis expressed the view that consideration, and subsequent approval, of the planning application in 2008 was difficult and for this to happen in light of that permission is unfortunate.

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

1. **a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 be served, with an implementation date of 5 June 2012 if the smoking shelter has not been subsequently removed;**
2. **default works under Section 42 of the Planning (Listed Buildings and Conservation Areas) Act 1990 be authorised should any Notice issued or prosecution undertaken not result in a remedy of the current breach of control.**

*(Councillor Miscandlon declared a personal interest in this item, by virtue of knowing the owner of the hotel)*