

PLANNING COMMITTEE



27 JUNE 2012 - 2.30PM

PRESENT: Councillor P Hatton, Chairman; Councillors D W Connor, M J Curtis, Mrs J French, B M Keane (until 6.50pm), Mrs K F Mayor, 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 M G Bucknor.

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

P17/12 MINUTES OF 30 MAY 2012

The minutes of the meeting held on 30 May 2012 were confirmed and signed.

*** FOR INFORMATION OF THE COUNCIL ***

**P18/12 F/YR11/0113/F (8.2.2011)
TYDD ST GILES - LAND AT TREADING FIELD, TREADING DRAIN, ERECTION OF
FOUR WIND TURBINES (MAXIMUM HEIGHT TO TOP 126.0 METRES, HUB
HEIGHT 80.0 METRES), A 80.0 METRE HIGH PERMANENT METEOROLOGICAL
MAST, SUBSTATION, EXTERNAL TRANSFORMERS, TEMPORARY
CONSTRUCTION COMPOUND AND FORMATION OF ACCESS TRACKS,
HARDSTANDING AREAS AND ASSOCIATED INFRASTRUCTURE
(WIND VENTURES LIMITED)**

Members considered letters and a petition of objection and support.

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:

- 40 further letters of objection have been received in relation to the proposal, including some from previous objectors who wish to reiterate their initial concerns. The main points raised (in summary) are:
 - frequent visitor to the area and there would be a significant loss in amenity, both visual and noise
 - wind farms are motivated by greed and are the result of an ill-conceived Government policy making the UK poorer and less competitive
 - their output saves very little carbon emissions in comparison to the expense
 - there will be an adverse effect on the landscape
 - wind farms should be in industrial areas not residential
 - the proposal will have a detrimental impact on the lives of the residents by way of shadow flicker and noise
 - there would be a detrimental impact on wildlife
 - the benefits are unproven and unreliable

- our wedding took place at Guanock House and consider the area to be a magical and tranquil place
- would hate to see wind turbines spoil this building, the grounds and the surrounding views
- if the development goes ahead family holidays to this area will be ruined, gardens will suffer shadow flicker and noise disturbance and there would be a disastrous effect on the natural flat and unique landscape of the Fens
- disruption caused during the construction period
- there will be accidents and near misses with horses who are scared of the turbines
- dust will affect neighbouring properties and farms and make their products unsellable
- concerns over the noise issues, not just how loud it is but how it sounds also. Concerns over the levels of noise research done. Given the low ambient noise levels of the location the noise from the turbines will be even more pronounced
- concern over ice throw
- there are legal obligations under the Habitats Regulations to consider the impact on the Ouse Washes SPA
- of particular relevance is the information previously provided about the migrating Whooper Swans
- there has been a recent High Court judgment (30 May 2012) against SLP Energy's appeal, which determined that in that instance Government energy targets were outweighed by the harm the development would cause to the character and appearance of a sensitive area and it is not correct to assert that the national policy promoting the use of renewable resources negates the local landscape policies or must be given priority over them
- the height of a pylon is likely to be 55m (above the lowest point of the sweep of the blade), they are likely to result in wind deflection. The readings from the temporary mast would not have facilitated this making the data collected inaccurate
- turbines can never replace existing power stations because they are unreliable
- turbines are inefficient in cold conditions when there is extra demand for electricity
- the landscape is becoming cluttered
- there are cheaper and better ways of meeting the so called climate change challenge
- studies seem to show that wind turbines increase the ambient temperature
- approval of this application will be against the interests of the residents, a disaster in terms of economics, health, wildlife and visual amenity
- strongly disagree with the recommendation to approve and urge that this recommendation is not accepted
- one further letter of support has been received, summarised as follows:
 - hope that the decision is based on the balanced committee report, which shows a balance of opinion
 - the proposal is compliant with all local and national policies
 - the Environmental Protection Officer agrees that the proposal is compliant with strict noise guidelines for modern wind farms
 - the proposal is unlikely to have a cumulative effect as it is situated where there has been very little development to date and is classed as an area unconstrained from a cumulative perspective and suitable for schemes of this size
- an e-mail has been received from FenRATS correcting a few comments in the committee report under the FenRATS section (page 35 of the agenda):
 - FenRATS did not send copies of appeal decision notices from Carland Cross, St Newlyn East or West Linton Farm, East Riding of Yorkshire
 - FenRATS sent a response on 29 May 2012 to Engena's letter regarding the NPPF
- Chatteris Airfield has no objections to the proposal

- no response has been received from the MoD to date, however, the neighbouring authority of South Holland (where two of the six turbines are to be sited) has had a response. The MoD objected initially, however, have now agreed the following conditions in relation to its radar. It is considered that as the two applications form one development of six turbines it would be appropriate to impose the same conditions on this application also:
 - no development shall commence unless and until the Local Planning Authority has approved a Radar Mitigation Scheme in writing. Before approving the scheme, the Local Planning Authority shall consult the MoD as to the schemes suitability and shall take into consideration the MoD's views as to whether the scheme adequately addresses the MoD's concerns regarding the impact of the development upon air safety
 - no turbines shall become operational unless and until all measures required by that time in accordance with the approved scheme have been carried out to the satisfaction of the Local Planning Authority, and before authorising the operation of the turbines, the Authority shall consult with the MoD
 - in the event that the Authority authorises the operation of the turbines, the developers shall thereafter comply with all other relevant provisions made in the scheme
- Sutton St James Parish Council has objected to the proposal for the following reasons:
 - noise impact on homes in close proximity
 - destruction of habitat/impact on wildlife - specifically bats and birds
 - concerns regarding the proliferation of large wind turbines in this part of the world
 - should FDC approve this application the Sutton St James PC would request a guaranteed compensation package for anyone whose property is adversely affected
- the provision of a Section 106 Agreement has been agreed. The Council has concluded negotiations with the applicant and has secured an agreement from the applicant to enter into a Section 106 Agreement, to be payable for the life of the wind farm ie 25 years, for the following:
 - £1,000 per MW per annum towards the Environmental Education serving the Fenland District.

Members received a presentation, in accordance with the public participation procedure, from Councillor Mrs Francis of Tydd St Giles Parish Council. Councillor Mrs Francis informed members that she lives in a property approximately 665 metres away from the proposal, as well as being a member of the Parish Council, and, in her view, Tydd St Giles is a quite, lovely village with a friendly and active community.

Councillor Mrs Francis expressed the view that Tydd St Giles does not have much, and is isolated, but residents do not mind this and have the pleasure of living in a beautiful quiet location, which is untouched Fenland beauty. She feels that the village is now under threat and powerless to do anything about it, with the village overwhelmingly giving its disapproval to the proposal.

Councillor Mrs Francis expressed the opinion that the letters of support for the proposal would not be from locals, but collected by Ecologists in Wisbech. She questioned how the noise and flicker would affect health, feeling that the applicant is a big company so it can do anything ignoring the people that live there.

Councillor Mrs Francis expressed the view that wind turbines fail to solve the problems that they are supposed to and feels that this plan would ruin the village and its landscape and wildlife, taking the landscape away from the children for the future. She feels that Fenland has enough wind turbines and this proposal is a tick box measure, asking that the application be refused and the applicant be told to tick their boxes elsewhere.

Councillor Mrs French asked Councillor Mrs Francis to confirm that she lived 665 metres from the proposal? Councillor Mrs Francis confirmed this was correct in Ashtree Barn.

Members received a presentation, in accordance with the public participation procedure, from Mr Coleman, an objector to the proposal. Mr Coleman expressed the view that many people in the community would be severely impacted by this proposal for the rest of their lives, as they would not be able to move away. He feels that there are people with serious health conditions that would be negatively impacted by the visual impact and noise potential of the scheme.

Mr Coleman referred to a recent appeal decision at Hemsby, which stated that the need for renewables does not take primacy over the landscape and local landscape policies, expressing the view that this is the only area of Fenland that is free of turbines so the Council's guidance should be respected and preserved. He feels that the planting scheme proposed is wholly inadequate, with there being no screening for 10 years and then only partial screening. He circulated a photomontage, which he feels shows that the turbine would tower over the proposed hedge planting scheme and, in his opinion, it is not a workable scheme, should not be considered as mitigation and the proposal should be refused on these grounds alone.

Mr Coleman expressed the opinion that the officer has based the approval recommendation on the fact that only one property would have an overbearing and unavoidable impact, this being the most extreme case and, in his view, if there is one such case the proposal should be refused. He referred to seven properties on a list that had been circulated to members, which are judged by officers to be only just overwhelming or on balance overwhelming, but he feels that it is a judgment on what is 'only just' or 'on balance, with the FenRATS consultant disagreeing with officers' views. He referred to one such property St Malo where he feels the view would be unpleasantly overwhelming and unavoidable and made the point that the owner has been advised to remove the fir tree screen that has been judged to make the impact on this property not overwhelming, therefore, with its removal it would make it overwhelming.

Mr Coleman expressed the view that it is not just these seven properties where the proposal's impact would be most severe, there are another four in Sutton St Edmunds and a further 31 properties with a major impact, all for, in his view, a renewable fantasy. He expressed the opinion that there are ample studies that show that wind turbines do not reduce carbon emissions and feels the benefits have not been demonstrated, whereas the impacts are severe, and, therefore, the scheme should be refused.

Mr Coleman expressed the view that it is not reasonable to approve a scheme that cannot meet conditions set by the MoD. He feels that off-shore wind projects would meet renewable targets and there is no need to cause suffering to residents nearby the scheme, feeling that Fenland has done enough.

Councillor Mrs French asked Mr Coleman to clarify what he said at the end in relation to the MoD. Mr Coleman advised that there is a letter from the MoD, which safeguards that all six of the turbines meet a condition that no stakes go into the ground until this condition is met and he is skeptical that the condition can be met.

Councillor Peachey asked Mr Coleman if the site is currently under crop production? Mr Coleman advised that he believes that it is, making the point that the landowner would benefit hugely from this development.

Members received a presentation, in accordance with the public participation procedure, from Councillor Tierney, County Councillor for the area. Councillor Tierney informed members that he has witnessed the worry for residents of Tydd St Giles and the surrounding area over the past year

in relation to this development.

Councillor Tierney expressed the view that the proposal is not needed in Tydd St Giles, feeling the money could have been spent more wisely. He referred to localism, making the point that the vast majority of Tydd St Giles do not want a blight on their landscape, with hundreds of people opposed to this wind farm.

Councillor Tierney stated that Stephen Barclay, MP, has written to the Chairman also objecting to this proposal and he read parts from this letter:

"I also want to draw your attention to a number of Government policy changes in respect of onshore wind, and the comments of my colleague, Greg Clark MP, the Minister of State for Decentralisation and Planning Policy. Mr Clarke said in the House of Commons on 24th April 2012: "By putting power into the hands of local people so they see that decisions are going to be taken locally and respected locally, part of the purpose of our reforms is to move away from the situation in which decisions taken locally are overturned by the Planning Inspectorate. I have made that very clear to the inspectorate". The Government has changed its planning rules in order to give local councils greater discretion, and with it local people a greater say on applications of this nature. This includes scrapping Labour's regional spatial strategy which underpinned many successful appeals to the Planning Inspectorate".

Councillor Tierney expressed the opinion that the Fenland landscape is special, it is one of its greatest assets and the reason why people relocate to live here, and this proposal would allow a energy company to destroy this. He feels that FenRATS and experts have given reasons why this proposal should be refused, with it having a devastating effect on standards of living and on wildlife.

Councillor Tierney expressed his belief that approval of this proposal would break the heart of the village and Tydd St Giles would never be the same again. He asked members to stand firm and stand beside the people who elected them by turning this application down today.

Members received a presentation from Councillor Humphrey, who opposes the application as District ward member for Roman Bank. Councillor Humphrey stated that he has been a councillor for 17 years and feels that nothing has come close to the passion that this development has raised.

Councillor Humphrey made the point that he has received 151 letters of objection since March 2010 to this proposal, all who live close to the site of the application, and he has received no letters of support, being surprised that the Council has received 131 questioning the location of the people who have supported the application. He referred to the comments of Gorefield Parish Council, expressing the view that this proposal would affect these residents and he does not feel the road and infrastructure is adequate and would be destroyed.

Councillor Humphrey referred to policies and expressed the view that he cannot see how the proposal complies with Policy E1 as it would not be of a scale and design that fits in with the surrounding area, in relation to Policy E3 the proposal for trees and screening would take 20 years before it has any effect, he does not believe that the proposal is in keeping with the surrounding area so is contrary to Policy E8, feeling that the only policy that the proposal complies with is the presumption in favour of renewable energy proposals. He struggles with the fact that officers acknowledge the issues and effects the proposal would have on properties in the area, but still suggest it be approved.

Councillor Humphrey expressed the opinion that the proposal would allow the continued permanent destruction of the unique Fenland landscape and asked members to consider the roads, wildlife, but most importantly the people who live in the area. He feels the proposal is not acceptable and asked members to refuse the application.

Members received a presentation, in accordance with the public participation procedure, from Mr Lord, on behalf of the applicant for the proposal. Mr Lord informed members that he works for Wind Ventures, which is a UK registered company, and there is a strong recommendation from officers to approve the proposal, with all issues being addressed.

Mr Lord expressed the view that the site is located in an area highlighted in the turbine guidance as being able to accommodate small to medium wind farms such as this, with it being a distance from other wind farms and complying with strict planning guidelines. He feels the Environmental Statement produced is the result of two years of detailed studies using expert witnesses and the rigorous approach to the assessment is robust.

Mr Lord expressed the opinion that the proposal is compliant with all national and local policies, with no objections from any statutory consultees, which has resulted in the clear recommendation for approval. He expressed the view that the proposal would result in significant benefits locally, with a community fund of £500,000, business rates of £50,000 and use of local contractors during the construction phase.

Mr Lord believes that on-shore wind farm technology is tried and tested, and it would generate sufficient power for 6,000 Fenland homes. He expressed the opinion that there is a small, but vociferous group of objectors, but made the point that there are now 4,000 wind turbines in the UK, which do co-exist peacefully with neighbours and he feels there is much evidence locally that wind turbines do, as in the area of March.

Mr Lord referred to concerns that have been raised regarding landscaping and residential amenity, which he feels have been addressed by officers and the consultant, and are acceptable. He expressed the opinion that there is a significant level of support, with 131 letters being received, which he feels is important as majorities in favour of developments such as this are normally silent.

Mr Lord made the point that the NPPF states that renewable energy is sustainable development that should be granted subject to impact and he urged members to support officers' recommendation for approval.

Councillor Mrs French asked Mr Lord if a residential amenity study has been produced? Mr Lord confirmed that it had. Councillor Mrs French asked if residents had seen this and were happy with it? Mr Lord advised that the study formed part of the application.

Councillor Mrs French referred to the £500,000 into the community fund and asked Mr Lord what would be the benefit to the local community? Mr Lord advised that local contractors would be used.

Councillor Connor asked Mr Lord where the 131 letters of support were received from? Mr Lord advised that they were from local people. Officers advised that the majority of the letters of support came from people within the Fenland area.

Councillor Patrick asked Mr Lord how much does it cost to produce a KW of power? Mr Lord advised that it would be less than you would pay on your electricity bill.

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

- Councillor Stebbing made the point that Mr Lord stated that there has been no objection from statutory consultees, but the Parish Councils have objected. He also referred to Mr Lord mentioning that existing wind farms sit well with neighbours, asking if this has been checked as he does not think a proper assessment has been undertaken;
- Councillor Hatton referred to the comments of Councillor Tierney who read some of the letter received by him from Stephen Barclay and read out the beginning of this letter, which states:
 - "I write to add my support to campaigners requesting that the Tydd St Giles onshore wind turbine application be rejected at your hearing on Wednesday 27th June. I very much respect that this is a decision for local councillors, and not myself as the Member of Parliament. I believe local councillors are better placed to assess the appropriate balance of local needs when considering important issues of this nature. It is for this reason that I have on only one previous occasion written to Fenland District Council to express concern at a specific planning proposal ahead of a decision by your committee. This was where, in my view, the application had widespread negative community impact. I believe that test to be met in this instance";
- Councillor Mrs French referred to policies and the Core Strategy Policy CS12, making the point that the Core Strategy does carry a lot of weight and she cannot see what benefits the residents are going to derive from this proposal. She referred to the comments of the Landscape Partnership within the report that states that the proposal does not meet the criteria in terms of visual impact for properties within 2km, making the point that there are Listed Buildings in the area, and it is quite clear from the Wind Turbine Development Policy Guidance that turbines should be 2km away, with there being no guidance when she was Chairman of Planning Committee when the first turbines in the district were approved. She thinks it is farcical that the suggested planting scheme is going to minimise the impact of the proposal, unless it is very fast growing;
- Councillor Mrs Newell asked about an update from the County Council Archaeology Team? Officers advised that no response has been received. Councillor Mrs Newell expressed the view that this should have been the update then;
- Councillor Mrs Newell made the point that she has not received any letters or e-mails of support, questioning why she has not if the Council has received 131 letters. She asked why only two properties have been visited, when 37 would be affected? Officers advised that most properties were visited, it is the FenRATS own document that states only two properties were visited;
- Councillor Mrs Newell asked how far is the nearest bridleway from these turbines? Officers advised that it is more than 200m away;
- Councillor Peachey stated that in coming to a conclusion on this application, he has visited the area on a number of occasions and has been struck by its openness and is worried about the effect of the proposal on the character of the area. He feels that with the emergence of localism, the strength of feeling should be taken into consideration. He made the point that there would be other structures beside the wind turbines, which would be in close proximity to homes and he is concerned about the impact and, therefore, cannot support the proposal;

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- Councillor Quince expressed the view that Fenland is unique with its blue skies, flat area and if these turbines are built it will destroy this so he is totally against the application;
- Councillor Hatton made the point that the Wind Turbine Development Policy Guidance does clearly state that Listed Buildings should not be closer than 2km, two are mentioned in Fenland, but asked what about those in Lincolnshire with one being only 1.3 miles away. He expressed concern about the proposal as he has witnessed a Hercules flying over this area and thinks there could be a disaster in the future if approved.

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

Refused for the following reason -

the proposed wind farm would have an adverse visual impact upon the surrounding area, as such the proposal is contrary to Policies E1, E3 and E8 of the Fenland District-wide Local Plan 1993, Policy CS12 of the Fenland Communities Development Plan Core Strategy Draft Consultation - July 2011 and the National Planning Policy Framework.

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

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

(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)

P19/12 **F/YR11/0830/F (24.10.2011)**

ELM - LAND SOUTH OF EVERGLENS, OUTWELL ROAD, ERECTION OF AN EXTENSION AND FENCE ENCLOSED SUBSTATION TO REAR OF EXISTING AGRICULTURAL BUILDING (MR K LAWRENCE, ANGLIA GROWERS)

Members considered a petition and letters of objection and one letter of support.

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 Ayres, an objector to the proposal. Mr Ayres requested clarification as to whether this was an application for an agricultural building or one for a change of use, he has viewed the application as one for an agricultural building.

Mr Ayres expressed the view that the justification for the building is flawed, with Mr Lawrence stating that he is farmer, but, in his view, he has always been a merchant. Following a Google search on Anglia Growers, he stated that two results were brought up, one for a potato merchant and one for potato storage.

Mr Ayres questioned whether the application is an extension of the farm yard, making the point that he farmed land adjacent to the site some years ago and he has never seen any agricultural equipment on the site, although he understands there was a tractor and trailer at the site last week, he has only seen industrial machinery. He expressed the opinion that if all the land was suitable

for onions, it would yield 600 tonnes and he feels there is adequate room already on site and there is no justification for additional buildings, which would be an eyesore and detract from the Fenland landscape.

Mr Ayres referred to job creation, feeling that it would be largely agency workers, which would not help sustain rural communities. He showed a photograph of skid marks on the road, stating that the vehicle movement information is out of date and takes no account of people trying to stop suddenly in this location.

Members received a presentation, in accordance with the public participation procedure, from Mr Lawrence, the applicant for the proposal. Mr Lawrence informed members that he is a partner in Anglia Growers with his mother and father, who have resided and farmed this site for over 30 years.

Mr Lawrence stated that the idea of the project is to build a store that uses modern storage techniques so that the storage period of crops can be extended and onions can be supplied to the UK market. He expressed the view that this would inject £1.5 million annually into the local economy that would have historically been paid to European growers.

Mr Lawrence stated that UK retailers are pushing for UK Provenance crops and with Government initiatives to reduce 'Food Miles' and 'Carbon Footprint' this project has received the full backing of the 'Fens Adventurers Programme', which is a DEFRA backed organisation that supports Fenland agricultural businesses who demonstrate that the business can bring long-term benefits to the local community. He expressed the view that Emneth is in an 'agricultural assisted area', which means the Government realise that support is required to agriculture in this area for long-term survival of the sector.

Mr Lawrence expressed the opinion that the store would be loaded in September, resulting in an extra 5 vehicle movements a day over a loading period of 21 days and the crop would be stored until the end of May when it would be unloaded for a 6 week period resulting in 2-3 vehicle movements a day, which he feels should be considered in the context of a 3-4 bedroom house which would generate 8-10 vehicle movements per day. He made the point that the neighbouring Local Planning Authority at Kings Lynn and West Norfolk Borough Council fully support the application.

Mr Lawrence expressed the view that the proposal complies with Fenland District Council's Corporate Plan 2010-13 priority of 'Open for Business', which states that the Council will pursue all opportunities to support existing businesses, avoid climate change and reduce their carbon footprint, and attract diversification of all sectors with new knowledge that shows innovation in the district. He referred to the concerns of local residents regarding smell, highway issues and hours of operation and stated that he has a letter from an independent industry leading specialist who categorically states there would be no smell or noxious fumes from the long-term storing of onions.

Mr Lawrence stated that he has worked with Kings Lynn and West Norfolk Borough Council's Highways to overcome the issue of providing a safe access and, in his view, there are no highway objections on safe access grounds. He feels the issue of increasing use onto a main route is out of touch with aspirations for economic prosperity and should be ignored to prevent a precedent being created that could kill off all businesses served by a main road.

Mr Lawrence referred to the hours of operation, stating that it would not be 24/7 and he would be happy to accept a condition of only allowing HGV movements between the hours of 6.00am to 6.00pm to allay residents fears. In summary, he expressed the opinion that the project brings injection of £1.5 million into the local economy in tough economic times, support from the 'Fens

Adventurers Programme', support from the neighbouring Local Planning Authority which has dual decision over the proposal, support from Outwell Parish Council, it supports Government initiatives to reduce food miles and carbon footprint, it fits with Fenland's Corporate Plan objective of 'Open for Business' and there are no highway safety issues.

Mr Lawrence, in conclusion, stated that he has called this project 'Project Joshua' as he believes through this diversification it would safeguard the future of the business for his son, Joshua, and without this his business would have no difference over bigger, more efficient farms and it could lead to his small farm being swallowed up.

Councillor Patrick asked Mr Lawrence if he would be looking to increase the number of people he employs? Mr Lawrence advised that he may do, but it would not be by many. Councillor Patrick questioned the vehicle movements that would be generated by the proposal. Mr Lawrence advised that there would be more vehicle movements during the storage period, with the busier time being September where there would be 5 in and 5 out vehicle movements.

Councillor Mrs French referred to the 24/7 unrestricted hours of operation and asked Mr Lawrence if he was proposing to operate for 24 hours? Mr Lawrence advised not.

Councillor Patrick asked if Mr Lawrence would be prepared to accept a 6.00am to 6.00pm condition? Mr Lawrence advised in the affirmative if it would assist to allay residents fears.

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

- Councillor Murphy asked if the business that is occurring at the property now is being operated under the wrong policy, not a farming one? Officers advised that the question is whether the use should be a storage and distribution one as the proposal is not just for his own use but others as well as information received from the applicant is that produce would be stored from a 30 mile radius. However, the principle of the use is not an issue, the issue is in relation to highway matters relating to the access and the residential amenity of neighbouring properties;
- Councillor Curtis made the point that if the proposal creates jobs it is a good thing, but it is not a unique facility as one exists in Chatteris, and the comparing of lorry movements with car movements cannot be compared as they are very different. He feels that officers' have got the recommendation correct, referring to Kingsland Farm which has created massive issues where it is an industrial use which cannot be managed, and he believes this proposal to be an industrial use and this is not a suitable location for it to take place;
- Councillor Mrs French disagreed with Councillor Curtis, as viewing the proposal on site there is already a use there, it is in the Fens and this type of business should be supported as it accords with the policies of the Council and referred to a newspaper article where the Deputy Leader signed a new document in relation to supporting small businesses. She made the point that a condition could be placed on the proposal so that only potatoes and onions are stored if it is required;
- Councillor Patrick agreed with the comments of Councillor Mrs French;
- Councillor Mrs Newell made the point that Kings Lynn and West Norfolk Borough Council's Core Strategy supports the application and stated that Rustlers in Chatteris stores onions and she has never known a problem with smells;

- Councillor Curtis made the point that once agreement has been made for an industrial use, it is difficult to stop its further expansion or control it.

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

Granted, subject to suitable condition as follows:

- the development permitted shall be begun before the expiration of three years from the date of this permission. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004
- the premises shall be used for the storage and distribution of agricultural produce and for no other purpose (including any other purpose in Class B8 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 B8 would be unacceptable in view of the likely adverse impact on adjoining residential amenity
- no retail sales whatsoever shall take place from the building or any part of the site which formed part of this application for planning permission. Reason - The site is within an area where retail activity would not normally be permitted in view of its location outside an existing settlement
- the use hereby permitted shall only be operated between the hours of 8am and 8pm Monday to Fridays, 8am and 1.30pm Saturdays, and not at all on Sundays or Bank Holidays unless obtaining prior written approval from the Local Planning Authority. Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings
- prior to commencement of development 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
- materials shall not be stacked or deposited to a height exceeding 2.5 metres from the existing ground level. Reason - To safeguard the visual amenities of the area
- prior to the first occupation of the development (or prior to the commencement of the first use) the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification, and thereafter retained in perpetuity. Reason - In the interests of highway safety and to ensure satisfactory access into the site
- prior to the commencement of use hereby approved the permanent space shown on the plans hereby approved to be served on the site to enable vehicles to:
 - enter, turn and leave the site in forward gear
 - park clear of the public highway
 - load and unload
 shall be levelled, surfaced and thereafter retained for no other purpose in perpetuity. Reason - In the interest of satisfactory development and highway safety
- prior to the commencement of the use of the development hereby approved, visibility splays shall be provided on each side of the vehicular access and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway. Minimum dimensions to secure the required splays shall be 2.4 metres measured along the centre line of the proposed access from its junction with the channel line of the highway carriageway, and 215 metres measured along the channel line of the highway carriageway and the centre line of the proposed

access. Reason - In the interests of highway safety

- prior to commencement of the use or first occupation of the development hereby approved a scheme and timetable shall be submitted to, and approved in writing by, the Local Planning Authority which includes the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
 - an assessment by a competent person having suitable knowledge and experience shall be made of the potential for any reasonably foreseeable activity on the site to cause contamination of land or water. The requirements of the Local Planning Authority shall be fully established before the assessment is made, and the assessment shall conform to any such requirement
 - all reasonable precautions shall be taken by way of design, operating, maintenance and security arrangements to ensure that any risk of contamination of land or water is effectively prevented or, where prevention is not practicable, minimised
 - a written contingency scheme to be submitted to and approved in writing by the Local Planning Authority shall be followed to effectively prevent, contain and/or remove any accidental spillage that may lead to contamination of land or water. The scheme shall be updated as often as necessary for this purpose, subject to the written acceptance of the Local Planning Authority
- the approved scheme shall be implemented on site in accordance with the approved timetable. Reason - To control pollution of land or water
- 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 Planning 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
 - all refrigeration lorries to be kept in the rear yard overnight not the front yard.

Members do not support officers' recommendation of refusal of planning permission as they feel that local businesses should be supported.

P20/12

F/YR11/0950/F (7.12.2011)

MARCH - LAND SOUTH OF 2 MARINA DRIVE, ERECTION OF 8 DWELLINGS COMPRISING 1 X THREE-STOREY 5-BED DWELLING, 3 X THREE-STOREY 5-BED DWELLINGS WITH DOUBLE GARAGES WITH PLAYROOMS OVER, 2 X THREE-STOREY 5-BED DWELLINGS WITH CARPORTS AND 2 X TWO-STOREY 5-BED DWELLINGS WITH DOUBLE GARAGES INVOLVING DEMOLITION OF EXISTING BUILDINGS
(MR M A SMITH)

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 Environment and Leisure (Refuse) has commented that:

- bin storage provision is made at the entrance of the estate in a bin storage area
- the refuse vehicle will not have to enter the estate for removal of waste and recycling
- bulk storage bins could be incorporated in this development rather than individual bins.

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, that applicant's agent. Mr Edwards informed members that the site has a number of commercial units, one of which is a mobility warehouse, which was set up by the applicant and his father following the applicant having a car accident and realising a gap in the market place, with his father now having left the business and the applicant leading it. He made the point that some of the business units are vacant and the existing car business is operating on a month to month basis, with only one other business being on the site that is not run by the applicant.

Mr Edwards expressed the view that the applicant would relocate the existing business elsewhere that would allow it to expand and create extra jobs. He stated that the applicant would be prepared to enter into a Section 106 Agreement, but needs a draft approval as the bank will not fund relocation without this draft approval.

Mr Edwards expressed the opinion that the proposal is supported by neighbours and the Town Council, and it would reduce vehicles to the site, making the point that the proposal would be off the same road as Fox's Boatyard which has residential properties. He expressed the view that the Local Highway Authority has agreed that the proposal would reduce traffic to the site, but cannot understand why it is opposing crossing the bypass and requesting a footpath as the Local Highway Authority must, in his view, have installed the current steps that take you to the bypass and also referred to the Fens Tourism route that passes the site, taking users under the bridge to the Town Centre, which he does not feel has been taken into account.

Mr Edwards expressed the view that the proposal has been designed as an executive estate and a management committee would be formed to be responsible for the road and drainage. He feels that the development is a win, win scenario, in a sustainable location, on a brownfield site, it would improve biodiversity and allow the applicant to relocate to a more suitable premises.

Mr Edwards requested that the application be supported, with conditions if necessary, to allow the business to expand.

Councillor Curtis stated that whilst he does have sympathy with what the agent has said, he feels this is the wrong place for this development.

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

Refused for the following reasons -

- 1. the applicant has failed to enter into a Section 106 Agreement relating to the relocation of the commercial businesses on site and, therefore, the potential loss of commercial premises and jobs is contrary to Policy CS4 of the emerging Core Strategy Draft Consultation July 2011**
- 2. the proposal fails to provide satisfactory pedestrian links to the town of March, which is located on the eastern side of the A141. Without the provision of a footpath link and safe crossing over the A141 the proposal is not sustainable and is, therefore, contrary to advice contained within the National Planning Policy Framework, Section 7, Requiring Good Design**
- 3. the site is located outside the settlement of March separated from the main body of the town by the A141 bypass and is, therefore, considered to be in open countryside. The proposal would clearly lead to an extension of development into the countryside in an unsustainable location, contrary to Policy H3 of the Fenland District-wide Local Plan 1993 and advice contained within the National Planning Policy Framework**
- 4. the proposal fails to address the amenity of future occupiers by virtue of the unacceptable distance for moving refuse for collection in accordance with the Recap Waste Management Design Guide adopted 2012. The proposal is, therefore, also**

contrary to Section 7 of the National Planning Policy Framework as it fails to provide an adequate standard of design, fails to add to the quality of the area and would not function well in amenity terms.

(Councillor Mrs French declared her personal and prejudicial interest in this application, by virtue of owning industrial units, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillors 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)

**P21/12 F/YR12/0267/F (29.5.2012)
MARCH - LAND WEST OF GREENACRE, ELLIOTT ROAD, ERECTION OF THREE
SINGLE-STOREY 3-BED DWELLINGS WITH DETACHED GARAGES
(MISS A WARD)**

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:

- Middle Level Commissioners has concern over the method of surface water disposal as the area is prone to flooding and requests further clarification on method and location of surface water disposal devices
- Environment and Leisure (Refuse) comment that:
 - for vehicles to go onto this development the roadway would have to be adopted as public highway and have load bearing capacity of up to 26 tonnes to accommodate collection vehicles. If the road remains private, a bin storage area would have to be provided at a point where the development meets the public highway
 - for the vehicle to enter the site there would need to be adequate turning facility for a refuse vehicle of up to 26 tonnes
 - the bins would have to be presented at the curtilage of the public highway on the day of collection if the road is not adopted
- additional comments have been received from local residents:
 - it is noted that the red line application site has been changed and is now very close to an existing bungalow (No.124) and appears to cut off some of the side of the garden
 - car parking problems still remain down the lane and difficulty with emergency service vehicles would ensue
 - the site is too small for 3 dwellings crowded in like that together with the additional traffic using the lane.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey made the point that the proposal is renewal of a previous consent, as shown in the history for three dwellings and if the Government had not changed the policy from 5 years to 3 years for development to commence the proposal would still be in time.

Mr Humphrey expressed the view that Policy E8 has not changed in the last few years and questioned how the previous proposal accorded with this policy and this proposal is now contrary? He stated that the density of the proposal is 33 to the hectare, which, in his view, is at the lower end of what is acceptable, and stated that the access would be widened to 5.5 metres.

Mr Humphrey referred to the report stating that the bins would impede the width of the access road, but made the point that the plan shows the bins would be at the side of the access road. He requested that as Policy E8 has not changed, the proposal should be supported.

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

- Councillor Mrs French made the point that it is not just Policy E8 that is applicable to this proposal, there are new policies to be taken into account, with this proposal having various issues and she thinks that officers have reached the correct recommendation;
- Councillor Curtis agreed with Councillor Mrs French. He thinks that the development of life time homes should be taken into account and having to take bins to a collection point so far away from the properties is unacceptable. He supports officers' recommendation.

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

Refused for the following reasons -

1. **the proposal fails to address the amenity of future occupiers by virtue of the unacceptable distances for moving refuse for collection in accordance with the Recap Waste Management Design Guide adopted 2012**
2. **the proposed development will result in 7 dwellings being served from a private drive, which by virtue of its dimensions would lead to the potential for vehicular conflict and a reduced level of amenity for both the existing and intended residents; this coupled with the overdevelopment of the site in a manner, which is out of character with the sites immediate environs, would result in the development being contrary to Policy E8 of the Fenland District-wide Local Plan 1993, Policy CS14 of the emerging Fenland Communities Development Plan and the National Planning Policy Framework.**

(Councillor Curtis declared a personal interest in this application in relation to the comments he made, by virtue of being Cabinet member for Adult Services at Cambridgeshire County Council)

(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)

**P22/12 F/YR12/0276/F (10.4.2012)
MURROW - LAND SOUTH OF BANK FARM HOUSE, MURROW BANK,
ERECTION OF 2 X 5-BED DWELLINGS WITH ATTACHED GARAGES AND 1 X 5-
BED DWELLING WITH A DETACHED GARAGE
(ARTHUR GEE (THORNEY) LTD)**

Members considered objections.

The committee had regard to 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:

- a response has been received from the occupiers of the neighbouring property to the north (Bank Farm House), which can be summarised as follows:
 - opposed in principle and detail to the development

- scale, appearance and design of the proposal - properties are too large, unattractive and not the same style as neighbouring properties
- effect of proposal on the amenities of local residents, including loss of light, overlooking, loss of privacy, noise and disturbance
- proposed landscaping will have detrimental effect on outlook of Bank Farm House
- impact of proposal on highway safety and parking
- impact of proposal on nature conservation and trees
- the agent has submitted an amended plan showing the provision of a footpath along the site frontage.

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, the applicant's agent. Mr Edwards expressed the opinion that the proposal is a result of discussions with officers, believing that three executive homes have been provided, making the point that the adjacent property has a large footprint as do other properties in Murrow.

Mr Edwards made the point that a planning application was referred to committee in 2007 for four dwellings, which had the support from the Parish Council and local District Councillors at that time, and refused as it was discussed that executive homes were wanted on this site at this time. He expressed the view that Murrow is a linear village and questioned how the centre of it can be determined, making the point that the site is 46 feet from the current village Development Area Boundary.

Mr Edwards stated that when surveying the site a neighbour asked about a new footpath along this stretch of road as the school is 170 metres from the site and children have to walk on the road and this proposal would provide a footpath link providing pedestrian access to the school and the village. He expressed the opinion that the proposal would provide three individually designed executive homes as defined in IPPLS, which he sees as aspirational, in spacious plots, providing vistas to open countryside to the rear and opposite and, in his view, aiding community cohesion.

Mr Edwards expressed the view that this site is difficult to maintain as an agricultural field as it is not as good quality as the rest of the field. In his view, the proposal provides a housing mix and asked why Murrow should not have high quality homes?

Councillor Mrs French asked if Mr Edwards is aware of the Section 106 policy? Mr Edwards advised that he is aware that it is changing. Councillor Mrs French made the point that the site is 0.475 hectares, when Section 106 requirements apply for sites of 0.5 hectare.

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

- Councillor Curtis stated that he does not have a problem with development per se on this site or executive housing, but from looking at the plans he feels that the design of the development is replacing the countryside with a brick wall and the design needs to complement the countryside instead of ruining it;
- Councillor Mrs French agreed with these comments. She struggles with the way the report is written as IPPLS does still apply, which was confirmed by the Leader at Cabinet, and the Core Strategy does carry weight. She referred to the Section 106 requirements and feels that the site size of 0.475 hectares is someone trying to avoid having to comply with these requirements. She would prefer for the application to be deferred for a better design rather than it be refused;
- Councillor Scrimshaw expressed the view that he does not support the proposal as it is filling in a gap in the main settlement of Murrow;

- Councillor Patrick expressed the view that officers' have reached the correct recommendation and he will not be supporting the proposal;
- Councillor Quince expressed the view that the proposal should be deferred. Officers made the point that the applicant would be entitled to a free re-submission if the application was refused;
- Councillor Mrs French expressed the view that there should be discussion rather than refusal as she feels that most of application is acceptable so she is not happy for it to be refused.

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

Deferred to enable discussion with the applicant on submitting amended plans for a better quality design of the dwellings and entering into a possible Section 106 Agreement.

(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)

P23/12 **F/YR12/0285/F (13.4.2012)**

WISBECH - LAND SOUTH OF 20 PARK STREET, ERECTION OF 2 X TWO-STOREY 3-BED DWELLINGS AND 2.1 METRE HIGH (MAX) FENCING (RODDONS HOUSING ASSOCIATION)

Members considered letters and a petition of objection.

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:

- a parking survey for Hanchant Court has been received from Roddons. The telephone survey results shows only 5 tenants appear to have a car and only 3 of those use the Park Street parking area. Roddons have provided 3 additional spaces for tenants or visitors and 2 parking spaces are available within the layby off Park Street and 13 within the parking court off King Street resulting in 15 parking spaces. In total following the development of this site, there will be 18 parking spaces available for the tenants of Hanchant Court, which the parking survey demonstrates is more than adequate
- an additional three conditions need adding to the application as follows:
 - the first-floor windows to the bathrooms and hall/landings on plots 1 and 2 hereby approved shall be glazed with obscure glass and so maintained in perpetuity thereafter. Reason - to safeguard the amenities currently enjoyed by the occupants of adjoining dwellings
 - notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any other Order revoking or re-enacting that Order with or without modification), no additional windows other than those shown on the plans hereby approved shall be placed in the north and south elevations of the development hereby approved. Reason - to protect the amenities of the adjoining properties
 - notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order or statutory instrument revoking and re-enacting that Order with or without modification), planning permission shall be

required for the following developments or alterations

- the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes a and e)
- the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes a and d)
- alterations including the installation of replacement or additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes a and b)
- alterations to the roof of the dwelling house (as detailed in Schedule 2, Part 1, Class c)

Reason - to safeguard the amenities currently enjoyed by the occupants of adjoining dwellings

- the Chairman stated that a petition has been handed in to him at the beginning of the meeting by Mr Smith containing 566 signatures in objection to the proposal.

Members received a presentation, in accordance with the public participation procedure, from Mr Smith, an objector to the proposal. Mr Smith stated that when the application was first submitted he was in hospital for three months and has had to work quickly, originally forwarding a petition with 40 signatures to the Council.

Mr Smith expressed the opinion that this site was allocated as parking for Hanchant Court, with the site being regularly used by visitors from outside Wisbech, and he feels that officers did not visit the site at a busy time, but on a Friday afternoon when there was only 9 cars parked in the car park. He feels that car ownership has risen considerably and off-road car parking need is acute, with this car park often being full.

Mr Smith made the point that there is multi-occupation in this area and one of the first things that people do to better themselves is to buy a car. He asked why the Open Spaces Manager at Fenland District Council was not consulted on the application, especially as he included this site in an application for Heritage Lottery Funding for Wisbech Park, the site lies so close to the park and is used by families from a wide area to access the park.

Mr Smith referred to the comments of Fenland District Council's Property Officer who states that a car park could be built in the park, stating that this idea is ridiculous as the park is historic and it would be too expensive to create. He expressed the view that the Clarkson Ward is the fifth most deprived ward in Cambridgeshire and this proposal is allowing development on open land.

Mr Smith expressed the opinion that Fenland sold this land to Roddons with the rest of the housing stock with the expectation that Roddons would be responsible for it and he feels that a responsible company, such as Roddons, should not deny the local community of a well used facility.

Councillor Patrick asked Mr Smith how many cars use this car park at peak times? Mr Smith advised that the car park will accommodate 20 vehicles.

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

- Councillor Mrs Newell referred to the fact that comments are awaited from the Local Highway Authority and also that from the comments from the County Archaeology and FDC Contaminated Land Officer there are no conditions on the application relating to this. Officers advised that an archaeological condition and contaminated land condition can be placed on the proposal, and that the proposal does not involve adopted highway;

- Councillor Mrs French expressed her disbelief that there was not a condition to retain car parking from a 1977 permission, asking if retention of parking has to be conditioned every time? She made the point that on the site visit there were 12 cars parked on this area and asked, as there are double yellow lines all along Park Street, where are these vehicles going to park? She feels that this application is land grabbing and cannot support it. Councillor Mrs French requested that officers' investigate the comments of Mr Smith regarding the Open Spaces Manager applying for funding which included this piece of land;
- Councillor Patrick stated that he agrees with Councillor Mrs French, he knows the area well and this proposal would be removing an amenity, which he cannot support;
- Councillor Quince expressed his amazement that a block of flats would not have any parking, asking also where people would park their cars as there are double yellow lines surrounding the site. He made the point that the rear of the older properties along Park Street also have accesses onto this car parking area;
- Councillor Mrs Newell referred to the comments from Wisbech Town Council and asked who compulsorily purchased the land? Councillor Patrick advised that this was an area where properties were demolished;
- Councillor Stebbing expressed the view that every street and road in this locality is at high density and there is no opportunity for off-road or on-street parking, with this being the only parking available with direct access to the park, and if it is developed problems would be created elsewhere.

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

**Refused for the following reason -
the proposal would result in the loss of valuable car parking space that is a much used amenity for residents of the area and users of Wisbech Park.**

Members do not support officers' recommendation of grant of planning permission as they feel it would have a detrimental impact on the surrounding area.

(Councillors Curtis and Murphy declared a personal and prejudicial interest in this application, by virtue of being Board members of Roddons Housing Association, 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 his wife being employed by Roddons Housing Association, and retired from the meeting for the duration of the discussion and voting thereon)

P24/12 F/YR12/0289/F (13.4.2012)
WISBECH - GARAGE AREA OFF LIME AVENUE, ERECTION OF 1 X TWO-STOREY 3-BED AND 2 X TWO-STOREY 2-BED DWELLINGS AND 2.1 METRE HIGH FENCING AROUND THE PERIMETER OF THE SITE (RODDONS HOUSING ASSOCIATION)

Members considered one objection.

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.

Councillor Mrs French questioned whether there is adequate room for a refuse truck to access the site or would bins have to be brought down to the beginning of the access, which would then mean the development does not comply with the distance requirements for moving refuse in the Recap Waste Management Design Guide. She referred to the flats to the rear of the site, which when members visited the site there was an occupant sitting at first-floor level emptying rubbish from one of the flats to the rear of this area and asked how these flats would sit with this development? Officers advised that the owner was emptying the property and this area would not be used as a sitting area, distances to the rear boundary of the new properties range from 24-26 metres with the ideal distance being 18 metres and they do not believe that there would be an issue.

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

Granted, subject to the conditions reported.

(Councillor Patrick declared a personal and prejudicial interest in this application, by virtue of his daughter's property backing onto the site, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillors Curtis and Murphy declared a personal and prejudicial interest in this application, by virtue of being Board members of Roddons Housing Association, 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 his wife being employed by Roddons Housing Association, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Mrs Newell requested it be recorded that she abstained from voting)

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

P25/12 **F/YR12/0302/F (17.4.2012)**
WHITTLESEY - LAND WEST OF 160 RAMSEY ROAD, ERECTION OF GROUND
MOUNTED PHOTOVOLTAIC SOLAR PANELS AND 2.2 METRE HIGH SECURITY
FENCE AND LANDSCAPING
(MR R GREEN, LARK ENERGY LTD)

Members considered letters and petitions of objection.

Officers informed members that:

- Middle Level Commissioners request further details regarding surface water drainage. The comments raised by the Middle Level Commissioners are noted, however, given that the details required will be covered by the Drainage Board's legislation it is not considered necessary to request the details as part of this application
- neighbours state that the hedging on the western boundary was removed due to the occupants of the dwelling suffering from ill health and being unable to keep on top of its growth. The felling of the hedge was a priority due to the property being shaded. The comments raised by the neighbouring property are noted, however, are not considered to affect the recommendation of this application.

Members received a presentation, in accordance with the public participation procedure, from Mr Mears, an objector to the proposal. Mr Mears expressed the view that this application is not a minor as referred to in the report, but, in his opinion, a major one.

Mr Mears stated that his main concern is that the size of the development, which would be 25 metres away from his bungalow, but closer to his garden, and he feels there are better locations suited for this proposal. He referred to Policy E8, which states that new developments should have regard to the amenity of adjoining properties, and expressed the view that this proposal does not as it would be overbearing and detrimental. He referred to CS12, which states that renewable energy proposals will be assessed on their merit taking into account the surrounding landscape, residential amenities and high quality agricultural land, which he feels fails on all three counts, and, in his view, it is contrary to Policy E1, which states that no development should detract from the Fenland landscape, as he feels that the proposal would be visible from a wide area.

Mr Mears referred to security of the site being classed as low risk due to the security fencing, but expressed the opinion that his property could be an easier target because of it. He stated that he has lived in this area for 23 years and, in his view, the land has been allowed to be used as an area for tipping vegetables and become a disgrace, and to grant this application would be seen as a reward for bad farming practices, with the current lack of food production meaning that this field could feed many families.

Mr Mears expressed the view that if the panels are mounted on the existing agricultural buildings the farm would still profit even if the cost to roof mounting is more. He expressed the opinion that the proposal for 1086 solar panels less than 25 metres away from his home is not small scale and would be highly visible having an enormous impact on the traditional Fenland landscape.

Mr Mears referred to an article in the Cambs Times regarding the development of a solar farm at Reach Drove, Whittlesey, which was granted as "the site has no overlooking homes", but stated that this proposal does. He thanked Whittlesey Town Council for its support and requested that the application be refused as it is, in his view, contrary to the Council's own adopted policies, the emerging Core Strategy and the National Planning Policy Framework.

Councillor Peachey asked Mr Mears if, in his opinion, there is enough roof space on the agricultural buildings to accommodate solar panels? Mr Mears advised that he would think that the roof space could accommodate 90% of the solar panels.

Councillor Quince asked Mr Mears if the land is Grade I or II? Mr Mears advised Grade II.

Members received a presentation, in accordance with the public participation procedure, from Mr Selwyn, on behalf of the applicant. Mr Selwyn expressed the opinion that the application has been carefully designed and sited to meet the demands for energy for the farm, with the panels producing 250kw hours, which matches the farm's demand.

Mr Selwyn stated that an investigation into using the roof space has been conducted, but, in his view, the roof would require strengthening and does not face in the correct direction to produce the amount of energy required. He made the point that the proposal is four times the standard installation on a dwelling, which is why planning permission is required.

Mr Selwyn expressed the view that there is overwhelming support for solar panels as they are lower in height and have a lower impact on the Fenland landscape. He stated that the land has been used for 9 years for potato and onion dumping and has, therefore, not been farmed for 9 years.

Mr Selwyn expressed the opinion that there have been no security issues on their other sites, with security fencing being proposed to deter thieves and hedging to improve the visual impact of the proposal, making the point that there would be no guard dog for security only fencing. He made the point that a neighbouring property has removed large hedgerow from around its property,

which has now created a more open vista from this property.

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

- Councillor Curtis questioned whether there is a property to the west of this proposal? Officers confirmed that there is a bungalow to the west of the site. Councillor Curtis expressed the opinion that the bungalow is the issue, it is not just the solar rays but the fencing around the site, which will dominate, and he thinks that the proposal is sited in the wrong place as the impact that it would have on a property so close cannot be ignored;
- Councillor Patrick questioned the height of the panels? Officers advised that they would be 8 feet high;
- Councillor Mrs French questioned a 26 year permission? Officers advised that the applicant is entitled to ask for a 26 year permission;
- Councillor Mrs Mayor stated that she agrees with Councillor Curtis and cannot support this application;
- Councillor Curtis expressed the view that Fenland is in danger of getting into the same state as it did with turbines and a policy is required urgently on solar panels to avoid growth that cannot be controlled;
- Councillor Peachey stated that when he saw the state of the land and location, he initially thought it was an ideal location, but he failed to notice the location of this bungalow and his opinion has now changed.

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

**Refused for the following reason -
the proposal would result in a detrimental adverse impact on the visual amenity of the area and on the neighbouring property.**

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

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

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

**P26/12 F/YR12/0312/F (24.4.2012)
ELM - LAND NORTH OF OLD KILLEEN, 172 FRIDAYBRIDGE ROAD, ERECTION
OF 4 X TWO-STOREY 4-BED DWELLINGS WITH DETACHED GARAGES
(MR S WADSLEY)**

Members considered letters of objection and support.

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:

- Middle Level Commissioners has made standards comments relating to the requirement for design calculations, analysis methods, ground conditions, etc
- the comments received from the Middle Level Commissioners have been noted and given that the specified requirements form part of its own legislation, only limited weight is afforded to the comments. The recommendation, therefore, remains as per the original report.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey expressed the view that the report does not mention that he has met and discussed this application with officers, which is an IPPLS application fitting between two existing residential areas, being on a main bus route and is supported by the Parish Council. He expressed the opinion that he does not consider the report to be balanced and has a negative slant, which could have been more fairly written.

Mr Humphrey made the point that there are 5 letters of support for the proposal, with one of the letters being from a neighbour who gives two pages of reasons why the application should be supported. He feels that the proposal would enhance the area and is an ideal site to be developed, but, in his view, all the positive comments have been missed out of the officers' report, however, officers have seen fit to put in three-quarters of a page of objections.

Mr Humphrey referred to policies, stating that the Core Strategy and IPPLS do not refer to the Friday Bridge gap so the presumption is that this site can be developed and as it is between two existing Development Area Boundaries he cannot see how it cannot be a more sustainable location. He referred to Policy ELM/H2, which states that development should be resisted on the western side of Fridaybridge Road, but development allowed in existing small group on the eastern side, which this site is.

Mr Humphrey asked how officers can say the proposal is at odds with the surrounding area, when there is a barn conversion and a rendered property at each side of the site, with these proposed properties to be rendered, which he feels would enhance the area. He stated that his client is happy to provide a footpath, but, in his view, officers' have used the highway comments as a slant to not give planning permission, which he does not think is reasonable to use as a refusal reason.

Mr Humphrey expressed the opinion that the report is biased for refusal and feels that members have seen the site so can see the bigger picture, with, in his view, this site according with IPPLS, fills and fits a gap, is an attractive site, proposes potential housing and is not sporadic or consolidation of the existing area.

Councillor Mrs French questioned the site being 0.46 of a hectare? Mr Humphrey advised that this has been purposely done so that a Section 106 contribution did not have to be made, however, if members insist his client would be happy to make a contribution.

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

- Councillor Mrs Newell stated that she wants to approve this application, subject to the condition that a footpath is included and a Section 106 contribution;
- Councillor Curtis disagreed, he feels that it is not about whether the space is suitable or not, but, in his view, the design of the properties lack flair, which is required of executive housing;

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- Councillor Mrs Mayor stated that she cannot see anything wrong with the design of the dwellings;
- Councillor Mrs French agreed with the comments of Councillor Mrs Newell, she thinks that the Parish Council would be grateful for a footpath that would be of benefit to the village. Officers made the point that the footpath is not included in the red line and further discussion may be needed with the applicant on this issue.

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

Granted, subject to suitable conditions to include provision of a footpath and possible prior completion of a Section 106 Agreement.

Members do not support officers' recommendation of refusal of planning permission as they feel that this is an appropriate form of development.

**P27/12 F/YR12/0321/F (27.4.2012)
WISBECH - LAND EAST OF 135 ELM LOW ROAD, ERECTION OF A SINGLE-STOREY 2-BED DWELLING INVOLVING DEMOLITION OF EXISTING SHED (MR D EDSON, DENE HOMES LTD)**

Members considered objections.

Members received a presentation from Councillor King, who supports the proposal. Councillor King informed members that when he considers whether to speak in favour of an application he considers whether he would find the development acceptable if it directly affected him and in this case he would as there is currently a workshop on site, which does have permission for metal working, and one of the current houses adjoining the site has no car parking, the road remains the property of the applicant who could stop anyone from parking on it meaning that cars would have to park on Elm Low Road, with this proposal addressing this issue.

Councillor King made the point that this proposal is a reduction from a 3-bed to 2-bed bungalow, therefore, in his view, the concern of some of the residents about overlooking is overcome. He is not aware of any letters of objection being received on this application, there were letters of objection to a scheme that was withdrawn, but as far as he is concerned none in relation to subsequent applications.

Councillor King expressed the view that the property would be used by retired people who want a small bungalow, it has ample garden and he feels vehicle movements would not be excessive. He referred to the application in 2003 being refused due to an access issue, with this proposal not using this access.

Councillor King referred to the report mentioning possible disturbance during the construction period, but he understands that this is not a planning consideration and feels it should not be included unless the rules have changed. He made the point that the highway access is as it is, and perhaps planning permission should not have initially been granted for this access, but it exists.

Councillor King stated that he is happy with this application.

Officers stated, in response to a comment made by Councillor King, that there has been 4 letters of objection on this current scheme.

Councillor Scrimshaw asked Councillor King why he thinks the property would be used by retired people? Councillor King advised that as it is proposed to be a 2-bed bungalow, he thinks it would attract these types of people. Councillor Scrimshaw disagreed with this view indicating that it could be a starter home.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey stated that he does not submit many applications for bungalows, they are mostly for houses.

Mr Humphrey made the point that the Town Council recommends approval and there have been significant changes since the previous application was refused, with the bedrooms now at the rear and it now being a 2-bed bungalow, addressing, in his view, many reasons for refusal. He stated that there is a workshop on site and this is the last gap that allows officers to resolve issues that are on site and provides a parking space to the semi adjoining the site that it does not have at present.

Mr Humphrey expressed the view that the proposal complies with policies as it resolves existing issues on the site that could not otherwise be resolved and he feels it is a far better application, which should be supported.

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

- Councillor Mrs French acknowledged that this proposal is one-bed less, but she cannot see a fundamental difference to the proposal that was previously refused;
- Councillor Mrs Mayor made the point that the proposal would not comply with the policy on the distance wheelie bins have to be taken for collection.

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

Refused for the following reasons -

1. **the proposal is contrary to Policy E8 of the Fenland District-wide Local Plan, Policy CS14 of the draft Core Strategy and the National Planning Policy Framework in that it would have a detrimental impact on the amenity of the adjoining properties, the surrounding area and the locality in general by virtue of the location of the proposed dwelling on a backland site;**
2. **the applicant has failed to demonstrate on the submitted plans that sufficient land lies within his control to provide adequate visibility at the site access. Accordingly, the proposed development would be detrimental to highway safety and contrary to Policy H3 of the Fenland District-wide Local Plan and Policy CS13 of the draft Core Strategy;**
3. **the proposal fails to address the amenity of future occupiers by virtue of the unacceptable distances for moving refuse for collection in accordance with the Recap Waste Management Design Guide adopted 2012.**

(Councillor Patrick declared a personal and prejudicial interest in this application, by virtue of having known the landowner for many years, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Oliver declared a personal and prejudicial interest in this application, by virtue of the owner of an adjoining property being a fellow councillor, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor King declared a personal interest in this application, by virtue of the owner of 141 Elm Low Road being a personal friend and also a member of the North-East Conservative Councillors Association and a fellow Conservative councillor)

P28/12 **F/YR12/0337/O (1.5.2012)**
MURROW - LAND WEST OF 60 BACK ROAD, ERECTION OF TWO DWELLINGS
(MRS M BARNES)

Members considered one representation.

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:

- the Parish Council support the development and recommend approval
- one letter of representation has been received stating that the pole to the front of the site is a Power Networks pole by which at least three properties are connected to the National Grid, not a BT pole
- the further comments received have been noted, however, the relocation of the pole is a matter to be arranged by the applicant with the owner of the pole and, therefore, carries little weight in the assessment of the application.

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

- Councillor Mrs French stated that she disagrees with the officers' recommendation, the proposal would overlook the bungalow to the rear, would only occupy half of the remaining site and she feels it is land grabbing;
- Councillor Curtis agreed, making the point that it is a vacant plot of land that is proposing an identical development to one that is already in existence adjoining this site and if this proposal is approved a third development might as well be squeezed in. He feels that something different is required on this land and that the remaining land should be developed as one whole site.

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

**Refused for the following reason -
the proposal is out of character with the surrounding area.**

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 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)

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

P29/12 **F/YR12/0356/F (10.5.2012)**
NEWTON - BARN SOUTH OF 2 NEWTON HALL BARNS, HOGENS LANE,
CONVERSION OF BARN TO FORM A 4-BED DWELLING WITH ATTACHED
DOUBLE GARAGE
(MR T SMITH)

Members considered one letter of support.

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 circulated a photograph to show Newton Hall Barn, which is being converted on site, and also showed a photograph on the screen of what was left of the barn before the conversion commenced.

Mr Humphrey made the point that there is no mention of the other single-storey barn conversion on site, which was, in his view, an identical building built at the same time to this proposed barn. He quoted from the officers' report for the conversion of this single-storey barn, which states that it was approved as its form and design is considered to be acceptable, together with the character of where it is located. He made the point that this barn was built using common bricks as is the one for this proposal.

Mr Humphrey expressed the opinion that the quality of the barn conversions on the site already is evident, with this application also proposing a beautiful barn conversion. He stated that Newton Hall Barn was originally approved for two dwellings, but the view was taken that it would be better as a single dwelling, so by approving this proposal it is not proposing anything additional to what has already been approved on site.

Mr Humphrey made the point that the Parish Council support and praise the conversion and he believes that there has been three letters of support. He stated that the proposal is only 60 metres from the Development Area Boundary and would be re-using a redundant building, which would lead to the enhancement of its immediate setting and a bat survey could be undertaken if required.

Mr Humphrey informed members that his client is running short of money and this proposal would assist with the completion of Newton Hall Barn. He requested that, in accordance with the previous officers comments and as other conversions have been supported, that this proposal be approved.

Councillor Scrimshaw asked what is the date of the report that Mr Humphrey is referring to in relation to the single-storey barn conversion? Mr Humphrey advised that the officers' report has no date, but its reference is F/YR08/0084/F, which was a delegated approval for a single-storey barn conversion.

Councillor Mrs French asked if the mobile home on site has permission? Mr Humphrey advised that planning permission is not required for a temporary mobile home that is being used whilst a permanent dwelling is being built.

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

- Councillor Mrs Newell asked why planning history is missing from the officers' report? Officers advised that they believe it is a different red line, but agreed for completeness that this history should have been added to the report;

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- Councillor Patrick expressed the view that the proposal would enhance and finish off the site;
- Councillor Mrs French agreed with Councillor Patrick that the proposal would finish off the site.

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

Granted, subject to suitable conditions to include:

- **start date**
- **biodiversity studies**
- **materials schedule**
- **unsuspected contamination**
- **parking and turning**
- **access construction**
- **gates to be set back**
- **mobile home to be removed from the site on completion of the conversion.**

Members do not support officers' recommendation of refusal of planning permission as they feel that the proposal would enhance and complete the site.

P30/12 **F/YR12/0364/F (16.3.2012)**
MANEA - LAND NORTH OF 1 ORCHARD WAY, ERECTION OF A 3-BED TWO-STOREY DWELLING
(MR R PURSER, KNIGHTS CONSTRUCTION (MARCH) LTD)

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 made the point that the proposal is before the committee as it has been called-in by Councillor Jolley as he considers the proposal will fit nicely in the streetscene and fits the plot, and asked what more can he say?

Mr Humphrey expressed the view that the site sits on a cul-de-sac and was part of a bigger scheme, with the land being owned by his client who has kept it cut. His client wants to develop the site as he is coming up to retirement and it would form part of his pension fund.

Mr Humphrey referred to the reasons for refusal on design, scale and layout and expressed the opinion that the proposal is a modest cottage on a plot of similar size to adjoining properties, which contains parking and amenity space, and he fails to understand the reasons for refusal. He made the point that the proposal was refused previously under delegated powers, but, in his view, the proposal fits the plot nicely, is in a sustainable location and has many attributes.

Mr Humphrey stated that his client would not cut the grass anymore if this application is refused.

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

- Councillor Patrick expressed the view that this plot of land is much smaller than that for 1 Orchard Way;

- Councillor Curtis expressed the view that the officers' recommendation is correct, he feels it may not be garden grabbing, but it is the same principle;
- Councillor Peachey asked if this plot of land was designed for open space? Officers advised that they have not been able to find this out, they only know that this is an area of private ground that did have a garden seat on it;
- Councillor Connor expressed the view that the plot is a far too small a piece of land to sustain a 3-bed dwelling;
- Councillor Mrs French expressed concern about the property having no amenities whatsoever.

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

Refused for the following reasons -

1. **due to its design, scale and layout it is considered that the proposal is not compatible with and fails to respect the character 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 the National Planning Policy Framework**
2. **by virtue of the design, layout and positioning of the development it is considered that the scheme would impact negatively upon the amenity of the adjoining properties and the area in general. The application is, therefore, contrary to Policy E8 of the Fenland District-wide Local Plan, ENV7 of the East of England Plan and the National Planning Policy Framework.**

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

**P31/12 F/YR12/0391/F (18.5.2012)
MURROW - LAND NORTH OF 57 FRONT ROAD FRONTING BACK ROAD,
ERECTION OF A TWO-STOREY 2-BED DWELLING INVOLVING DEMOLITION OF
EXISTING GARAGE
(MR A CUNNINGHAM)**

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:

- the North Level IDB has responded raising no objections to the proposal, but notes that a formal application to construct an access across Seadyke Drain will be required. This response will be forwarded to the applicant
- the Local Highway Authority has responded and request the following conditions:
 - two 2.0 x 2.0 metres pedestrian visibility splays be provided and shown on the drawings (to be submitted to and approved in writing by the Local Planning Authority). The splays are to be included within the curtilage of the new dwelling and this area shall be kept clear of all planting, fencing, walls exceeding 600mm high
 - the manoeuvring area as shown on the drawings is maintained so that it is free of any obstruction that would prevent a domestic vehicle from being able to manoeuvre with ease so it may enter and leave the property in a forward gear
 - no unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site

- the access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority
- prior to the commencement of the first use, the vehicular access where it crosses the public highway, shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

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

- Councillor Patrick stated that he is happy with this application and would recommend approval;
- Councillor Scrimshaw questioned the non response from the Parish Council, making the point that the previous application in Back Road, Murrow had comments from the Parish Council and these applications were considered at the same meeting. He agreed with the reasons why Councillor Booth has called-in the application as there are highway problems with Back Road, he will support this application for one dwelling, but if there is a major development in Back Road action needs to be taken about the condition of the road;
- Councillor Mrs French made the point that the Local Highway Authority have been requested for years to improve the road, without success.

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

Granted, subject to the conditions reported plus the Highway conditions detailed above.

(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)

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

**P32/12 F/YR12/0414/F (28.5.2012)
WISBECH - 8 HILL STREET, CHANGE OF USE FROM RETAIL TO 2-BED
DWELLING
(MR AND MRS A AND D COE)**

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:

- Wisbech Town Council recommend refusal as members do not consider this to be in keeping with the retail street scene
- the Council's Conservation Officer has no objection to the proposal, on the basis that the property would originally have been a house (only much later becoming a shop) and that no external changes are proposed
- Wisbech and District Chamber of Commerce are extremely concerned about this application as it feels that the town cannot afford to lose any more retail premises and did raise a similar concern over the neighbouring property at No.6 which was refused. Although it realises there is some residential in the street already it feels that letting this premises change could start a process, or encourage No.6 to try again, that would split some businesses off from

- the shopping area
- the consultation period for statutory consultees and neighbours expired on 21 June 2012 and the press notice expires on 27 June 2012. The site notice was posted on 12 June 2012 and as a result the consultation period runs until 3 July 2012. The resolution is to refuse subject to no new observations being raised.

Members received a presentation, in accordance with the public participation procedure, from Mrs Coe, one of the applicants for the proposal. Mrs Coe informed members that Maxey & Co were instructed to market the property in 2010 with the property being described as a small shop unit, and whilst the shop is now not being marketed formally they have continued with on-site signage.

Mrs Coe expressed the view that the size of the unit means that it was probably built for residential use originally and there has been no objections to the proposal from neighbouring traders. She feels the design keeps the ground floor open and active and there would be no visual impact on the street scene, with the property having a secure rear yard providing a good standard of amenity space and for refuse bins, therefore, complying with the NPPF.

Mrs Coe stated that she completed pre-application discussions in 2011 for a change of use, but was not in a position to proceed to a full application at that time. She made the point that the property has stood empty for two years, with business rates still being paid on this empty property, and, therefore, it has not been part of the retail scene for this amount of time.

Mrs Coe expressed the view that since purchasing the property in 1984, there have been many failed businesses in it due to the small size of the unit, with many tenants not staying until the end of the lease. She stated in the last six years, she has only had four short tenancies with vacant periods in between.

Mrs Coe made the point that despite attempts to find a purchaser the property has stood empty for two years, and, in her view, this proposal would not set a precedent. She cannot see it being used for retail again and would like to see the property re-used and brought back into use as residential, which would make an ideal property for a single person.

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

- Councillor Mrs French expressed the opinion that the proposal is different to the one that was refused next door as there would be no changes to the facade of the property and this property also has amenity space. She stated that it is a sad fact that town centre shops are failing, with this property having been empty for two years;
- Councillor Mrs Newell agreed that this application is different from that proposed at No.6, which had no rear access, and this one does. She feels there is a shortage of residential properties in Fenland;
- Councillor Mrs French feels that the proposal should be approved as there are many empty properties and she feels this could be an ideal starter property for someone;
- Councillor Peachey expressed his sympathy for the applicant, who has tried hard, and he feels that if the property was brought back into residential use it would not change the street scene and would be an advantage being a home.

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

Grant, subject to

1. **expiry of consultation period with no new grounds of objection being received**
2. **suitable conditions to include start date.**

Members do not support officers' recommendation of refusal of planning permission as they feel that the proposal would not detract from the street scene and it would bring an empty property back into use.

(Councillor Hatton declared a personal and prejudicial interest in this application, by virtue of the applicants being personal friends, and retired from the meeting for the duration of the discussion and voting thereon. Councillor Curtis took the Chair)

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

P33/12

TPO 04/2012

MARCH - 93 HIGH STREET - TWO YEW TREES

Members considered confirmation of a Tree Preservation Order (TPO) for two Yew trees at 93 High Street, March. Members were informed that:

- during the consideration of two application for the removal of trees in a Conservation Area (F/YR12/0146/TRCA and F/YR12/0180/TRCA) it became apparent that the trees were worthy of preservation and the Council sought to issue a TPO;
- a letter was received from the Oliver Cromwell Hotel objecting to the TPO raising the following points:
 - that the trees cause the objector and pedestrians nuisance as it is considered that the trees are responsible for structural damage to the Listed Building and there have been problems with the berries from the trees creating a hazard on the surrounding footpath;
- matters relating to the issue and confirmation of a TPO are normally dealt with by delegated powers, unless objections to the order are received when the matter is referred to committee for determination;
- the placement of a TPO does not prevent tree works or even removal, but gives the Local Planning Authority control over inappropriate works;
- the data provided by Morton Consulting Engineers Ltd is inconclusive as to whether the trees are causing/contributing to foundation movement and a full site investigation will be required. Until such time as a full investigation is carried out there is inadequate evidence to implicate the trees. Should a site investigation implicate the trees then there would have to be consideration of an engineered solution as the landscape level of the amenity and character provided by the trees should be retained;
- officers' are of the view that the TPO should be confirmed whilst further investigative work is undertaken to determine a way forward for the two Yew trees.

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

- Councillor Mrs French stated that she is aware of the trees as the site lies within her ward and she feels they are worthy of retention. However, she made the point that Audmoor

House is a Listed Building and it is moving, so she would like to see the issue brought back to committee once all the testing has been undertaken to decide whether it is a choice between the Listed Building or the trees;

- Councillor Connor agreed with Councillor Mrs French, he feels that a structural engineer should see if it is the trees that is causing the problems to Audmoor House, but a TPO should be placed on them in the meantime.

Proposed by Councillor Mrs French, seconded by Councillor Connor and **decided that the Tree Preservation Order in relation to two Yew trees at 93 High Street, March be confirmed.**

(Councillor Keane had left the meeting prior to determination of this item)

7.30pm

Chairman