

# PLANNING COMMITTEE



**19 SEPTEMBER 2012 - 2.30PM**

**PRESENT:** Councillor P Hatton, Chairman; Councillors M G Bucknor, D W Connor, M J Curtis (from 4.10pm), Mrs J French, B M Keane, A Miscandlon (substitute for the vacancy that existed), P Murphy, Mrs F S Newell (until 5.50pm), D C Oliver, D R Patrick, T E W Quince, R E Scrimshaw and D Stebbing (until 6.35pm).

**APOLOGIES:** Councillor Mrs K F Mayor.

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), I Hunt (Chief Solicitor - for Minute No.P88/12) and R McKenna (Principal Solicitor (Litigation and Planning)).

## **P68/12      MINUTES OF 22 AND 29 AUGUST 2012**

The minutes of the meetings of 22 and 29 August 2012 were confirmed and signed.

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

## **P69/12      F/YR12/0221/F MARCH - LAND WEST OF LOWER BOTANY BAY FARM, ERECTION OF A 75 METRE (MAX) HIGH (HUB HEIGHT) WIND TURBINE (MS J ROSS)**

Members considered a petition and letters of objection and letters 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.

Officers informed members that:

- a letter has been received from Stephen Barclay MP stating that whilst it is for the Planning Committee to determine applications, in this instance he feels that with regard to the impact of the turbine on the nearby motorsports centre the evidence against the proposed development - specifically its location - sufficiently outweighs any evidence in support of such a development to warrant his support
- as stated in the committee report, technical submissions have been made by both applicant and objector disputing the facts and methodology used in the assessment of whether or not the turbine would adversely affect the operations of the Airports Centre. The Airports Centre has been granted permission for a period of 3 years to consider whether or not it is acceptable in the longer term. Planning case law suggests that it is difficult to come to a definitive position statement in cases where varying technical evidence has been submitted (Ref - ap/h05020/a/11/2158702). In this case, the turbine is at a distance of 1,570m away from the proposed turbine location and it has not been established that it would adversely affect the Airports Centre in which case it would be inappropriate to refuse planning permission for this reason as it could not be supported by officers should the application be the subject of a planning appeal

- an updated location plan of wind turbine development in the area has been circulated to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Davis, an objector to the proposal. Mr Davis referred to slides that had been circulated to members, which show the location of the turbine and Airsports Centre, and, in his view, as the wind is in a south-westerly direction the areas of take off for pilots from the Airsports Centre would pass directly over and through where the proposed turbine is located, which, in his view, is not a safe environment as this would be the lightest form of aviation being used on the market, with the heaviest part of the aircraft being the pilot making the aircraft vulnerable on take off, landing and circuits.

Mr Davis stated that the green lines on his slides show the approach areas when aircraft come back to land, with there only being a limited corridor that can be used as on his planning permission he stated that he would not fly close to neighbouring properties to prevent noise and nuisance to residents, which means that aircraft would go through and past the point of the turbine which, in his view, is not safe. He referred to stringent testing that has been undertaken on how long it takes for a vehicle to reach a safe altitude, which is 0.5 miles for novices and he raised concern at this as by the time an aircraft clears 500ft, which is a safe level, it would be right in the path of the turbines as the predominant wind directions shown from his radars are west and south-west, which is straight across the field.

Mr Davis expressed the view that adverse weather conditions can cool down the air temperatures, which is concerning to him, making the point that the CAA are undertaking further studies on this for all forms of aviation. He stated that he is not against turbines, but would ask that it be moved south, which means that the developers and land owner would not lose out and allow the Airsports Centre to operate in a safe environment.

Members received a presentation, in accordance with the public participation procedure, from Mr Moore, a supporter of the proposal. Mr Moore expressed the opinion that the argument that turbines have to be refused by councillors every month has to be stopped. He stated that he supports turbines in principle, but he has one problem with this turbine in that it has not been stated what the point of connection is, although recognising that it is not within the scope of a planning application and, therefore, technically not required, it has not been clarified and he thought it would have been feasible for the applicant to speak to local residents to see how they can be benefitted from the turbine.

Mr Moore stated that he would like to see the applicant speaking to residents and reaching an agreement.

Councillor Hatton questioned why Mr Moore has been listed as a supporter due to his comments? Mr Moore advised that he stated that he was a neutral, but was advised there was no such category and he is not against wind turbines.

Councillor Connor stated in relation to Mr Moore's comments that the present Planning Committee takes every application on its own merits and this includes wind turbine applications. Mr Moore disagreed with these comments.

Councillor Mrs French made the point in relation to Mr Moore's comments that Planning Committee has to look at applications on the use of land and not technical aspects.

Members received a presentation, in accordance with the public participation procedure, from Mr Burton, on behalf of the applicant. Mr Burton advised members that he owns the land with his mother and brother, with six generations of his family having lived and farmed the land with great pride and passion.

Mr Burton stated that his family has always invested hugely in self-sustainability in farming, with the farm sustaining his family and six other local families, but it needs to be a viable business, with, in his view, one single wind turbine being able to make a contribution to the farm and would not impact upon the existing landscape. He made the point that there are also large scale farm buildings and pylons in the area and landscape.

Mr Burton referred to the officers' report which states that the turbine is acceptable in every way except landscape, but he expressed the view that he has looked after the landscape and requires a single turbine to work for the farm.

Councillor Mrs French stated that she is not against wind turbines, but they need to be in the correct place and, in her view, from the documents and the fact that there is Core Strategy out for consultation, which is not mentioned in the report, which has allocations for housing, she feels that this turbine could be too close to these allocations and damage the future growth of March, which has to be looked at over 20 years. She considers it to be visually unacceptable with the closeness to the town and she cannot support it.

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

**Refused for the following reasons -**

- **the proposal is contrary to:**
  - **the Fenland Wind Turbine Development Policy Guidance June 2009 as it is considered to have an adverse cumulative visual impact in the area**
  - **Paragraph 109 of the National Planning Policy Framework 2012 in that it does not conserve and enhance the surrounding natural environment**
  - **Policy CS14 of the draft Fenland Core Strategy July 2012 which seeks to deliver and protect high quality environments across the District**
  - **Policies E1 and E8 of the Fenland District-wide Local Plan which seeks to resist development likely to detract from the Fenland landscape, be of a design compatible with their surroundings and have regard to amenities of adjoining properties**
  - **Policies ENV2, 3 and 4 of the East of England Plan which seeks to protect and enhance the diversity and local distinctiveness of countryside character, ensure development respects/enhances local landscape character and minimise damage to biodiversity.**

*(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)*

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

*(Councillor Curtis was not present at the meeting at the time this application was determined)*

**P70/12**      **F/YR12/0249/F**  
**MARCH - LAND SOUTH-EAST OF ORCHARD LODGE, JOBS LANE, ERECTION**  
**OF 3 X TWO-STOREY 3-BED DWELLINGS WITH DETACHED SINGLE GARAGES,**  
**6 X TWO-STOREY 4-BED DWELLINGS WITH DETACHED DOUBLE GARAGES**  
**AND 1 X TWO-STOREY 4-BED DWELLING WITH ATTACHED DOUBLE GARAGE**  
**(MR H FISHER)**

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:

- the County Council's Right of Way Team comment that Public Footpath No.23 is adjacent to the boundary of the access to the application site, but it does not appear that this footpath will be adversely affected by the proposed development and, therefore, has no objection
- one further letter of objection has been received regarding the loss of the garden area and photos enclosed showing deer within the application site.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey expressed the view that this application is a comprehensive application following an earlier application for five and he thanked officers for working with him on this scheme.

Mr Humphrey stated that the proposal is for 7 houses and 3 affordable dwellings on the site of a former chicken run and, in his view, the site abuts the Development Area Boundary on two sides, is in a sustainable location near to a school, on an adoptable road, the Section 106 requirements are acceptable and it has no highways or drainage issues. He stated that the applicant planted the trees on site himself and whilst he is conscious that some would be removed, he feels the scheme warrants the loss of a few trees.

Mr Humphrey expressed the opinion that resident concerns have been overcome as additional land has been purchased from the applicant to protect their privacy and he would request support for the proposal.

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

- Councillor Stebbing asked if the access roadway will be to adoptable standards and would be adopted, asking if not would refuse collection bins need to be brought to a storage area at the end of the access roadway? Officers advised that the road would be to an adoptable standard, but the County Council is not obligated to adopt it. However, it would have the capacity to withstand the weight of a refuse vehicle, therefore, meeting the RECAP waste guidelines and bin collection would be from the properties against the back edge of the highway;
- Councillor Scrimshaw stated that he supports the proposal and he is pleased to see the agent taking note of the reasons for refusal of a previous application on the site. He feels that the proposal is of good design, has an acceptable entrance and he applauds the affordable housing on the site;
- Councillor Mrs French referred to the previous application and made the point that this was refused on 2 August 2011 not 1 June 2012 as stated in the report. She feels that the proposal is of good design and she does not have any problems with the trees. Her only

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concern is in relation to Condition 2 about taking the rights away of property owners to erect screening. Officers advised that this condition relates to front elevation boundaries to keep an open aspect at the front of properties;

- Councillor Mrs Newell asked if there is a condition regarding archaeology? Officers advised in the affirmative.

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

**Grant, subject to:**

1. **prior completion of a Section 106 Agreement**
2. **the conditions reported.**

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

**P71/12**      **F/YR12/0275/F**  
**FRIDAY BRIDGE - WOODHOUSE FARM, JEW HOUSE DROVE, CONVERSION OF BUILDINGS TO RESIDENTIAL (1 X 3-BED, 3 X 2-BED AND 1 X 1-BED) INCORPORATING EXTENSIONS AND GARAGES, RETENTION OF 2-BED RESIDENTIAL DWELLING AND ERECTION OF A TWO-STOREY 3-BED DWELLING WITH GARAGE INVOLVING DEMOLITION OF TWO BARNS AND PIGGERY**  
**(MR AND MRS S FLINT)**

Members were informed that this application had been withdrawn from the agenda for further discussions on the Section 106 requirements.

**P72/12**      **F/YR12/0276/F**  
**MURROW - LAND SOUTH OF BANK FARM HOUSE, MURROW BANK, ERECTION OF 3 X 5-BED DWELLINGS WITH DETACHED GARAGES**  
**(ARTHUR GEE (THORNEY) LTD)**

Further to minute P39/12, members re-considered the requirement for a Section 106 Agreement in relation to the provision of affordable housing contribution.

Councillor Mrs French in relation to the site area being 0.475 hectares, asked if part of the land had been removed to bring it under the threshold? Officers advised that the boundary follows the natural line of the site.

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

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

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

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

**P73/12**      **F/YR12/0449/F**  
**TYDD ST GILES - LAND EAST OF AVALON, KIRKGATE, ERECTION OF A TWO-  
STOREY 4-BED DWELLING WITH ATTACHED GARAGE/CART SHED  
INVOLVING THE FORMATION OF A NEW ACCESS  
(MRS P GRANT)**

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 a comment has been received from a neighbour regarding the revised site plan and revised design of the dwelling, which was acknowledged as a significant improvement on the original scheme. Reiterated concern regarding trees in particular over the planting along the eastern boundary with the Listed Building, suggesting that it should be dealt with via a planning condition and this condition is recommended within Condition 2.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey expressed the opinion that this is a single well designed dwelling on a fantastic plot believing it to be the type of dwelling that members are looking for.

Mr Humphrey expressed the view that this plot is the natural growth of village as it is on the end of the Development Area Boundary. He made the point that he has worked with officers on this scheme, withdrawing a proposal for two and replacing it with one, and he cannot wait to enter it into the Design Awards.

Mr Humphrey hoped members would support the proposal.

Councillor Quince asked Mr Humphrey what materials would be used on the dwelling? Mr Humphrey advised that the materials are brickwork.

Councillor Mrs French asked for clarification in the report on the mention of Fenland Communities Development Plan in the report asking if this is the Core Strategy, making the point if so why is it called one thing in one paragraph and something else in another? Officers noted the point being made and confirmed that this was the Core Strategy.

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

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

**P74/12**      **F/YR12/0455/F**  
**WISBECH - LAND EAST OF ABRAHAM DRIVE, ERECTION OF 26 X TWO-  
STOREY DWELLINGS: 3 X 3-BED AND 8 X 2-BED WITH ATTACHED GARAGES,  
2 X 3-BED AND 12 X 2-BED WITH DETACHED GARAGES AND 1 X 2-BED WITH  
ATTACHED GARAGE AND CARPORT  
(MR G BLOYS, CONSTRUCT REASON 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.

Officers informed members that:

- confirmation has been received from the Environment Agency that it wishes to withdraw its objection on the understanding that the site already has outline planning permission (F/YR06/0464/O), which is still valid as development has already started on part of the site covered by this permission. It does, however, note that the proposed development will only meet the requirements of the National Planning Policy Framework if the measure(s), as detailed in the Flood Risk Assessment submitted with the application, are implemented and secured by way of a planning condition. Officer comment - it should be noted that the Environment Agency recommendation did also require eventual occupiers to sign on to the Environment Agency's Floodline Warnings Direct Service as part of the condition criteria, however, the applicant has queried this aspect of the condition. Officers note that no such requirement was placed on the wider site occupants and in light of the feedback received it is suggested that this element of the condition be included as an informative. The scheme meets all other requirements of the mitigation measures suggested
- Middle Level Commissioners has agreed in principle to accept an unregulated direct discharge from the site
- an amended plan has been received which clarifies the refuse collection arrangements for the site, which accords with guidance given by our Refuse Operations Manager. As a result of the amendments to accommodate refuse arrangements the submitted street layout plan and elevations/layout of one of the property styles now become obsolete, however, the represented plans which now form part of the application have no bearing on the overall design themes of the scheme and as such are acceptable
- the recommendation remains as per the report with the deletion of Condition 02 relating to refuse and the insertion of the following additional condition as recommended by the Environment Agency:
  - the development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Michael Thomas Consultancy LLP, ref: 332/001 FRA SubH-MC Rev B, dated August 2012, and the following mitigation measures detailed within the FRA:
    1. the layout of the development will include the provision of open flood flow routes to enable flood flows to be directed away from properties
    2. the development will be built to ensure the properties can withstand the hydrostatic pressures associated with flood waters from a breach event
    3. there will be no sleeping accommodation on the ground floor of the development
    4. safe refuge will be provided as first floor level
    5. finished floor levels will be set no lower than 3.8m above Ordnance Datum (AOD)

the mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason -

    1. to reduce the risk of flooding to the proposed development and future occupants
    2. to reduce the impact of flooding on the proposed development and future occupants
  - Informative - It is recommended that the eventual occupiers of the dwellings hereby approved sign on to the Environment Agency's Floodline Warnings Direct Service.

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

- Councillor Mrs French asked if the public open space supplied on the other side of the development is adequate for this additional housing? Officers advised in the affirmative;

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- Councillor Murphy asked when developments are going to build proper standard roads in estates, like they used to? Councillor Mrs French stated that Construct Reason have built a considerable amount of housing developments, especially in March, which are of good quality and have adoptable roads. Officers advised that the majority of the highway would be public highway, but the County Council cannot be made to adopt it. From an indication from the applicant it was stated that he would be entering into a Section 37 Agreement.

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

**Grant, subject to**

1. **prior completion of a Section 106 Agreement to secure an education contribution**
2. **the conditions reported including the deletion of Condition 02 and the additional condition required by the Environment Agency detailed above.**

(Councillors Mrs Newell and Stebbing had left the meeting prior to determination of this application)

**P75/12**      **F/YR12/0475/O**  
**MARCH - PLOT 1, LAND SOUTH OF 28 KINGSWOOD ROAD, ERECTION OF A**  
**DWELLING**  
**(MR AND MRS L STACEY)**

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.

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

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

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

(Councillors Mrs Newell and Stebbing had left the meeting prior to the determination of this application)

**P76/12**      **F/YR12/0480/F**  
**MARCH - PLOT 2, LAND SOUTH OF 28 KINGSWOOD ROAD, ERECTION OF A**  
**TWO-STOREY 5-BED DWELLING WITH ATTACHED DOUBLE GARAGE**  
**(MR AND MRS L STACEY)**

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.

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

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

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



(Councillors Mrs Newell and Stebbing had left the meeting prior to the determination of this application)

**P77/12**      **F/YR12/0512/F**  
**TYDD ST GILES - LAND NORTH OF AMBERLEY, HOCKLAND ROAD, ERECTION**  
**OF 3 X TWO-STOREY 4-BED DWELLINGS WITH DETACHED DOUBLE**  
**GARAGES**  
**(MRS A MAGNUS)**

Members considered letters of objection and support.

Officers informed members that:

- two additional letters of objection have been received:
  - concerns that the plans are inaccurate regarding the width claimed to exist between Sunnyside and Amberley
  - position of Sunnyside does not seem to be accurate
  - acoustic fencing should be provided to side of Sunnyside
  - the felling of the TPO's Whitebeam in front of Amberley should be refused in the interests of visual amenity
  - the tree appears healthy and, therefore, no reason to fell this beautiful specimen
- two letters of support have been received:
  - type of property and location is ideal for the sustainable growth of Tydd St Giles
  - the development would give a very desirable feel to the north end of the village
  - the road is capable of coping with increase in traffic
  - addition of more families will help with the school and community centre future
  - village boundaries should be reviewed.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Johnson of Tydd St Giles Parish Council. Councillor Johnson advised members that the Parish Council rarely does not agree to planning in the village, but on this occasion it is felt not to be in keeping with the village as the development is would be located behind people's properties, which the Parish Council would seek to avoid, and the main concern is the narrow access, which is felt not to be suitable for this development.

Councillor Johnson expressed the view that the proposal could cause damage to Sunnyside Cottage, which is one of the oldest building in the village, and he would recommend refusal of the application.

Members received a presentation, in accordance with the public participation procedure, from Councillor Tierney, County Councillor for the area. Councillor Tierney made the point that when his in-box fills up with e-mails from Tydd St Giles it is in connection with two issues, the wind turbine and this site. He stated that he does not blame the applicant for submitting this proposal, which is better than the previous proposal, but he expressed the view that none of the reasons it was refused previously have been addressed, there are still problems with the access, it is linear in nature, backfield development and the majority of Tydd St Giles object to it.

Councillor Tierney believes that officers have got the recommendation correct and he urged members to refuse the proposal.

Members received a presentation, in accordance with the public participation procedure, from Mr Mathias, an objector to the proposal. Mr Mathias advised members that he was speaking on behalf of residents on Hockland Road who object to this proposal and referred to him speaking on behalf of residents last September when that proposal was unanimously rejected and this proposal has identical unresolved issues.

Mr Mathias expressed the view that the proposal is still outside the Development Area Boundary, it still has the same access which would cause dangers to pedestrians, and there is no connection to the main drain. He feels that two precedents are being claimed for this development, but expressed the opinion that the first one, the Boatyard development, is on previously used land and the second conforms to the Community Plan.

Mr Mathias referred to the Core Strategy and expressed the opinion that this application fails to meet the requirements of CS1, CS2 and CS13. He referred to the site layout, which shows paddocks, which, in his view, look like further building plots, which could be a precursor to further building at a later date.

Mr Mathias expressed the view that he understands that if this application is allowed another party would make an application for 25 houses on the opposite side of Hockland Road, which would be difficult to resist and would place the village and the Core Strategy in tatters. He asked members to protect their village.

Members received a presentation, in accordance with the public participation procedure, from Mrs Magnus, the applicant for the proposal. Mrs Magnus informed members that she lives with her husband and two children at Amberley, which her family built, buying this site and the access road at a later date.

Mrs Magnus expressed the view that as it stands this empty field is sandwiched between a site for 8 houses and a residential property. She referred to IPPLS, stating that she had consultation with officers who supported the proposal, and from the County Councillor who said he would not speak against the development if it was submitted.

Mrs Magnus expressed the opinion that the proposal complies with the Core Strategy, the houses are well spaced and designed, and there is high demand for large plots according to estate agents. She feels the low density is in keeping with the dwellings on all sides and it is an obvious rounding off of adjacent development, with the development needed to keep the services in the village viable.

Mrs Magnus stated that the Local Highway Authority has said the access is acceptable and more than adequate to serve three dwellings, with it having been used by her family for over 20 years as access to the field. She made the point that parking for Amberley is not affected as this is at the front of the property.

Mrs Magnus recognised that villagers have formed a campaign against the development, but made the point that there are approximately 55 dwellings in Hockland Road, but over 600 properties in the village. She referred to the reasons for refusal, but, in her view, the site is on land adjacent to the village boundary boxing in the site on all sides, which could not be extended as there is a County drain at the rear of the site, it brings sustainable new development to the village referring to others that have been approved in Tydd St Giles on backfield sites, no houses would be overlooked or lose any light, and she has erected a fence around and increased the land for Amberley.

Mrs Magnus expressed the opinion that the proposal would deliver a prestigious development of which Fenland could be proud.

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

- Councillor Mrs Newell requested clarification regarding planning permission being granted for housing nearby? Councillor Hatton stated that there is a site to the left that has permission for housing, but this is completely different as it is a disused boatyard;

- Councillor Murphy asked if the roadway was to adoptable standard? Officers advised that amendments have been made to the access, which is now of sufficient width and of a standard to allow a refuse vehicle to enter the site. Councillor Murphy made the point that this does not mean that a refuse vehicle would go into the site as it would not normally enter a site unless it is of adoptable standard;
- Councillor Stebbing asked if there would be room for another vehicle to pass a refuse vehicle coming in or out of the site? Officers referred to the comments of the Local Highway Authority stating that 5 metres is the standard width of an adoptable road and the access is 5 metres at its main junction and has a passing bay located into the site;
- Councillor Scrimshaw expressed the view that he feels the proposal is backfield development, Tydd St Giles is a linear village and it is an unsuitable location for three houses at the rear of other properties;
- Councillor Mrs French acknowledged that the proposal had been reduced from 5 dwellings to 3, but she does have concern over the access which she feels would be tight. She does not feel there has been enough change to the proposal and neighbours would be disturbed, although she does sympathise with the applicant.

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

**Refused for the following reason -**

**the proposed development is located outside the Development Area Boundary for Tydd St Giles where residential development is not normally supported unless justified, development in this location would harm the distinctive character of the locality and detract from the existing settlement pattern of the village, which consists of mainly frontage development around an undeveloped square of agricultural land, and furthermore, the proposed access would have a detrimental impact on the amenities of the adjoining properties due to its intensification of use, contrary to Policies H3, H16 and E8 of the Fenland District-wide Local Plan and Policies CS10 and CS14 of the draft Fenland Core Strategy (July 2012).**

*(Councillor Curtis had not arrived at the meeting at the time of consideration of this application)*

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

**P78/12**

**F/YR12/0514/F**

**DODDINGTON - LAND NORTH WEST OF GREENVALE PRODUCE LTD, FLOODS FERRY ROAD, ERECTION OF A 110.0M HIGH (TIP HEIGHT) WIND TURBINE WITH ASSOCIATED INFRASTRUCTURE INCLUDING CONSTRUCTION COMPOUND, ELECTRICAL EQUIPMENT, ACCESS TRACK AND HARDSTANDING AND SITING OF STORAGE CONTAINER (GREENVALE)**

Members considered one objection.

Officers informed members that:

- the Landscape Partnership in its consultation response has reconfirmed the guidance given in respect of the earlier scheme and note that the scheme largely responds to the local landscape, being located as it is in the drained Fenland landscape character type. In cumulative landscape character terms, the addition of the Greenvale turbine would not

cause the capacity threshold of the drained Fenland to be exceeded and it would, therefore, be considered acceptable. Whilst the visual impact of the proposed turbine would be of greater significance these would be largely relating to a relatively small number of properties, however, none of these are considered to become 'unattractive places to live' on account of the proposed turbines in respect of residential amenity, but it is noted that due to the close proximity of Riverside to the turbine it is considered that this property could be considered a significantly less attractive place to live, particularly from the external areas, this being further emphasised by the increase in turbine height. In respect of other visual impacts, it remains the case that there will be significant visual impacts on residential areas in Benwick, recreational routes including the Hereward Way, local footpaths and the navigable River Nene Old Course, however, the Landscape Partnership reiterate earlier advice in that these impacts are not considered determinative. The most significant cumulative visual impacts will be alongside other existing and consented schemes for receptors in the local landscape to include the areas listed above and users of the B1093 and minor roads in the vicinity this being the most notable breach of the Wind Turbine Development Policy Guidance

- the agents have requested that the condition relating to turbine height be amended to specify tip height as opposed to both hub and tip height. Officers are mindful that turbine technology is constantly evolving and that ultimately it is the overall height that the Council would seek to control through the planning process accordingly officers would propose that Condition 10 be supplemented as follows:
  - notwithstanding the details of the application, and unless otherwise agreed in writing by the Local Planning Authority, the wind turbine generator shall have a height to the blade tip not exceeding 110.0 metres. Reason - in order to define the permission.
- officer comments that the Landscape Partnership draws largely the same conclusions as highlighted in respect of the earlier scheme proposal, albeit they do note that the increase in height will 'emphasise' the impact. Officers remain of the opinion that the increase in height would not be so significant as to warrant a refusal of the scheme now proposed and as such maintain their recommendation of approval, subject to an amended Condition 10 as above

Officers verbally updated members as follows:

- a representation from Middle Level Commissioners had been submitted which stated they do not consider that the scheme demonstrates a viable strategy for water level/flood risk management and that the scheme also encroaches on its 20 metre maintenance strip. Officers noted that the scheme related solely to amendments to height and the issues raised were covered by the Board's own processes
- Cambridge Air Traffic Control raises no objection.

Members received presentations, in accordance with the public participation procedure, from Mr Mather, the agent, and Mr Dear, on behalf of the applicant for the proposal. Mr Mather asked members to follow officers' recommendation and approve the application, which is proposing a 10 metres increase in the height of an approved turbine due to a 92% higher than original quote for grid costs, making the existing turbine not viable, and, therefore, this modest increase is proposed.

Mr Mather expressed the view that the impact of this turbine would be minimal as detailed within the report and brings it into line with other turbines in the area. He stated that prior to submitting this application the nearest neighbours were consulted, with none objecting, and they would also benefit from a local trust fund, to be increased in line with the increase of the turbine.

Mr Dear informed members that he is Operations Director at Greenvale, which has five sites across the UK, and the company, in line with its carbon strategy, wants to reduce its carbon use by this proposal, which is key to its renewable energy objectives. He stated that the company is committed to reducing its environmental impact and has won a water efficiency award for reducing its water by 65-70%.

Councillor Quince asked how much power would be generated by the increase in height of the turbine? Mr Dear advised that it would produce over 2,000MW hours and would take the company's renewable energy over 50%.

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

- Councillor Mrs French referred to the comments in the report of March Town Council which states that two individual letters from March Town Councillors were received and asked where is the response from the actual Town Council? Officers advised that they have not received a response from the Town Council only the two individual councillors and read out the correspondence received from one of the councillor which notes an e-mail from the Clerk asking for councillors to correspond directly to the Council;
- Councillor Mrs French stated that she does have concerns over the 10m height increased, bearing in mind the application members heard earlier and others in the area there is a massive cluster in this location.

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

**Granted, subject to the conditions reported and amendment to Condition 10.**

(Councillor Curtis registered, in accordance with Paragraph 3 of the Code of Conduct on Planning Matters, that he had a pre-determined view on turbine applications due to views previously expressed and retired from the meeting for the duration of the discussion and voting thereon)

(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)

**P79/12**      **F/YR12/0542/O**  
**GUYHIRN - LAND NORTH OF GREENACRES, GULL ROAD, ERECTION OF**  
**THREE DWELLINGS**  
**(MR AND MRS M WRIGHT)**

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 Elener, the applicant's agent. Mr Elener expressed the opinion that the proposal has been deemed harmful by officers for not being sustainable and not being a comprehensive development, but he feels that Guyhirn is linear in character and Gull Road has been extended towards Murrow in the past 10 years.

Mr Elener expressed the view that the hub of the village has been extended to Gull Road by the permitted extension of dwellings and he feels that additional family housing would be a positive step for the sustainability of the village, being on a local bus routes. He stated that the site is agricultural land that has been used as paddock land for many years referring to another application on the agenda that is for the development of paddock land that officers are looking upon favourably.

Councillor Scrimshaw asked Mr Elener if the fact that the site falls within the buffer of a landfill site been considered? Mr Elener made the point that the application is in outline only.

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

- Councillor Scrimshaw disagreed with the comments of Mr Elener that this area lies in the hub of the village as the school is in the centre of the village where it has always been;
- Councillor Mrs French expressed concern that this proposal is for three houses in the corner of a field, which she feels is piecemeal, and it needs to be a comprehensive scheme for her to be able to support it;
- Councillor Miscandlon agreed with Councillor Mrs French, he feels it is a piecemeal development at the edge of a field and if it was a more substantial development it could be supported;
- Councillor Mrs Newell made the point that members are being asked to judge this application and not what might come in the future. She feels that it looks a nice development, the Parish Council support it and she would also. Councillor Mrs French stated that there are policies relating to Section 106 and piecemeal and this proposal could upset the balance of these policies.

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

**Refused for the following reasons -**

1. **the proposal is positioned outside of any core settlement and fails to represent sustainable development, contrary to Policy H3 of the Fenland District-wide Local Plan and the general principles of the National Planning Policy Framework;**
2. **the proposal represents piecemeal development by virtue of the location and under-use of the land available, which would be to the detriment of the development of the area in general and fails to respect the principles of sustainability, contrary to the general principles of the National Planning Policy Framework;**
3. **by virtue of the location of the proposal, within the countryside, the proposal would represent an incongruous feature, which would detract from the open character of the landscape, contrary to Policy E1 of the Fenland District-wide Local Plan, and fails to respond to local distinctiveness of the area, contrary to Part 7 of the National Planning Policy Framework.**

*(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)*

**P80/12**

**F/YR12/0549/F**

**WHITTLESEY - 150 STONALD ROAD, CHANGE OF USE FROM C3  
(RESIDENTIAL) TO C2 (RESIDENTIAL INSTITUTION) FOR A MAXIMUM OF 3  
CHILDREN  
(MR C USADA, SEMI-INDEPENDENT HOUSE LTD)**

Members considered objections.

Officers informed members that:

- the Police Architectural Liaison Officer has no reason for concern based on crime and incidents history or the applicant's other property. As the proposed use is of a residential nature within a residential area and there is no evidence to suggest that crime or incidents would result from this proposal there are no comments to make on this application
- Whittlesey Town Council reject the application on the following grounds:

- busy highway used as cut through from the A605, insufficient off-road parking to accommodate the number of permanent staff, the volume of daily visitors including taxi drivers (as property is not serviced by a bus route), parents, education establishments, local authorities, youth offending services, social workers, supporting medical team and a number of other professionals involved with care homes for children and young people
- not considered a suitable site for a Residential Institution
- Stonald Road does not have any recreational facilities, ie open green space or play area
- rear garden has flooded and the Council has records where the previous occupier found it necessary to contact the authority on several occasions. Registered surface and foul drainage issues possibly due to wet weather conditions, normally coincides with Whittlesey Washes flooding and the water table rising
- several neighbouring residents have complained by saying as such a major change of use contemplated from residential to Residential Institution they should have all received a consultation letter from FDC Planning Department giving them the option to express their views or planning posters displayed along Stonald Road
- members would also like to know why the Police Architectural Liaison Officer under crime prevention, public safety, etc for new builds or conversions has not been consulted on this planning application.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Laws of Whittlesey Town Council. Councillor Mrs Laws informed members that Whittlesey Town Council object to this change of use application, but it does not wish members to think that the reason is that it does not want it on its doorstep as Whittlesey already has two residential institutions.

Councillor Mrs Laws expressed the view that some residents were upset not to receive a consultation letter for the change of use and many felt that they had missed the deadline of 24 August. She referred to 12 letters of objection to the proposal, and no letters of support, and that one of the letters is from a nursing sister who has worked in this type of home. She expressed the opinion that there are issues with one of the homes located in a residential area and the local Police force was approached for recorded statistical information, but under Data Protection this could not be provided, but it is known that there is an increase in crime in the area.

Councillor Mrs Laws stated that this site is on an extremely busy road, which is used as a shortcut and has serious problems with carriageway parking, with this property having little frontage. She acknowledged that three permanent staff would be employed, but feels the application does not take into account the support staff that would visit the premises, asking where these people would park, and she made the point that decorators who have been working on the property have been parked half on the road and half on the pavement, which forces pedestrians on mobility scooters and those with prams onto the road.

Councillor Mrs Laws stated that the property is not on a bus route, near Sir Harry Smith Community College or furnished by public open space or a play area, and residents of the proposal would possibly need to use taxis, which all increases traffic movements in the area. She expressed the view that the water table rises in this area and the garden of the property floods, with the drainage system needing attention.

Councillor Mrs Laws asked members to support the residents of Stonald Road, the Town Council and its councillors by refusing the planning application for not being a suitable site for this type of proposal.

Members received a presentation, in accordance with the public participation procedure, from Ms Kirby, the applicant's agent. Ms Kirby stated that there seems to be misguidance about the children who would live in this property, with it being a home for children just like a home with parents, but these children are unable to live with their parents for whatever reason, but there is nothing wrong with them and there would be no support staff visiting.

Ms Kirby advised members that these children need to live in as near a normal home environment as possible as they need to integrate into the community and be in a residential area with the richness it brings. She made the point that the facility would be inspected by Ofsted and comply with national care standards, being inspected on a monthly basis.

Ms Kirby expressed the view that 150 Stonald Road meets the planning criteria for this use, making the point that there was debate on whether this application was required as the occupation would be no bigger than a domestic dwelling and family home. She reiterated that these children need the experience of as normal a life as possible and asked members not to deny them this and support the application.

Councillor Mrs French asked Ms Kirby if she is aware of the flooding issues? Ms Kirby advised that she is aware that the site lies in Flood Zone 1 and a Flood Risk Assessment does not have to be provided. She stated that the site is fenced by a 6 foot fence and is suitable for children to play in.

Councillor Murphy referred to Ms Kirby comments that these are ordinary children asking why three ordinary children would need three carers? Ms Kirby advised that the children are normal children being brought out of an environment for whatever reason and the regulations state that they need carers, they are never allowed to be on their own and would be escorted to and from school. Councillor Murphy asked Ms Kirby if she believes it to be right that these children live in a residential area? Ms Kirby advised that these children need to be in this location to learn life skills and integrate with everyone else.

Councillor Hatton made the point that it is not law that one carer is required for one child, it depends upon the severity of the case.

Councillor Miscandlon asked Ms Kirby if these children would be supervised 24 hours a day? Ms Kirby advised that there would be one waking carer and two sleeping carers.

Councillor Stebbing asked Ms Kirby how the supervision works at lunch time? Ms Kirby advised that the children would be taken and picked up from school, she is not aware of happens at lunch time, but made the point that these are not planning issues.

Councillor Quince asked Ms Kirby if these children have a mental disability? Ms Kirby advised not to her knowledge.

Officers advised members that they need to consider and focus on the use considerations of the proposal reminding members that there was a similar site in London Road in Chatteris where members moved away from planning considerations and it was granted on appeal.

Councillor Stebbing asked Ms Kirby about parking on the site and would any vehicles have to reverse onto the road? Ms Kirby advised that in a residential situation it is acceptable for cars to park one behind another and the frontage is adequate for four vehicles, with it depending how these vehicles were parked to how they would reverse. She referred to the Design and Access Statement submitted with the application, which describes the activities that would be undertaken on the site.



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

- Councillor Mrs French stated that she sympathises with the Town Council, but there could be a family with 2, 3 or 4 children living in this property, which is a family home and situation. She does have concern about one to one carers, but she does not believe members have any option but to approve the application;
- Councillor Curtis advised that he is aware that this proposal is a typical use for these types of properties, however, he would challenge whether a 16 year old could be supervised at all times. He asked officers to guarantee that every resident who should have been consulted had been as it should not be assumed that 12 letters of objection means that residents are aware? He referred to issues surrounding parking and feels that with a property that has a more than average vehicle use it would be expected that they drive in, turn around and drive out again in forward gear. He has witnessed children's homes in more difficult locations than this and in more residential locations, which he does not have a problem with, and he does not feel it is a bad location. He made the point that children in care are some of the most vulnerable children in society and the fact that they are taken into care means that they have had a difficult background so it cannot be said they are normal. Officers advised that residents were consulted adjoining and opposite the site. Councillor Curtis asked if any notices were displayed in the vicinity of the site? Officers explained the criteria for displaying notices, the correct procedures have been followed and it would not be necessary for a notice to be displayed on site for this proposal;
- Councillor Bucknor asked for clarification on whether an application for this use would be required? Officers advised that there are certain permitted occupation of dwellings and case law with regard to how people reside together, with sometimes agencies seeking, regardless of the complex case law, to apply for consent to ensure the applicant is covered from a Town and Country Planning perspective. The point was made that a property of this size could reasonably have the same amount of people with vehicles visiting the site;
- Councillor Scrimshaw stated that he cannot see any planning reasons for refusing this application, all that is being asked for is a change of use and there could be 6 people living in the property with 6 vehicles, so he cannot see where it would increase traffic and he would support it;
- Councillor Curtis made the point that children's homes are monitored by Ofsted and the County Council. Councillor Mrs French asked if neighbours had concerns can they report them to the County Council? Councillor Curtis advised in the affirmative and Ofsted.

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

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

(Councillors Curtis and Miscandlon registered, in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that they took part in the discussion of this application at the meeting of Whittlesey Town Council at which it was discussed and stated that he will consider all relevant matters before reaching a decision on this proposal)

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

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**P81/12**      **F/YR12/0565/F**  
**CHRISTCHURCH - PEARTREE FARM, PADGETTS ROAD, ERECTION OF 14.97M**  
**HIGH (HUB HEIGHT) WIND TURBINE**  
**(MR A DAY)**

Members considered a petition and letters 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:

- the Parish Council support the proposal
- the applicant's agent has been in contact with representatives from the RSPB and WWT regarding the provision of further ecological information. Survey work will be required and this will take some time to provide so will not be available as part of this application.

Councillor Scrimshaw asked how far the turbine is from the neighbouring field or does the applicant own this field? Officers advised that the next field is included in the blue line, which means it is in the same ownership.

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

**Refused for the following reason -**

**the proposal has failed to demonstrate that there will be no adverse effect on the nearby Ouse Washes site, which is designated as a site of Special Scientific Interest, a Special Protection Area, a Special Area of Conservation and a RAMSAR site, contrary to Policy ENV2 of the East of England Plan 2008 and Policy E20 of the Fenland District-wide Local Plan 1993, together with guidance contained in the National Planning Policy Framework.**

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

*(Councillors Mrs Newell and Stebbing had left the meeting prior to the determination of this application)*

**P82/12**      **F/YR12/0572/F**  
**THOMOLAS DROVE - LAND SOUTH OF RAVENS FARM, PLASH DROVE,**  
**ERECTION OF THREE TWO-STOREY 4-BED DWELLINGS WITH GARAGES AND**  
**FORMATION OF NEW VEHICULAR ACCESS**  
**(A J AND S R MANN)**

Members considered objections.

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

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, the applicants' agent. Mr Edwards stated that this scheme is a result of discussion and amendment with officers.

Mr Edwards stated that the land is currently paddock land sandwiched between on-going development at Common Right Barn to the west and the existing public open space for community

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activities to the east and, in his view, this comprehensive development would link with the existing adding to community cohesion and completing the street scene. He expressed the opinion that the proposal is for three executive homes, which would enhance the area, provide a view over the public open space and complies with policies.

Mr Edwards expressed the view that the proposal provides much needed quality homes and referred to the favourable criteria for the development outlined in the Design and Access Statement. He stated that the existing trees and native hedge are to remain and bat boxes and a pond are to be introduced to enhance the site's diversity.

Mr Edwards made the point that the proposal was overwhelmingly approved at the Parish Council meeting.

Councillor Mrs French referred to the site area being 0.38 hectares and asked if this is the overall site? Mr Edwards explained the position.

Councillor Scrimshaw asked Mr Edwards if the entrance onto Murrow Lane is to be a gated entrance? Mr Edward advised in the affirmative and he would anticipate that lights would be added and the gates set back as per the Highway requirements.

Councillor Curtis expressed the view that the houses are nice, but it is all linear and creates a great big row of bricks and he feels there are ways to make the development look better, such as siting the garages to the rear, and he is not comfortable with the proposal on design grounds. Officers advised that when the development is looked at in a 3-D manner there are variations of heights and stepping of buildings back and forward as it moves around the corner providing the effect that Councillor Curtis is looking for.

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

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

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

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

**P83/12**      **F/YR12/0574/F**  
**TURVES - LAND SOUTH-WEST OF MODEL FARM, 144 COCK BANK, ERECTION**  
**OF A 36.4M HIGH (HUB HEIGHT) 50KW WIND TURBINE AND CONTROL UNIT**  
**(MR M MOTTRAM)**

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

**P84/12**      **F/YR12/0575/F**  
**WHITTLESEY - LANE NORTH OF WYPEMERE FARM, 257 BENWICK ROAD,**  
**ERECTION OF A 36.4M HIGH (HUB HEIGHT) 50KW WIND TURBINE AND**  
**CONTROL UNIT**  
**(MR J BROWN)**

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

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**P85/12**      **F/YR12/0595/F**  
**MARCH - LAND SOUTH OF WILLOW FARM, 405 WHITTLESEY ROAD,**  
**ERECTION OF A 36.4M HIGH (HUB HEIGHT) 50KW WIND TURBINE AND**  
**CONTROL UNIT**  
**(MR M MOTTRAM)**

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

**P86/12**      **F/YR12/0613/F**  
**WISBECH - LAND SOUTH EAST OF PIPERS FARM, BARTON ROAD, ERECTION**  
**OF 3 X 14.97 METRE HIGH (HUB HEIGHT) WIND TURBINES (RETROSPECTIVE)**  
**(MR R DAVIS, ROBERT DAVIS POTATOES)**

Members considered one objection.

Officers informed members that:

- Cambridge Airport has no objections
- Wisbech Town Council has no objections and recommends approval
- the adjoining owner to the west of the site states that the application plan shows that the turbines have been erected 20 metres from the western boundary and the adjoining owner has produced a title plan showing a slightly different boundary. Measurements of the distance of the wind turbines from the boundary have been given as 7.1, 7.3 and 7.6 metres respectively. The applicant has been asked to comment and has confirmed that due to a cartographical error the turbines are indeed closer to the western boundary and a revised site boundary plan has been submitted. From a planning point of view, visual impact in this landscape setting is similar whether or not the distance to the boundary is approximately 7 or 20 metres and is, therefore, acceptable. The question of possible topple distance onto adjoining land has been raised by the landowner, but this is considered to be a civil issue between the parties.

Members received a presentation, in accordance with the public participation procedure, from Ms Wakefield, an objector to the proposal. Ms Wakefield informed members that she owns land together with her husband next to the application site and feels it is of paramount importance that as councillors who would ultimately be deciding the outcome of this application, which would have an impact on her family for the next 25 years, members are fully aware of the location of the three turbines, stressing that she is not objecting to wind turbines themselves only to the locality in which these have been erected.

Ms Wakefield made the point that planning consent was granted in February 2012 on the applicant's site some 20 metres away from where they have been erected and she is objecting as they are only 7.1, 7.3 and 7.6 metres respectively away from her land boundary on which they grow hay, gather fruit from the headlands and as a family use it for certain sporting activities, having owned the land for 14 years and used it throughout. She expressed the view that, although the turbines are 14.97 metres in height to hub and not classed as large, they could cause a problem if they fell as around half of the turbine would fall onto her land.

Ms Wakefield stated that the location plan submitted with the application, and also the one on the agenda, does not show the boundary of her land or how close the turbines are to this and expressed the view that the applicant has chosen to incorporate three acres of her land within his boundary, which she feels is to show that the turbines have been erected far enough away to alleviate any problems. She expressed the opinion that the turbines are located too close for comfort in respect of safety and maintenance and not approximately 20 metres away from the site boundary as detailed in the report, with a copy of the Land Certificate being provided to officers to establish where the correct boundary lies.

Ms Wakefield referred to the Design and Access Statement where the applicant has on five separate occasions chosen to include her land within his boundary, which is clearly wrong, and from the location plan members should be able to see how close the turbines are to her boundary. She requested that the applicant be asked to either re-position the wind turbines some additional 10 metres back from where they are to avoid any problems regarding safety through potential fall over, which would then, in her view, be far enough away from buildings and boundaries, or that members re-visit the site enabling them to see first-hand the proximity of her boundary, which is marked with wooden posts and coloured tape to define it.

Councillor Hatton asked Ms Wakefield to confirm that she is not stating that the turbines are located on her land? Ms Wakefield confirmed that the turbines are not on her land.

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

- the Principal Solicitor asked if this application was granted today could the applicant build out both permissions given the location of where the three built turbines currently stand? Officers advised that what Ms Wakefield has said about the boundary is correct, a new plan has been submitted showing where the boundary should be, with the turbines being erected just over 7 metres away from the common boundary;
- Councillor Mrs French stated that she would like to have a site inspection, raising concern that this has been allowed to happen as it has caused problems on other applications.

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

#### **Committee inspection of the site.**

Members feel it is necessary to inspect the site of this application to enable them to assess the impact of the proposal on the neighbouring property.

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

*(Councillor Mrs Newell had left the meeting prior to the determination of this application)*

#### **P87/12      WISBECH - RESIDENTIAL DEVELOPMENT, LAND BETWEEN SOUTH BRINK AND CROMWELL ROAD**

Members considered a request for a deed of variation to the existing Section 106 Agreement attached to planning permission reference F/YR06/0464/O dated 22 May 2007. Members were informed that:

- in its current form, the Section 106 Agreement requires the owner to enter into a contract for a lease in respect of the Health Centre element prior to the occupation of the sixty first market dwelling and that the Health Centre must be constructed and made available for occupation prior to the occupation of the sixty first market dwelling;
- discussions were held with a range of health care stakeholders at the time of the initial project proposal, but no commitment was ever given that the NHS would provide or fund such a facility and it has been confirmed by NHS - Cambridgeshire that they are not intending to pursue this on-site option, either at this time or in the future. In addition, the remaining local provider is not in a position to pursue the scheme without NHS - Cambridgeshire support and as such there is no end user for such a facility;

- the developer has re-visited this element of the scheme and investigated alternative proposals and it has been agreed between officers and stakeholders that a contribution in lieu of on-site provision is the appropriate resolution to this matter, with a contribution of £260,000 being required for the Health and Well-Being of Wisbech.

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

- Councillor Mrs French asked would this contribution be ring-fenced to Health and Well-Being for Wisbech and how would this be implemented? Councillor Curtis that this could be used for all manner of things, such as improving cycling in the town, but he is concerned that the issues that led to the decision that a health centre was required have not gone away, which is a different strategy to health and well-being;
- Councillor Hatton made the point that he was a member of the Planning Committee in 2008 when this development was first approved and the application was submitted with the big draw of a health centre and he feels that if the health centre had not been in the application it would not have obtained permission for residential as the land was allocated for leisure, retail and business uses;
- Councillor Mrs French made the point that the NHS does not feel the site is suitable for a health centre. Officers advised that there were aspirations for North Brink to improve its facilities at the time, however, given the passage of time it is now understood that the area would not be sufficient to deliver what the local community would need. They further noted that any scheme for health projects would need a robust strategy behind it, which the Wisbech 20/20 Vision provides. The point was made that this is an area of land that will not come forward for a health centre and it is an area of the site that officers would not want to see mothballed;
- Councillor Oliver asked how many of the 61 houses have been occupied? The Chairman allowed Mr Wyatt, the applicant, to advise approximately 20;
- the Principal Litigator questioned whether the Council would be the body spending the money and what exactly was meant by the expression "for the Health and Well-Being of Wisbech" as it could create difficulties in the drafting of the Section 106 Agreement? Officers advised that the Council would be the administrator of the fund and it could be used for example to facilitate the Wisbech 20/20 Vision;
- Councillor Quince asked how the contribution figure has been arrived at? Councillor Mrs French advised that a robust assessment of the scheme would have been investigated in negotiation with the Section 106 Officer and she is content that the correct figure has been reached.

Proposed by Councillor Mrs French, seconded by Councillor Patrick and **decided that the Deed of Variation be approved to:**

1. **remove the obligation in the original agreement and subsequent deed of variations requiring the owner to enter into the lease concerning the provision of the health centre**
2. **remove the obligation in the original agreement and subsequent deed of variations requiring the owner to construct the health centre**
3. **replace (1) and (2) with in-lieu of providing the health centre within the development site the owner shall pay a contribution of £260,000 as a contribution towards the Health and Well-Being for the benefit of Wisbech. This contribution shall be paid to**

**the Council prior to the occupation of 61 of the open market dwellings.**

*(Councillor Mrs Newell had left the meeting prior to determination of this item)*

**P88/12 UPDATE - PLANNING APPLICATIONS F/YR11/0482/F, F/YR11/0895/O AND F/YR11/0930/F**

Further to minutes P64/12, P65/12 and P66/12, members considered the proposed Section 106 Heads of Terms, planning conditions and confirmation of the reasons for approval for applications F/YR11/0930/F and F/YR11/0895/O and affirmation of the reason for refusal of application F/YR11/0482/F.

Officers informed members that:

- one additional letter has been received from a member of the public in respect of the proposed food store applications noting their support for a supermarket and suggesting it is unlikely that the Station Road application would be successful
- further correspondence has been received from Indigo Planning acting on behalf of Sainsbury's (F/YR11/0930/F), who has provided suggested reasons for approval of this application, as follows:
  - greater retail choice and competition (NPPF Paragraph 23)
  - significant benefits in terms of provision of open space (Local Plan Policy R1)
  - new employment opportunities (Local Plan Policy EMP1)
  - significant benefits in terms of provision of infrastructure (in connection with delivery of the approved business park under application F/YR11/0895/O)
  - significant sustainability benefits in terms of reducing the need to travel
  - the S106 obligations satisfying the requirements of Regulation 122 of the Community Infrastructure Regulation 2010 (as amended) and will include a new hopper bus facility with associated infrastructure, a financial contribution to establish an e-platform for local businesses and traders within Whittlesey Town Centre and information display and the provision of long-term management of a country park
  - these planning benefits are considered to provide an over-riding justification for providing new retail development outside of the Development Area Boundary (Local Plan S9) and outweigh all other material considerations
- correspondence has also been received from SNR Denton LLP on behalf of Sainsburys (F/YR11/0930/F) who note the content of the proposed Heads of Terms as set down within the committee report and wish it to be brought to the attention of the committee that the proposed list is compliant with the Community Infrastructure Levy Regulations 2010 (CIL). In respect of the suggestion that an additional contribution towards town centre improvements may be appropriate, SNR Denton are of the opinion that it is unjustified and would not comply with the CIL regulations
- with regard to the long-term maintenance of the Country Park, SNR Denton suggest the following additional Head of Term - 'Not to transfer the country park to the management company until a scheme is submitted to the Council and Town Council for its approval, which identifies the future funding arrangements for the continued maintenance of the park' - suggesting that this provides sufficient comfort that the land cannot be transferred until suitable funding arrangements are in place
- officers' assessment is that the suggested reasons for approval supplied by Indigo are noted and members are asked to give consideration as to whether they consider any additional reasons for approval are necessary in this case. Further consideration should also be given to the suggested additional Head of Term supplied by SNR Denton and whether this gives sufficient comfort to the long-term funding for the Country Park. Notwithstanding SNR Denton's assertion that a town centre contribution fails to meet the CIL legislation, a member view is still required as to whether such a contribution should be sought and whether detailed investigation of town centre impact should be undertaken by a retail

specialist to provide robust data which would demonstrate compliance with the CIL regulations. Members will note that reference to 'localism' is omitted from the reasons to approve the Sainsbury's application as it is not a material planning consideration and, therefore, it would be inappropriate to include it within the reasons for approval. Members are advised that representations have been received from Sainsbury's that there are additional grounds for approval that they may wish to consider as above, but the points raised all relate to issues raised either during debate or the public speaking. If members wish to adopt these additional reasons for approval they must give full consideration to the points and debate the issues raised today; it is not open for committee to simply adopt these without debate

- a number of concerns in respect of the decision in respect of their application (F/YR11/0482/F) has been raised by Tesco:
  - firstly, it has challenged the inclusion of planning reference F/YR96/0802/F in the planning history for the Tesco report; this is the approval of 69 houses in December 1997. Officers have reviewed the relevant planning history and unfortunately accept that this application should not have been referred to. Members will recall the debate at the last committee and have the benefit of the minutes, noting that the permission for 69 houses does not form part of the refusal reasons - rather reliance is placed on the Core Strategy. Members are asked to consider the fact that the history was incorrect for this site and confirm whether or not they believe the decision they made was materially influenced by this. If members consider that the decision was materially influenced then it is strongly recommended that the committee determine that the decision was unsound and rehears the applications in full. If it does not consider this to be the case then it is asked to confirm this
  - secondly, members must be mindful that they have placed considerable weight on the emerging Core Strategy in coming to their conclusions, which is still in draft form and may be subject to change; this was the officer advice at the last meeting. However, Tesco further asserts that the use by members of the Core Strategy is erroneous and overplays the policy. Officers have considered this and whilst appreciating the argument put forward by Tesco believe that members are entitled to use this ground of consideration, however, they must note the risk inherent in reliance on a draft policy. Members are asked to affirm their reliance on the Core Strategy, however, the advice above about rehearing the matter if there is concern in members minds is reiterated
  - thirdly, Tesco assert that it does not believe members have given sufficient consideration to the possibility of there being two stores on Eastrea Road. Members are reminded that in approving Sainsbury's there will be two consents for out of town retail food stores. The retail impact assessment undertaken by the Council's advisors RTP clearly indicated that there would be an adverse impact on the Town Centre vitality and viability. It is accepted that the study provided by Sainsbury's indicates that there will be a more limited impact of a combined store offering a Sainsbury's on Eastrea Road and Tesco on Station Road. Tesco asserts that given the principal of there being two out of town stores in Whittlesey there is no reason for these not to be on Eastrea Road. Officers believe that given the defeated resolution to approve both applications this point was addressed by the committee and the reliance was placed on the analysis undertaken by Sainsbury's consultants. Members are asked to affirm this interpretation of the minutes, however, the advice above about rehearing the matter if there is concern in members minds is reiterated.

#### **F/YR11/0930/F**

Members were reminded of the reason for being minded to approve this application and were provided with details of the proposed Heads of Terms for a Section 106 Agreement and conditions to be applied to the permission. Officers advised that since the meeting on 29 August further



negotiations had taken place with the applicants with regard to the need for additional contributions in relation to Town Centre viability improvements, but the principle of additional contributions was not agreed and a members' view is required as to whether additional contributions should continue to be sought. Officers advised that as this application proposes retail or office floor space in excess of 5,000m<sup>2</sup>, it is a legal requirement to notify the Secretary of State of the Council's decision if the application is approved prior to the issue of the Decision Notice.

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

- Councillor Mrs French stated that the minutes, which members had approved, are correct and members did not ask for further negotiations, they were happy with what Sainsbury's was offering. She feels that Tesco's confused the situation by offering £250,000 for Town Centre viability improvements the day before the previous meeting and she is satisfied, as Portfolio Holder with Section 106 responsibilities, with what Sainsbury's is offering;
- Councillor Connor agreed with Councillor Mrs French, stating that members did not ask for anything additional from Sainsbury's and he is happy with what Sainsbury's is offering.

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

**Grant, subject to**

1. **prior completion of a Section 106 Agreement for the following terms:**
  - **prior to commencement of trading to submit to the District Council proposals and a scheme for the provision of equipment and facilities for the display of local information directed to the promotion of Whittlesey Town Centre and its businesses, services and facilities and implement the said scheme as approved prior to the opening of the food store**
  - **prior to the opening of the food store and petrol filling station to pay the County Council a hopper bus contribution of £191,000**
  - **prior to the opening of the food store and petrol filling station to pay the County Council a Bus Stop infrastructure contribution of £60,000**
  - **prior to the opening of the food store and petrol filling station to pay the District Council a contribution of £37,000 to the "All the Little Shops" on-line scheme for small retailers**
  - **to construct and layout the Country Park in accordance with the plans submitted with the planning application**
  - **to maintain the Country Park for a period of ten years**
  - **on completion of the maintenance period to transfer the Country Park to a maintenance and management company or other such body who shall maintain the Country Park in perpetuity. The beneficiary of the Country Park shall be agreed in writing by both the District and the Town Council**
  - **the Country Park not be transferred to the management company until a scheme is submitted to the Council and Town Council for its approval, which identifies the future funding arrangements for the continued maintenance of the park**
  - **construction and provision of a roundabout on Eastrea Road prior to the opening of the food store**
  - **trading shall not commence from the food store or the petrol filling station until a travel plan co-ordinator has been appointed and a travel plan is submitted to the District and County Council for approval;**
2. **the conditions detailed in the draft Decision Notice.**

**F/YR11/0895/O**

Members were reminded of the reason for being minded to approve this application and were provided with details of the proposed Heads of Terms for a Section 106 Agreement and conditions to be applied to the permission. Officers advised that as this application proposes retail or office floor space in excess of 5,000m<sup>2</sup>, it is a legal requirement to notify the Secretary of State of the Council's decision if the application is approved prior to the issue of the Decision Notice.

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

**Grant, subject to**

1. **prior completion of a Section 106 Agreement for the following Heads of Term:**
  - **construction and provision of a roundabout on Eastrea Road prior to the opening of the food store;**
2. **the conditions as detailed in the draft Decision Notice.**

**F/YR11/0482/F**

Members were reminded of the refusal reason for this application and were asked to affirm the refusal Decision Notice.

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

- Councillor Mrs French expressed the view that information in the report that members considered at its meeting on 29 August was incorrect and the application was refused as members thought it was allocated for housing and she can see no reason why this application cannot now be approved. She believes the decision needs to be re-visited due to the inaccurate information in the report, which should be undertaken today;
- the Chief Solicitor reminded members that the resolution put forward at the last meeting was submitted on the basis of Core Strategy Policy not in terms of an incorrect historic planning permission from 1997 in the officers report and advised members, due to their indication that that they are minded to consider in full the Tesco application today, that they must be aware that in determining this approach it will leave the authority open to a significant risk of legal challenge. He stated that there are two options available to members in respect of the way forward:
  - firstly the safest option with respect to challenge would be to note that in considering the applications the Council has sought and permitted the applicants supporters and objectors to speak to the committee and provide their comments. To fully consider a committee determination without the benefit of such public input would be unfair to the various parties. It must further be noted that there is a significant risk of procedural challenge should such a course be adopted. As is inevitable with legal challenge this will delay the implementation of any permissions and expose all parties to significant costs risks. If members are minded to recommend that there be a rehearing for any one application given the intrinsic links between the two supermarket applications and the balances between them in determining the impact on the viability and vitality of Whittlesey Town Centre then all three must be reconsidered
  - however, the alternative option, which carries substantial increased risk of challenge if members wish to determine the matter today, requires that members undertake a full discussion and debate of all the material points raised;

- Councillor Stebbing made the point that the Council does have an emerging Core Strategy, which is identifying the need for 1,100 houses for Whittlesey and this site is one of the very few brownfield sites in Whittlesey and he feels there is no real reason why this site should not be considered for housing. Councillor Hatton made the point that he has received information on future housing for hundreds of dwellings in North Whittlesey;
- Councillor Mrs Newell stated that she had been on Planning for a long time and undertaken lots of training, she tries to abide by the rules and has been told in the past that if there is more than one application for issues such as this market forces should decide, which is why she raised the proposition to approve all three applications at the last meeting based on her knowledge of planning law;
- the Chief Solicitor advised members that although there is generally a presumption that the planning system does not interfere with market forces; in the case of large out of town developments this is not the only factor. Members were reminded that the National Planning Policy Framework requires members to consider the impact of the proposed development on the vitality and viability of the town centre. For this reason a reliance on allowing market forces to dictate cannot be a ground for consideration in this type of application;
- Councillor Bucknor stated that the mistakes in previous information provided to committee has not altered his belief that the correct decision was made at the last meeting and he is content that this decision is correct as Whittlesey requires more housing;
- Councillor Stebbing supported Councillor Bucknor as Whittlesey does need housing land and he feels this would be a better use of this land, with Tesco having a site in Station Road;
- Councillor Scrimshaw agreed with Councillors Bucknor and Stebbing and he feels the reason for refusal is still relevant, which he read out to members to remind them of these reasons. Although he is disappointed that incorrect information was provided, it does not make a difference to his decision;
- Councillor Mrs French made the point that it is acknowledged that two out of town supermarkets would affect the town, but asked what is the difference with approving Tesco at Eastrea Road as it already has a permission at Station Road, which is outside the town centre? Officers advised that it is acknowledged by all parties that there is an impact with two stores outside of the town centre. But a strong argument was put forward by Sainsbury's that the Station Road site had a number of constraints which meant that the impact of a Station Road Tesco and an Eastrea Road Sainsbury's would have less of an impact on the town centre than two stores on Eastrea Road. The committee needs to consider whether that argument in respect of the constraints of Station Road it could have a limit on trading, which would have less impact on the vitality and viability of the town centre and, therefore, in members' minds makes the development acceptable;
- Councillor Mrs Newell reiterated that to be just and fair she believes that both applications should be approved. This view was supported by Councillor Quince;
- Councillor Stebbing stated that he cannot see the point of approving both as Tesco has permission for a store on Station Road, which has not been built over the past two years;
- Councillor Scrimshaw made the point that the road implications of two supermarkets at Eastrea Road, plus a huge residential development, have not been considered. Officers advised that the road layout has been accepted by the Local Highway Authority;

- Councillor Stebbing made the point that although the Local Highway Authority are happy with the roundabouts, he feels the A605 would come to a standstill with two supermarkets and housing as it often does now;
- the Chief Solicitor reiterated his advice that members are putting themselves in a situation whereby they are going against a retail impact assessment which gives rise to concern on the vitality and viability of the town centre.

It was proposed by Councillor Connor, seconded by Councillor Scrimshaw to affirm the refusal of F/YR11/0482/F for the reason set out in the report, which was rejected by the Chairman's casting vote.

Proposed by Councillor Mrs Newell, seconded by Councillor Quince and decided to:

**Grant, subject to**

1. **prior completion of a Section 106 Agreement on the following terms:**
  - **construction and provision of a roundabout on Eastrea Road and an access road and footways up to and including the southern end of the roundabout splitter island on the southern arm of the roundabout, the upgrading of street lighting and Eastrea Road signage and the stopping up and permanent closure of the existing access to the site prior to the operation of the food store or petrol filling station commencing**
  - **trading shall not commence from the food store or the petrol filling station until a travel plan co-ordinator has been appointed and a travel plan is submitted to the District and County Council for approval**
  - **prior to the opening of the food store to pay the District Council a community transport contribution of £150,000**
  - **prior to the commencement of trading to submit to the District Council proposals and a scheme for the provision of equipment and facilities for the display of local information directed to the promotion of Whittlesey Town Centre and its businesses services and facilities and implement the said scheme as approved prior to the opening of the food store**
  - **prior to the implementation of development the planning permission reference F/YR09/0582/O shall cease to have effect**
  - **a voluntary Market Square Enhancement Contribution of £250,000 payable prior to the food store opening. The contribution would include works to relocate/improve the bus staging area, improvements to lighting, additional street furniture and hard and soft landscaping improvements**
2. **the conditions reported to members in the report to committee on 29 August 2012.**

Members decided to go against the decision that they made at the last meeting as they feel that Whittlesey is growing and approving the application would not be detrimental to the vitality and viability of the Town Centre, with it even being advantageous in the long-term in terms of transport links, avoiding congestion on Station Road and allowing Station Road to be developed for business use.

(Councillors Bucknor, Connor, Keane, Patrick, Scrimshaw and Stebbing requested it be recorded that they did not support the decision made on F/YR11/0482/F)

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

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(Councillor Curtis arrived late for this item and registered, in accordance with Paragraph 3 of the Code of Conduct on Planning Matters, that he had a pre-determined view on these applications and retired from the meeting for the duration of the remainder of the discussion and voting thereon)

(Councillor Stebbing declared a Non-Pecuniary Interest in these applications, by virtue of knowing a resident that lives in close proximity to the site)

(Councillor Miscandlon registered, in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he took part in the discussion of these applications at the meeting of Whittlesey Town Council at which it was discussed and stated that he will consider all relevant matters before reaching a decision on this proposal)

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

### **P89/12      CHATTERIS - TPO 14/90, THE MANOR HOUSE, WENNY ROAD**

Members considered revoking a Tree Preservation Order (TPO) at The Manor House, Wenny Road, Chatteris given that it has been superseded by TPO8/2012. Members were informed that:

- following a review of the site in response to an enquiry, it became apparent that the historic TPO did not reflect the on-site situation and a number of groups identified did not warrant protection;
- it has been recommended by the Tree Officer that TP14/90 be revoked and a TPO be re-issued to only include the Dawn Redwood (TPO8/2012), which is noted as being 'a fine young example of the species and of long-term potential considered worthy of individual note';
- the remaining trees are in poor condition and it is not considered that their inclusion within a TPO is justified, although they provide screening to and from the Listed Building this is not a sufficient reason for protection.

Councillor Mrs French stated that she feels that this action is welcomed and a move forward.

Proposed by Councillor Mrs French, seconded by Councillor Connor and **decided that TPO14/90 be formally revoked.**

(Councillors Mrs Newell and Stebbing had left the meeting prior to determination of this item)

7.00pm

Chairman