

PLANNING COMMITTEE



6 FEBRUARY 2013 - 2.30PM

PRESENT: Councillor P Hatton, Chairman; Councillors M G Bucknor, D W Connor, M Cornwell, D Hodgson, B M Keane, Mrs K F Mayor, A Miscandlon, Mrs F S Newell, D R Patrick, T E W Quince, D Stebbing and W Sutton.

APOLOGIES: Councillor M I Archer.

Officers in attendance: G Nourse (Head of Planning), Ms C Flittner (Area Development Manager), Ms S Penney (Senior Development Officer), Mrs E Cooper (Member Support Officer) and R McKenna (Principal Solicitor (Litigation and Planning)).

Ms S Reynolds of Cambridgeshire County Council Highways also attended the meeting in relation to minute No.P156/12.

P154/12 MINUTES OF 9 AND 16 JANUARY 2013

The minutes of the meetings of 9 and 16 January 2013 were confirmed and signed.

Officers informed members that since the preparation of the reports on the agenda, the Fenland Local Plan Core Strategy - Proposed Submission (February 2013) document was approved by Cabinet and Full Council on 24 January 2013, which has resulted in numbering changes to the policies as follows:

- CS1 - CS3 Spatial Strategy, the Settlement Hierarchy and the Countryside
- CS2 - CS4 Housing
- CS10 - CS12 Rural Areas Development Policy
- CS12 - CS14 Responding to Climate Change and Managing the Risk of Flooding in Fenland
- CS13 - CS15 Facilitating the Creation of a more Sustainable Transport Network in Fenland
- CS14 - CS16 Delivering and Protecting High Quality Environments across the District.

*** FOR INFORMATION OF THE COUNCIL ***

P155/12 F/YR12/0275/F FRIDAY BRIDGE - WOODHOUSE FARM, JEW HOUSE DROVE, CONVERSION OF BUILDINGS TO RESIDENTIAL (1 X 3-BED, 1 X 2-BED AND 1 X 1-BED) INCORPORATING EXTENSIONS AND GARAGES AND ERECTION OF A 3-BED DWELLING WITH GARAGE INVOLVING DEMOLITION OF TWO BARNS AND PIGGERY (MR AND MRS S FLINT)

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

Officers informed members that:

- Middle Level Commissioners have responded that it will not be commenting

- the Local Highway Authority note the reduction in the number of units from 7 to 4 and its recommendations remain as those set out in the consultation dated 1 May 2012
- the Council's Scientific Officer has asked for a contaminated land condition to be attached to the permission based on the reuse of the land and the former agricultural and related uses. The agent has requested that officers seek further clarification regarding the necessity for the suggested condition due to the fact that substantial information was provided concerning contamination issues when the buildings were converted to a farm park in 2005
- the recommendation has been changed as a result of the comments of the Scientific Officer to delegated approval be given to officers to agree the final details of the contamination condition.

Councillor Cornwell requested clarification that this proposal is for four new properties adjacent to an existing holiday cottage? Officers advised this to be correct, the holiday cottage being part of an approval in 2005 when the premises was converted into a farm park.

Proposed by Councillor Stebbing, seconded by Councillor Sutton and decided that:

Authority be delegated to officers to, Grant, subject to the conditions reported and agreement of the details of the contamination condition.

**P156/12 F/YR12/0723/F
WHITTLESEY - LAND AT BASSENHALLY FARM, EASTREA ROAD, VARIATION
OF CONDITION 21 OF PLANNING PERMISSION F/YR10/0904/O
(RESIDENTIAL/MIXED DEVELOPMENT OF 460 (APPROX) MARKET AND
AFFORDABLE DWELLINGS, 70-BED NURSING HOME, EXTRA CARE
ACCOMMODATION, LOCAL CENTRE, ASSOCIATED LANDSCAPING, OPEN
SPACE, WATER ATTENUATION FEATURES AND HIGHWAY WORKS) TO
ALLOW RELOCATION OF ROUNDABOUT
(LARKFLEET HOMES)**

Further to minute P147/12.

Members considered objections.

Officers informed members that:

- the agenda report contains an error in the final section in that 'February' in Section 10 should read 'January'
- a plan indicating how the proposed Larkfleet roundabout would work with the Sainsbury's roundabout has been submitted and it is understood that further data has been submitted to the Local Highway Authority.

Members received presentations, in accordance with the public participation procedure, from Mr Smith and Mr Forster, supporters of the proposal. Mr Smith informed members that he was speaking on behalf of Sainsbury and Whitacre, with their planning consultant, Vectos, stating that the roundabout is acceptable to them. He stated that he has a good working relationship with Larkfleet and he does not anticipate any problems in the future.

Mr Forster informed members that he is the owner of Gildenburgh Water and although in general he supports the application, he does have four concerns about the proposed roundabout in relation to the adjacent Gildenburgh Water junction. He expressed the view that emerging national planning policy favours a big picture, co-operative approach, which was strongly reiterated by Paul Medd and his colleagues at a pre-application meeting at Fenland Hall on 8 November 2010 in relation to the retail and housing proposals on the A605.

Mr Forster expressed the opinion that, although the Sainsbury development has been approved, this could be subject to appeal by Tesco and he feels that as the Larkfleet development is a key part of the Council's declared "big picture" approach, it seems premature to approve the location of this roundabout until the destiny of the Sainsbury roundabout is confirmed. He made the point that Sainsbury has not received confirmation that Highways have reviewed and approved the proposed double roundabout scheme and, in his view, until that review is complete it seems premature to approve the location of this single roundabout application. He asked that if the committee is minded to approve this application that a condition be set that the roundabout be constructed so as to accommodate the approved Sainsbury roundabout.

Mr Forster expressed the view that Gildenburgh Water's junction on this proposal shows a much tighter junction to the west, asking if it would permit a 40 foot articulated vehicle to turn east or west onto the A605, as apart from the six independent hauliers who own land at Gildenburgh, the leisure centre also relies on the junction to allow articulated lorries to make deliveries to the site. He asked if the committee are minded to approve this application that a condition be set that Larkfleet Homes construct the new junction with bends that permit a 40 foot articulated vehicle to turn east and west onto the A605.

Mr Forster expressed the opinion that as a result of planning approval for leisure and haulage uses granted to Gildenburgh Water more than 30,000 divers visit the site every year and many thousands of lorry movements use the junction, with it being potentially one of the busiest junctions in the area, but no audit of the current and potential traffic at the junction has been submitted by Larkfleet Homes in support of this application, and these permissions significantly increase the potential site movements at the junction. He asked that if the committee is minded to approve the proposal that a condition be set that Larkfleet conduct a traffic audit at the Gildenburgh junction to ensure the current and potential activities proposed by the extant planning permissions and licensing are not compromised.

Ms Reynolds of the Local Highway Authority informed members that the access would form part of a detailed engineering design that Larkfleet would need to submit at a later date.

Members received presentations, in accordance with the public participation procedure, from Mr Swann and Mr Connolly, on behalf of the applicant for the proposal. Mr Swann informed members that he was speaking in relation to transport issues on this proposal. He referred to the fact that the existing outline planning consent for residential development at this site includes access to the site via a new roundabout and since this permission was granted, the design of the roundabout has been worked up in more detail and has changed position due to the reasons that he believes the Planning Committee are already familiar with, hence the Section 73 application for its relocation.

Mr Swann expressed the view that the design of the relocated roundabout in terms of its size and geometry is in accordance with the appropriate design standards/guidelines and it has been demonstrated that the roundabout has sufficient traffic capacity to accommodate future traffic flows through recognised procedures. He stated that an assessment of the capacity of the relocated roundabout has been undertaken and submitted to the Local Highway Authority on 14 November 2012 and he feels this demonstrates that it would operate well within capacity as per the original roundabout location, a plan he displayed demonstrating the AM and PM peak queues in the final design year and how they are contained within the link between the two roundabouts.

Mr Swann referred to the presentation given by Sainsbury's at the meeting on 23 January 2013 where it stated that "we have no issue in terms of detrimental impact from either Larkfleet's consented position or that of the subsequent Section 73 application. If any alterations are required by the Highway Authority then these can be contained within land that we control, even if this also

entails moving our roundabout to the east", believing that the Local Highway Authority are in general agreement with this statement. He stated that the Larkfleet and Sainsbury dialogue has been continuous between the two companies and it is their understanding that Sainsbury offered transport issues to the Local Highway Authority a few weeks before the Planning Committee, but it was informed that the Local Highway Authority would not be able to consider it in time, therefore, Sainsbury decided not to submit it to avoid any confusion.

Mr Swann referred to the perceived safety of the Gildenburgh Water access and stated that the safety assessment of the roundabout mentions no safety issues with this access. He stated that discussions have been undertaken with the owner of Gildenburgh Water and tracking details have been supplied to them, and the Local Highway Authority, for large articulated vehicles to demonstrate that there is no detriment to the turning of vehicles both in and out of the access with the re-positioned roundabout in place. He feels that it should be noted that in any event the position of Gildenburgh Water is now a temporary one as Sainsbury propose to relocate the access as an arm on the roundabout that it is providing as part of its permitted development.

Councillor Stebbing made the point that the Gildenburgh Water access is not on Larkfleet's roundabout, but on Sainsbury's. Mr Swann advised that the shown plan is one submitted by Sainsbury and the access to Gildenburgh Water would be as shown.

Councillor Miscandlon referred to Mr Swann's mention of more detailed diagrams on access and highway engineering, asking why it was not sent to Fenland District Council for its appraisal not just the County Council? Mr Swann advised that it is not the fully engineered completed scheme and was information that was required to be provided.

Councillor Cornwell asked Mr Swann if it is beyond engineering that two roundabouts in close proximity could not be combined? Mr Swann advised that closer junctions are able to "talk" to one another and can accommodate further capacity. Councillor Cornwell stated that the point he was making that in any particular engineering solution two roundabouts on the A605 would slow traffic down enormously and he would have thought due to their close proximity a more simple answer would be to provide only one. Mr Swann advised that the further east the roundabout is moved it goes into land that they do not control and goes outside its current planning permission, with these roundabouts being two separate permissions that may come forward at different times. Councillor Cornwell expressed the view that the roundabout could be moved closer together using Larkfleet land and highway land and he feels that the current situation is one that is not going to help anyone.

Councillor Stebbing asked Mr Swann if there is any way that smart traffic lights could be used instead? Mr Swann advised that traffic lights on a roundabout mean high traffic flows in AM or PM periods, with the transport system working as it is laid out. He feels that much transport work has been involved in this application and traffic lights is moving into the realms of another planning application.

Councillor Patrick assumes that the second roundabout is at the end of Larkfleet land so asked Mr Swann if it could not be one roundabout with a spur going off into their site negating the need for two roundabouts? Mr Swann advised that there are land and drainage issues and this is outside planning control.

Mr Connolly stated that it has been explained previously why Larkfleet has moved the roundabout from its original consent and they can only represent what they control and highway land, and whilst Larkfleet does work with Sainsbury it does not have any control over its land. He stated that detailed Section 278 drawings would be submitted once planning consent is granted.

Mr Connolly made the point that this is the same application that was before members on 16 January, which was deferred due to the Sainsbury and Tesco applications being considered. He expressed the view that this proposal gives access to Larkfleet's land and to Sainsbury's land, which is at no detriment to anyone. He made the point that Larkfleet owns the land where it wants to site the roundabout and all it wants to do is deliver the roundabout and associated housing.

Councillor Hodgson asked if it is possible in the future that the roundabout could affect housing on the Tesco site? Mr Connolly advised that its roundabout would provide for full access to this site and Larkfleet is talking to Wilcon Homes.

Councillor Hatton stated that the big question that members want answered is, would this roundabout work with the proposed Sainsbury's approved roundabout? Ms Reynolds advised that notwithstanding the fact that the Local Highway Authority was presented with the plan with appropriate capacity data at the end of last week and the team pulling out all the stops to assess it, she is pleased to say that it does work in both geometric and capacity terms.

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

Grant, subject to

1. **prior completion of an appropriate Section 106 Agreement**
2. **conditions as outlined in the principle consent F/YR10/0904/O granted 3 May 2012**
3. **the plan schedule relating to applications F/YR10/0904/O and F/YR12/0723/F.**

(Councillor Mrs Mayor declared a Non-Pecuniary Interest in this application, by virtue of the report referring to the supermarket applications, and retired from the room for the duration of the discussion and voting thereon)

(Councillor Miscandlon registered, in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he 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 stated that he is a member of Whittlesey Town Council, but takes no part in planning matters)

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

P157/12 **F/YR12/0889/F**
WHITTLESEY - LAND SOUTH OF AGRICULTURAL BUILDINGS, BLACKBUSH FARM, DAWS DROVE, ERECTION OF GROUND MOUNTED PHOTOVOLTAIC SOLAR PANELS, INVERTER HOUSING AND LANDSCAPE PLANTING (FARCET FARMS LTD)

Members considered letters and petitions of objection.

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

Officers informed members that the agent has confirmed that the land in question is Grade II agricultural land, with the amount of proposed panels in the application relating to the amount of electricity that is required to provide for all of Blackbush Farms electricity requirements (this largely results from refrigeration and ambient temperature stores for onions and potatoes that are grown

at the site). The amount of electricity generated by the panels depends upon sunlight and daylight, so this is why at some times a surplus will occur, and any surplus will be returned to the grid.

Members received a presentation, in accordance with the public participation procedure, from Mr Mears, an objector to the proposal. Mr Mears made the point that there are two applications, both of which could be implemented if planning permission is granted. He feels there is nothing in the applications to suggest that only one would be carried out, with both applications in the Design and Access Statements claiming that "the amount of development proposed derives from the energy requirements of Blackbush Farm and is no more than is required", therefore, the two applications together would provide double the amount required and, in his view, there is no justification to approve two applications.

Mr Mears expressed the view that, other than using the roof space, this, of the two applications, would appear to be the most acceptable, albeit a lot closer than any other development of its kind to a third party residence in Fenland. He stated that there is native hedging on the western boundary, but in the Winter months this would not, in his view, hide these panels. He feels that Council Policies E8, C12 and E1 are not being adhered to in this development and that any waste of good agricultural land should be avoided as it is a finite resource and food security should be paramount.

Members received a presentation, in accordance with the public participation procedure, from Mr Hodgson, the applicant's agent. Mr Hodgson made the point that members have two applications in front of them for solar panel sites, with a similar scheme being refused previously due to its impact on The Piggeries and he feels that this proposal addresses this impact by moving the panels further away from this property.

Mr Hodgson expressed the opinion that if members feel that visual impact has not been addressed the applicant wants at least one of the two schemes approved, however, the applicant would prefer both schemes being approved as it allows him to generate electricity for the farm, with the additional supplied to the Grid and would allow for future expansion of the farm.

Mr Hodgson expressed the opinion that solar photovoltaics are growing and it complies with the National Planning Policy Framework and Core Strategy in terms of delivering sustainable development, with these applications being relatively small sites of 1,000 panels to serve the requirements of the farm. He referred to the previous application that was refused due to only being 30 metres from the neighbours, with this proposal being 100 metres away and the visual impact mitigated through additional landscaping of a hedge around the boundary of the site and between the solar panels themselves.

Mr Hodgson expressed the opinion that the location is considered suitable, with the panels close to the farm and issues raised through the consultation regarding highways would be addressed. He expressed the view that the farm building is not of the size or structural capacity to hold panels of this size on its roof.

Mr Hodgson referred to the site currently being in agricultural use, but the land is Grade II and is not being lost as the panels have a life span of 25 years. He stated that the electricity produced would be used purely by Blackbush Farm and it would provide a significant benefit to its current electricity bill costs.

Councillor Hatton asked Mr Hodgson if he understand correctly that this is an either/or application scenario? Mr Hodgson advised that both permissions are required, with the ability to build one straight away and the other to have the capacity to expand when the farm does. He feels that the previous refusal reason in terms of visual impact has been addressed on both sites.

Councillor Hodgson referred to the objections to this proposal, and the mention of them being placed at roof level, and asked Mr Hodgson if the panels cannot be damaged at land level? Mr Hodgson advised that he has not experienced any vandalism on any other sites and he is confident that this location would not experience it.

Councillor Mrs Newell asked Mr Hodgson where he got the information from that this land is Grade II? Mr Hodgson advised that this information came from the land classification mapping.

Councillor Stebbing asked Mr Hodgson if the amount of panels would be sufficient for the amount of electricity required by the farm? Mr Hodgson advised in the affirmative.

Councillor Mrs Mayor questioned whether the electricity requirements are met by this or both applications? Mr Hodgson advised that either site has the capacity to provide the electricity for the site, but additional capacity is wanted to allow for expansion of the farm.

Councillor Sutton asked Mr Hodgson to confirm whether consideration had been given to fixing these panels on the roof of the agricultural building and if it has not, why not? Mr Hodgson advised that the farm buildings have been investigated, but they do not have sufficient roof space which is south facing, the structural integrity of the roof is not strong enough and it is asbestos roofing.

Councillor Bucknor asked Mr Hodgson that once the panels are in place can the land be used in any other way and, if so, is there any intention to do so? Mr Hodgson advised that the land cannot be cropped, but it could be used for grazing, however, as far as he is aware it would not be used for this purpose.

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

- Councillor Hodgson requested confirmation on whether the land is Grade II or not? Officers advised that this question was put to the agent and the answer given was that it was Grade II;
- Councillor Sutton expressed the view that as an ex-farmer, whether the land is Grade I or II makes little difference and he feels that this land would grow more or less anything.

It was proposed by Councillor Hodgson to approve the officers' recommendation, which did not receive a seconder, and, therefore, the proposition fell.

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

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

Members do not support officers' recommendation of grant of planning permission for the reason detailed above.

(Councillor Miscandlon registered, in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he 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)

(Councillors Mrs Mayor and Stebbing stated that they are members of Whittlesey Town Council, but take no part in planning matters)

(Councillors Bucknor, Connor, Cornwell, Hatton, Hodgson, Mrs Mayor, Miscandlon, Quince, Stebbing and Sutton registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P158/12 **F/YR12/0891/F**
WHITTLESEY - LAND WEST OF AGRICULTURAL BUILDINGS, BLACKBUSH FARM, DAWS DROVE, ERECTION OF GROUND MOUNTED PHOTOVOLTAIC SOLAR PANELS, INVERTER HOUSING AND LANDSCAPE PLANTING (FARCET FARMS LTD)

Members considered letters and petitions of objection.

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

Officers informed members that the agent has confirmed that the land in question is Grade II agricultural land, however, it has not been in production since 2002 and has been used for the storage of spoiled crops. The amount of proposed panels in the application relates to the amount of electricity that is required to provide for all of Blackbush Farms electricity requirements (this largely results from refrigeration and ambient temperature stores for onions and potatoes that are grown at the site). The amount of electricity generated by the panels depends upon sunlight and daylight, so this is why at some times a surplus will occur, and any surplus will be returned to the grid.

Members received a presentation, in accordance with the public participation procedure, from Mr Mears, an objector to the proposal. Mr Mears referred to the Council's Policy E8, which states that new developments should have regard to the amenity of adjoining properties and expressed the view that this proposal for 1,040 panels 2.3 metres high on an area approximately 1 acre directly in view from the neighbouring bungalows living space would be detrimental to the amenities of his home. He feels that the positioning of the panels 60 metres from his bungalow and 40 metres from his garden is totally unacceptable.

Mr Mears stated that the panels face south, so, in his opinion, the view from his bungalow and garden would be the huge metal supporting structures and the positioning of his bungalow is such that these solar panels would now be directly in his line of sight from his lounge, dining room, kitchen and garden. He feels that any landscaping would take many years to shield them from this eyesore and during the Winter months native hedging would not screen the panels.

Mr Mears referred to other solar panel developments at Reach Drove, Whittlesey and Burnt House Sidings, Turves, making the point that there are no overlooking properties unlike this planning application. He expressed the opinion that this proposal does not comply with Policies C12 and E1 as it would have an enormous impact on the traditional Fenland landscape and would be highly visible from the busy B1040 and B1095.

Mr Mears stated that the land the proposal would be sited on is classed as Grade II agricultural land and, in his view, if the panels were positioned on the existing agricultural buildings the impact would be less intrusive on the Fenland landscape and agricultural land would not be lost. He expressed the opinion that the applicant has allowed the land to be used as an area for tipping vegetables, which were surplus to its needs, thus making the land appear less valuable as good growing land.

Mr Mears feels that approving this application would send a clear signal that anyone could buy good productive land, desecrate it and then profit by it. He feels that the applicants would still profit if the panels are mounted on the existing agricultural buildings, even if the cost to the roof mounting is more.

Members received a presentation, in accordance with the public participation procedure, from Mr Hodgson, the applicant's agent. Mr Hodgson stated that he is disappointed by members' refusal of the previous application, especially due to the mitigation measures proposed through landscaping and the positioning of the panels over 100 metres away from The Piggeries.

Mr Hodgson expressed the view that the Council has allowed wind turbines to be erected where thousands of properties can see them. He feels that all circumstances have been mitigated against and the applicant would have no option but to submit an appeal.

Mr Hodgson expressed the opinion that the issue of visual amenity should not be an issue if it is mitigated against, which is a position that is not being supported. He feels that members would no doubt refuse this application also, but the Council would be receiving more of these types of applications in the future, which complies with national policy and the Core Strategy.

Councillor Connor made the point that members have not considered this application yet and he takes exception to the fact that Mr Hodgson is telling the committee that it might be turned down and pre-judging what members think.

Councillor Mrs Mayor asked Mr Hodgson why the applicant has not produced anything on this land for nine years and it has been used as a dumping ground? Mr Hodgson advised that the land was not in production when the applicant brought the farm, however, it could have been brought back into use but was not.

Councillor Bucknor asked Mr Hodgson for details on the landscaping and screening? Mr Hodgson advised that the solar panels are 2 metres high, set in rows and a hedge would be planted around all the solars so once it is mature the panels would not be seen. A hedge would also be placed around the boundary of the site. Councillor Bucknor asked Mr Hodgson how long would the hedge take to grow? Mr Hodgson advised that this depends upon the species that it is decided to plant.

Councillor Sutton asked Mr Hodgson how much land is in the ownership of the applicant on the right hand side? Mr Hodgson advised that he believes it is all in the applicant's ownership. Mr Sutton expressed the view that these solar panels could have been placed on the other side and would not have any impact on the neighbouring property, with him failing to see how this proposal would work. Mr Hodgson advised that the panels are set to get maximum sunlight and are south facing.

Councillor Sutton stated that he cannot see any mitigating circumstances to approve this application.

Proposed by Councillor Sutton, seconded by Councillor Miscandlon and decided that the application be:

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

Members do not support officers' recommendation of grant of planning permission for the reason detailed above.

(Councillor Miscandlon registered, in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he 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)

(Councillors Mrs Mayor and Stebbing stated that they are members of Whittlesey Town Council, but take no part in planning matters)

(Councillors Bucknor, Connor, Cornwell, Hatton, Hodgson, Mrs Mayor, Miscandlon, Quince, Stebbing and Sutton registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P159/12 **F/YR12/0917/F**
PARSON DROVE - 93-103 MAIN ROAD, FORMATION OF SHARED ACCESS AND
PARKING BAYS FOR USE OF EXISTING DWELLINGS
(RODDONS HOUSING ASSOCIATION)

The committee has 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 made comments, asked questions and received responses as follows:

- Councillor Miscandlon asked if there is any way of decreasing the slope from road level to this parking area to mitigate a slippery frozen ground on entering and exiting this area? The Chairman stated that he thinks the answer is no as if the gradient is brought up further it would be at the same level as the doors to the bungalows. Councillor Miscandlon expressed concern about creating a ski slope, although he recognises this can be mitigated against by the type of material used. Officers made the point that the Local Highway Authority has recommended this type of gradient;
- Councillor Patrick asked if this proposal eliminates the need for on-road parking? Officers advised that it attempts to;
- Councillor Keane questioned whether the gardens in front of these dwellings would disappear completely? Officers advised that there would still be a garden area on each side, it is a communal garden area anyway and the application has come at the request of residents.

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

Granted, subject to the conditions reported.

(All members present declared a Non-Pecuniary Interest in this application, by virtue of Fenland District Council being the agent)

(Members took a 10 minute break following determination of this application)

P160/12 **F/YR12/0932/F**
FRIDAY BRIDGE - LAND NORTH OF 89-95 THE STITCH FRONTING BAR DROVE,
ERECTION OF 3 X TWO-STOREY 4-BED DWELLINGS WITH DETACHED
GARAGES INVOLVING THE FORMATION OF A NEW ACCESS
(MRS N SMITH)

Members considered objections.

Officers informed members that:

- the agent has written to confirm that the applicant is prepared to enter into an agreement with the adjacent riparian landowner to clean up any drains up to a point approximately 250 metres north-west of the site. This is to be done in accordance with any Drainage Boards requirements and request that this be dealt with by condition
- Middle Level Commissioners has responded advising that it notes the contents of the letter sent, however, in the absence of any further information it is not possible to comment further concerning this matter, which was one of many issues raised. The others remain unresolved and, therefore, the Board continue to oppose the planning application.

Members received a presentation from Councillor King in support of the application. Councillor King expressed the view that from looking at the location plan it is easy to see that this is a plot of land surrounded by houses and he struggles to understand why it should not be considered as infill. He feels if this site is not sustainable then anything built in any village is unsustainable.

Councillor King referred to the objections from the Middle Level Commissioners and Local Highway Authority, feeling that if members feel as he does that the proposal represents infill and the other objections are marginal that the application be deferred for further discussions with Middle Level and the Local Highway Authority to arrive at something acceptable to both organisations. He feels that if members are serious about addressing the lack of housing in the country, they need to be imaginative about the housing that is allowed otherwise housing would not be built anywhere.

Councillor King expressed the opinion that this proposal is filling in an area with a quite acceptable development and he feels that members need to be more adventurous with planning applications that are granted to comply with what the Government is saying local authorities should do.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey informed members that the applicant's name is Smith, but they are not travellers, referring to an appeal decision in close proximity of the site and residents being worried that this land would also be used by travellers.

Mr Humphrey stated that Mr Smith is 84 years old, he has owned the site for 50 years while running the village shop and he cannot maintain it anymore which is why the site is in the state it is. He feels the proposal provides the opportunity of providing three large attractive houses, which abuts the Development Area Boundary and ticks all the boxes in terms of IPPLS being, in his view, of good design and consistent with existing development and executive houses.

Mr Humphrey referred to the Core Strategy allowing up to 9 houses in village locations such as this, with this proposal being for three, and the National Planning Policy Framework, Paragraph 17, details of which he read to members and, in his opinion, this proposal meets national policy in this context. He informed members that he is in correspondence with the Chairman of the Middle Level Commissioners, feeling that its requirements can be comfortably resolved, and the proposal could be deferred as suggested by Councillor King, but feels it could also be conditioned to ensure its concerns are met.

Mr Humphrey referred to the appeal for a traveller's site further along from this site, where the Inspector stated it was in a sustainable location and if this is the case, in his view, this site is also in a sustainable location. He expressed the opinion that members could approve this application for reasons, such as good quality design and abutting the Development Area Boundary and feels Policy CS12, Rural Areas Development Policy, is also relevant in this instance.

Councillor Cornwell asked Mr Humphrey, in relation to his comments about the proposal being infill, why the proposal does not use the whole of the site? Mr Humphrey advised that if all the land was included in the red line affordable housing would have to be provided and he does not feel that this site should provide this as it detracts from the ethos of the development they are trying to create on this site. Councillor Cornwell expressed the opinion that as it does not abut the sites on The Stitch he cannot see how it can be classed as infill.

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

- Councillor Mrs Newell expressed the opinion that the state of the drain in front of this site was full of rubbish and disgusting and if Middle Level Commissioners are responsible for it, it should be made to clear it out;
- Councillor Hodgson asked how far out of the Development Area Boundary is this proposal and why is it explained as being in the open countryside? Officers advised that in the old Fenland District-wide Local Plan the Development Area Boundary would run along the back of The Stitch, however, the emerging Core Strategy no longer has Development Area Boundaries and is looking at sites in terms of village hierarchy. This site is open land behind domestic gardens of housing and surrounded by open fields, which are not used in their own rights, except for a traveller's site which has not been developed. It is classed as open countryside as it is not very well related to the existing settlement and it is a gap, which if developed, could possibly bring forward other open areas for development;
- Councillor Quince expressed the view that he can see no problem with the location or design, but he would suggest a deferment so that Mr Humphrey can obtain consent from Middle Level Commissioners and the Local Highway Authority and then come back to committee;
- Councillor Keane agreed that the design of the dwellings is good, but the dyke is a problem and Middle Level Commissioners are not happy, so he thinks it should be deferred to obtain a resolution;
- Councillor Sutton expressed the view that one of his biggest problems is the red line along the back of the proposed site, which does not allow much rear amenity land and he would have expected to see more. Officers advised that under current guidance on affordable dwellings, the site areas have been removed and it is applicable to the number of properties being proposed only. If members are minded to approve, the scheme should be re-submitted to show a better relationship with the adjoining development;
- Councillor Cornwell stated that he much prefers to see a scheme that uses the majority of the area identified and he does not believe at present this proposal constitutes infill. He also likes the design, but thinks the way the scheme has been laid out is not working.

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

Deferred to enable the applicant to explore a more comprehensive scheme and enter into further negotiation with Middle Level Commissioners and the Local Highway Authority to aim to overcome concerns.

**P161/12 F/YR12/0939/F
MARCH - LAND NORTH-WEST OF POTASH FARM, WHITTLESEY ROAD,
ERECTION OF A 36.4 METRE HIGH (HUB HEIGHT) 50KW WIND TURBINE AND
CONTROL UNIT
(MR M MOTTRAM)**

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 Network Rail has been consulted for its comments on the proposal and, despite a further request, no response has been received.

Members received a presentation, in accordance with the public participation procedure, from Mr Abbott, the applicant's agent. Mr Abbott stated that the Fenland area is famous for the contribution agriculture makes to its economy, but at a time where energy and production costs are being driven higher and where prices are being squeezed by supermarkets, it is becoming increasingly difficult for farmers to make a reasonable profit, which impacts on not just the farmer, but on the workers employed too.

Mr Abbott made the point that all of the major energy suppliers have increased their prices well above the rate of inflation at a time when money is already tight for both businesses and individuals, and the energy usage for any farm is substantial and the cost of such an upkeep is increasing every year. He stated that the applicant runs a small, family business, employing four full-time staff, with an additional six part-time seasonal staff and is, therefore, responsible not only for his business and his family, but ten other workers and their families also.

Mr Abbott expressed the view, that contrary to what some might think, the applicant is not erecting the turbine as a money making exercise to benefit personally from the feed in tariff, but a 2000t insulated crop store requires a great deal of power and the applicant's energy bills to operate his farms runs into the thousands every month and are increasing year on year whilst his income is increasing at a far slower rate, with all of the electricity generated by the turbine being used on the farm. He referred to the Summer being the wettest on record, which had a particularly bad effect on crop farmers whose income were severely affected, and now more than ever, he feels that help needs to be given to farmers, not restricted, and whilst weather cannot be planned, the effects can be attempted to be eliminated or reduced by factors such as energy costs to negate the damage of the variables that cannot be controlled.

Mr Abbott expressed the opinion that the future of the applicant's business and the people he employs must be considered, not just the short-term impact of the turbine, as it is clear that it is simply unsustainable for high energy using farms to continue to operate whilst energy prices are increasing to such a degree. He referred to the Council's Economic Development Strategy and feels that this proposal meets the criteria of "opportunities for business growth and diversity", a "strong entrepreneurial culture" and a "supportive and flexible planning approach".

Mr Abbott expressed the view that the applicant has identified a sustainable, green and cheap energy resource, recognising that his energy costs are spiralling out of the realms of affordability and would only continue to increase in the future, which would bring some stability to a business

that is already subject to weather conditions, supermarket pressures and EU law. He feels that restricting a businesses' ability to reduce running costs eliminates future job expansion and may even have the opposite effect and cause employment to regress.

Mr Abbott referred to comments of the Prime Minister this week in that businesses need to be green and energy efficient as energy consumption is set to grow by a third over the next two decades. He expressed the view that the introduction of wind turbines is not just something that makes environmental sense, but also economic sense as sustainable energy would create efficiency and reduce costs in the local and national economy as well as doing so in a green and environmentally friendly method.

Mr Abbott acknowledged the concerns attributed to visual impact that this proposal may cause, but he believes the benefits afforded to the applicant's business and the local economy and employment rates far outweigh the perceived visual impact of the turbine. He made the point that there are no objections from Natural England, the Environment Agency, the MOD, Local Highway Authority or Cambridgeshire County Council's Archaeology Team, and feels that it satisfies the noise parameters set out by Etsu.

Mr Abbott expressed the opinion that six objections shows that there is little local objection to the proposal and he feels that officers' have given the wrong recommendation by rejecting the proposal on visual grounds and failing to take into account the extensive benefits that would be afforded to the local economy and to the applicant's business. He believes that in a time for economic hardship for all, support should be given to farmers, who put in an immense amount of time and effort and offer an invaluable service and, in his view, by restricting their ability to reduce their substantial energy costs the local economy, local business and hardworking local people, such as the applicant, are restricted and undermined.

Councillor Bucknor asked Mr Abbott for a description of the area of land owned by the applicant? Mr Abbott advised that the impact on his agricultural land should be minimised by placing the turbine in the location proposed. Councillor Bucknor asked Mr Abbott if they were aware of the railway line? Mr Abbot advised in the affirmative and that they are satisfied that it would not have an adverse impact on the rail line.

Councillor Connor expressed his amazement at the proposed position of this wind turbine so close to a rail line, which if fell over could end up on the rail track causing a major incident, many injuries and maybe fatalities. He asked Mr Abbott why the turbine is being placed only 38 metres from the rail line when the turbine is 46 metres in height? Mr Abbott advised that they have tried to contact the railway, but have received no reply, but they are confident that such an occurrence would not happen. Councillor Connor made the point that an occurrence did happen last week, although it is under investigation. Mr Abbott advised that if the turbine was sabotaged, it could be a possibility, but he believes that this has been the only case. Councillor Connor disagreed stating that there have been other cases.

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

- Councillor Stebbing stated that he thought a fall over policy had been adopted so the height would not cause any harm to buildings, structures or roads?;
- Councillor Hatton informed members that the Local Highway Authority has a policy of the height of the turbine plus 20% before it would allow any development near roads due to fall over reasons;

- Councillor Patrick stated that he believes that officers have reached the correct recommendation on this application;
- Councillor Quince queried comments on Page 93 that state the site has been undeveloped for many years and now plans have been submitted for a turbine and two houses? Officers advised that these were comments from a neighbour and there is no applications for housing;
- Councillor Mrs Mayor referred to the history section of the report where it does mention the erection of a house and asked if this is the same site? Officers were unable to answer this question as they did not have the full information in relation to this;
- Councillor Miscandlon referred to the objection letters where it states that there is a bill that would make this proposal illegal? Officers advised that this has not be progressed yet.

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

Refused for the following reason -

the proposal would result in an adverse visual impact on the surrounding area and nearby residential properties by virtue of the overall height and location of the turbine, contrary to Policies CS16 of the Fenland Local Plan Core Strategy - Proposed Submission (February 2013) and E1 of the Fenland District-wide Local Plan.

(Councillor Cornwell stated that he is a member of March Town Council, but takes no part in planning matters)

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

P162/12

F/YR12/0944/O

MARCH - LAND EAST OF 129 ESTOVER ROAD, ERECTION OF 3 X TWO-STOREY 2-BED DWELLINGS WITH ASSOCIATED PARKING INVOLVING THE DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS (MR J HORRY, MESSRS HORRY AND EDWARDS)

Members considered letters of objection and one letter of support.

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

Officers informed members that:

- Middle Level Commissioners comment that from past experience it is known that ground conditions in this area are not conducive to the use of soakaways or infiltration devices for surface water/treated effluent disposal. It expects the applicant to provide adequate details and test results; where appropriate to prove that the proposed surface water/treated effluent disposal system will work efficiently at this location and effectively in the long term. Notwithstanding this consultation response, these issues could be dealt with under the Middle Level Commissioners' own by-laws or via Building Control Regulations
- one neighbour has reiterated concerns including; lack of privacy and site was previously occupied by a bungalow which did not impact on privacy, also bungalows adjoining the site; issue of the access and reversing out onto the road/junction

- the applicant has provided amended plans featuring false window panels at first floor level on the rear elevations of the proposed dwellings.

Members received a presentation, in accordance with the public participation procedure, from Mr Horry, the applicant for the proposal. Mr Horry stated that he assumes from the report that the main issues are the cramped nature of the development and the number of dwellings proposed.

In terms of the cramped nature of the development, Mr Horry expressed the view that the two adjoining houses are 3.6 and 4.9 metres from the boundary, with all existing dwellings only being 1 metres distance, and although existing dwellings have larger gardens, the garden areas for this proposal are 94, 111 and 134 square metres. He referred to other developments that have been allowed with smaller gardens and for smaller dwellings, making the point that there is no design guidelines stating what is acceptable.

Mr Horry stated that the proposal has been criticised for having no bedroom windows in the rear elevations, but, in his view, bedrooms do not need masses of light. He referred to the fact that officers have stated that the site might be more suitable for two dwellings, but, in his opinion, he cannot provide an acceptable layout for one or two dwellings without having to provide domineering boundary treatments and he feels that it is acceptable to provide attractive housing on all three sides, with his agent having spoken to officers and no solution being reached.

Mr Horry stated that he cannot understand the difference between this site and others that have been approved.

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

- Councillor Sutton stated that he does not have a problem with three dwellings on this site, with lots of people not wanting big gardens. He feels with the amount of people on the housing waiting list, they would be happy to live in one of these dwellings. He does have concern about vehicles backing onto the road, but acknowledged that the Local Highway Authority does not have concerns;
- Councillor Bucknor agreed with Councillor Sutton, having visited the site it is not a small site and, in his view, is a good site for this development.

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

Grant, subject to suitable conditions to include:

- **approval of the details of the landscaping (hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development)**
- **application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission**
- **notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:**
 - **i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E)**
 - **ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D)**
 - **iii) alterations including the installation of additional windows or doors,**

- including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B)
- iv) alterations to the roof of the dwelling house (as detailed in Schedule 2, Part 1, Class C)
 - v) the erection of any walls, fences or other means of enclosure to all boundaries of the site (as detailed in Schedule 2, Part 2, Class A)
 - notwithstanding the provisions of Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification) no gates shall be erected across any of the three approved accesses
 - prior to the first occupation of the development the existing access to Estover Road shall be permanently and effectively closed and the footway shall be agreed in accordance with a scheme to be agreed with the Local Planning Authority
 - prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification, and thereafter retained in perpetuity
 - the access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway in accordance with a scheme to be submitted to and approved by the Local Planning Authority
 - prior to the first occupation of the development, pedestrian visibility splays of 2.0 x 2.0 metres shall be provided each side of the vehicular access measured from and along the back of the footway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6 metres above the level of the footway
 - prior to the first occupation of the development vehicle to vehicle visibility splays must be provided each side of each vehicular access. The front boundary to both Estover Road and Creek Road shall not exceed 0.6 metres above the level of the adjoining footway. Further, any lateral close boarded fence shall be reduced in height to not exceed 0.6 metres above the level of the highway footway for a minimum distance of 2.0 metres from the front boundary
 - contaminated land condition
 - approved plans, to include the plan showing the rear of dwellings without false windows panels.

Members do not support officers' recommendation of refusal of planning permission as they feel that the proposal does not constitute a cramped form of development and provides adequate amenity space.

(Councillors Cornwell and Quince registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

(Councillor Cornwell stated that he is member of March Town Council, but takes no part in planning matters)

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

P163/12 **F/YR12/0981/F**
**BENWICK - LAND NORTH-WEST OF 6-7 NENE PARADE, ERECTION OF A TWO-
STOREY 4-BED DWELLING WITH SOLAR ROOF PANELS AND DETACHED
TRIPLE GARAGE**
(MR AND MRS RUSHBROOK)

Members considered letters of support.

The committee had regard to its inspection of the site on 7 November 2012 (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- two letters of support have been received
- Middle Level Commissioners comment that the site is subject to a consent which relates to the erection of a detached dwelling with associated utilities in the position and in accordance with details shown on the previous proposal. It does not include for any other structures such as the landscaping and fencing shown on the submission document, with the consents terminating on 10 October 2015. The site frontage forms part of the flood defence works involving bank raising and erection of flood defence wall together with associated works compound comprising security fencing and temporary buildings for the duration of the works and is subject to planning permission F/YR11/0606/CERTP. Works will commence on this when the Commissioners receive approval from the Environment Agency's Project Appraisal Board
- it would appear from the advice contained within the Middle Level Commissioners comments that the front porch area may encroach into the maintenance area and, therefore, amended plans will be necessary to ensure that following the flood defence works revised siting of the dwelling may be required.

Members received a presentation, in accordance with the public participation procedure, from Mr Hodson, the applicants' agent. Mr Hodson referred to the copy of the Middle Level Commissioners approval document that had been circulated to members, which includes a plan which shows the 9 metres maintenance strip beyond their porch, and the e-mail that he sent setting out various gaps in the agenda.

Mr Hodson referred to the earlier withdrawn application, which was withdrawn due to the Local Highway Authority requiring a traffic speed survey, which has shown that a reduced visibility splay would be allowable in this location. He expressed the view that planning is in a fog due to different policies that exist, which state that sustainable housing development should be approved, asking what is sustainability and reading one such definition, feeling that only benefits would flow from this proposal.

Mr Hodson expressed the opinion that this proposal is in a lovely location on the river, with there being other houses along the river and it would be a natural addition to this location. In terms of flood risk, he feels the National Planning Policy Framework states that a sequential approach should be followed and great care has been taken on this issue, with 99% of Benwick being in Flood Risk Zone 3.

Mr Hodson expressed the opinion that Benwick is a real community, having a school, pub, village hall and playing fields and he knows in estate agent terms Benwick is a hard sell so, in his view, what could be better than to allow this almost carbon neutral, WOW factor house. He referred to there being three letters of support, the Local Highway Authority being happy, Middle Level Commissioners given its consent and he feels that many properties have been allowed in similar

situations as this proposal. He asked members to extend the same courtesy to the applicants and approve this application.

Councillor Hodgson asked Mr Hodson to confirm that the original cottage was smaller, but in the same vicinity as this proposal? Mr Hodson advised that there were three cottages on the footprint of this proposed dwelling.

Councillor Stebbing expressed the view that there is spasmodic building along this road, he feels that this location is good and there is strong evidence of a former dwelling on the site and he would go against officers' recommendation.

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

Grant, subject to suitable conditions to include:

- **start date**
- **foul water drainage**
- **works agreed prior to commencement**
- **unsuspected land contamination**
- **pairing of access**
- **sufficient space for parking and turning to be provided and retained within the site**
- **provision of temporary facilities during the course of construction**
- **visibility splays**
- **access drainage measures**
- **definition of maintenance strip**
- **maintenance strip free of obstruction**
- **clarification of maintenance strip and porch.**

Members do not support officers' recommendation of refusal of planning permission as they feel that the proposal represents a sustainable development and is not in an isolated location.

(Councillors Bucknor, Connor, Cornwell, Hatton, Hodgson, Mrs Mayor, Miscandlon and Quince registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P164/12 **F/YR13/0001/F**
MARCH - SOUTH OF MARCH HEALTH CENTRE, WEST END, WORKS
INVOLVING PILING AND CAPPING TO REINFORCE RIVER BANK
(MR BERNARD KEANE)

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

Granted, subject to the conditions reported.

(Councillor Keane declared his Disclosable Pecuniary Interest in this application, by virtue of being the applicant on behalf of Middle Level Waterman's Club, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Quince declared his Non-Pecuniary Interest in this application, by virtue of being a member of the Middle Level Waterman's Club, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillors Bucknor, Connor, Cornwell, Hatton, Hodgson, Mrs Mayor, Miscandlon, Patrick, Stebbing and Sutton declared their Non-Pecuniary Interest in this application, by virtue of the applicant being a fellow councillor)

P165/12 **TPO 16/2013**
LEVERINGTON - LAND SOUTH-EAST OF SHARPES FARM, CHURCH END

Members considered confirmation of a Tree Preservation Order (TPO) in respect of a Weeping Willow and Scots Pine at land south-east of Sharpes Farm, Church End, Leverington. Members were informed that:

- following a review of the site in response to an enquiry it became apparent that the Weeping Willow and Scots Pine were worthy of preservation and authority was sought to issue a TPO;
- a letter has been received on behalf of the owner of the site objecting only to the TPO on the Weeping Willow due to it not being a native species and an independent Arboriculturist being of the opinion that it is not of long term potential;
- the placement of a TPO does not prevent work to the tree or even its future removal, but gives the Council control over 'inappropriate works';
- whilst the comments raised in the letter of objection are noted, it is also important to highlight that the independent assessment stipulates that continued management of the Weeping Willow will extend its life and the report also goes on to say that it is proposed to remove the Weeping Willow as it takes up approximately 40% of the site which is proposed to be developed for four houses;
- the Council's Arboricultural Officer notes that the independent report states that the Weeping Willow is structurally good with a life of 10 to 20 years and guidance given to placing a TPO states that the tree should have a minimum life expectancy of at least 10 years to justify its retention;
- the Weeping Willow is growing in an exposed position and shows very little evidence of major shed limits and whilst the species is not native it has become part of the landscape providing character and amenity to the area;
- both trees are considered worthy of retention due to their amenity value and contribution to the character of the area.

Members received a presentation, in accordance with the public participation procedure, from Mr Murray, a supporter for confirmation of the TPO. Mr Murray informed members that he lives at 1 Troughton Way and feels that the tree report confirms that the trees are in perfect health and not causing any problems.

Mr Murray stated that many people use this area for many reasons, with runners using the Willow tree as a starting point and children using it to play under. In his view, the people who signed the petition stated that allowing the removal of this tree would have a devastating effect if destroyed due to the natural beauty of it. He requested that members do not revoke the TPO.

Members received a presentation, in accordance with the public participation procedure, from Mr Maxey, representing the landowner objecting to the TPO on the Weeping Willow. Mr Maxey referred to the officers report and that it says a TPO does not prevent tree works or removal, but

he feels it would be utilised for the purpose of preventing its removal and to suggest otherwise is incorrect.

Mr Maxey referred to the independent report prepared for his clients which has been stated as saying that continued management of the tree would extend its life, but it actually states that these are large prominent trees, are a short lived species and can lose limbs. He feels the Arboricultural Officer does not take into account with his life expectancy prediction of 10-20 years that this would not be in its natural form, it does not acknowledge that new planting and landscaping is proposed for the building plots to be developed in this location and the conclusion of the report is ignored in that there would be no detrimental change to the tree cover in this location.

Mr Maxey stated that TPO confirms that an application would be needed for any works to the tree, which he feels would be required often and imposes a burden on his clients that is not necessary due to the short life span of the tree. He made the point that his client has acted responsibly and would not fell the tree unless this application is successful, but feels that if a TPO is imposed on this occasion others would use a chainsaw in the future.

Mr Maxey expressed the view that removal of this tree is material to a development proposal in this location, but it should not be a kneejerk reaction to it. He stated that his client does not have a problem with a TPO on the Scots Pine, but asked that either this order be overturned or it is confirmed in a revised form without including the Weeping Willow.

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

- Councillor Patrick made the point that a TPO preserves the tree, but does give opportunity for works or removal of it if this needs to be undertaken, and he thinks the TPO should be supported;
- Councillor Sutton expressed the opinion that he thinks the Scots Pine is worthy of a TPO, but he is not convinced by the Weeping Willow. He referred to Willow trees around the playing field in his village where on several occasions the wind broke off branches and limbs;
- Councillor Connor expressed the view that he thinks the Weeping Willow deserves a TPO and it does state in the report that if branches do break off it can be pollarded, which can be undertaken at any time;
- Councillor Miscandlon referred to a recent incident with a Willow in Benwick, where the Arboricultural Officer came out and said it could be removed and replaced with another species, and he feels the same could happen with this tree; leave it as it is until it destroys itself, then the TPO and the tree can be safely removed;
- Councillor Mrs Newell expressed the view that the tree is lovely and she would not agree to it being removed;
- Councillor Quince expressed the view that the tree had several branches on it that appeared to be dead, he has no objection to the TPO as long as the tree is monitored to allow the Tree Officer to determine whether it needs to be removed or not;
- Councillor Mrs Mayor asked if the Arboricultural Officer could visit the tree again and check to see if any works are required to the tree now. She agrees to the TPO and thinks the Weeping Willow is a beautiful tree and looks a superb specimen, but if work needs undertaking now it should happen now. Officers advised that they understand that the TPO

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has come about through a check by the Arboricultural Officer, but they can ask him to check and monitor the tree;

- Councillor Cornwell expressed concern that Weeping Willows are notorious for splitting and it needs to be managed properly or removed. If the Council has to manage it through a TPO, he would support it.

Proposed by Councillor Patrick, seconded by Councillor Connor and **decided that the Tree Preservation Order in respect of the Weeping Willow and Scots Pine at land south-east of Sharpes Farm, Church End, Leverington be confirmed.**

5.40pm

Chairman