

PLANNING COMMITTEE



5 FEBRUARY 2014 - 1.00PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor D W Connor (Vice-Chairman), Councillor M G Bucknor, Councillor B M Keane, Councillor Mrs K F Mayor, Councillor P Murphy, Councillor Mrs F S Newell, Councillor C C Owen, Councillor D R Patrick, Councillor T E W Quince, Councillor D Stebbing, Councillor W Sutton.

APOLOGIES: Councillor D Hodgson

Officers in attendance: G Nourse (Head of Planning, Ms A Callaby (Planning Performance Manager), R McKenna (Principal Solicitor - Litigation and Planning), Ms K Brand (Senior Development Officer), Mrs S Jackson (Senior Development Officer), (Miss S Smith (Member Services and Governance Officer)

P151/13 MINUTES OF THE MEETING OF 15 JANUARY 2014

The minutes of the meeting of 15 January 2014 were confirmed and signed.

*** FOR INFORMATION OF THE COUNCIL ***

P152/13 F/YR13/0897/F WHITTLESEY - WEST OF 157 KINGS DYKE - ERECTION OF 2-STOREY 3-BED DWELLING WITH DETACHED SINGLE GARAGE

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 application be deferred, due to Highway issues that came to light prior to today's meeting.

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

(Councillor Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he is a Member of Whittlesey Town Council Planning Committee and stated that he will consider all relevant matters before reaching a decision on this proposal)

P153/13 F/YR13/0534/F CHATTERIS - LAND EAST OF GREYS FARM, IRETONS WAY - ERECTION OF AN ANAEROBIC DIGESTER PLANT WITH MAIZE CLAMPS INVOLVING THE CONSTRUCTION OF A NEW ACCESS AND THE FORMATION OF A SURFACE WATER RESERVOIR

Members considered 9 representations from householders and businesses.

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 raised concerns relating to:
 - access width for maintenance;
 - proof of soakaway design and therefore confirmation that there will be no requirement for discharge to the IDB ditch;
 - updated Flood Risk Assessment (FRA).
- The applicant confirms that:
 - silage clamps will be constructed no closer than 9m from the top of the ditch to allow for required maintenance strip;
 - the current soakaway ditches have been oversized by a factor of 2 to accommodate possible high ground water levels and poor infiltration. Should planning permission be forthcoming detailed design and infiltration tests will be carried out. If soakaways are not appropriate the surface water will discharge into the IDB drains in conjunction with appropriate consents;
 - if planning consent is given additional information will include a surface water drainage report including detailed design calculations and the reservoir inundation model report.
- Middle Level Commissioners confirm that further discussions have taken place with the applicants and whilst some minor points remain, an amicable position has been reached concerning the whole development site;
- Environmental Health confirm that initial discussions were based on the reservoir being a surface water reservoir with some liquid digestate however the proposal is now for the reservoir to contain mainly liquid digestate with a small amount of surface water due to the need to construct the reservoir shallower to avoid the water table and the need to de-water in the area. This has caused some concerns relating to possible odour problems however it is considered that this can be controlled through the imposition of an appropriate condition;
- Condition 6 - whilst the plant will operate 24 hours a day the condition will remain that other works will relate only to 'access by employees and contractors for purposes of security and undertaking **emergency** maintenance and repair only';
- Condition 14 - the applicants have requested longer working hours during periods of harvest ie 6 weeks per year to allow working from 6.00am-10.00pm 7 days a week. Environmental Protection do not agree with these timings and consider that weekends and Bank Holidays should adhere to the hours as outlined in the condition. It is considered that the condition can be amended to include 'unless otherwise agreed to in writing by the Local Planning Authority (LPA) following the submission of an appropriate noise assessment';
- there is an amendment on page 42 of the agenda, third paragraph, fourth line to change the word 'waste' to 'by-product';
- on page 45, fourth paragraph, fifth line insert three months;
- page 47, paragraph 2, substitute with: *All surface water run-off from hardstanding areas will be attenuated in the drainage swales as detailed in the FRA. The swales are currently designed as soakaways and will not discharge to the IDB ditch. The reservoir is sized primarily to accommodate liquid digestate from the process but can be used to take a small portion of surface water run-off in emergency situations if required;*
- there has been some further amendments to the conditions and a list of 42 updated conditions were considered as part of the officer update;

- prior to this meeting officers noted comments from English Heritage (EH) that the report saying 'no impact on the monument' was inaccurate as there would be some impact on the monument by the new park and buildings and conservation is integral to a sustainable development. Officers commented that despite the late nature of these comments the Ancient Monuments Act had previously been considered and the concerns of EH have been given due consideration as part of the evaluation of the scheme, as such this representation will not vary the Officer recommendation.

Members received a presentation, in accordance with the public participation procedure, from Councillor Ms Rylance, County Councillor. Councillor Ms Rylance stated that she was concerned on local impact and impact on the Mepal Outdoor Centre, from the development which may cause the ground water level to change and the lake level to go down. Councillor Ms Rylance made reference to the cost of fuel for the digester being misrepresented along with the environmental impacts caused by sewage and transporting maize. She pointed out that a digester which has been in place for 5 years is running at a loss now. Councillor Ms Rylance commented that if the digester were to run for its allotted 30 years it would be an unpleasant legacy for another generation, also taking the land out of food production to feed this plant which is unacceptable. Councillor Ms Rylance suggested that if the applicant feels that the development of the digester is right perhaps they could pay for a fact finding mission to Germany for more information and the application could be deferred until this has happened.

Members received a presentation, in accordance with the public participation procedure, from Councillor Shad, Town Councillor. Councillor Shad informed members that he was representing the people of Chatteris and many people of the town had raised concerns and objections to the development. He commented that this was not nimbiism but a genuine concern for health and quality of life of residents. Councillor Shad commented that there is a need for modern technology to be balanced against the needs of the community and when the application came in limited information was supplied and the Town Council supported the application. He referred to research on the internet revealed that some information had been withheld and there would be considerable visual impact on the area.

Councillor Shad stated that he had been involved with the Eden Project in Cornwall for 8 years and this development had required careful consideration by a number of people and by the cooperation of many, differences had been resolved. He pointed out the amount of prime agricultural land that would be lost to food production in order to sustain the maize fuel for the digester. Councillor Shad made reference to the 1,000 homes that have been approved adjacent to this site and this created further worry due to the impact of this proposal. Councillor Shad urged members to consider carefully the impact of this proposal and insisted that officers research further chemical and air pollution and to determine the application only after this has been done.

Members received a presentation, in accordance with the public participation procedure, from Mr Ripley, the applicant. Mr Ripley informed members that he is the Director of Pretoria Energy and explained the need for renewable energy in light of global warming and carbon issues. He pointed out that the project is based on European directive from Brussels, with 15% renewable energy lacking by 2020. Mr Ripley listed the different categories of renewable energy and their effectiveness, solar wind being very intermittent, bio-diesel using ethanol from sugar beet being an inefficient process and bio-gas which harvests the whole product over a 60 day process and nothing left. The process is monitored to extract all digestate and is odourless and bio-gas is four times more efficient than other UK possibilities, with 70% reduction in greenhouse emissions, using a small amount of power and heat to run the process. Pipelines will run underground at Chatteris to fuel locally and the national grid. He stated that Fenland have reviewed the project and a lot of time has been taken on the application, the public have been consulted, it will have no adverse impact on Fenland and satisfies all needs and government directives and provides jobs.

Councillor Stebbing commented that he is not against new technology and asked Mr Ripley if there is an identical plant that members could go and look at and were there any problems with the digesters that have been established in Germany. Mr Ripley responded that Eon own a number of these plants in Germany, of quality build with huge investment ensuring a good product. The life of the plant prior to decommissioning is potentially 40 years. Mr Ripley confirmed that there is a plant being built presently, some in Germany have been in place up to 15 years. Councillor Stebbing suggested that the committee are taken to view the one being built.

Councillor Connor asked Mr Ripley if he could confirm or refute that some of the plants in Germany had been decommissioned within 5 years. Mr Ripley refuted this stating that there are over 600 plants in Germany who are committed to them as they are so successful.

Councillor Mrs Mayor referred to Mr Ripley's presentation and asked how many apprenticeships would be created and how many would be employed. Mr Ripley confirmed that 11 employees will provide administration and overall management and engage apprentices.

Councillor Mrs Newell asked Mr Ripley how he proposed to get the gas into the grid. Mr Ripley confirmed that a pipeline will be installed along the roadside, following a study by experienced consultants. Councillor Mrs Newell asked if any had been decommissioned in Germany. Mr Ripley confirmed that there was no way that investment would be put into the project if the product was under specification, companies such as NPower are a huge professional outlet and would not support if it were not expected to be a success.

Councillor Mrs Newell made reference to methanol and carbon released being dangerous, with major accidents in other countries and raised concerns as this plant will be very close to Chatteris and a major accident could potentially destroy the whole of Chatteris. Mr Ripley explained that the specifications for the national grid are extremely thorough using gas analysers and the plant would shut down if the product were not up to specification.

Councillor Mrs Mayor asked Mr Ripley how many would be employed to build the project and are they local, including the technical expertise required. Mr Ripley confirmed that all requirements would be tendered locally, including the supply of aggregates and the craftsmen fitting out would be local as much as was possible.

Councillor Mrs Mayor asked how long it would take to build the plant. Mr Ripley confirmed that it would take 4 months in total to build.

Councillor Connor asked if Mr Ripley had been involved in the building of the plants in Germany or would this just be a one off from the ground up. Mr Ripley confirmed that he had taken 3 years to research the plants in Germany but confirmed that he had not been involved in the building of the plants.

Councillor Sutton asked how many plants of this size were in Germany in total. Mr Ripley responded approximately 50-100, some being 5 times the size of the one on this application.

Councillor Bucknor asked Mr Ripley to explain the nature of the chemical structures being released into the atmosphere. Mr Ripley explained the process of boiling the maize being a completely sealed process, with samples being taken, bio-gas being a combination of methane, carbon dioxide and hydrogen sulphide, with no particulates entering the atmosphere.

Councillor Mrs Newell referred to the number of digester plants in Germany being 50-100 stating that her research revealed at the most 15. Mr Ripley confirmed the original number stated and confirmed that Germany have been building these plants since the early 1990's.

Councillor Bucknor asked if the digester plant can be adapted to use other crops for fuel. Mr Ripley responded that this may be possible in the future, confirming that energy values are important and the maize plant cobs of 1 kilo being a very good energy balance making it the most beneficial crop at this time as a consistent diet being required to feed the plant.

Councillor Quince referred to the plant being built to the south of Ely and asked what the output of this plant was and when it was likely to be in production. Mr Ripley confirmed that the output was half of this proposal and production had started in July/August 2013.

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

- Councillor Mrs Newell asked officers where the Mepal Centre is in relation to the proposed development. Officers confirmed on screen that the Mepal Centre is adjacent to the proposed development;
- Councillor Connor stated that he was more confused by reading the report and referred to the degrees of conflict in the number of plants, are they being decommissioned, are they viable or not and stated that he did not know enough about the proposal to support the application. He asked what would be left for future generations and stated that he could not support the application on the information provided;
- Councillor Murphy commented that he did not know about technicalities, however this would make a difference to local people and the environment, he would like to see a plant tried and tested, this is in his backyard and he feels that the proposal is in the wrong place. He commented on the use of 5,000 acres of prime grade 1 land being used to produce maize to run this plant, stating that the plant is not for food production but for profit only. Councillor Murphy stated that 1,000 homes have been approved down the road and this should be taken into account. He stated that he was disappointed that East Cambs District Council owned the land next door and have invested in the Mepal Outdoor Centre and he was of the opinion that they should be at this meeting to have their say. He commented that Mepal Outdoor Centre usage has increased and this could be destroyed by the likely noise and odour from this plant. Councillor Murphy commented on the number of extra vehicle movements and this would only add to the mud that had been created on the road last year, which had become like a skid pan at Mepal, then being swept making it worse, then hosed with water making it like a quagmire. He commented that local people will have to put up with these conditions and this plant is likely to make things much worse for something that has not been tried or tested, would impact visually and was a large-scale development which should be considered seriously;
- Councillor Patrick requested that the application be deferred for a full meeting to be held and investigations to be made before a decision is made by members;
- Councillor Sutton commented that he did not agree with most members, silage is an agricultural process up and down the country, there is a local bio plant at FenMarc, not on this scale but Germany would not be investing in this technology if there was such a huge risk and stated that he supported officers recommendations;
- Councillor Connor stated that he agreed with Councillor Murphy's comments, stating that farmers, highway contractors and residents were not happy, there was going to be an accident, mud on the road will be increased and he believes that Councillor Murphy has it exactly right;
- Councillor Mrs Newell commented that there had not been enough consultation, Mepal Parish Council had not been consulted, East Cambs District Council had not commented, the maize being grown would affect the state of the road and she was disappointed that the Local Highway Authority (LHA) were not in attendance to comment and she agreed with Councillor Murphy's comments. Officers confirmed that the LHA had been scheduled to attend but the LHA officer was unwell and regrettably had to send their apologies;

- Councillor Owen commented that he had listened with interest to the previous comments, had heard the objections of members and could not see the difference between transporting maize and potatoes or the problem with using the land to build. The technology has been tested in Germany and commented that 'if it is good enough for them it is good enough for members to support';
- Councillor Sutton commented that maize and sweetcorn are two different crops, 5,000 acres is a minute amount of land, is it better to pay to grow nothing or something useful, there is an element of scaremongering and Fenland should show that we want to be first and not be led;
- Officers commented that the fieldwork was detailed in the report, there would be a sealed access road on the A142, there were steps that could be taken onsite to mitigate against mud on the highway, which could be dealt with by condition, however ultimately this was a matter for the Police and LHA rather than the planning process;
- Officers drew attention to Condition 41 regarding decommissioning of the plant and pointed out that if the plant did not produce the correct amount of gas in 12 consecutive months this would result in the need for decommissioning;
- Officers pointed out that Condition 30 restricts the plant to the production of maize and a further application would be required if a different crop were to be used;
- Officers confirmed that they have worked with East Cambs District Council, the Environment Agency, Environmental Protection and planning officers to understand the new technology. Officers confirmed that the site under construction at Chittering had been visited, confirming that the proposed development has been subject to an independent landscape assessment. They also noted that a lot of time and consideration has gone into the evaluation of this application, it has been questioned and challenged at all stages resulting in a detailed report which represents a professional recommendation from officers;
- Councillor Connor commented that he was not sure what holding another meeting to discuss the issues further would achieve. Officers responded that members would need to be really specific about what additional information they would be looking for, a site visit could be arranged if members feel that it would help.

It was proposed by Councillor Owen and seconded by Councillor Sutton to Grant the application which was not supported by members.

It was proposed by Councillor Patrick and seconded by Councillor Bucknor to Defer the application which was not supported by members.

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

Refused for the following reasons:

1. **Visual impact;**
2. **Appearance;**
3. **Scale.**

Members do not support officer's recommendations to Grant planning permission as they feel that the site would cause detrimental visual impact and the appearance and scale of the development would be out of keeping in the area.

Councillor Sutton requested that it be recorded that he had voted against the proposal for it to be Refused.

(Councillors Murphy and Mrs Newell stated that they are Members of Chatteris Town Council, but take no part in planning matters)

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

P154/13 **F/YR13/0679/F**
DODDINGTON - 50 BENWICK ROAD - CHANGE OF USE OF GROUND FLOOR
AND PART FIRST FLOOR OF EXISTING DWELLING TO CHILDCARE NURSERY
FOR CHILDREN, ERECTION OF DETACHED DOUBLE GARAGE/STORE; 2.2M
CLOSE BOARDED FENCE AND FORMATION OF CAR PARK

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 considered 12 letters and emails of objections/concerns.

Officers informed members that:

- during the inspection of the site members queried whether the car park was for staff and visitors and whether the roadway is to be completed prior to opening the nursery. The car park would be used for both staff and visitors. Condition 7 would ensure that the access would be laid and constructed in accordance with a detailed engineering scheme prior to the opening of the nursery and this includes a 5 metre wide access for a length of 10 metres in to the site;
- a further letter has been received from an original objector to the proposed development. There are no new grounds of objections raised in this letter which have not already been considered in the officer's report;
- a letter has been received from the applicant raising a number of concerns about the suggested planning conditions;
- Condition 5 relates to the restriction on the number of children. The applicant suggests that they did not agree to such a condition however correspondence from the agent would suggest otherwise. The condition is considered necessary for the reasons set out on page 67 of the agenda;
- Concerns are also raised in relation to Condition 2, however the phased use of the first floor of the premises for childcare related activities could be undertaken without the breach of the condition, ie the condition does not preclude use of the first floor as domestic accommodation, merely it seeks to ensure that a use other than nursery is not delivered in these areas;
- in relation to Condition 6, this is considered necessary for the reasons set out in the report as the proposed garage is closer to the tree to that previously approved. In addition since the previous permission, in October 2011 the Conservation Area boundary has been extended to include this site, thereby affording protection to the tree;
- finally with regard to Conditions 7 and 8 these are both necessary in order that the impacts of the proposed development on highway safety are acceptable. The conditions were also imposed on the permission for the 4 dwellings to the rear of this site in order to make that development acceptable. It will be the scheme which commences first to deliver the improvements, as both schemes require these enhancements to satisfy the highway considerations of the site;

- the proposed development has been discussed further with the applicant's agent in respect of the surface finish to the car park, as after discussions with the Council's Tree Officer, there would be no objection, in principle, in the use of a tarmac finish to the car park as an alternative to tarmac planings. This would reduce the noise of vehicles coming and going further. As the majority of the car park falls within the root protection area of the retained tree, the Council's Tree Officer would require full construction details of the surface material and it is considered necessary to impose an additional condition in this respect, which the applicant's agent has agreed to;
- it has been discussed with the applicant's agent that staff would be asked to park on the east side of the car park, thus leaving the spaces furthest away from the adjoining neighbour and closer to the nursery entrance at the rear of the site for visitors. This would mean that vehicular movements would be very low on the eastern side of the car park closest to the adjoining neighbour;
- clarification has been sought from the applicant's agent in respect of the proposed child care age range. It has been confirmed that it would be predominately from 6 months to school age (4/5 years), however during school holidays this may increase to a wider range of 5-11 years to cater for older children and/or siblings of younger children who would already attend the nursery;
- this does not rule out care for older children, for example, if a child is of an older range (say 15 or 16) but has a lower stage of development that they can also be cared for within the nursery.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Ms Rylance, County Councillor. Councillor Ms Rylance informed members that she is a member of the Adult Health and Wellbeing Board and is concerned about traffic on the Benwick Road before the Health Centre and Hospital and in time the cemetery. Councillor Ms Rylance raised concerns that parents with children, will in reality pull onto the footpath to drop off children, during which time hospital patients on foot will be at risk and lorries will be held up getting past the property to Greenvale. She commented that it is not easy at present to see Benwick Hospital entrance, more traffic will make it worse as the road is already congested.

Councillor Patrick asked Councillor Ms Rylance if she was speaking as an objector.

Councillor Owen asked Councillor Ms Rylance if she could provide any evidence to support her assumption that parents would not use the car park and would drop children off parking on the roadside. Councillor Ms Rylance confirmed that she had watched other nurseries where it happens all the time. Councillor Owen asked where this place was. Councillor Ms Rylance confirmed that this happens at Glebelands school where there is a separate nursery area.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Ms Hufton, Parish Councillor. Councillor Ms Hufton stated that she was speaking on behalf of Doddington Parish Council, welcoming a project of this kind in the village but raised concerns that it is sited on Benwick Road as this is already a busy road with heavy vehicle movements to the Greenvale factory. There is on road parking in front of properties on this road causing delays, the doctors are open from 8.00am to 7.00pm from Monday to Friday with a lack of parking provision which increases traffic. She pointed out that there are sheltered flats at Doddington Court, employees use cars, Askham House employ 140 people and traffic has increased noticeably, in addition Doddington Hospital and events in the village hall ensure that parking spills out into the road. Councillor Ms Hufton pointed out that a new cemetery is being built a 1/4 mile from the applicant's premises, this will result in large funerals using on road parking, Delfland Nurseries will pass this property, making vehicle and pedestrian traffic hard and this application exacerbates the problems.

Councillor Ms Hufton raised concerns regarding visibility splays as the property opens out onto a bend in the road, with vehicles leaving to cross the Benwick Road causing a dangerous hazard from and to the nursery, with no provision at the side of the access road for a footpath. Councillor Ms Hufton concluded that the nursery is welcome but just not in this place.

Councillor Patrick asked Councillor Ms Hufton how many heavy vehicle movements there were each day. Councillor Ms Hufton confirmed that 72 each day can be verified.

Councillor Owen commented that Councillor Ms Hufton had expressed the view that there is a need for this facility, the concerns seem to be with parking. He commented that on the site visit members saw that there is parking at the Health Centre and adequate space to pass in either direction and asked her what the real objection was. Councillor Ms Hufton responded that the road is already totally congested from the Clock Tower to Delfland Nurseries. Councillor Owen acknowledged the need for the provision of car parking.

Councillor Patrick commented that Doddington Parish Council were originally happy for the application to go ahead with concerns about congestion in the road and to get back into the village.

Members received a presentation, in accordance with the public participation procedure, from Mr Connor, an objector to the proposal. Mr Connor stated that he is a big supporter of economic growth and was standing before members to highlight the key areas and reasons why this application should be refused. Mr Connor stated that the doctors is situated on Benwick Road, this is a B highway distributor road with 72 lorry movements daily from Greenvale, Delfland and Knowles with additional vehicle movements from Doddington Hospital and the Health Centre. He pointed out that there are 4 building plots to the rear of this site which will create 50 vehicle movements a day adding to congestion and the risk of accident. Mr Connor referred to Fieldhouse Water Caravan Park and the garden centre, with HGVs and agricultural machinery being ever present, creating considerable movements of traffic. Mr Connor stated that the new cemetery is meters away from the proposed plan, at present there is a village community with no accidents, this could be the cause of this to change. He commented that there will be 10 places for staff members and parents using the car park, if 40 children are registered at full capacity, with 10 members of staff where will others park. He made reference to the report and older children 'letting off steam' and this could have a major impact on surrounding properties, stating that people attending the doctors or funerals would need peace and quiet and this would create additional noise. Mr Connor stated that there were 8 objectors from the Parish Council and made reference to delegated approval and asked if officers are trying to 'pull the wool over the eyes of members'.

Councillor Miscandlon reprimanded Mr Connor requesting that he did not encroach on the integrity of officers. Mr Connor apologised to officers.

Councillor Owen asked Mr Connor if he agreed there is a need for this facility and where is this idyllic site in Benwick that has been alluded to by speakers.

Mr Humphrey, the applicant's agent declined the opportunity to speak on this occasion.

Members received a presentation, in accordance with the public participation procedure, from Mrs Oswald, the applicant. Mrs Oswald stated that she is a qualified childcare practitioner, she is familiar with the issues of a childcare facility as she has set up three other premises in Huntingdon and Godmanchester and all three were very successful. She stated that this application is for a day nursery, it sits very comfortably within the Planning Policy framework, highway issues have been addressed, there are no material grounds to object in highway safety terms and their consent has been given. Mrs Oswald commented that if there were such massive issues on highway safety double yellow lines would have been in situ by now.

Mrs Oswald confirmed that she had used a professional company, sought advice from experts, approval had been given in principal, she is now 7 months down the line, the process is supposed to take 8 weeks and the application is recommended for approval, with 11 conditions. She raised concerns regarding the proposed conditions commenting that these have never been mentioned to her prior to publication of the agenda. She commented that condition 4 addressed concerns regarding access only being via the rear of the building and said she trusted that all members of the committee had read her 10 page document which has all surveys and comparisons to other nurseries and she trusted that members are clear about the difference between childcare, toddlers and schools enabling them to make an informed decision.

Mrs Oswald commented that she was not happy that her proposal for 60 children had been capped to 40 in condition 5. Mrs Oswald questioned the inappropriate behaviour of Mr Connor in his capacity as a Councillor. Councillor Miscandlon requested that Mrs Oswald did not attack the beliefs of Councillors or officers of the Council. Mrs Oswald was asked to apologise but failed to do so.

Councillor Owen asked Mrs Oswald what steps she would take to mitigate parents using the highway as a dropping off point for the nursery. Mrs Oswald drew attention to a diagram of the entrance at the back of the property and confirmed that there is no intention for users of the nursery to enter through the front door of her home. Councillor Owen asked if parents stop on the highway what could Mrs Oswald do to ensure this was prevented. Mrs Oswald responded that she would stipulate in the contract with parents that there was no access to the nursery other than via the electronically controlled door at the rear of the property.

Councillor Stebbing asked if there would be any way to stop parking on the road. Mrs Oswald responded that the whole layout has been drawn to ensure parents park on the car park and use the gated access.

Councillor Sutton asked how many car park spaces are taken up by staff. Mrs Oswald responded that it would be difficult to predict as staff may or may not be car drivers and surveys on other nurseries show that some car share or drop off and she would be guessing.

Councillor Patrick asked if the proposed amount of parking would be ample. Mrs Oswald confirmed that this was ample parking.

Councillor Bucknor commented that he was not happy with the answer 'ample parking'. Mrs Oswald confirmed that parking proposals are in accordance with government legislation for child day nurseries.

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

- Councillor Mrs Newell commented on Greenvale lorries and asked if there were restrictions for Greenvale to use an alternative route ie Floods Ferry;
- officers confirmed that the survey work referred to by Mrs Oswald was part of her planning application and would not have been provided to members in detail. The LHA could not compare other nursery settings and appropriate provision is being provided for 40 children spaces and the application would be considered on the basis of the project put forward by Mrs Oswald. The LHA has taken into account access and Benwick Road and the potential impact will fluctuate. The LHA has acknowledged demand within the site and are satisfied the parking level identified is satisfactory;
- officers made reference to the four building plots and development access to the rear of the site and confirmed that whoever begins development first will put in relevant works and construction management;

- officers confirmed that parking and amenity space are such that the LPA can support 40 in number but not 60 as there is a deficit in parking and amenity;
- officers confirmed that planning conditions can be attached to a planning application, the reasons behind the conditions were clarified. The original proposal was for 60 children, following a pre-application in September 2013, there was negative consultation regarding 60 children, a meeting was held with the agent and the applicant and discussed in a positive manner and on the basis of that meeting a conclusion was reached and the proposal brought forward;
- Councillor Patrick commented that he had listened to all parties, the application ticks all the boxes, some people in the area need these facilities and he would support officer recommendation;
- Councillor Mrs Mayor made reference to recommendations from the Tree Officer and informed officers that it was apparent from the site visit that construction of the car park had been started. Officers confirmed that they were not aware of construction works in the car park area and Condition 6 would need to be discharged in consultation with the Tree Officer;
- Councillor Sutton informed members that he is a native of Doddington and knows the area well, although he has not lived there for a number of years, he is still registered with the local doctor, worked at the local garage and stated that it was a busy road then and still is and can be problematic, local residents are not happy or want it, it is in the wrong location and he could not support the application.

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

Granted, subject to the conditions reported.

(Councillor Connor declared a Non-Pecuniary Interest in this application, by virtue of him being a neighbour of the applicant and an objector to the proposal, and retired from the meeting, sitting in the audience for the duration of the discussion and voting thereon)

(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)

Members took a 10 minute refreshment break following determination of this application.

P155/13 **F/YR13/0685/F**
WHITTLESEY - 64 WHITMORE STREET, 17 AND 11 WINDMILL STREET -
ERECTION OF 30 DWELLINGS COMPRISING; 15 X 2-STOREY 2-BED
DWELLINGS,
10 X 2 STOREY 3-BED DWELLINGS, 1 X 2 STOREY 4-BED DWELLING, 3 X 3
STOREY 3-BED DWELLINGS, 1 X 2-BED FLAT WITH GARAGE BLOCK BELOW
WITH ASSOCIATED PARKING AND DEMOLITION OF EXISTING DWELLING AND
BUILDINGS

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 considered 15 letters of objection.

Officers informed members that:

- With respect to Section 8 of the Committee report it should be updated to state:

Recommendation

Grant subject to:

- i) No new objections raised in the re-consultation period relating to the revised plan showing boundary treatment;**
- ii) Conditions;**
- iii) Possible S106 Agreement subject to the conclusion of viability discussions *'With delegated authority being given to the Head of Planning to finalise the level of contributions following liaison with Cambridgeshire County Council'***

- A Boundary Details plan has been received (Ref 830-2-BD201-A) and neighbours have been re-consulted. The expiry date for comments is 9 February 2014;
- At the time of writing this update report two letters of representation have been received raising the following concerns;
 - concerns with construction works generating vibration that could cause damage to adjacent properties;
 - a 1.8m high brick wall is proposed to replace a 2m high wooden fence; the replacement wall should be 2.0m in height to protect neighbour privacy.

Members received a presentation, in accordance with the public participation procedure, from Mr Smith, the applicant's agent. Mr Smith confirmed that the application had first been granted in 1994 for 35 units, it was decided in 2012 to revisit the original consent for a more appropriate form of development. Consultation took place with local residents and Whittlesey Town Council and feedback from this was positive, there were concerns regarding boundary walls which were dealt with in a proactive manner. He informed members that the public consultation and discussion with officers helped to shape the proposal before members, being predominately residential in nature, redeveloping the site with thirty 2 and 3-bed houses with the same access as the 1994 permission.

Mr Smith confirmed that there are no objections from LHA, in design terms, Windmill Street is on the edge of the footway, Whitmore Street frontage extends to the conservation and the materials will enhance the town centre. He pointed out that the viability assessment concluded that the redevelopment is only marginally viable and contributions will be subject to the normal S106 agreement.

Councillor Stebbing asked Mr Smith if provision has been made for refuse bins to ensure they are not left on the street, or are bins to be collected at the back of the properties. Mr Smith confirmed all bin collections will be to the rear.

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

- Councillor Sutton asked if there was an overhead plan of the extant permission. Officers confirmed that this was not available;
- Councillor Owen commented that the development could be built in accordance with the Planning Permission granted in 1994, the site is in town and requested that the officers recommendation be agreed;
- Councillor Keane commented that Middle Level IDB oppose the application. Officers confirmed that North Level IDB require information regarding surface water and Middle Level IDB require further information;

- Councillor Mrs Mayor commented that there is no response from Anglian Water and raised concerns that there are problems in Whittlesey and they have not responded. Officers confirmed that stakeholders have been consulted and in the absence of any comments assume that there is no comment to make. Councillor Mrs Mayor asked if there is a follow up procedure before the application is presented to committee. Officers confirmed that the onus is on consultees to provide comments in response to consultation but would alert Officers to this comment. Councillor Mrs Mayor reiterated that there is a major issue in Whittlesey and she is also concerned about parking, Windmill Street is one of the oldest streets in Whittlesey, there is no off-street parking and she is concerned about access in that area. Officers responded that the LHA have no material grounds to object on highway safety terms and members are asked to consider the scheme on its own merits. Councillor Mrs Mayor commented that overnight parking in Windmill Street will cause problems for senior citizens parking and there could be major problems if an ambulance were required;
- Councillor Patrick commented that despite a viability assessment he was pleased that there may be some S106 monies available;
- Councillor Mrs Newell commented on the lack of surveillance and lighting in some parking areas. Officers responded that Condition 6 will address the issue of the provision of lighting and Condition 2 the issue of enclosure and confirmed that comments from the police have been addressed;
- Councillor Stebbing agreed with Councillor Mrs Mayor's comments regarding Windmill Street, further commenting that Gracious Street is congested and with other applications granted in this vicinity there could still be problems in this area.

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

Granted, subject to the conditions reported.

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

(Councillor Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he is a Member of Whittlesey Town Council Planning Committee and stated that he will consider all relevant matters before reaching a decision on this proposal)

P156/13 **F/YR13/0819/F**
MARCH - CO-OP FOODSTORE, 53 BADGENEY ROAD - VARIATION OF
CONDITION 08 OF PLANNING PERMISSION F/YR04/0157/F (ERECTION OF
FOOD RETAIL UNIT WITH ASSOCIATED CAR PARKING INVOLVING
DEMOLITION OF EXISTING STORE) RELATING TO SHOP OPERATING HOURS

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 considered 6 letters of concern.

Officers informed members that:

- during the members inspection of the site they queried the number of complaints received by the Environmental Health Team. This has been confirmed as 2 residents;
- Members may have noticed that there is an error in relation to the hours of opening which are restricted via Condition 8 on the original consent as detailed on pages 97 and 99 of the agenda. The existing hours of opening for Mondays to Saturdays is 0800 and not 8000;

- the conditions recommended on page 99 of the agenda have been reviewed and it is considered that the following conditions would not be required to be re-imposed as previously stated:
 - Condition 1 - start date of the development - no longer needed as the development has already commenced;
 - Condition 2 - landscaping scheme has been submitted and discharged on the original 2004 consent;
 - Condition 3 - the agreed landscaping scheme has been implemented and is therefore no longer required;
 - Condition 4 - materials for external walls and roof - details have been submitted and discharged;

- the following conditions are considered necessary to be re-imposed as previously stated:
 - Condition 5 - parking and turning to be retained;
 - Condition 6 - noise levels for fixed plant and machinery to not exceed specified levels;
 - In respect of Condition 7, which requires the details of the acoustic performance of all residential boundary fences to be submitted prior to commencement of development, it is acknowledged that the historic file does not contain details of this condition having been discharged. Given the date of this earlier consent, and the temporary period recommended in this instance to enable monitoring of the appropriateness of the change in operating hours it would not appear reasonable to impose a similar condition on this consent. The LPA does reserve the right to impose a condition in this regard in respect of any subsequent application to continue to operate the hours now highlighted should the monitoring indicate that this is necessary;
 - Condition 8 - opening hours varied to read as per the agenda on page 99.

Members received a presentation, in accordance with the public participation procedure, from Mr Driver, an objector to the proposal. Mr Driver stated that he was speaking on behalf of the residents of numbers 52, 53, 54, 56, 87 and 91 Badgeney Road making reference to the hours being applied. Mr Driver stated that the current situation is causing misery to residents, they have completed in-store complaint forms which seems to have fallen on deaf ears and Environmental Health have been involved as a result of this. Mr Driver pointed out that section 8 is not being complied with and should be enforced immediately as there are two articulated lorries and two bread lorries delivering 7 days per week, examples of this were pointed out by way of photographs. Mr Driver pointed out that staff arrive at 7.00am for 8.00am and 6.00am for 7.00am and deliveries are noisy at this time of day and he recommended that Conditions 1-7 are reimposed and requested no deliveries before 8.00am, the bread lorry delivers at 7.10am on occasions and is in breach of conditions. Mr Driver stated that the Co-op has been in breach of its conditions for three years and asked why residents have to go through another nightmare year when the proposals do not benefit the local community or residents.

Councillor Keane asked Mr Driver how long he has lived in Badgeney Road. Mr Driver confirmed he has lived there for 8 years.

Councillor Connor asked Mr Driver what had happened when residents had completed in-store complaints forms. Mr Driver responded that he had spoken to the store manager and his response was to say 'I'll see what I can do'.

Councillor Owen asked Mr Driver how long he had lived in Badgeney Road, Mr Driver confirmed 8 years. Councillor Owen asked Mr Driver what time did a work day start as this is a convenience store. Mr Driver responded that the work day starts at 8, the size of the shop affects traffic, a marquee is used for storage, there is noise from staff, articulated lorries and crates banging at the wrong time, sometimes three HGVs at a time.

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

- Councillor Connor commented that Mr Driver has spoken to the store manager and asked why the Co-op couldn't take later deliveries and the bread lorry arrive later to relax the times a little;
- Councillor Owen commented that the deliveries are a national service with a specified delivery route and he believes that a delivery time of 7.00am is reasonable in his view;
- Councillor Keane asked if the application could be granted for a 2 year period taking into consideration the 2 complaints and 6 letters received. Officers confirmed that shop opening times are 7.00am to 10.00pm, with deliveries from 8.00am to 8.00pm Monday to Saturday and 9.00am to 7.00pm on Sundays and Bank Holidays;
- Councillor Mrs Mayor commented that the shop opening hours would only change by one hour and suggested it is left as is. Officers referred to the Noise Management Plan submitted by the Co-op. Councillor Mrs Mayor commented that they are not currently adhering to the current Condition;
- Councillor Quince suggested that the store stick to the current delivery times. Officers confirmed that the applicants are only seeking to change the opening times of the shop;
- Councillor Mrs Mayor requested that officers recommendations be granted with restriction on deliveries and this be monitored. Officers responded that Condition 8 grants temporary consent and after that the store would need to demonstrate that there have been no breaches of the condition as these can be picked up by officers.

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

Granted, subject to the conditions reported and a suitable condition to restrict/monitor delivery times.

(Councillors Cornwell, Keane and Quince stated that they are Members of March Town Council, but take no part in planning matters)

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

P157/13 **F/YR13/0849/O**
WHITTLESEY - LAND EAST OF 11 SCALDGATE - RESIDENTIAL DEVELOPMENT
COMPRISING EITHER 2 X 2-STOREY DETACHED DWELLINGS OR 3 X
SINGLE-STOREY DWELLINGS

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

Officers informed members that:

- one letter has been received asking to be informed of the outcome of the revised proposals;
- further comments received from Councillor Swan concerning:

- object to the plans as this area/outline plans are not suitable for this development;
 - it will lose the character of the house adjacent to it as it is in the Conservation Area and the house is pre 1900;
 - over-intensification of the site will occur and the street scene will be harmed;
 - if the building is allowed, would prefer to see a nice house in the same character as the existing to complement the street scene and preserve the history around Scaldgate;
- further to the site visit and the quality of the wall that is required to be removed to facilitate the new access it is considered that the following condition should be added to the list of suggested conditions to ensure that the wall is rebuilt using the original materials;
 - prior to the commencement of the dwelling hereby permitted, details of the removal of the frontage wall and its rebuilding shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the means of deconstructing the wall, the location for its rebuild and the method of rebuilding, including the type of mortar to be used. The development shall be carried out in accordance with the approved details;
 - a letter has been received from Middle Level Drainage Board who raise concerns that no Flood Risk Assessment (FRA) has been submitted in relation to the proposal. Their comments have been noted however the site is within Flood Zone 1 and therefore there was no requirement to submit an FRA in this instance. The points raised by Middle Level can be dealt with by their own byelaws and their own legal procedures.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Laws, Chairman of Whittlesey Town Council Planning Committee. Councillor Mrs Laws stated that this is a residential development of either 2 x 2-storey dwellings or 3 single-store dwellings and she had been asked to speak as the Chairman of Whittlesey Town Council Planning Committee. She pointed out that the application had been called in by Councillor Swan due to concerns over this being a large development, is over intensification and back garden development, in a main built up area and adjacent to a conservation area. Councillor Mrs Laws pointed out that this was previously a builders yard, there is scope for a sensitive development which would tidy up and enhance the area. The town council have viewed this application and ask members to consider their comments, the original plan was for 12 flats on the site, Whittlesey Town Council consider this to be over-intensification of the site, it has been revisited and 3 single-storey dwellings proposed which is still considered to be over intensification. Whittlesey Town Council agreed that 2 x 2-storey dwellings built with materials that match and blend with surrounding properties would be acceptable. Councillor Mrs Laws commented that the applicant should work closely with the Conservation and Planning officers, commenting that this is an attractive Victorian property, is adjacent to a conservation area, the garden is divorced from the dwelling and is not ideal for residential amenity of number 11 and asked members to consider this before making their decision. Councillor Mrs Laws confirmed that Whittlesey Town Council's request would be for 2 x 2-storey dwellings with suitable landscaping.

Members received a presentation, in accordance with the public participation procedure, from Mr Walker, the applicant's agent. Mr Walker stated that the site was a builders yard, Mr Savage lived in the house until 1999 when his client Mr Barnes purchased the site. The rear is kept tidy and used for parking, with the house and grounds treated as a private residence. Mr Walker confirmed that the house is Victorian and splendid, it is accepted that it needs to be retained and protected. Mr Walker stated that the application is adjacent to the conservation area, two schemes have been submitted one for 2 houses or 3 bungalows, moving the access protects the side of the house and provides the residents of 11 Scaldgate with their own private garden to enjoy. Mr Walker agreed that the dwellings at the rear should be of high standard design and could see the view of Whittlesey Town Council.

Councillor Stebbing asked if a section of the wall were to be demolished how this would affect the existing access. Mr Walker confirmed that the access would be reduced to 2.5 metres with new gates, the wall would be rebuilt, the new access wall would be continued to provide a private garden, the view from the front and side will be a wall and will not be patched.

Councillor Keane asked if the tree behind the wall would have to be removed. Mr Walker confirmed that the tree would need to be removed however, specimen trees would be put in the new garden and a condition would be acceptable if necessary.

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

- Councillor Sutton commented that he had listened to local members and Whittlesey Town Council are comfortable with 2 x 2-storey dwellings and asked if members could grant permission for 2 dwellings not 3. Officers explained that this is an illustrative scheme and would have to be determined as submitted, the description of the development and landscaping would be considered at the Reserved Matters stage. Councillor Sutton commented that he did not support 3 dwellings. The Chairman allowed Mr Walker from the audience to explain that the application was for either 2 or 3 dwellings and that his client may decide to build 2 single-storey dwellings rather than 3 dwellings. Members were advised by the Legal Officer that they need to vote on the application before them as it is an indicative plan;
- Councillor Murphy commented that this is a large area and will quite easily take three dwellings and recommended approval;
- Councillor Mrs Mayor commented that she would like to see 2 nice single-storey dwellings on this plot. Officers responded that the application does not preclude the building of 2 single-storey units, it is a maximum of 3 units and both schemes will comfortably sit on the site.

It was proposed by Councillor Sutton and seconded by Councillor Stebbing to Refuse the application which was not supported by members.

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

Granted, subject to the conditions reported.

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

(Councillor Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he is a Member of Whittlesey Town Council Planning Committee and stated that he will consider all relevant matters before reaching a decision on this proposal)

P158/13 **F/YR13/0876/F**
MARCH - 6B STATION ROAD - CHANGE OF USE FROM SHOP TO COMMUNITY
CENTRE/CLUB

Members considered 18 letters of objection.

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

Officers informed members that:

- a site video was shown to members;
- Condition 1 should be amended to state:

- the use hereby approved shall cease on or before 5 February 2015, whichever is sooner, unless a further planning application for continued use is submitted prior to that date. Reason: In the interests of ensuring that the development does not harm the amenity of neighbour occupiers by virtue of noise or disruption, in accordance with Policies CS16 and CS17 of the Fenland Core Strategy DPD (2013);
- the Police Architectural Liaison Officer (PALO) had concerns with the highway being used as an external smoking area. This could result in confrontation and possible disorder, as well as a safety issue for pedestrians. The use of the rear fire escape as a smoking area and/or pedestrian access could generate noise issues to adjacent residents. Concerns that the Wheel Centre yard could be used for parking;
- Inspector Sissons had grave concerns that the scheme if approved would result in an increase in anti-social behaviour reports and possible crime and disorder. Without a dedicated smoking area this will result in an increase in the number of intoxicated persons in the public realm. This will generate noise, fear of crime and littering issues (cigarette butts);
- Dale Barker (Planning Places for People)
 - the use would provide a range of activities which would appeal to the whole population, these are social and cultural;
 - the application meets the definition of Sustainable Development (Paragraph 7, NPPF 2012) and it would limit the need to travel beyond the town centre for leisure, cultural and educational needs;
 - the scheme would enhance the vitality of the town centre;
 - the rear balcony area will not be accessible to customers. This could be controlled by planning condition;
 - the windows fronting Station Road shall be double glazed;
 - entrance to the club will be limited to members only after 21:00. Access shall be controlled by doormen;
 - the PALO objections have not demonstrated that the potential harm of persons smoking on the footway would outweigh the significant benefits of allowing this new facility;
 - the space in front of the site is 3.55m wide, of which 1.8m is highway. The doormen will be instructed to control this area.

Members received a presentation, in accordance with the public participation procedure, from PC McMurray, Cambridgeshire Constabulary. PC McMurray stated that the premises at 6B Station Road would be used as a private members club from Monday to Sunday, selling liquor, providing live entertainment, there is no good solution to the external smoking area at the front of the premises as this would obstruct the public highway putting members of the public in danger of the road. He pointed out that the doorway is opposite a pedestrian crossing and he was led to believe that there would be an electronic door system however there is no way of managing drunken pedestrians, there is the possibility of bringing glass out into the street and this could lead to possible disorder and there is no smoking allowed on the public highway, PC McMurray provided the example of the Hippodrome. He pointed out that this proposal cannot use the fire escape as this will generate noise, the doors will be open making it noisy for local residents and it is a worry if people want to leave or enter via the fire escape. There could also be a problem if the Wheel Centre were used for parking for the club. PC McMurray asked members to take these concerns into account when making their decision.

Councillor Owen asked if there was no access via the back fire escape and would it cause a problem to gain access by the front door after 10.00pm. PC McMurray said police would have concerns as people would attempt to get in. Councillor Owen commented that there is no reasonable solution for smoking, if on street possible disorder, out back would disturb other residents.

Councillor Murphy asked about the difference between a private and a members club. PC McMurray responded that this does not make any difference from a police perspective as it would still be a licensed premise.

Councillor Mrs Newell asked if this application was retrospective. PC McMurray confirmed it is not.

Councillor Owen asked if there is a rule for a private club to permit smoking indoors. PC McMurray confirmed there is not.

Councillor Mrs Mayor asked what the opening hours of the club are. Officers referred to Condition 4, opening hours being from 12:00-23:00 Monday to Thursday and 12:00-01:00 Fridays, 10:00-01:00 Saturdays and 10:00-22:30 Sundays.

Members received a presentation, in accordance with the public participation procedure, from Mr Barker, the applicant's agent. Mr Barker stated that he is happy with the officers recommendation, the proposal is for a mix of activities, social and cultural facilities for the whole family to use and to stay in touch with other members. A range of activities is proposed appealing to all, to help them to integrate. Mr Barker confirmed that the applicant has awards for music, is qualified to teach musical instruments and this proposal will enable him to deliver a new cultural centre. Mr Barker pointed out that the centre will be closed by 23:00 over 257 days of the year, commenting that if members feel that this is important times could be conditioned however this is unnecessary as this would be controlled by the premises licence. Mr Barker referred to the concerns of the PALO regarding the highway being used as an external smoking area and asked if the PALO had checked the limits of the area as 2 metres of the footpath belong to the shop. He pointed out that the windows fronting the shop are triple and safety glazed and after 21:00 the premises will be controlled by doormen. Mr Barker stated that there is little cause for the concerns of the police or neighbours as the concerns can be addressed by planning conditions or the premises licence.

Councillor Quince asked Mr Barker if the applicant had run a similar premises. Through Mr Barker the applicant answered that he had a previous centre in Lithuania but not in this country.

Councillor Murphy asked if the shops below the premises are owned by the applicant. Mr Barker confirmed that the premises are all in the same ownership, but explained the applicant is a tenant of the owner and the owner is happy for the proposal to go ahead. Councillor Murphy asked if the businesses are happy with the proposal. Mr Barker explained that this could not be known until it is known whether there is a problem or not.

The Legal officer asked if the premises have a premises licence. Mr Barker confirmed that the application has been submitted but not yet granted. The Legal Officer advised that the applicant could still operate, not selling alcohol and it would be reasonable to keep Condition 1.

Councillor Owen asked Mr Barker if young children attend with their parents in the day or evening, with no smoking on the balcony or out front on the highway, the smoking rules cannot be disobeyed does the applicant have a solution. Mr Barker responded that people have a choice, could choose not to smoke around children, if the police are concerned club members will congregate immediately outside the shop it can be arranged not to smoke there, there is no requirement to provide a smoking place, believes it is optional. Councillor Owen made reference to Wetherspoons pointing out that smoking is not allowed at the front of their premises however it happens all the time. Mr Barker confirmed that the applicant will be happy to employ a doorman to move smokers on. Councillor Owen pointed out that this will not stop them walking further on to smoke. Mr Barker responded that people can smoke where they choose on the street.

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

- Councillor Owen stated that the comments of the PALO could not be ignored as the issues mentioned could cause conflict with other residents;
- Councillor Sutton commented that members should take note of the appeal on the previous application June 2009. Officers responded that this application related to the ground floor not the upper floor.

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

Refused for the following reasons:

1. **given the failure to provide an external smoking area which would result in smokers congregating on the street potentially impacting on local residents and contributing to anti-social behaviour.**

Members do not support officer's recommendations to grant planning permission as they feel that the proposal would impact on local residents and cause anti-social behaviour as it fails to make provision for smoking.

(Councillors Keane, Owen and Quince stated that they are Members of March Town Council, but take no part in planning matters)

P159/13 F/YR13/0910/F
BUNKERS HILL - LAND EAST OF TWO WAYS, HIGH ROAD - ERECTION OF 3 X
2-STOREY 4-BED DWELLINGS WITH DETACHED CAR PORT (PLOT 1), AND
ATTACHED CAR PORTS (PLOTS 2 AND 3)

Members considered 4 letters of objection.

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

Officers informed members that:

- the trees and bushes to the front of the site were removed in August/September 2013;
- highway safety regarding delivery vehicles will be addressed as part of the construction process.

Members received a presentation, in accordance with the public participation procedure, from Mr Broker, the applicant's agent. Mr Broker stated that the reason the application was before members, Wisbech St Mary Parish Council support the application, being different from officer recommendation. Mr Broker pointed out that the footpath link has been achieved and construction is due to start shortly by CCC. This will mean that heavy growth of bushes will be cut back and the footpath will allow schoolchildren to use the path on a daily basis, thus the proposed settlement will be linked to Wisbech St Mary. Mr Broker requested that members consider the ordnance submitted with the application, 13 developments prior to 1993, 10 since the Fenland District Wide Local Plan, 5 have been built in the last 5 years. He pointed out that this application is contained within Bunkers Hill, with Tholomas Drove receiving 9 dwellings delegated by officers in the last two years, being further removed from local facilities. Mr Broker referred to the report stating that the appearance of this development is out of keeping with the surrounding area, he pointed out that this is only one building and the applicant has previously converted a barn, approved by members last year. Mr Broker pointed out that the frontage fits in with the street scene, the line of houses could be staggered if necessary, the report puts weight on the sporadic element, the other side of the road is linear development. He commented that the report makes reference to high flood risk and pointed out that a FRA has been provided and accepted by the Environment Agency. Mr Broker requested that members be consistent in rural locations and requested their support for this application.

Officers pointed out that comments from the Environment Agency regarding flood risk do not override the Core Strategy to consider sequential sites firstly. Officers commented that the developments post 1993 schemes were granted permission on the following basis, one dwelling had an equine restriction, two were replacement dwellings, Walpole House was recommended for refusal and overturned at committee, Sycamores was approved in 1991 under a different policy framework, Two Ways was recommended for refusal by officers but overturned by Planning Committee.

Councillor Mrs Mayor asked for clarification regarding a building plot overturned officer decision which officers confirmed may have been construed as infill, with this proposal being identified as open space. Officers confirmed that this proposal is a departure from policy, not a location allocated for development. Officers pointed out from the overhead photographs of the location that there is a delineated boundary where development finishes which protects encroachment into the open countryside at The Barn. Officers confirmed that this development does not align with the policy of the Core Strategy.

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

Refused for the following reasons:

- 1. The proposal represents unjustified residential development beyond any established settlement and would result in the creation of ribbon development. The application is therefore contrary to H3 of the Fenland District Wide Local Plan, CS3 and CS12 of the Fenland Local Plan Core Strategy (proposed submission 2013) and Section 6 of the National Planning Policy Framework;**
- 2. The development is located within Flood Zones 2 and 3 despite there being land available elsewhere in the District within areas of lower flood risk. The application is therefore contrary to CS14 of the Fenland Local Plan Core Strategy (proposed submission 2013) and Section 10 of the National Planning Policy Framework;**

3. **The regular appearance of the development is wholly inconsistent with the sporadic nature of buildings which feature on the eastern side of High Road and it results in domestic encroachment into the open countryside, to the detriment of the character of the area, contrary to policies E8 of the Fenland District Wide Local Plan, CS16 of the Fenland Local Plan Core Strategy (proposed submission 2013) and Section 07 of the National Planning Policy Framework.**

(Councillor Sutton declared a Non-Pecuniary Interest in this application, by virtue of his nephew being employed by the applicant's agent, and took no part in the discussion and voting thereon)

(Councillors Bucknor, Patrick and Stebbing left the meeting following this item at 4.50pm)

**P160/13 F/YR13/0916/O
CHATTERIS - 54 BRIDGE STREET - ERECTION OF 5 DWELLINGS INVOLVING
DEMOLITION OF EXISTING BUILDINGS**

Members considered 1 letter of objection/concern.

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:

- during the site visit members queried whether the existing chapel building was listed and if it is to be demolished as part of the proposal. In addition members queried if there were any memorials or other interesting items inside and requested photographs of the building;
- the chapel building is to be demolished as part of the proposal and is not a listed building;
- the agent has been unable to contact the applicant and therefore been unable to access the building. The agent has confirmed that should permission be granted, prior to the demolition, the applicant would not be adverse to the idea of salvaging any memorabilia/memorials from the building and liaising with the Chatteris museum as appropriate. This could be dealt with via an informative on the decision notice;
- the recommendation is to approve the application, subject to a S106 agreement.

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

- Councillor Mrs Newell commented that she was of the opinion that the chapel belonged to the church. Officers confirmed that the chapel forms part of the application site but were unsure of ownership. The agent confirmed that the applicant owns the whole site. Councillor Mrs Newell commented that this proposal is in a dangerous part of the area as the road here is dangerous. Officers responded that the active authorised use of the site commercial activity had to be factored in and this would be higher than the proposal for a residential site and the Local Highway Authority have confirmed there are no grounds for them to object;
- Councillor Murphy stated that he was against the Town Council's recommendation, this is an ideal site and the proposal would tidy up the area, it has been run down for a long time, the road is wider at this point and the proposal would provide a turning circle at the rear of the development and he agreed with officers recommendations to approve the application;
- Councillor Owen commented that he empathised with Councillor Mrs Newell but agreed that the site as a commercial premise could incur many more vehicle movements than the proposed development;
- Councillor Quince commented that this is a wide area for lorries with good line of sight, being better than the restriction with the proposed houses. Officers responded that the block plan provides the required visibility splays;

- Councillor Mrs Newell asked if archaeology will be taken into account. Officers responded that Condition 10 provides for archaeological investigations.

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

Granted, subject to the conditions reported.

Councillor Mrs Newell requested that it be recorded that she had abstained from voting.

(Councillors Murphy and Mrs Newell stated that they are Members of Chatteris Town Council, but take no part in planning matters)

**P161/13 F/YR13/0929/F
WHITTLESEY - 21 GLENFIELDS - CHANGE OF USE OF PART OF DWELLING TO
CHILD-MINDING FACILITY (RETROSPECTIVE)**

Members considered 3 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:

- although the child-minding business has been running for a considerable amount of time it has been confirmed that there has not been a breach of planning control for 10 years or more. A breach of planning control would occur when the business catered for more than 6 children;
- there would be insufficient evidence to meet the requirements to issue a Certificate of Lawful Use (CERTLU), Officers did not invite the application to submit a CERTLU application;
- a letter of support has been received from Whittlesey and District Child-minding Group, comments as follows:
 - there is a lack of understanding of the nature of child-minding services;
 - there would be no occasion where 10 cars would be arriving to collect children;
 - the staff either live on the premises or do not drive so no additional parking spaces are required;
 - the support being offered by the families show support for the business;
 - the parking on the cul-de-sac during the day are unlikely to be associated with the business;
 - the services have been awarded 'outstanding' by OFSTED.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Laws, Town Councillor. Councillor Mrs Laws stated that Whittlesey Town Council had recommended approval of Mr and Mrs Whitwell's planning application, that Enforcement Officers had been naive in the advice provided to Mr and Mrs Whitwell as a child-minding facility and consequently they had not provided the necessary supporting information. She believes that their resubmission of the application has addressed the issues. She pointed out the press have reported that 18 children attend daily, the information is wrong and needs to be corrected.

Councillor Mrs Laws stated that in a 12 month period there are 4-6 children in the morning, 3-4 from the nursery, some go home after lunch at 1.00pm, they are not noisy or disruptive children. Mr and Mrs Whitwell can cater for 6 sets of siblings, resulting in less traffic. A survey of child care in the area has been conducted and there are no vacancies if this application is refused. She pointed out that the Whitwell's received 6 enquiries for childcare last week, she appreciates that objections need to be taken into account but also need to consider that the children are away from the premises most of the day, they play in local parks and open spaces during the day. Mr and Mrs Whitwell are considerate of residents and members were asked to view the petitions and letters of support from near neighbours and the glowing report from OFSTED. Councillor Mrs Laws stated that the attendance book of the nursery is available to view, the Council advertises it is 'Open for Business' and asked members to approve the retrospective application.

Councillor Patrick made reference to the history for the conversion of a double garage and asked if this was for living accommodation or part of the business plan. Councillor Mrs Laws responded that the business has been in operation for about 12 years, the conversion of the garage was for additional living accommodation and pointed out that the applicants had failed to gain a Certificate of Lawful Use by about 3 months.

Councillor Owen asked if the business had been in use for 11-12 years why had the applicants not sought a CERTLU. Councillor Mrs Laws responded that the business had started with 2-3 children which did not require a CERTLU. She pointed out that at no time had Enforcement or Planning Officers recommended a CERTLU or provided guidance to the applicant. Officers clarified that to provide child-minding in own premises planning permission is not required up to a number of 6 children. After the 7th child information supporting a CERTLU submission would need to be consistent over a 10 year period and that this activity fails by a number of months. Officers confirmed that permitted use provides for up to 6 children without planning permission, when more than 6 children a restriction may be imposed on the numbers that could reasonably be accommodated. The applicant did not go from 6 to 18 children in a year, this was a gentle growth in terms of numbers, provision of a CERTLU would require the applicant to maintain a number of children over 6 for a 10 year period. Councillor Owen asked if there is evidence to support such an application. Councillor Mrs Laws confirmed that the applicants are registered with CCC, attendance books are available and the applicant has approached the LPA on two occasions.

Members received a presentation, in accordance with the public participation procedure, from Mr Sullivan, a supporter of the proposal. Mr Sullivan stated that he had moved to Whittlesey in 2006, his wife is a local lady, they have two children aged 10 and 8 and both Mr and Mrs Sullivan work, Mrs Sullivan returned to work part-time. He pointed out that they use the Whitwell's for child care, they have no worries with the facilities. Mr Sullivan pointed out that one of his children has development difficulties and had been supported by an Occupational Health package from a young age. He pointed out that his child had progressed more than expected, supported by the carers at this facility, his children receive care supervision, it is a well run local business and deserves the support of local residents.

Members received a presentation, in accordance with the public participation procedure, from Mrs Brown, a supporter of the proposal. Mrs Brown stated that children are cared for by the Whitwells, this is more than just a business as they have a strong bond with all the children and have spent 10 years working together, child-minding for 13 years. The business is operated from Monday to Friday, measures have been put in place to stagger start times, collections, parks are used and the soft play centre and an online diary system is used. Mrs Brown stated that all residents had been consulted to ask if there are any issues regarding the business, resulting in a petition of support being signed. Mrs Brown pointed out that this is an important decision that affects all lives, some children have been cared for since they were small babies, the relationship has been built up, there is a strong bond and they are local hard working families and the Whitwell's are relied on for childcare.

Mrs Brown pointed out that the only other facility is a non-school nursery, to refuse the application would mean the children could no longer attend pre-school and would turn lives upside down and would give local families no other choice but to give up jobs.

Members received a presentation, in accordance with the public participation procedure, from Mrs Whitwell, the applicant. Mrs Whitwell thanked members for the opportunity to speak and provided details of the numbers of years she had provided the child-minding service. Mrs Whitwell confirmed that there had been occasion where a neighbour's driveway had been blocked and as a result a newsletter had been issued to all customers with a copy sent to the neighbour showing the action taken, to ensure full consideration of neighbours at all times. Mrs Whitwell stated that if approached regarding any issues she would resolve them and had been advised by Enforcement of complaints and the requirement of planning permission. Mrs Whitwell confirmed that she had staggered collection times to address issues, parents collect children on foot, she has visited all of her neighbours and everyone has supported them. Children were stopped from playing in the garden from 16 October and now use the local parks, there is a curriculum for early learning and there is support from professionals. Mr and Mrs Whitwell have built strong relationships with Park Lane School, they have the full backing of the local MP and stated that Councillor Mrs Laws had kept their morale boosted through what had been the worst time of their lives, pending closure of their business. She stated that Whittlesey Town Council have shown their support, they have been inundated with message of support and if planning permission were to be refused they would be totally devastated. Mrs Whitwell commented that she had addressed all the concerns expressed by her neighbours, stating that this is not just a business, it is a passion and a way of life and asked members to approve her application.

Councillor Patrick asked if the planning application to convert a garage would be for child-minding use. Mrs Whitwell confirmed that the upstairs and the garage conversion would not be used for child-minding use at all.

Councillor Sutton commented that this was a difficult application, the application and the business is very real, he found the numbers provided by Councillor Mrs Laws confusing and three members of staff was quite a lot for very few children. Mrs Whitwell confirmed that she runs the business for the care of the children and confirmed that staff are paid more than the minimum wage.

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

Councillor Mrs Newell commented on the length of time the business had been running with no complaints. Councillor Miscandlon confirmed that the application is about the number of children within the facility. Officers confirmed that the CERTLU needs to evidence that the breach has been carried on for 10 years.

Councillor Mrs Mayor commented that members had heard that the applicants had approached the LPA on more than one occasion for planning permission and this had caused a lot of emotion in Whittlesey. Officers confirmed that they could only provide written information based on the information provided to them by the applicants.

Councillor Sutton commented that this was not the correct location for this facility, the work is commendable, the problem if the application were to be passed it would be there for in perpetuity and he requested some sort of resolution to give the applicants chance to relocate, with temporary permission for two years. Officers responded that this application is for permanent consent and members should determine on that basis, pointing out that a reason would be required as to why temporary consent would be appropriate and necessary.

Councillor Bucknor made reference to bureaucracy and confirmed that he would support the application, with 'flags up' to Localism, taking note of local Councillors and the MP. Councillor Mrs Newell agreed with this statement.

Councillor Mrs Mayor stated that she did not agree with a temporary use condition but the business use should be restricted to the applicants only.

Councillor Quince commented that the applicant provides a good service for children and residents, why can't the application be granted to enable her to carry on the business, the cars are only there for a few minutes and objections are minimal and he recommended approval of the application.

Councillor Stebbing asked if a CERTLU could be granted. Officers confirmed that the application can be legitimised through planning permission however they were not confident that a CERTLU could be appropriately evidenced. Councillor Stebbing commented that he agreed with the comments from Councillor Quince.

Councillor Keane commented that the business should be carried on.

Councillor Sutton commented that he was not convinced, but if planning permission were to be granted that permission be restricted to Mr and Mrs Whitwell in that we would be similar to CERTLU and would support a grant of the application with restriction. Officers explained that CERTLU applied to the premises and not the person.

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

Granted, subject to the following conditions:

- 1. the permitted use for the business be restricted to Mr and Mrs Whitwell only;**
- 2. the maximum number of children be restricted to 25.**

Members do not support officer's recommendations to Refuse planning permission as they feel that the established use does not harm the community or impact on highways.

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

(Councillor Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he is a Member of Whittlesey Town Council Planning Committee and stated that he will consider all relevant matters before reaching a decision on this proposal)

(Councillor Mrs Mayor declared a Non-Pecuniary Interest in this application, by virtue of her maiden name being the same as the applicant, but being no relation to the applicant)

(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)

Members took a 10 minute refreshment break following determination of this application.

Councillors Bucknor and Patrick left the meeting at 4.50pm.

P162/13

F/YR13/0924/F

WHITTLESEY - LAND NORTH OF 118 MARRIOTS DROVE - ERECTION OF A 36.6 METRE (HUB HEIGHT) 50 KW WIND TURBINE AND KIOSK

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:

- following the MODs objection to the proposal the Agents have advised that they are able to implement mitigation measures in line with the MOD requirements and are content for a condition to be added to this effect. The following recommended condition is proposed to be added to those in the report:
 - 'Prior to the commencement of the development hereby approved, a scheme for mitigation measures to remove any interference with the MOD radars in the area shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall then be implemented in accordance with the approved details.' Reason - in the interests of ensuring a satisfactory form of development in terms of the wider impacts of the scheme;
- it has been noted that a consultation letter was not sent to one of the properties, Pidcock Farm, which sits just over 1km from the proposed siting of the wind turbine. The system has now been updated to include this property in any correspondence related to this proposal and in addition to the consultation letters the application was advertised in the local newspaper and by site notice.

Members received a presentation, in accordance with the public participation procedure, from Mr Mountain, the applicant's agent. Mr Mountain informed members that the application is for one 50kw wind turbine, with 46 metre tip height for 118 Marriots Drove, farmed by the applicant since 1922, the nearest other wind turbines being at Glass Moor Wind Farm to the east. He stated that the energy would be for the farm and there have been no objections from local residents. Mr Mountain pointed out that the Town Council object to the single wind turbine, however it is supported by the NPPF sustainable development, providing a valuable contribution to cut greenhouse conditions. He stated that the turbine would result in no direct impact on design sights, there are no significant bird populations. Mr Mountain pointed out that there is good access to the edge of the field where the wind turbine will be located and the applicant will work with officers and the MOD to mitigate the objections raised by them. The visual effect would not affect the landscape, Ramsey Mereside is 3km away and is obscured by farm buildings. There is no conflict with nature and renewable energy will be supplied.

Councillor Mrs Mayor asked for clarification regarding which highway would be used to access the site as Condition 8 mentions LHA who do not maintain Marriots Drive. Mr Mountain responded that any damage by Hallmark Power to the highway would be repaired by Hallmark Power. Officers explained that the route from A1 to B1093 will accommodate all vehicle movements and the construction route from B1093 is a public by-way.

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

Granted, subject to the conditions report, to include expiry of consultation.

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

(Councillor Mrs Mayor declared a non-pecuniary interest in this application by virtue of her brother being the owner of Pidcock Farm)

(Councillor Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he is a Member of Whittlesey Town Council Planning Committee and stated that he will consider all relevant matters before reaching a decision on this proposal)

P163/13

F/YR13/0927/F

WHITTLESEY - LAND EAST OF 12 WHITMORE STREET - ERECTION OF 4 X 2-STOREY 3-BED DWELLINGS

Members considered 2 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:

- Comments have been received from the Conservation Officer:
 - The proposed development will provide welcome enclosure to the street scene, restricting generally unattractive views across the car park. The exception to this is the view of the listed thatched cottage;
 - The form and massing of the dwelling are appropriate. Would also support the detailed design subject to the provision of samples of external materials;
 - A minor point relating to the composition of each pair is the offset bathroom windows above each door. This could be realigned for balance or by using a decorative insert such as a date stone between. The second option would be preferable;
 - Questions the wisdom of a public footpath between the two pairs of semis;
 - The appearance of the gardens could be improved by planting of light shade casting trees;
 - The proposed landscaping for the front gardens is not adequate and further detail will be necessary by condition. 450mm is not an adequate height to prevent trespass and shortcuts;
 - Recommend approval subject to the conditions outlined above;
- In response to these comments the Agent has amended the design with the addition of a date stone to the first floor front elevation as per the Conservation Officer's request;
- A condition requiring details of the landscaping scheme, including the front boundary treatment is proposed to be added to address the Conservation Officer's comments in relation to the front and rear gardens;
- The Police Architectural Liaison Officer has been contacted with regards to any comments he may wish to make concerning the pathway running between the dwellings. No comments have been received and it is proposed to include an additional condition in relation to details of low level lighting bollards to be positioned within this passageway;
- Members raised concerns about the bin areas shown in the front gardens and the potential impact on the street scene. These comments have been noted and as such an additional condition relating to a revised refuse strategy, ensuring all bins are stored in the rear gardens shall be added.

Members received a presentation, in accordance with the public participation procedure, from Mr Walker, the applicant's agent. Mr Walker stated that Outline permission has been granted for four dwellings and the houses reflect the ones in the area with access being via the Ivy Leaf car park. He pointed out that bin storage is shown at the rear of the dwellings, to be collected from the front.

Councillor Mrs Mayor raised concerns about bin collection on the stretch of the B1040 road near the roundabout. Officers confirmed that bin collection will be facilitated on the back edge of the footpath using a managed strategy.

Councillor Murphy pointed out that on the site inspection members were informed that refuse collection would be via the Ivy Leaf car park entrance. Councillor Miscandlon asked Mr Walker to clarify bin collection arrangements. Mr Walker responded that the District Council policy was to collect refuse from the front of residential properties. Councillor Murphy commented that the issue regarding refuse collection could be addressed through the additional condition given in the officer update. Officers confirmed that the concerns of members had been noted and officers would continue discussions with the agent.

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

Granted, subject to the conditions reported with an additional condition to address refuse collection.

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

(Councillor Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he is a Member of Whittlesey Town Council Planning Committee and stated that he will consider all relevant matters before reaching a decision on this proposal)

P164/13 **TPO 07/2013**
WHITTLESEY - 30 EASTREA ROAD - TO CONFIRM A TREE PRESERVATION
ORDER

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:

- One letter of support has been received from two neighbouring residents who comment as follows:
 - Although the trees have been there for 20 years, neither parties object to them being pruned but do of removal;
 - If the trees were removed there would be no screening from other potential/possible new properties being built there;
- Both parties agree to the Tree Preservation Order to be kept in force.

Proposed by Councillor Owen, seconded by Councillor Connor and decided that the Tree Preservation Order in respect of the specified trees at 30 Eastrea Road, Whittlesey be:

Granted as recommended.

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

(Councillor Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he is a Member of Whittlesey Town Council Planning Committee and stated that he will consider all relevant matters before reaching a decision on this proposal)

P165/13 **F/YR13/0911/PLANOB**
WISBECH - 85 SOUTH BRINK AND WISBECH STADIUM, CROMWELL ROAD -
MODIFICATION OF PLANNING OBLIGATION ATTACHED TO PLANNING
PERMISSION F/YR11/0184/F

Officers informed members that:

- A letter from The Light Cinema, together with their fit-out programme has been forwarded by the applicant's agent. Both clearly confirm the Cinema Operators commitment to deliver a cinema at the stadium site;
- The Agent confirms that the cinema shell has now been completed and it was officially handed over to The Light Cinema (by Tesco) on 6 January for fit-out works to commence. The cinema opening day has had to be put back slightly (now 16 May), as there have been some problems with water damage (due to heavy rain). Notwithstanding this day, both Tesco and The Light Cinema remain fully committed to the opening of the cinema in time for the Spring Bank Holiday (another peak cinema going period);
- Members may wish for the S106 Item 2 of the Twelfth schedule to be amended, rather than deleted, to require the cinema to open within 6 months of the store opening. This will offer a milestone within the agreement and offer certainty to the Council regarding the date parties are working towards.

Proposed by Councillor Connor, seconded by Councillor Keane and decided that the Deed of Variation be:

Accepted: The rewording of Item 2 of the twelfth schedule of the agreement which makes reference to the timing linkages between the retail food store and cinema opening, with the amended clause requiring the cinema to open within a specified timeframe.

(Councillors Bucknor, Hodgson and Patrick stated that they are Members of Wisbech Town Council, but take no part in planning matters)

6.45pm

Chairman