

PLANNING COMMITTEE



13 JANUARY 2016 - 1.00PM

PRESENT: Councillor M G Bucknor, Councillor Mrs V M Bucknor, Councillor S Clark, Councillor D W Connor, Councillor M Cornwell, Councillor M Davis, Councillor A Hay, Councillor D Hodgson, Councillor D Laws, Councillor A Miscandlon, Councillor P Murphy, Councillor Mrs F S Newell, Councillor C C Owen, Councillor W Sutton.

Officers in attendance: N Harding (Head of Planning), R McKenna (Senior Solicitor), Sheila Black (Senior Planning Officer), Gavin Taylor (Senior Planning Officer), Mrs J Webb (Member Services & Governance Supervisor)

P61/15 TO SIGN AND CONFIRM THE MINUTES OF THE MEETINGS OF 3 DECEMBER 2015 AND 9 DECEMBER 2015

The minutes of the meeting of 3 December 2015 were confirmed and signed subject to the following amendment:

- Councillor Cornwell stated that during the debate on the AD at the previous meeting he had raised a number of issues with regard to LP3 and when the decision was being formulated he remembered asking that LP3 be taken into account but there was no record of this in the minutes. Nick Harding, Head of Planning, stated that on two occasions during the end of the consideration he did an overview of the reasons that Members were voting on for the application to be refused and as far as he recalled he could not see that LP3 would be specifically referred to in the reasons for refusal. Councillor Cornwell stated he queried this at the time and was told it would be as he thought it was relevant. Councillor Miscandlon asked if there was a specific section of LP3 that he was concerned about. Councillor Cornwell stated the minutes showed where he had raised issues with LP3 which were based upon the words "essential for effective operation of local agriculture" and this was not a utility. Nick Harding stated he accepted and agreed that there had been discussion about LP3 in relation as to whether it met the requirements of the policy and there was a difference of opinion as to whether it did or did not but what he was clear about was that in terms of the reasons for refusal that there was no specific reference made to this proposal being refused on the grounds of LP3 and specifically about it not being one of the acceptable uses in the open countryside. Councillor Cornwell stated he raised the issue when the summary was being made. The Legal Officer stated that the Decision Notice for that application had gone out and Members' comments would be noted and reflected in the minutes of today's meeting. Should the applicant decide to appeal the decision then he recommended that Policy LP3 be considered and potentially brought back to Members at that stage if an appeal is lodged. Councillor Cornwell stated he would not be voting in favour of the minutes.
- Councillor Miscandlon stated that as one Member did not wish to vote for the minutes; how did other Members feel about the minutes?
- Councillor Sutton stated he agreed with Nick Harding that although Councillor Cornwell did bring this issue up but when the Chief Planning Officer very clearly laid out what Members were voting on what he said was correct.
- Councillor Cornwell stated he accepted what had been said but he had also queried it at the point when the planning officer was summarising. Councillor Sutton stated from his memory that the planning officer had asked on two occasions exactly what it was that the

application was being refused on and Councillor Cornwell had not taken any notice, therefore he believed the minutes to be correct.

- Councillor Miscandlon stated the situation was not that there was an additional reason of LP3 not being mentioned but should an appeal be lodged it would be something that could be used by the Council in defence of that application's decision. Councillor Miscandlon asked if Councillor Cornwell was satisfied with that synopsis to which Councillor Cornwell stated he was.

The minutes of the meeting of 9 December 2015 were signed and confirmed subject to the following amendment.

- Councillor Mrs Laws stated she would like to correct her comment to read, "as a flood warden, we worked closely with the Environment Agency and during a passing conversation it had been mentioned that the Hydraulic Modelling System at that time was not the highest priority due to resources available and raised doubts if the information would be available in 2016." She stated that on a personal note, she thought that in light of the recent flooding events that have been experienced further up the country, this would probably be reviewed and hopefully updated flood mapping information would be received sooner rather than later.

P62/15 **F/YR15/0792/F**
TYDD ST GILES - LAND NORTH OF HOLLINGWORTH HOUSE HOCKLAND
ROAD FRONTING, CATS LANE
ERECTION OF A 2-STOREY 4-BED DWELLING AND DETACHED DOUBLE
GARAGE WITH STORE

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

Officers presented the application to Members and informed them that updates had been received as per the documents handed out (attached).

Members received a presentation in accordance with the public participation procedure, from Chris Walford, Agent.

Councillor Bucknor asked what the larger arcs were on one of the slides; planning officers explained these were shadow plans from the trees.

Mr Walford stated this application sought approval for a high quality family home on what he believed to be the best potential building plot left in Tydd St Giles. The application had been well received by planning officers and they had worked closely with consultees to provide speed surveys, tree surveys and reports to overcome any objections; there were now no objections from North Level, the Tree Officer, the Wildlife Officer or Highways. The application did receive a number of local objections all of which referred to the site being back-fill; in his opinion this term would mean that the site would be accessed off from Hockland Road via the existing dwelling Hollingworth House when in fact it fronts Catts Lane, had its own access and sits between two dwellings making it a clear in-fill site; this point had been clearly confirmed by the case officer in the report. The site adjoins the main village settlement and is within flood zone 1 and is of traditional design and does not harm or effect the appearance of its character surroundings and the dwelling is more than 43m from any nearby dwellings therefore there were no over-looking objections to existing dwellings. It would sustain the local economic growth and the facilities of the village, the scheme was also under the 10% threshold of Tydd St Giles and meets Policy LP3, LP6 and LP12; he therefore requested that Members support officers' recommendation to approve the application.

Proposed by Councillor Owen and seconded by Councillor Connor.

GRANTED as per the recommendations within the report (attached).

(Councillors Bucknor, Clark, Connor, Cornwell, Mrs Hay, Mrs Laws, Miscandlon, Murphy, Mrs Newell, Owen and Sutton registered in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application.)

(Councillor Mrs Clark declared a Non-Pecuniary Interest in this application, by virtue of knowing the applicant and retired from the meeting for the duration of the discussion and voting thereon.)

P63/15

F/YR15/0923/F

**WIMBLINGTON - KNOWLES TRANSPORT LIMITED, MANEA ROAD
ERECTION OF A 10.0M HIGH GRAIN STORE, 2.5 METRE HIGH PALISADE AND
SECURITY MESH FENCING AND ALTERATIONS TO EXISTING VEHICULAR
ACCESS INVOLVING DEMOLITION OF STORAGE BUILDING, DWELLING AND
OUTBUILDINGS**

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute 19/04 refers)) during its deliberations.

Officers presented the application to Members and informed them that updates had been received as per the documents handed out (attached).

Councillor Owen asked the officer to clarify what he meant by "harm to the highway". Nick Harding stated it meant that it would compromise highway safety because there was inadequate visibility given the speed of traffic on the highway. Councillor Owen questioned that the extended visibility display as proposed and mentioned had not been done in consultation with officers and was something the developers had done off their own back. Planning Officers stated there had been substantial pre-application and it fell off the back of a previous application that had been withdrawn earlier last year however this submission had not satisfied the local highways authority on this occasion as they did not consider that adequate visibility had been achieved through this proposal. Councillor Owen asked if the officer was stating that despite the pre-app consultation this was still not adequate to which the planning officer confirmed this was correct.

Members received a presentation in accordance with public participation from Jerry Smith, a local resident.

Mr Smith presented a slide show based on a walking situation that he would take regularly down Manea Road, explaining where the building would be seen from different views; how it would dominate the view and change the character of the area. He presented slides showing the entrance and exit areas demonstrating the distance to the blind bend from the current access point; including the view from a lorry that would be exiting the yard, driving over the white line showing the braking distance to the blind bend.

Questions asked of Mr Smith as follows:

- Councillor Owen asked if Mr Smith lived in close proximity to the photographs and what had he based his adequate braking distance on. Mr Smith explained that he lived in Frogs Abbey Lane and he had based the braking distance on the stopping distances within the Highway Code.

Members received a presentation in accordance with public participation from Peter Humphrey, the agent.

Mr Humphrey stated he wished to set the context of the application; there was an existing haulage yard not an agricultural shed as stated by the planning officer, established in 1965, the yard has unrestrictive use for 25 vehicles every day. The proposal is not Knowles Transport Limited but Knowles Farms, these buildings would be used to house agricultural products; the stores were for animal feed only which would be kept away from the general food storage. Lorry movements would be limited to three to four months a year which was far less than already approved for, it would not be used for parking of commercial vehicles or HGVs and the application was supported by the Parish Council. The committee have also granted consent for an extension to the existing warehouse which was almost similar in size to this proposal and he could not see how one scheme could be approved and not another in the same area. Mr Humphrey stated he would be happy to renege on the first approval if this second approval was granted. The existing dwelling had been purchased to eliminate objections. The proposal is on a flood zone 1, the proposed access is to be moved 8.2m further away from the junction; but here there was a dilemma. Highways state that the existing access was not acceptable and the proposed access was not acceptable but the applicant would like to move it further away from the junction of the A142. There have only been two letters of objection and support from the parish council, Members may want to consider LP6 which seeks to promote economic growth in the district and supports applications for employment opportunities; Tony Knowles is currently one of the largest employers in the district and as a matter of interest he pays Fenland District Council £850,000 through business rates; they will soon be controlled by the Council and Tony Knowles has told him if he is messed around too much that he has another depot in West Norfolk. The proposed landscaping will help screen the application and the existing landscaping scheme that Mr Knowles has at his existing business in Blue Lane shows how well landscaping can transform and conceal haulage yards. This was an agricultural area with many stores of this nature, similar to the proposal; an agricultural store in an agricultural area. In respect of flood issues he stated that planning officers clarified they were happy this could be agreed and therefore he requested that the economic benefits of this application in terms of employment together with considerations of the extant consent should allow this application for this quality assured firm to be built as an agricultural food store in an agricultural area and he requested that the committee support the application.

Questions were asked of Mr Humphrey as follows:

- Councillor Mrs Laws asked for the proposed number of new employees or future employees that would be added to this business. Mr Humphrey stated this would be contained within the planning form as he was not familiar with the number that would be generated. Councillor Miscandlon stated his understanding was that it was zero to which planning officers stated the form read "proposed employees full time zero, part time zero, equivalent number of full time zero". Councillor Mrs Laws asked for clarification that the owner had stated that the extension to the existing grain store would go away and this application, if approved, would replace it to which Mr Humphrey confirmed that was the case. Councillor Mrs Laws asked if there was a possibility that the applicant would consider the extension still if this application was refused to which Mr Humphrey stated if this application was refused then the applicant would be building the approved extension but that was not his ideal solution.
- Councillor Cornwell stated he was confused by the presentation because Mr Humphrey had stated the applicant was one company but then other justifications were based on another company and therefore he did not understand some of the points as this application was Knowles Farms but Mr Humphrey had stated facts with regard to Knowles Transport. Planning officers stated the application form stated the applicant's name as Mr T Knowles and did not give a company name, just a street address "care of " New Road, Wimblington; the actual plans stipulate T Knowles (Farms) Ltd. Mr Humphrey stated that Knowles Transport was the principal business and this was a subsidiary of Knowles Transport.
- Councillor Bucknor asked for a schedule of usage times. Mr Humphrey stated it would be the same approved times that was on the previous approval.

- Councillor Owen asked if Mr Humphrey could give some clarity regarding the entrance and exit not being in an approved place as he was confused. Mr Humphrey explained that there was an existing access which had unlimited restricted use that did not comply technically with what Highways required. They have Highway consultants dealing with this issue and the proposal was to move it 8.2m so that it was not opposite the other storage building access and to move it further away from A141; therefore eliminating two of the issues but creating another issue as it would now be closer to the bend but none of the solutions complied. Mr Humphrey stated they could not comply with Highway requirements, all they could do was to use the extant permission which was where it currently was but they were trying to improve it. Councillor Owen stated that Mr Humphrey had mentioned the extension that already had approval which had not yet been built but of course this could still be built but it would not be what his applicant wanted and it would still have the same problems with regard to access and egress as currently existed and as were proposed therefore there would be no real difference if this was built or not; Mr Humphrey confirmed that was correct.
- Councillor Mrs Newell asked the date of the existing permission. Mr Humphrey stated this was in the history report on file.
- Councillor Cornwell asked for clarification as a grain store had been mentioned but also a sugar beet store. Mr Humphrey explained that the intention was to use it for beet pulp but it could be used for any agricultural loose food.

Members made comments and asked questions as follows:

- Councillor Bucknor asked for answer on the timings that he had previously asked for. Planning Officers stated after looking at the history for the original extension to the current agricultural stores and the 2011 permission there was no indication of any control on either of the permissions notwithstanding that, this particular building could be technically conditioned. Councillor Bucknor asked how close the nearest dwellings were. Planning Officers stated to the east there was Green Acres and set back there was another dwelling and occupants living to the rear of the site; there were also dwellings opposite.
- Councillor Murphy asked Highways with regard to the junction on the A141; had a slip off/on road request come forward to highways as there was a large amount of traffic and if a lorry turns into Manea, it slows right down off the A141 and causes a clog-up on the road. The Highways officer stated it had not got to that stage where it would be considered a necessary measure as clearly the junction was a known accident cluster site and he considered the application posed an intensification of use and any level of intensification of HGV movements represented a severe harm to highway safety. He took on board Councillor Murphy's comments and stated these would be improvements that would offer some benefit. Councillor Murphy stated he thought it an ideal time to add a slip road. The Highways Officer agreed it would offer some benefit but would only allow vehicles to leave the A141 and allow traffic to flow better, it would not overcome the issues Highways have raised with regard to the site access and there would be no guarantee that it would improve and reduce the rate of accidents that occur at that junction. Highways stated that Councillor Murphy's suggestions would be a "land-hungry" improvement and would require substantial land take from the application site which would require the applicant to completely change their proposal and he could not comment what it would do to the southern arm and whether it would require third party land take to implement a merging lane as he had not fully explored that option.
- Councillor Cornwell stated that junction used to have a slip on it but following a series of accidents Highways removed the slip to deliberately slow the traffic down on the A141 and make the exit from that road safer. Councillor Cornwell stated he could see the argument from both sides but by building so close to the boundary it would not make the junction any safer.
- Councillor Mrs Laws stated she understood the owner would develop the extension regardless if this application was approved or refused and therefore asked what the square

footage of the extension was in comparison to the actual new building that was proposed today. Councillor Mrs Laws stated she asked this because Highways issues were being considered and these must have gone through before when the application was granted in 2011 also if Members decided to approve today then conditions could be put on this application of vehicle movements and time of operation; if the extension fulfils the correct more or less square footage area for storage as the 2011 where there were no conditions. Planning officers stated in respect of conditions Members needed to be mindful of Paragraph 206 of the NPPF which sets out how conditions must comply with those in terms of being reasonable, necessary and proportionate etc; whether or not the condition controlling the number of vehicle movements would be enforceable and reasonable - advice would needed to be sought. Timings and frequency of use could be conditioned reasonably but numbers of vehicles entering and exiting the site may be unreasonable. Councillor Mrs Laws asked for a list of the conditions on the 2011 application as this would be helpful to Members.

- Councillor Owen asked if the application that was granted in 2011 was progressed then there would still be vehicles entering and exiting the site and therefore would not make any difference as the applicant already had the permission therefore if today's application meant the same number of vehicles and it was good enough in 2011 then surely it was good enough now. The Highways officer pointed out that Highways were not in support of the 2011 application, the difference between the 2011 application and today's application was that the access was being shifted closer to the eastern corner and this would mean that the access visibility would be below the desirable minimum design standard set out in TD993 DMRB Standards and it makes it very clear that no steps below design standard should be accepted within 1.5 steps of a desirable site stopping distance of a major junction because the approach to junctions are prone to accidents and the accident data emphasises this point. Councillor Owen stated he got the impression that there was some confusion as to what the applicant thought he wanted in comparison to what Highways wanted and asked if there had been any agreement on this. The Highways officer explained that the problem was where the access was or even if it were closer to the A141 it would result in a potential conflict between right turn movements for the southern haulage depot; two HGVs wanting to turn right would not work therefore there was a need for sufficient junction space to allow both accesses to work independently but by shifting the access then it would be closer to a corner which results in visibility issues. Councillor Owen commented there were not positive forthcoming comments from Highways with regard to where access or egress should be to which the Highways officer stated that the only way around it would be for rights to be obtained across third party land and to be able to deliver an access with compliant visibility and explained that under the previous application Highways had recommended refusal but this had been approved at committee.
- Councillor Cornwell stated Members were never going to be able to solve the Highways issue and maybe Members should not consider today's application and let the extant application go ahead in order for the applicant to still go ahead albeit in a different place, Members will not have to give approval against the advice of Highways and there would not be a visibility problem as in today's application therefore this approach would be a win win scenario.
- Councillor Mrs Newell asked how many accidents had there been to which the Highways officers stated he believed there had been eleven in the last five years which was a phenomenal amount for a junction but no fatal accidents based on the information he had. Councillor Cornwell stated there had undoubtedly been a fatal accident at this junction but probably longer than five years ago. The Highways Officer explained there had also been a Road Safety Audit carried out on the proposed scheme and the Cambridgeshire Road Safety Team had painted a damning report of the proposal and their final conclusion was that unless suitable visibility could be achieved then the auditors recommendation was that the design was not to be progressed and they also commented with reference to the B1093, A141 intersection stating that turning movements in and out of the junction were an issue and any increase in flows were likely to be of concern.

- Planning officers stated the building proposed had a footprint of 2,963sqm and the extension approved is 2,340sqm; therefore this was an increase of 623sqm.
- Councillor Mrs Newell stated there had been no letters of objection from anyone living in the area and there were several properties in the vicinity therefore they did not seem to have a problem with this. Planning officers confirmed that there were just two letters of objection.
- Councillor Sutton stated he found it rather worrying that not long ago this committee had turned down an application just two junctions further up which did not have anywhere near the accident rate and congestion problems and that was turned down on highways issues therefore he could not see how this committee could possibly go against officer recommendation with the data that was in front of them. The visual impact of this proposal would change the area massively as it was huge and he could not put his name against something that would make a road worse and that was exactly what the experts state would happen therefore he proposed to go with officers' recommendation.

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

REFUSED as per the recommendations within the report (attached).

(Councillor Miscandlon informed the committee that they had been made aware of a donation made by Knowles Transport to Steve Barclay's election fund in 2010 although the majority of the members on the planning committee were conservatives it was not felt that this was relevant to the planning committee but duly noted.)

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

(Councillor Connor declared a Non-Pecuniary Interest in this application, by virtue of being a Ward District Councillor for Wimblington and Doddington and retired from the meeting for the duration of the discussion and voting thereon.)

P64/15

F/YR15/0985/F

BLOCK FEN DROVE - LAND AT BLOCK FEN

CHANGE OF USE OF LAND TO MOTOCROSS AND RECREATIONAL RIDING OF

MOTORCYCLES WITH SITING OF 2NO STORAGE CONTAINERS, TOILETS,

MARSHALLING BOXES, LITTER BINS, WASTE SKIP AND SITE CABIN

TOGETHER WITH OPERATIONAL DEVELOPMENT INCLUDING RAISED AREAS,

RACE TRACK, CAR PARKING, TRACK FENCING POSTS, RAILINGS AND

SPECTATOR FENCING

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute 19/04 refers)) during its deliberations.

Officers presented the application to Members and informed them that updates had been received as per the documents handed out (attached).

Members received a presentation in accordance with public participation from Councillor James Carney, Chatteris Town Councillor.

Councillor Carney stated that Chatteris Town Council at its full Council meeting held on 5 January 2016 had recommended refusal of this application on the following grounds:

- Noise nuisance which had been highlighted by a number of people including two letters of objection directly received by Chatteris Town Council.
- Detrimental impact on the locality particularly for local residents,
- Incompatibility with the nature of the Fens which in turn detracts from the open countryside.
- Noise limits cannot be enforced.

- Chatteris Town Council wishes that plans to reinstate the land to a wildlife area be pursued in conjunction with Hansons as per the decision made by Cambridgeshire County Council

Questions were asked of Councillor Carney as follows:

- Councillor Owen commented that Councillor Carney had stated they had received two letters of objection to which Councillor Carney confirmed this explaining they had been sent directly to the Town Clerk of Chatteris. Councillor Owen asked Councillor Carney, as he also lived in Chatteris, if he was aware of this noise to which he stated that in certain parts of the town yes he was and that it was a background noise.
- Councillor Bucknor asked if any letters of approval had been received. Councillor Carney stated the Town Council had not received any.

Members received a presentation in accordance with public participation from Councillor Anna Bailey, Ward Councillor at East Cambs District Council for the Downham villages.

Councillor Bailey stated she was the Member for the Downham Villages at East Cambs District Council, which included Mepal, Witcham, Coveney and Wardy Hill all of which were affected by the application site and she was also a Member of Cambridgeshire Council. Motor cross is a great activity for people of all ages and she recognised that this site was special within the sport because of its sandy nature and it allows use during the wettest months however the Block Fen site borders her East Cambs patch and she had received ongoing complaints about the site over many years relating to noise issues and going back long before the current motor cross operators took the site over. There was comprehensive information within the report about the effects of noise and planning officers were of the opinion that the applicant had not sufficiently addressed the concerns regarding the impact of noise as detailed in the 2013 application. She was particularly concerned that the application sought to increase usage from the current 28 days per year to 60 days as this actual means that in some weeks there would be four days usage in a six day period which was pretty intense if you were suffering from the noise and she honestly believed given the long documented history of noise issues that this extent of use was unreasonable. There were a huge number of objections from official bodies and organisation to this application, Steve Barclay MP, Cambridgeshire County Council, Peterborough City Council, East Cambs District Council, Fenland District Council Environmental Health, Chatteris Town Council, Mepal, Manea, Witcham Parish Councils, the Wildlife Trust and the RSPB have all asked for this to be refused. Concerns have also been raised by Natural England, Coveney Parish Council and Fenland Planning officers are recommending it for refusal. Cambridgeshire County Council does have a very particular problem with the proposed use because the site is subject to outstanding planning conditions and a Section 106 Agreement with the County Council Waste and Minerals Authority and these obligations should have been fulfilled by May and November 2014 respectively to restore the site to conservation and wildlife use, the Section 106 Agreement stipulates that after restoration is complete, the landowner is not to undertake or allow activities that are likely to prejudice nature and wildlife conservation and officers at Cambridgeshire County Council and other experts have stated that the use for motor cross would prejudice this. It would also be in contravention of the Waste and Minerals Development Plan, the Block Fen Langwood Fen Masterplan which details the delivery of the authority's obligations to provide wildlife sites. An update from County showed the Hanson has submitted a new restoration plan which see the restoration being completed and the site used exclusively for conservation and wildlife by the end of March 2016 and she had received confirmation from officers that Hanson has in fact now given notice to the applicant to vacate the site by 4 February 2016 in order that they can carry out the restoration work and fulfill their legal obligations. In summary, extraction permission was given many years ago on this site and in return the suffering, noise and inconvenience of this, local residents were promised and legal agreements were made that at the end of the extraction period the site would be turned into a haven for conservation and wildlife and not a motor sport venue and she therefore asked the committee to refuse the application.

Questions were asked of Councillor Bailey as follows:

- Councillor Owen stated he had heard Councillor Bailey say that Hanson were pulling the rug on this on the 4 February anyway, was that what she had said. Councillor Bailey stated this had been confirmed to her by Cambridgeshire County Council officers dealing with the enforcement of the restoration plan that Hanson had given notice to the current operator of the site to vacate by the 4 February. Councillor Owen asked, ignoring the parish councils, how many individual objectors were there to which Councillor Bailey stated this number was in the report but she thought it was 22. Councillor Miscandlon stated that Councillor Bailey could not speak for other parish councils unless their names were in the submission list that the officers have. Councillor Owen asked in Councillor Bailey's experience from what she had understood from the people who had objected, did she regard it as an "in your face" noise or an "ambient" noise. Councillor Bailey stated that for a relatively small number of people it has a very large impact, especially when the prevailing wind is going in the wrong direction, it is really serious. Councillor Owen stated that the application was for the October to March time when people are not usually outside barbequing or sitting in deck chairs; Councillor Bailey stated she could not comment on what people either did or did not do in the winter but that she had East Cambs Noise Complaints Log and there are 94 entries between 14 October 2013 and 9 November 2015 when she received it. Councillor Miscandlon stated the Environmental Health Officer from Fenland District Council was present at the meeting and prepared to answer questions.
- Councillor Mrs Laws asked for clarification that enforcement had been involved. Councillor Bailey stated it was subject to a report that went to the Planning Committee at the County Council earlier in the new year and the County Council had been seeking restoration of the site since the appeal deadline ran out from the last planning application in June 2014.

Members received a presentation in accordance with public participation from Diana Bray, a local resident.

Mrs Bray stated she was speaking on behalf of at least 19 other objectors and wanted to make it clear that she had no objection to motor cross as a sport. The track was only a mile away across open fields from her home of fifteen years. She fully endorsed all the objections in the planning report from the statutory consultees, also from 219 Mepal residents who objected a year ago when their MP consulted them. She noted that nearly all the support for the application was from people who took part. Their main objection was the appalling noise nuisance that the track generated and the massive resultant damage to their amenity of peace and quiet. The proposed use was for 60 days, autumn to spring for six consecutive months which is one in three days and utterly relentless. Noise is heard on about 70% of days it operates. The fact was, residents would not know the track existed if it could not be heard, unlike an unsightly development residents cannot even look the other way and therefore have no choice except to hear the noise. Most objectors live in rural properties and do not have the normal amenities of village life, the amenity they have was peace and quiet with gardens or small holdings needing tending all year round. Bird watching is a key attraction for visitors and locals and also fishing from the banks. The National Planning Policy aims to identify and protect areas valued for tranquillity. The noise from the bikes destroys this tranquillity and travels incredibly well over the flat landscape. When it is wet the bikes rev really hard to get through the sand and when it is frosty the noise bounces across the fields and is unbelievably loud. Residents a mile from the track can hear an individual bike revving and changing gears as it goes round and can tell the difference between two and four stroke bikes, 125s, 250s or 450s. Imagine the noise of one bike and multiply that by 40 going all day long; it is an absolute nightmare and stressful beyond belief and it destroys the enjoyment of their homes. There are three other tracks in Fenland, six others within 20 miles and 219 nationwide; why do we need another. Every local democratic representation is objective; please do not grant permission.

Members received a presentation in accordance with public participation from Robert Partridge, a

local resident.

Mr Partridge asked Members to consider this matter from another point of view. In Section 9.4.3 of the officers' report it is argued that although Cambridgeshire County Council has objected strongly to giving any consent that might give delay to the restoration of the site at Block Fen, Fenland District Council is not to use this as a reason for refusing planning permission. As a simple minded taxpayer he stated he had to question this for two reasons; firstly submitting a new restoration plan which would mean an end to all motor cross on the site from March 2016, just two months away; that would be the end of the long running problems and source of expense to Fenland District Council; if however permission is granted that will be used in attempt to defer yet again for at least five years the restoration on the site; there is no doubt about this, if there were then we would not be here today. Secondly, as long ago as the 23 October 2008 Fenland District Council endorsed fully the Cambridgeshire Minerals and Waste Plan and later on a strategic vision for the Langwood Fen of which this site is part of. The third key objective of the strategy is to use the expired workings to make a significant contribution to increase the biodiversity of the area whilst returning it to the level of peace and tranquillity before the gravel extraction took place. It is plain to all that on such a small site scores of motor bikes and hundreds of people sixty times a year is completely incompatible with the increase of biodiversity and tranquillity. We often hear complaints that a lot of politicians lack vision, that they are short-sighted, but we do have a vision for Langwood Fen and he asked Councillors to stick firmly to the plan endorsed in 2008. The site in question should have been a nature reserve for local people to enjoy; that is what Hansons Aggregate agreed to do and they breached that Section 106 Agreement, it was extended to November 2014 and they breached it again, they are still in breach of it and they have also profited by behaving in this way, even though they are the world's largest supplier of aggregates, they do not need the money as their net profits in 2013 were £945million. He urged Councillors not to do anything that might allow this situation to continue.

Questions were asked of Diana Bray and Robert Partridge as follows:

- Councillor Owen asked Mrs Bray how close to the track did she reside. Mrs Bray stated she lived 0.9 miles away and that she heard the noise this morning from inside her house with all the doors and windows shut. The loudness of the noise is dependent on how many bikes and which the way wind was blowing but you do notice it and it is an irritating noise and outside is horrendous. Councillor Owen stated the noise was probably more prevalent in the winter than in the summer as residents tend to not be outside in the winter. Mrs Bray stated she did not think that was a relevant argument as residents have to be outside regardless.

Members received a presentation in accordance with public participation from Martin Wright, the applicant.

Mr Wright stated the noise that people hear was all down to the wind direction, the amount of people that complain was between six and twelve spread around the entire north, south, east and west of the site. The wind has to blow in the direction to send the noise to a certain direction so the noise can only be heard if the wind is blowing in the direction of a resident; this means that over a period of time one or two people will hear it but the other complainants will not therefore it is a balance of how many times it will be heard as it will not be heard all of the time. There is also another facility in Doddington that operates on a weekly basis throughout the year, the distance from that track to the nearest resident is 200m, the noise decibels in that person's back garden is between 68db and 73db, the lady that just spoke said she lived 0.9 miles away from the site, she does not, she lives 1 mile from the site and the noise readings in that area are 43db and the average background noise is 37db and this has all been checked by Fenland's own Environmental Health department and the applicant's noise consultants. If the wind blows in a certain direction then you will hear a certain amount of noise but that amount of noise should not stop hundreds and thousands of people that come to Fenland District to use that facility; over this weekend 2,000

people came to that site and each person spends money in the Fenland area, that brought more people to this district than any other activity in this district. The government has a policy to encourage sport and activity and that is what this site does, Fenland has an absolutely unique site and you are going to turn it down and why will you turn it down, a 15 acre site to be given to that instead of being used for some winter wading birds with regard to the restoration. The result of everything is illegal use, that is a remote site and will be used illegally as it was pre 2009; they have done all they can to try to justify the balance which should be there for both parties, a little bit of noise, a lot of activity, sport and economy. There are businesses that rely on that site, obviously the applicant relies on it as a business, there are catering businesses, medical businesses, marshal businesses etc, There are travel lodges and pubs from all local areas in support of it. There are hundreds and hundreds of people supporting it and thousands nationally; it attracts people from Europe and from Land's End to John O'Groats. This application is said to be refused for noise, should that small amount of noise that people receive and only if the wind is in their direction, require a refusal. Also bear in mind you have an identical site that you allow to go ahead next to a village every single week. With regards to the email received, the restoration scheme is their plan and they submitted that plan and Fenland are now going to accept it, therefore the outcome is that it is suitable for motor cycle use. There is also a fair point that the motor cycle use continues whilst the site was restored, that is a way that it could move forward. The actual entire site, with regard to the 2002 planning permission that was granted in 2014; none of the site has been quarried and none of the 2002 planning permissions have been implemented other than may be two acres of top soil stripping therefore there is nothing going on down there, despite planning permission, for years and years to come. By Hanson's words, probably at least until 2036 because that is when the planning permission allows and up to about 2050; it is in the middle of an excavation area the size of March Town and they require 15 acres and a small amount of use to help this sport over the period of October until the end of March.

Questions were asked of Mr Wright as follows:

- Councillor Murphy asked if it was right, that last Friday they were issued with a 28 day notice to quit the site. Mr Wright stated they have had a notice from Hanson stating that they will start the restoration therefore they will need to leave the site but they will also be relocating probably about 400m away from the site. Councillor Murphy asked who knew they were relocating and was it to an illegal site. Mr Wright explained that any site has a 28 day permitted planning use, any field in the UK, unless there is an Article 4 on it to take the use away, has 28 days permitted use therefore there is not only the illegal use that will continue, they will seek to continue on their permitted development at an alternative area. Councillor Murphy asked given permission by whom; Mr Wright stated permission by the government as they give permitted planning rights. Planning Officers explained that the General Permitted Development Order under the Town and Country Planning Act does grant the use of land for motor sports for a period of 28 days a year, 14 of which are for racing and events on any land unless there is an Article 4 Direction which would then remove those permitted rights and that is essentially a planning permission that is granted by central government and this was how they operated at the moment.
- Councillor Owen asked with regard to the applicant having been given instruction to depart by 4 February was this timed with what Mr Wright had just said. Mr Wright explained this season was coming to an end by 4 February and they would move off that site and Hanson will restore it. Councillor Owen asked if they were given notice to quit by 4 February that they would then move to a slightly different site 400m away therefore any noise that people were concerned about would still exist to which Mr Wright confirmed this was the case. Councillor Owen stated if they ceased to involve themselves in this motor cross then other people would come along that were much more organised and they could do the 28 days stretch anyway and therefore the noise would still be there. Mr Wright stated that anyone was entitled to do that and at this site the noise will not stop because the site will still attract the illegal use if it is not managed. If it is not properly managed like they have done for the last few years whilst trying to work with Fenland then it would revert back to illegal use and

they will relocate not very far away at all and the same problem with regard to noise will still be there. Councillor Owen stated that if this council were to grant permission today then it would be for 60 days as opposed to 28 active days in the period of October to March but nevertheless the Council as the planning authority would have control over it which at the moment if they went ahead with the 28 days use, then the Council would not have control - is that what Mr Wright was saying. Mr Wright stated Fenland had control by way of abatement notice, this was one of the things that since 2009, although the environmental health department had been dealing with noise problems, since they had been operating they had never been issued with a noise abatement notice, they have always operated and it has not been considered to be an adverse impact in the community.

- Councillor Mrs Hay commented that Mr Wright had stated they would shortly be moving off the site yet this planning permission was for this particular site therefore why were they still going ahead with the planning application? Mr Wright stated they were going ahead with the planning application because if it is agreed then they would re-look at going forward.

Members made comments and asked questions as follows:

- Councillor Mrs Laws stated she was fully aware of the ruling from government and knew there was permitted use for a 28 day period. What concerned her was the 60 day period but also the question of an illegal site; she had read a few reports that were not pertaining to this site but they implied that if a person went forward and used a site for sports facilities and they were covered with this noise abatement where councils had done decibel readings and monitored them because residents suddenly had complained, not necessarily motor cross, one was the noise of the crowd at a quad bike event and obviously restrictions were put on there; Councillor Mrs Laws asked if she was correct in thinking that. Planning Officers explained that some clarity was required in terms to the approach to noise in terms of both planning and the environmental protection act; the two are legislations that are distinctly different. The Planning Officer referred to an Inspectorate's decision which gives material consideration which was published last year on 8 July in relation to a motor cross site in Milton Keynes whereby the matter was raised. The Inspectorate states "taken the policies and guidance into account there is no requirement for noise to be above specified measured noise level before it is taken into account in planning matters whilst measured noise levels can be of assistance they are not determinative and in this respect the planning regime is different from the legislation relating to whether statutory noise exists or not." The planning officer stated that this is saying that the guidance that is on the agenda is the latest guidance from the National Planning Policy Guidance as part of the NPPF which gives an indication as to approach that noise and how that noise is assessed and whilst it can be considered whether it triggers a statutory noise nuisance or not, his understanding was that it had not triggered the need for a notice. From a planning perspective Members would be looking at purely at how that noise effects and impacts the acoustics of the area or people's attitudes which is stipulated in the table.
- Councillor Owen asked what complaints had been received regarding noise from this particular site and how recently. The Environmental officer stated that there were eight active noise complaints in Fenland and officers have been monitoring these but because of the seasonal use of the site the winter use has just started and therefore they have just started investigating again. Officers have been out and witnessed it from different resident's properties. The officer had been out herself in previous years and had witnessed it from inside residents' properties and inside their gardens. East Cambs boundary means that half the residents are in Fenland and half in East Cambs and they have twelve active complaints at present and bearing in mind how sparsely populated the area is then she believed this was between 80% and 100% of local residents were complaining. Councillor Owen asked about the decibel levels in Fenland; the officer explained the levels are between 40db and 60db unfortunately the background noise monitoring that Fenland had undertaken and this is done when the site is not active, in comparison to the background noise monitoring undertaken by the applicant had demonstrated two completely different

background noise levels. She explained that when Fenland looked at the site, officers would compare what the noise of the site had introduced to an area in comparison to what the normal background noise levels would be and because the levels submitted by the applicant were so different to Fenland's, in 2013 Fenland stated that there were different background noise levels and these needed to be clarified to know whether noise levels were appropriate or not and there was some correspondence between Fenland officers and the applicant's noise consultants therefore an independent noise impact assessment was undertaken by a company and they determined that the background noise levels for the site had not been properly determined in the 2013 noise impact assessment that was undertaken. Unfortunately this application has resubmitted that noise impact assessment from the 2013 application therefore this presents the same situation as 2013 because no further information has come forward to be able demonstrate exactly what the noise levels of the site to be in comparison to the background noise levels.

- Councillor Mrs Laws stated that it was worrying that planning enforcement action has needed to be implemented for Hanson Brick therefore she asked the Cambridgeshire County Council officer if she was correct in thinking now that this was moving forward and everything was all right. The officer stated that formal action has not been taken as Councillor Bailey mentioned previously, the subject of the options open to the Council in respect of the various enforcement options was the subject of discussion at a Cambridgeshire County Council Planning Committee the previous week, Hanson since before Christmas have been doing what they should have done a year ago and it has been agreed with the Wildlife Trust and Hanson the restoration proposals that they will implement and they have now committed to doing that work at the beginning of this year and will complete it by the end of March 2016. Councillor Mrs Laws stated her worrying concern in the officers' report that even the Wildlife Trust object to the application on the grounds that the use of the site is likely to have an adverse effect on the habitat and species they support through increased trampling, noise levels, visual disturbance etc therefore here we are with restoration programme but in the next breath this is possibly going to be destroyed by the activities. The officer stated she thought that the Wildlife Trust had made a comment on the application that the activities being the motorcycle use, the Wildlife Trust has guided the County Council and Hanson in what should be the restoration of the site, there is not a lot that needs to be done, there needs to be a secure perimeter, some work to the trees and there needs to be a levelling of the remaining heaps of sand and once the site has been levelled there will not be a lot done and if it is not disturbed the species that like dry sandy conditions will return.
- Councillor Cornwell stated his understanding was that there is a plan for the whole area and asked if there were any restrictions built into that plan for landowners only to allow the use of that land for any particular birds. The County Council officer stated she thought that Councillor Cornwell was referring to the Block Fen and Langwood Fen Master Plan which was part of the County Council's Minerals and Waste Development Plan document and that sets out broad zones in that area of what sort of restoration was appropriate, the piece of land under discussion today forms half of two fairly small plots which are identified for nature conservation use and that Master Plan was adopted in 2011 and the mineral planning permissions which require restoration to nature conservation date from 1998 and 2002; the Master Plan was endorsing a restoration requirement which was already in place. Councillor Cornwell stated that this meant that there was no other land within that plan area that has to be restored now to which the County Officer explained that a lot of the mineral operators are progressively restoring; the Mick George land to the north-west is being restored as they go therefore there is already a fairly sizeable proportion that has already been restored to wet grass land. Councillor Cornwell stated he was interested in any land that may be around there 400m from this site. The County Council officer stated that 400m to the west is the other side of Block Fen Drove which is unworked land with planning permission held by Tarmac and they are currently working on the same side of the road as the motor cross site and the plan shows their operational area with a square pond being a settlement lagoon. The land immediately to the west is held by Tarmac and when they

have exhausted their land on the eastern side then they will move across to the west and they have recently gone about discharging the planning conditions that are necessary to enable them to do that. Immediately to the north is Hanson land and has got exactly the same planning conditions and restoration requirements as the land under discussion today and the big water body was a watersports lake.

- Councillor Mrs Laws stated that the applicant mentioned another facility at Doddington that has planning consent and asked how long this was for. The planning officer stated he could not give details of the planning conditions at that time. Councillor Miscandlon stated that the motorcross service in Doddington had been there for quite some considerable time. The environmental officer stated she had some involvement with the Doddington track and that there had been noise complaints but the track have devised a scheme of noise mitigation measures including perimeters and bunding around the site and since installing these measures the complaints have ceased. It comes down to how sites are controlled and managed and the Doddington site proactively controlled it and managed it.
- Councillor Sutton stated that he was sure that Doddington had a certificate for lawful use.

Proposed by Councillor Mrs Laws and seconded by Councillor Cornwell and decided that the application be:

REFUSED as per the recommendations within the report (attached).

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

(Councillor Connor declared a Non-Pecuniary Interest in this application, by virtue of being a Ward District Councillor for Wimblington and Doddington and retired from the meeting for the duration of the discussion and voting thereon.)

3:12pm

Chairman