

PLANNING COMMITTEE MINUTES

Minutes of a Meeting held in the Council Chamber, The Grange,
Nutholt Lane, Ely on Wednesday 2 February 2011 at 2:00pm.

PRESENT

Councillor Anthea Davidson (Chairman)
Councillor John Abbott
Councillor Derrick Beckett
Councillor Christine Bryant
Councillor Lavinia Edwards
Councillor Jeremy Friend-Smith
Councillor Peter Moakes
Councillor James Palmer
Councillor Jackie Petts
Councillor Mike Rouse
Councillor Gareth Wilson

OFFICERS

Sarah Burns - Senior Legal Assistant
Alan Dover - Principal Development Control Officer
Giles Hughes – Head of Planning & Sustainable Development
Penny Mills – Planning Officer
Adrian Scaites-Stokes – Democratic Services Officer
Lucie Turnell - Team Leader Development Control
Cathy White – Senior Trees Officer

ALSO IN ATTENDANCE

Councillor Bill Hunt
Councillor Neil Morrison
7 members of the public

58. **APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Councillors David Brown and Philip Read.
There were no substitutions for this meeting.

59. **DECLARATIONS OF INTEREST**

No declarations of interest were made.

60. **MINUTES**

It was resolved:

That the minutes of the meeting held on 5 January 2011 be confirmed as
a correct record and be signed by the Chairman.

61. **CHAIRMAN'S ANNOUNCEMENTS**

No announcements were made.

62. **10/00898/FUL – MURFITTS TRANSPORT, 195 WISBECH ROAD, LITTLEPORT**

The Team Leader Development Control, Lucie Turnell, presented a report to the Planning Committee, (K251) previously circulated, which gave details of the application, the applicant's case, the site and its environment, planning history and relevant planning factors and policies.

The Team Leader Development Control advised the Committee about the reasons for the application, the circumstances and planning history of the site and the relevant planning issues that had to be taken into consideration. Comments had been received from the Council's Environment Health section that suggested revised times to restrict the use of machinery on site and the receipt of deliveries. It was suggested that the time limits be 7:00am to 7:00pm Monday to Friday and 7:00am to 1:00pm on Saturday.

The site had suffered a fire in 2009 but this was not a material planning consideration. The change of use to storing rubber crumb would not be classed as a hazardous substance. Other bodies had other procedures, which the applicant would have to comply with. The Council had liaised with the Fire Service and the applicant would be submitting a relevant plan for consideration.

The conditions proposed in the report had gone as far as the Council could go to address the concerns about the site. On balance the application was recommended for approval subject to the conditions detailed in the report.

At the invitation of the Chairman, Mr David Shaw spoke on behalf of the application and made the following comments:

- The Applicant understood the stress and concerns generated by the fire on the site;
- Rubber crumb had no metal content, as the metal had been completely taken out;
- The conditions requiring additional information be supplied within 28 days would be complied with;
- There was concern about the proposed condition restricting hours of working;
- Not allowing deliveries outside of the proposed hours would put a constraint on business. Longer hours would be beneficial.

In response to a number of questions from the Committee, Mr Shaw revealed that the business would prefer to remain open all day, as had been the case when the site was used as a transport business, and pointed out that the Environmental Health officers' suggestion would be better than that proposed in the report. The Lakenheath depot did not have any restriction on hours of use. A number of lorries had remained following the use as a transport site. The existing security fencing would remain but there was no intention to improve it. The rubber crumb would be in bags when delivered and the bags would only be stored on site until needed. There would be one or two forklift trucks operating

on site. Only a three-year application had been made, as storing rubber crumb would not be the best long-term use of the site. After three years different uses would be required but storing the crumb for the time being was the best pragmatic use of the site. The biggest possible lorries would be used to transport the crumb.

Councillor Neil Morrison addressed the Committee, as a local Ward Member, and stated that there were deep reservations over the use of the site following the fire. The use of the site had generated constant noise previously and had contaminated the highway. There had been other problems with pieces of rubber being left in residents' gardens and problems with lorries turning up early morning or late at night.

Councillor Bill Hunt addressed the Committee and reminded the Committee about the terrible disaster that had befallen the site which had resulted in residents moving out and disruption to businesses. Tyre storage carried a high risk of fire and tyre fires were a threat to the health of residents.

The change of use should be approved but with certain caveats. This change would prohibit the use of the site for granulation. The operating hours of 7:00am to 6:00pm gave plenty of time for operating the site, any more would be distressing to residents. The site should be registered as a 'Control of Major Accidents Hazards' site. Because of the high fire risk, the site layout should be prescribed and monitored and approved by an independent auditor. The costs of policing the site should be met by the applicant. The application should be supported but only with these conditions.

Councillor Gareth Wilson thought extra conditions should be included to cover the clearance of any pollution caused by the rubber crumb and not to allow the stacking of vehicles outside the site.

Councillor Jeremy Friend-Smith understood the worries of residents but the changed use of the site would improve the situation. There should not be any pollution and the fire plan would be a good idea. Regarding the hours of operation, these should not be different to those being used by adjacent sites. So the other businesses should be consulted about Condition 2.

The Team Leader Development Control informed the Committee that some neighbouring sites did not have restrictions on times of operating, others did. It was worth considering the suggestion by Environmental Health officers, as previously mentioned.

Councillor Mike Rouse thought the site had an unfortunate history but it would now be operating differently. The rubber crumb would not be loose but in bags. The proposed hours were fine and deliveries could be co-ordinated with the Lakenheath facility.

Councillor Gareth Wilson queried what would happen after the three years permission lapsed. The Committee was informed that it was understood that because the business had burnt down the previous permissions would not be re-instated and that the applicant would have to make another application.

Councillor James Palmer proposed that the officer's recommendation be approved subject to the hours of operating be as suggested by the Environmental Health officers. This was duly seconded and agreed unanimously.

It was resolved:

That planning application reference 10/00898/FUL be approved subject to the conditions as set out in the officer's report but with an amendment to Condition 2:

'No machinery shall be operated or deliveries shall take place outside the hours of **07:00-19:00 Monday to Friday and 07:00-13:00 Saturday**.'

63. **10/00958/FUM – LAND SOUTH OF MINGAY FARM, WILBURTON**

The Planning Officer, Penny Mills, presented a report to the Planning Committee, (K252) previously circulated, which gave details of the application, the applicant's case, the site and its environment, planning history and relevant planning factors and policies.

The Planning Officer tabled a representation received after the report had been published and advised that the word 'before' should be deleted from Condition 12.

The Committee was advised about the reasons for the application, the circumstances and planning history of the site and the relevant planning issues that had to be taken into consideration. On balance the application was recommended for approval subject to the conditions detailed in the report.

At the invitation of the Chairman, Mr Chris Akrill spoke on behalf of the application and made the following comments:

- The application was for a new concept in gaining energy from renewable sources;
- Solar farms were established on the continent;
- This scheme would be one of the first in this region;
- The solar panels would be low to the ground;
- The site would be well screened and any gaps in the boundary would be filled in;
- Security measures would be put in place including all day closed circuit television;
- There would be no noise, emissions, glare or reflection from the site;
- It would help improve the biodiversity in the area;
- An education area would be provided to promote renewable energy;
- A public consultation had been held which had produced overwhelming support for the application;
- At the end of its use, after around 25 years, the site could be restored for agricultural use.

In response to a number of questions from the Committee, Mr Akrill stated that a security fence would be 2.4 metres high, there would be no hum from the

panels, the site would produce 5 megawatts of energy as a maximum and the community would benefit through an educational area.

A number of sites had been considered and the preferred site would be leased from the farmer. The land could still be used for agricultural purposes, such as for sheep or poultry or game birds. A tractor could easily mow between the solar panels. An environmental management plan would be submitted to include the upkeep of the site. The land could be restored to agricultural use afterwards.

The site would not produce many jobs, although laying the power line along the drove to the substation and installing the solar panels would generate some work.

Councillor Bill Hunt, as a local Ward Councillor, addressed the Committee and stated that surrendering farmland should only be done in exceptional circumstances. This was such an exception involving exciting technology which would be essential in providing sustainable energy. This development would benefit the community, including the village school and lots of other benefits, and was welcomed by the community. The residue of the land could be used and there would be minimal ground impact. This application should be supported.

Councillor Neil Morrison left the meeting at 3:20pm.

Councillor Derrick Beckett had serious reservations about this application. The installation of the solar panels would have a significant visual impact, when viewed from Haddenham Hill.

Councillor Mike Rouse was not worried about the visual impact. The Council should explore new ways to create more energy to match demand and the Council should be prepared to try these new methods.

Although Councillor James Palmer supported the application, he was concerned about the siting of the proposal on agricultural land and would have preferred another site elsewhere.

The recommendation for approval was proposed, duly seconded and, when put to the vote, declared carried.

It was resolved:

That planning application reference 10/00958/FUM be approved subject to the conditions as set out in the officer's report.

64. **TPO/E/07/10 – VICARAGE FARM, 2 CROSS GREEN, WICKEN**

The Senior Trees Officer, Cathy White, presented a report to the Planning Committee, (K253) previously circulated, which gave details of a Tree Preservation Order (TPO) for a cedar tree.

The Senior Trees Officer advised the Committee of the requirement to confirm the TPO to protect the tree. Objections to the TPO had been received from the land owners, though it had been supported by Wicken Parish Council. The

Senior Trees Officer advised the Committee of the reasons for the recommendation to confirm the TPO.

Councillor Mike Rouse thought the tree was ugly and would get uglier with further pruning, making the situation worse. The tree would have to be cut down eventually anyway. It should be tackled now and, though not wishing to see the tree go, the case for the TPO could not be maintained.

Councillor Anthea Davidson thought that replacing the tree in the same location would produce the same problem. Councillor John Abbott considered the TPO to be more concerned with visual impact and was concerned about getting rid of the tree. Councillor Jeremy Friend-Smith thought the tree could be maintained by restricting its outward branches, so the TPO should be confirmed.

It was proposed, and duly seconded, not to confirm the Tree Preservation Order. When put to the vote it was declared a tied vote (5 For, 5 Against, 1 Abstention). The Chairman used their casting vote and voted Against, therefore the motion was lost.

It was then proposed, and duly seconded, that the Tree Preservation Order be confirmed. When put to the vote it was declared a tied vote (5 For, 5 Against, 1 Abstention). The Chairman used their casting vote and voted For, therefore the motion was declared carried.

It was resolved:

That Tree Preservation Order TPO/E/07/10 be confirmed, with no modifications.

65. **SIX MONTHLY REPORT ON PLANNING ENFORCEMENT**

The Principal Development Control Officer, Alan Dover, presented a report on behalf of the Senior Enforcement Officer to the Planning Committee, (K254) previously circulated, which updated Members on planning enforcements.

The Principal Development Control Officer advised the Committee that if any Member had a query on any individual case they should contact the Senior Enforcement Officer directly.

The information was noted.

The meeting finished at 4:42pm.