

# PLANNING COMMITTEE



**4 APRIL 2012 - 2.30PM**

**PRESENT:** Councillor P Hatton, Chairman; Councillors M G Bucknor, Mrs J French, B M Keane, Mrs K F Mayor, A Miscandlon (substitute for Councillor D W Connor), P Murphy, Mrs F S Newell, D C Oliver, D R Patrick, K G Peachey, T E W Quince, R E Scrimshaw and D Stebbing.

**APOLOGIES:** Councillors D W Connor and M J Curtis.

Officers in attendance: G Nourse (Chief Planning Officer), Ms A Callaby (Planning Performance Manager), S Lalor (Area Development Manager), Mrs E Cooper (Member Support Officer) and R McKenna (Principal Solicitor (Litigation and Planning)).

## **P132/11      MINUTES OF 7 MARCH 2012**

The minutes of the meeting of 7 March were confirmed and signed.

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

## **P133/11      F/YR12/0034/F (17.1.2012) MARCH - 14 BROAD STREET, CHANGE OF USE FROM A1 TO A5, RAISING ROOF TO REAR AND INSTALLATION OF EXTRACT DUCT AND TWO COMPRESSORS (DOMINOS PIZZA GROUP LTD)**

Members considered petitions and letters of objection.

The committee had regard for 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 has been revisited to assess whether the National Planning Policy Framework (NPPF) published on 27 March 2012, including the deletion of the documents listed in Annexe 3, had any implications for the recommendations made
- Environmental Protection comment that it is still awaiting confirmation from Domino's Technical Team that the extraction units are satisfactory and evidence that noise and odour will not cause nuisance issues. Members may wish to consider a further reason for refusal.

Members received presentations, in accordance with the public participation procedure, from Mrs Akcan and Mr Burton, objectors to the proposal. Mrs Akcan informed members that she was acting as a representative for the eateries and the public of the town of March.

Mrs Akcan expressed the opinion that March is a vibrant and prosperous town which is suffering from a double dip recession, with big franchises having disappeared and shops continuing to close within the town. She feels that March is saturated with 14 eateries, with 13 being in close proximity to this proposal.

Mrs Akcan expressed the view that sustainability is a critical concern for eateries in the town and takings would be reduced by 15-50% by allowing this proposal. She feels that healthy competition already exists within the town and there is competition overkill, especially for pizza outlets.

Mrs Akcan welcomes new retail business in the town, which she hopes would entice people to shop in the town centre, but feels that food outlets are already at breaking point and having provided services to the town for many years her livelihood would be in jeopardy. She referred to the twelve core principles of the NPPF and that development should reflect the needs and priorities of local people, which, in her view, this proposal does not.

Mrs Akcan reiterated the view that any type of new eatery within the town threatens existing businesses and asked how another outlet could be supported when existing ones are already struggling, putting livelihoods in jeopardy and resulting in further unemployment.

Mr Burton informed members that he has asked local people about this proposal and they are not keen on a new cafe opening, with the town being saturated by them. He stated that his trade has already decreased due to Weatherspoons and Cobblestones opening, with, in his view, enough being enough and this situation no longer being able to be sustained.

Members received a presentation, in accordance with the public participation procedure, from Mr Unwin, the applicant's agent. Mr Unwin made the point that competition is not a planning issue and, whilst he understands the concerns of the objectors, these concerns are not valid and, in his view, the NPPF endorses this.

Mr Unwin stated that the current occupier wants to vacate the premises and have given notice to leave on 30 April, with there being no other prospective tenants for the premises. He referred to the NPPF and that there is now the presumption in favour of development with the abolition of PPS1.

Mr Unwin made the point that the Town Council has raised no objection, which he considers are local people. He expressed the view that the proposal would create 16 full-time equivalent jobs, providing training and promotion to staff and the opportunity to employ young people, with it being very important, in his view, to give them self-respect.

Mr Unwin stated that the applicant would be investing £250,000 into the unit to attract people to the shop and he is anxious to portray to the committee what he sees as the applicant's contribution to the vitality and viability of the town. He made the point that there is no highway objections and, in relation to the comments from Environmental Protection, all equipment would be better than average standards.

Mr Unwin expressed the opinion that this proposal is about people's jobs, and it would bring life into this particular street and not detract from it, bringing economic growth to the town centre. He hoped that the committee would bear in mind the points he has made and those within the officers' update, which, in his view, further sustains the points he has made.

Councillor Peachey asked Mr Unwin to explain his point about no objections from highways? Mr Unwin advised that the application has been put before the Local Highway Authority and no objections have been raised.

In response to some of the points raised by Mr Unwin, officers advised that there has always been a presumption in favour of development and the NPPF adds nothing new to this. The proposal may increase the footfall, but there would be a period in the morning where the proposal would not be attracting any footfall.

Councillor Mrs French asked Mr Unwin if Thing-Me-Bobs is giving up its lease at the end of month? Mr Unwin advised in the affirmative and a copy of the licence has been provided to officers to this effect.

Councillor Clark spoke in support of the application. He advised members of some of the comments he has received from members of the public on this application:

- is it the Council's job to decide who wants to open shops in March?
- competition is good, it drives up quality and reduces prices
- of course other businesses would get petitions to block these applications, but that is almost equal to running a cartel
- all High Street are having shops close, the opportunity should be seized to fill our shops
- occupied shops add to the visual appearance and vibrance of the town centre
- you only have to look at the March Deep Freeze Centre site, it has been an eye-sore for the last 4-5 years
- Nigel Coley, President of March Chamber of Commerce, said that competition is all part of being in business.

Councillor Clark expressed the opinion that as a local member he would like a well known High Street name to occupy these shops, but people have to be realistic and accept that they are just not large enough to attract them. He made the point that Fenland is Open for Business and encourages small businesses, and asked members to approve the application.

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

- Councillor Murphy agreed with the comments of Councillor Clark. He stated that town centre shops are becoming a thing of the past or are becoming specialised in nature as businesses cannot afford the rents or rates, with competition being the only thing that keeps centres going. He acknowledged that some businesses will cease to trade, but that is the nature of town centres;
- Councillor Mrs French stated that she has listened to all speakers, but as a Town Councillor she is concerned about loss of businesses in the town and it is envisaged that this proposal will bring jobs, with the Council being Open for Business and the area needing employment, so she feels that the proposal would be good for the town. She referred to the officers' conclusion in the report, which she disputes, as the Council is trying to encourage and investing in tourism, and residents are entitled to choice. She made the point that the Freezer Shop has been empty for 5 years and is an eyesore, and she would like to see it come back into use, but due to the economic climate it will not. She asked if people would prefer to see any empty shop as this was for nine months before Thing-Me-Bobs opened it and, in her view, the Council should be supporting businesses coming into the town;
- Councillor Quince expressed the opinion that additional retail shops will not come into the town. He feels sorry for fast food outlets, but people need to be realistic and shops should be occupied;
- Councillor Patrick agreed with Councillor Mrs French and expressed the opinion that an investment of £250,000 shows real commitment from the applicant.

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

**Grant, subject to:**

1. **a scheme of extraction having been fully agreed by officers prior to the issuing of consent**

**2. suitable conditions.**

Members do not support officers' recommendation of refusal of planning permission as they place more weight on the retail report produced by Dominos regarding Primary Shopping Centres as it would bring a vacant shop in March Town Centre back into use improving the vitality and viability of the town centre.

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

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

**P134/11**      **F/YR12/0035/F (19.1.2012)**  
**DODDINGTON - LAND NORTH-EAST OF HOLLY TREE HOUSE, HOSPITAL ROAD, SITING OF TWO TEMPORARY MOBILE HOMES, STORAGE CONTAINER AND ERECTION OF STABLES AND 2.0 METRE HIGH TIMBER FENCE FOR EQUESTRIAN BUSINESS AND FORMATION OF 1.4 METRE HIGH EARTH BUND (RETROSPECTIVE)**  
**(MR M AND MRS L JOYCE)**

This application had been withdrawn by the applicants.

**P135/11**      **F/YR12/0064/F (25.1.2012)**  
**MARCH - LAND SOUTH-EAST OF 93-113 GROUNDS AVENUE, ERECTION OF 31 DWELLINGS COMPRISING 2 X 2-BED SINGLE-STOREY, 15 X 2-BED TWO-STOREY, 12 X 3-BED TWO-STOREY AND 2 X 4-BED TWO-STOREY INVOLVING DEMOLITION OF EXISTING DWELLINGS (103-105 GROUNDS AVENUE)**  
**(MR M SUGDEN, LOVELL PARTNERSHIP LTD)**

Members considered objections.

The committee had regard for 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 has been revisited to assess whether the National Planning Policy Framework (NPPF) published on 27 March 2012, including the deletion of the documents listed in Annexe 3, had any implications for the recommendations made
- the agent has queried condition 10 in the officers' report with regard to when the lighting details should be provided. It currently stipulates that the details are required prior to commencement of development, however, this may prove to be difficult and hold up the commencement of development. The condition has been reviewed and amended to state "within 6 months of the commencement of development", which has been agreed with the agent
- the Police Architectural Liaison Officer (PALO) supports the application and comments that the provisions of the development have been discussed directly with the agent and in particular for achieving the Secured by Design criteria. The resulting alterations to the layout will meet the requirements of Part 1 of the Secured by Design and it is hoped that the PALO will be in further discussion regarding meeting Part 2 Physical Security for each individual dwelling

- officers have held discussions with the applicant, since the production of the committee report, with regards to the Section 106 contributions required. The Section 106 Agreement (replacing that identified in the officers' report) will seek to secure the following:
  - the District Council require the following for the purpose of the Section 106 Agreement:
    - the provision on site of 35% affordable housing
    - in lieu of providing public open space within the site as there is adequate provision nearby, the Council requires a contribution of £37,200, ie £1,200 per dwelling, in line with the Supplementary Planning Guidance, with this contribution being for the benefit of March
    - waste contribution of £1,860, ie £60 per dwelling, this contribution will enable the Council to provide waste containers for each dwelling
  - the County Council require the following for the purpose of the Section 106 Agreement:
    - according to County Council guidance the development is expected to generate a net increase of 3.1 pre-school places. In terms of pre-school education, there is a shortage of capacity in the area in the next 2 years, therefore, a contribution for pre-school education is sought of £26,040, ie £8,400 per placement
    - according to County Council guidance the development is expected to generate a net increase of 7.1 primary school places. The catchment school for the area does not have any spare capacity over the next 5 years, therefore, a contribution for primary education is sought of £17,300, ie £350 per 2-bed dwelling, £1,350 per 3-bed dwelling and £2,000 per 4-bed dwelling. In accordance with the Supplementary Planning Guidance, the education contribution is not applied to the affordable housing units
    - there will be a clause in the agreement to state that in the event that the site is provided as 100% affordable housing, in accordance with the Supplementary Planning Guidance, no education contribution will be sought
    - a household recycling centre contribution of £7,743, ie £267 per dwelling.

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

- Councillor Mrs French expressed the view that there appears to be a lot of ifs, buts and maybes regarding officers' comments and requested clarity on the education requirements? Officers advised that the scheme could either be a 100% affordable housing scheme, for which education contributions are not required, or it could be developed with the first 35% of dwellings being affordable and the remainder market housing for which education contributions would be applicable. A Section 106 Agreement needs to be drafted for both scenarios, which gives flexibility to the developer, with the Legal Team ensuring that the Section 106 is robust;
- Councillor Mrs French referred to concerns of overlooking to the rear of the site and that the flank walls have no windows? Officers advised that there is a condition being recommended on consent relating to this. Councillor Mrs French stressed that this must be enforced;
- Councillor Mrs French referred to the waste contribution and asked if this is for provision of bins or a contribution to the County Council? Officers advised that this contribution relates to the provision of bins;
- Councillor Mrs Newell asked if this proposal is a Roddons application? Officers advised that it is there understanding from speaking to the Property Lawyer that negotiations are in place

with Roddons to buy this land, but this is subject to suitable finance being secured;

- Councillor Mrs Newell referred to the fact that this site used to be allotment land and asked if permission has been sought from the Secretary of State for this alternative use? Councillor Mrs French stated that the site has not been used for allotments for 30 years and there is no need for any further allotments on this side of town. Officers advised that the site was not statutory allotment land, it was vacant land that was leased to the Town Council who used it for allotment purposes, which was returned to the District Council as it no longer had use for it. Councillor Mrs Newell expressed the opinion that there is a shortage of allotment land and questioned why March does not seem to have comply with this undertaking? Councillor Mrs French advised that there are 8-10 people on waiting list and other sites are available;
- Councillor Mrs Newell referred to 35% affordable housing and asked what this equates to for 31 dwellings? Officers advised that this would be 11 dwellings, but it depends upon what level of grant can be secured to determine whether the site is all affordable. The point was made that there are approximately 3,000 people on the housing waiting list;
- Councillor Quince stated that he is supportive of the proposal, but is concerned about the bungalow at the entrance, which is tight to the boundary. Officers advised that the reason for placing a bungalow at this point is to provide continuity to the street frontage and windows are located in a position that gives clear views to the north, south and west.

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

**Grant, subject to:**

1. **prior completion of a Section 106 Agreement**
2. **the conditions reported, including amendment to Condition 10 as detailed above.**

(Councillor Peachey left the room during the discussion on this application and took no part in the voting thereon)

(Councillor Murphy declared his personal and prejudicial interest in this application, by virtue of the involvement of Roddons in this application and him being Fenland District Council's member on Roddons Board, and retired from the meeting for the duration of the discussion and voting thereon)

(All member present declared their respective personal interest in this application, by virtue of the land being owned by Fenland District Council)

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

**P136/11**      **F/YR12/0091/F (8.2.2012)**  
**WISBECH - 6 MOUNT DRIVE, ERECTION OF 1.8M (MAX) HIGH FENCE AND**  
**DOUBLE GATES/PERSONAL GATE TO REAR OF EXISTING DWELLING**  
**(MR AND MRS W TAYLOR)**

Members considered a petition and letters of objection.

The committee had regard for 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 has been revisited to assess whether the National Planning Policy Framework (NPPF) published on 27 March 2012, including the deletion of the documents listed in Annexe 3, had any implications for the recommendations made.

Members received a presentation, in accordance with the public participation procedure, from Mrs Rham, an objector to the proposal. Mrs Rham informed members that she lives at 13 Wedgewood Drive and expressed the view that the proposal is not in keeping with the surrounding area as the gardens on Wedgewood Drive do not have back gates and, in her view, this proposal does not contribute to or enhance the street scene.

Mrs Rham referred to the history section of the report and that the previous application was for a 1.8m high close boarded fence with automatic gates, and questioned whether the proposed gates would also be automatic. She expressed the opinion that parking is a major issue on Wedgewood Drive already, which would be worsened by this proposal, being a small cul-de-sac serving 12 flats, each with one allocated parking space, and 5 houses, with excess vehicles parking in the cul-de-sac.

Mrs Rham expressed the view that 6 Mount Drive has ample parking at front of its property and asked why residents of 17 properties should be inconvenienced by this proposal and if residents cannot park outside their own homes where can they park? She feels that the Council treats them as second class citizens as they live in a cul-de-sac and asked if residents would receive a Council Tax refund if this proposal is approved? In her view, the Council has a duty of care to the public and ensure residents safety.

Mrs Rham referred to the Planning Officers letter, which was dated the day before the site visit, and expressed the view that the recommendation to grant contained within this letter was, therefore, invalid. She feels that the site visit would have been more accurate on a weekend or evening, when there are more cars about.

Mrs Rham expressed the opinion that the owner of 6 Mount Drive runs his own reclamation business, and parks large vehicles in the cul-de-sac to the rear of his property, and questioned whether he had permission to use his property for business use? She feels that if the Council is truly democratic, the application would not be granted due to the number of objections received.

Councillor Patrick asked Mrs Rham how often the large vehicles are parked at the rear of 6 Mount Drive? Mrs Rham advised on an ad-hoc basis, but the owner does not move when he is asked and blocks residents driveway.

Councillor Bucknor asked Mrs Rham that when this vehicle is parked at the rear, how does the owner access his property at the rear? Mrs Rham advised that he drops material over the fence.

Councillor Peachey asked Mrs Rham is she is saying that the vehicle is left at the rear? Mrs Rham expressed the view that if the application goes ahead there will be a dropped kerb, which means that five properties would not be able to park outside their own homes.

Councillor King spoke against the application, informing members that he was at the meeting on behalf of 17 residents who are concerned about the proposal.

Councillor King referred to the policy considerations and in particular Policy E8. He expressed the opinion that the proposal would not protect site features or have regard to the amenities of adjoining properties as none of the houses on Wedgewood Drive have rear accesses in the way that 6 Mount Drive is proposing and this is worthy of consideration when members decide whether to grant or refuse this application.

Councillor King expressed the view that this proposal would impact upon the residents that live in this area and who already have difficulty parking their vehicles, with there being many parked vehicles in this area in the evening. He expressed the opinion that 6 Mount Drive has no access at the front as the existing garage was converted into a room some time ago and, in his view, it is easy for the owner to create an access from the front by demolishing the garage without affecting the amenities of the residents of Wedgewood Drive.

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

- Councillor Peachey asked what is the major difference between this application and the one granted in 2008? Officers advised that the previous application was a delegated approval and the only difference is the inclusion of a pedestrian gate;
- Councillor Peachey asked if the gates were electronic would they have to open inwards? Officers advised that there is a condition attached to the recommendation that the gates should not open out onto the highway. Councillor Peachey asked what the applicant would have to do to get a dropped kerb? Officers advised that the applicant would have to approach the County Council;
- Councillor Murphy questioned the motives of the applicant, asking why such large gates are required and then a dropped kerb? Officers advised that planning permission is not required for a dropped kerb, however, the application does propose the kerb is dropped. The point was made that members need to consider the application as it stands before them now;
- Councillor Miscandlon asked if the last property on the left-hand side has a dropped kerb against this boundary fence? Officers advised in the affirmative;
- Councillor Bucknor questioned the operation of a business from the premises? Officers advised that the property is residential, but the issue of a business being operated from the premises can be investigated as a separate issue. Councillor Bucknor expressed the view that if these gates are allowed and a business is being operated from the premises then this would have an impact on adjoining residents? Officers advised that a Compliance Officer can visit the site to assess whether a business is being run from the site and a planning application could be submitted to seek to regularise the situation if this is found to be the case;
- Councillor Peachey asked if the previous application approved on 12 November 2008 is out of time? Officers advised that it had expired;
- Councillor Keane expressed the view that the double gates are required for another reason as this is the largest plot of land along Mount Drive;
- Councillor Mrs French expressed concern that there is an expired approved application for gates at the rear and feels that the proposal would change the character of the area. Officers advised that the fact that other properties do not have a rear access and front onto the roadway is not felt to be a sufficient change in the character to warrant a refusal of the application on these grounds, with the Council needing to be able to defend any decision made. There is an existing close boarded fence and this application is proposing the same wooden slatted fence but incorporating a gate. In officers' opinion, the appearance of the fence and gate is not unacceptable in the street scene.



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

**Refused, for the following reason -  
the proposal would be detrimental to the street scene.**

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

(Councillors Bucknor, Oliver and Patrick registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they were present at the meeting of Wisbech Town Council at which this application had been discussed but took no part)

**P137/11      F/YR12/0095/F (7.2.2012)  
MARCH - 25 BROAD STREET, CHANGE OF USE FROM A1 (SHOPS) TO A3  
(RESTAURANTS AND CAFES)  
(MR S SARILMAZ)**

Members considered a petition and letters of objection.

The committee had regard for 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 has been revisited to assess whether the National Planning Policy Framework (NPPF) published on 27 March 2012, including the deletion of the documents listed in Annexe 3, had any implications for the recommendations made.

Members received presentations, in accordance with the public participation procedure, from Mrs Akcan and Mr Burton, objectors to the proposal. Mrs Akcan stated that she stands by her comments made in relation to F/YR12/0034/F, which are applicable to this application, and she does not feel that councillors are listening to the owners of businesses and the residents of March.

Mrs Akcan made the point that the site lies within March Conservation Area and there has been a petition and letters opposing the proposal, but no letters in support. She expressed the opinion that Policy S3 still exists and that if a development conflicts with the 12 core principles in the NPPF it should be refused, feeling that none of the criteria is being adhered to.

Mrs Akcan expressed the view that there is a problem with the extraction flue, which should be addressed to accord with regulations for flats. She asked how there can be a prosperous community in this area if another eatery is allowed, especially after granting a franchise such as Domino's, and requested that the proposal is refused.

Councillor Mrs Newell asked Mrs Akcan if she was a shop owner or a member of public? Mrs Akcan advised both, with her husband she owns a shop and she is also a member of the public.

Councillor Hatton referred to the view of Mrs Akcan that the committee is not taking into account the petition, but made the point that competition is not a planning issue. Mrs Akcan expressed the view that there is a contradiction in what the Planning Committee is saying as it has mentioned that the proposal would bring healthy competition and members are not discussing the proposal from the point of view of the businesses that are suffering. Councillor Mrs Newell made the point that there is no proof that any business would suffer.

Councillor Mrs French referred to the petition and asked who it has been submitted to? Officers advised that the petition was submitted to the Planning Team in response to the planning application. Councillor Mrs French expressed the view that the petition should also have been referred elsewhere and members have taken into consideration the views of the applicant and objectors, together with the health and wellbeing of town. Mrs Akcan expressed the view that March Town Council should have been sent the petition also. Councillor Mrs French stated that the petition has not been referred to the Town Council, but it is the responsibility of the organisers of the petition to submit it to the Town Council.

Mr Burton expressed the view that after the approval of Domino's Pizza he believes there are too many food outlets in the town and people coming into his shop agree with this view also. He feels that March needs retail outlets not food outlets, this is unhealthy competition and detrimental to other businesses in town. He stated that he would not be at this meeting if this issue did not matter to him.

Councillor Mrs French asked Mr Burton what establishment does he own? Mr Burton advised Mullers Cafe, explaining the history to him owning the shop and that he has two jobs and is only just making ends meet.

Members received a presentation, in accordance with the public participation procedure, from Mr Pilbrow, a supporter of the application. Mr Pilbrow informed members that he is representing the property company that own this building and referred to the officers' report stating that this unit has only recently become vacant, which he stated is untrue as the unit has been advertised for rent for over a year with only the applicant wanting to rent the shop.

Mr Pilbrow stated that March is a beautiful town, but, in his view, it suffers from small units that would not be taken by larger retailers and internet shopping also has an affect on shutting smaller High Street shops. In relation to the loss of an A1 retail use, he questioned whether the previous occupant, Cancer Research, as a charity shop was an A1 retail use, which he believes it is not and, therefore, the unit has not been a retail shop for 26 years.

Mr Pilbrow stated that whilst he would like to see this empty shop used for retail purposes, the only offer received is for a cafe, with the potential tenant willing to spend up to £100,000 on the unit, which shows, in his opinion, that the tenant feels he would be able to achieve a return on his investment. He stated that the applicant's family operate other cafes between them and this proposal would create jobs.

Mr Pilbrow referred to the petitions, making the point that competition is not relevant, and, in his view, not a bad thing, and that many people were asked to complete the petition by cafe owners. He made the point that only 2.2% of the population of March completed the petition.

Mr Pilbrow expressed the opinion that if the committee can approve an application on the other side of Broad Street, it can approve this application also, which would bring employment to the town and if the owner does not make it successful it would close.

Councillor Clark in supporting the application referred to the comments he made in relation to planning application F/YR12/0034/F.

Councillor Yeulett spoke in support of the application, stating that most arguments had been articulated and he feels that choice and competition are important. He referred to the support from the Town Council and that he, as a local member, also supports the proposal.

Councillor Yeulett made the point that the shop has been empty for 6-7 months, with the owner receiving no other interest, and asked if members wanted an empty shop, referring to the detrimental impact of the Freezer Shop on the centre of March. He stated that the Council is Open for Business and should not be refusing businesses, with it not being for the Council to decide if businesses are too competitive.

Councillor Yeulett also made the point that the Council is encouraging tourism in Fenland and a proposal such as this may assist in this regard. He expressed the opinion that in these bad economic times, the Council must encourage small businesses to open in difficult times and not put obstacles in front of them.

Councillor Yeulett expressed the view that the application should be looked upon favourably.

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

- Councillor Patrick expressed concern regarding the large number of residential properties above the unit and smells going into these flats. Officers advised that at present there is not a scheme that has addressed the issue of ventilation and the Council would need to be satisfied that there is a suitable scheme. Officers would be more confident in achieving a robust scheme prior to the issuing of consent and if members are minded to approve officers would ask that this aspect is delegated to officers to agree;
- Councillor Murphy stated that he lives in the High Street in Chatteris and has no problems with takeaway shops surrounding his property as he wants shops in the town, and he knows what goes on in High Streets having lived in one for over 60 years. He also has a shop that he has only been able to rent to a charity;
- Councillor Peachey expressed concern that every time a cafe fills an vacant shop it is denying a retail unit;
- Councillor Murphy expressed the view that there are no businesses around now that will come into a shop in a small town and towns have to allow takeaways, restaurants and estate agents as shops would be empty otherwise;
- Councillor Mrs French stated that the committee does take into consideration objections and she take offence when accused of not doing so. She stated that this shop has been empty for a while and residents of March should be entitled to choice. She feels that the opening times of 7am-8pm are good for people who want to go into town and have breakfast, and she does not think this proposal will affect takeaways. She asked if people want to see the shop empty for another 12 months, referring to the considerable amount of money that has been spent improving the Freezer shop at tax payers expense, and would this need to be undertaken with all empty shops? She reiterated that people are entitled to choice and, in her view, there are plenty of different outlets to support another one.

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

**Grant, subject to**

1. **a scheme of extraction having been fully agreed by officers prior to the issuing of consent**
2. **suitable conditions.**

Members do not support officers' recommendation of refusal of planning permission as they feel that a vacant shop would harm the vitality and viability of the town centre and the proposal would

create employment opportunities in the town.

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

**P138/11**      **F/YR12/0106/F (9.2.2012)**  
**WHITTLESEY - LAND WEST OF 160 RAMSEY ROAD, ERECTION OF GROUND**  
**MOUNTED PHOTOVOLTAIC SOLAR PANELS**  
**(MR R GREEN, LARK ENERGY LTD)**

This application had been withdrawn by the applicant.

**P139/11**      **F/YR12/0111/F (13.2.2012)**  
**MURROW - NORTH OF 15-17 MILL ROAD, ERECTION OF SIX DWELLINGS**  
**COMPRISING 3 X 4-BED TWO-STOREY, 1 X 4/6-BED THREE-STOREY AND 2 X**  
**5/6-BED THREE-STOREY WITH ASSOCIATED GARAGES**  
**(MR R GOY)**

Members considered objections.

The committee had regard for 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 has been revisited to assess whether the National Planning Policy Framework (NPPF) published on 27 March 2012, including the deletion of the documents listed in Annexe 3, had any implications for the recommendations made
- by virtue of the Fenland District-wide Local Plan Interim Statement of Proposed Changes, Policy R4 was amended to raise the threshold for the requirement of open space provision/contribution to 15 or more dwellings and, as such, refusal reason 3 as set out in the officers' report is not relevant
- Fenland District Council's Contaminated Land Team comment that an unsuspected contamination condition is required if the application is approved
- North Level District Internal Drainage Board (NLDIDB) verbally agrees to relax the Boards bylaw from 9m to 7m from the centre line of the piped watercourse, however, this will be subject to a formal request
- the comments made by the NLDIDB have been noted and whilst plot 6 complies with the 7m bylaw, the garage to plot 1 still encroaches on this protected area. As such refusal reason 7 is still relevant albeit with the reference made to plot 6 removed
- the wording of the refusal reasons have been amended to reflect the NPPF.

Members received a presentation, in accordance with the public participation procedure, from Mr Feary, a supporter of the application. Mr Feary stated that the applicant is disappointed with the application being referred to the Committee, as the proposal follows pre-application discussions where officers were supportive of the development referring to the approved development opposite the site, which is not mentioned in the report, together with any reference made to the IPPLS.

Mr Feary expressed the view that the proposal accords with the IPPLS and meets the Council's aspirations. He informed members that adjusted drawings have been submitted, which, in his view, address all the reasons for refusal.

Mr Feary expressed the opinion that the site is not outside the village and it would be difficult to find a site more closely related to village facilities. He requested that members consider the application favourable and not negatively.

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

- Councillor Scrimshaw stated that, in principle, he is in favour of the development, it is just outside the Development Area Boundary, accords with IPPLS, is supported by both Parish Councils, it is 200 metres from the school and 250 metres from the pub, church and village hall. He referred to the four dwellings opposite this site that were approved and that there are nine other properties 180 metres from this site, which adjoin each other. In his view, 6 large houses, which would be family homes, are needed in this area which has an elderly population;
- Councillor Miscandlon expressed concern about the appearance of a road in the centre of the site that appears to go nowhere. Officers advised that there is a water pipe at this point, which needs to be maintained, and the applicant has chosen to leave this area outside the gardens of Plots 3 and 4 to enable access to maintain this infrastructure. Councillor Miscandlon questioned why there is a hammerhead turning into it? Officers advised that this access also give access to the field, but there is an alternative access to this land;
- Councillor Murphy expressed the view that he does not support this application, the proposal is for three-storey, it is a linear building line with a large field behind it, which could be developed at a later stage. He feels that the access has been taken out of the application as it removes the need for social housing and a Section 106 Agreement;
- Councillor Peachey asked if the access road to these properties would be built to an adoptable specification? Officers advised that the access would be not be built to adoptable standards;
- Councillor Peachey asked who would retain ownership of the land outside of the proposal? Officers advised that they were not in a position to answer this;
- Councillor Patrick asked if the site is Grade 1 arable land? Officers advised that there is no reason to refusal the proposal on the quality of arable land;
- Councillor Scrimshaw expressed the opinion that the white strip outside of the site is the main sewerage pump for Murrow and Anglian Water must have access to it at all times. Councillor Patrick made the point that if this strip was included in the development it would make the proposal subject to Section 106 contributions. Officers advised that this is not a material consideration. Councillor Bucknor asked if a road could be built over this area? Officers advised that if you construct a road to an appropriate standard any pipe can be built over;
- Councillor Mrs French asked what the size of the site is? Officers advised that it is 0.4998 ha. Councillor Mrs French expressed concern that the site is Grade 1 land and she feels that the proposal could be refused due to the loss of production for food. She made the point that it was only a few months ago that a mobile home was refused further along from this site and she cannot see anything that would warrant approval of this application. She feels that the applicant has removed the strip of land from the proposal as it would have taken it over 0.5 ha for which Section 106 contributions would have been sought. She referred to the state of Mill Road, referring to problems with other roads in Murrow, and asking who is going to pay for repairs to this road?

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

**Refused for the following reasons -**

1. **due to the scale, layout and principle of residential development in this location, the proposal fails to respect the rural character of the area, contrary to Policy E8 of the Fenland District-wide Local Plan, ENV7 of the East of England Plan and the National Planning Policy Framework**
2. **the proposal would result in unjustified development beyond the established settlement area boundaries, contrary to Policy H3 of the Fenland District-wide Local Plan and the National Planning Policy Framework**
3. **due to the location of the balcony on Plot 6 in relation to the garden space at Plot 5, future occupiers of Plot 5 will suffer from overlooking and loss of privacy, contrary to Policy E8 of the Fenland District-wide Local Plan, ENV7 of the East of England Plan and the National Planning Policy Framework**
4. **the layout of the scheme and the length of the private drive would result in bin collection points being positioned in excess of 30m from the proposed dwelling houses. The proposal, therefore, fails to provide an acceptable level of residential amenity, contrary to Policy E8 of the Fenland District-wide Local Plan, ENV7 of the East of England Plan and the National Planning Policy Framework, and it fails to comply with the standards set out in the RECAP Waste Management Design Guide**
5. **in view of the presence of the garages within the foreground of the dwellings and their bland elevations within the street scene, the proposal would appear as an incongruous feature to the detriment of the character of the area, contrary to Policy E8 of the Fenland District-wide Local Plan, ENV7 of the East of England Plan and the National Planning Policy Framework**
6. **by virtue of the positioning of the detached garage associated with Plot 1, the proposal encroaches on the maintenance strip required as being kept free from obstruction by the North Level Internal Drainage Board. The proposal, therefore, fails to have due regard to land drainage and flood protection matters, contrary to Policy PU1 of the Fenland District-wide Local Plan.**

(Councillor Scrimshaw registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meetings of Parson Drove Parish Council and Wisbech St Mary Parish Council at which this application was discussed but took no part)

**P140/11      F/YR12/0113/F (13.2.2012)  
CHATTERIS - 23 LARHAM WAY, ERECTION OF A TWO-STOREY SIDE  
EXTENSION AND SINGLE-STOREY SIDE AND REAR EXTENSION AND  
CONVERSION OF GARAGE TO FORM ADDITIONAL LIVING ACCOMMODATION  
TO EXISTING DWELLING  
(MR J LANGLEY)**

The committee had regard for 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 has been revisited to assess whether the National Planning Policy Framework (NPPF) published on 27 March 2012, including the deletion of the documents listed in Annexe 3, had any implications for the recommendations made.

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

- Councillor Mrs Newell stated that there is problem with parking in this area as many people

take their children to school via Larham Way blocking driveways and she is concerned that parking for the dwelling would be lost with this proposal and the road would be used;

- Councillor Mrs French expressed the view that it is a large extension, with the side extension set slightly back to allow ample off-road parking at the front, and she has no problems with the proposal.

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

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

(Councillor Mrs Newell requested it be recorded that she abstained from making a decision on this application)

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

5.00pm

Chairman