

# PLANNING COMMITTEE



**2 MAY 2012 - 2.30PM**

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

**APOLOGIES:** Councillors D R Patrick and K G Peachey.

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)).

## **P141/11      MINUTES OF 4 APRIL 2012**

The minutes of the meeting of 4 April 2012 were confirmed and signed.

Councillor Mrs French made the point that she requested at the meeting on 4 April 2012 that the hectares/acreage of application sites be placed at the top of the officers' reports, but this had not been recorded or actioned. She requested again that these figures be placed on the top of the reports for the next meeting.

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

## **P142/11      F/YR11/0337/F (5.5.2011) WHITTLESEY - NEWHAVEN ESTATE, COMMON ROAD, EXTENSION TO EXISTING CARAVAN PARK AND SITING OF 33 PARK HOME UNITS (GREEN PARK HOMES LTD)**

Members considered objections.

Officers informed members that:

- Whittlesey Town Council has made an additional consultation responses, which was passed to members to read out in full prior to the meeting, but is summarised as follows:
  - decision is to approve providing its recommendations are taken into account. It has never been against development on this site, but wishes to ensure that the application meets with all required standards and that if approved a condition is placed on the permission that an officer visits the site either half yearly or annually to ensure the complete development is kept to a high standard
  - draw members attention to Shapps MP consultation paper on reforms to park homes and mobile home/caravan site licensing - "a better deal for park home owners", which will enhance the powers of local councils and put the park home sector on a sustainable footing for the long-term
  - why was this application initially validated with only a design layout and very limited supporting information in May 2011? Lengthy discussions have ensued regarding the lack of supporting information when the application was initially submitted and recently it is noted the applicant has employed a professional agent/architect

- acknowledge all the work done by the second planning officer appointed, Seamus Lalor, with the applicant's architect/agent to resolve many of the issues raised by the Town Council, Fenland District Council and residents adjacent and near to the proposed development
- the ten valid points raised by both the Town Council and Fenland District Council's Planning Committee appeared to have been addressed
- it is most important that the correct drainage system is installed, with the site being adjacent to Whittlesey washland, water storage and flood protection, and that both the finance and an undertaking/condition is in place to ensure annual maintenance. It is noted that the lines of communication are fully open between Fenland District Council's Planning department and North Level Internal Drainage Board (having merged with the Washland commissioners) regarding the development and it is hoped that they continue to work together
- note a reduction in the number of dwellings and the redesign of the layout towards the north boundary, due to concerns when viewing the Environment Agency's emergency flood maps for Whittlesey, with the agency constantly reviewing their emergency flood plan for north of Whittlesey and in the latest official map issued in January 2010 it was noted a substantial increase to the emergency flood areas mostly to existing and well established developments. The Town Council wish to point out that any planning application where a development is adjacent a flood plain must be fully investigated for potential flooding now and in the future
- the insufficient owner and visitor's car parking appears to have been addressed in the revised plan. Internal roads were narrow, but it is reassuring to see the improved highway structure on site enabling access for all emergency vehicles and a bin lorry to move round the development to enable rubbish removal
- there are concerns about other trees/shrubs adjacent to properties possibly being removed and also the type of materials being used and the height of a 'vandal proof fence'. It is acknowledged that TPO's have been issued for two established trees and both the Town Council and residents are requesting appropriate re-planting that blends and is sympathetic to the landscape of a Washland site
- understands the proposals for street/internal lighting are now included in the revised plan
- it is hoped the appointed architect/agent has informed Fenland District Council what are the applicant's intentions are regarding archaeological survey work prior to commencement of work on site should planning permission be granted
- there must be consistency when requesting official information/reports, as on a previous planning application near to this site land levels and soil contamination reports were requested and there is a ruling relating to land levels as Government planning policy clearly states no further development must be considered on land below 5 metres, ie measurement as deemed a flood risk area
- there is knowledge of a large Victorian land fill tip existing on and near to the proposed development site, therefore, as potential health hazard are known, both Council's have a duty of care to request a full documented investigation, needing to be assured of no harmful emissions and consider the health, safety and well-being of future owners/residents should the development proceed
- there are still concerns over the increased volume of traffic using Commons Road and entering into Stonald Road, especially as the precedent was set by Fenland District Council's Planning department several years ago following full planning permission eventually being granted to the Bassenhally Field development conditioning the number of vehicles using Bowker Way, Commons Road leading into Stonald Road with the stag junction at Plough Road. Fenland District Council Planning Officers only permitted a small number of vehicles to use this highway structure and the majority of traffic was directed out of Yarwells Headlands. Part of

the condition for Bassenhally Field development was to place bollards at the top of Yarwells Headlands to ensure only a restricted number of vehicles could use Bowker Way and Commons Road. Nothing has changed to the road structure and it still has concerns over the potential increase of vehicles generated by the development. Notwithstanding the terms of the officers' report to the Planning Committee, a view was expressed that the density of the site should be reduced given potential traffic generation from the site.

- the majority of concerns may be alleviated if the consultees are made aware that the site is going to be for over 50's - this has not been mentioned previously
- it is appreciated that this has been a lengthy planning discussion process, but as consultees the Town Council has a duty of care and responsibility to protect existing properties as much as any new developments
- officers' comments are that all of the above issues have been taken into account in the recommendation and the site will be regularly monitored under Site Licence rules and Planning requirements
- Cambridgeshire Fire and Rescue Service ask that adequate provision be made for fire hydrants. This has already been included as a recommended condition
- the Environment Agency comments that the above-mentioned Flood Risk Assessment includes a drawing showing the extent of Flood Zone 3B in relation to the superseded site plan (drawing ref.EPS/IS/1 220-2), which demonstrates that all of the mobile home in the previous site layout would be located within Flood Zone 1. We consider that this FRA should be revised to take into account the revised site layout, however, it is for your authority to determine whether or not the previously submitted FRA is still acceptable. Notwithstanding the above comments, the proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s), as detailed in the submitted FRA, are implemented and secured by way of a planning condition, as follows:
  - Condition 1 - The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), prepared by EPS, ref.UK11.1004 - final, dated 21 December 2011 and the following mitigation measures detailed within the FRA:

1. All mobile homes will be located outside Flood Zone 3, as detailed in Section 6.0
2. All park homes will be constructed with floor levels raised 500mm above surrounding ground levels, as stated in Section 7.0
3. Future residents will sign on to the Environment Agency's Floodline Warning Direct Service, as recommended in Section 6.3
4. A flood evacuation plan will be produced, as stated in Section 6.3
5. All mobile homes will be securely fastened to the ground, as stated in Section 7.0
6. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven, as detailed in Section 6.2

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. Reason:

1. To ensure 'highly vulnerable' development is not located within Flood Zone 3, in accordance with Table 3 of the National Planning Policy Framework
2. To reduce the risk of flooding to the proposed development and future occupants
3. To ensure safe access and egress to and from the site

Advice to the Local Planning Authority - as stated in our letter dated 1 March 2012 (ref ac/2011/114448/07-I01), we consider that planning permission should only be

granted if the applicant enters a Section 106 Agreement requiring a contribution towards the upgrading of Common Drove drainage channel, and if the five conditions set out in its previous letter are imposed on any planning permission. Officers' comment that the previously submitted FRA is acceptable, subject to the additional condition recommended above and the five conditions set out in the previous consultation response

- the Local Highway Authority recommendations remain those as set out in the original response dated June 2011
- North Level Internal Drainage Board (IDB) are concerned that the conditions are a little contradictory, specifically numbers 3 and 7. If it is to have any chance of persuading the Nene Washlands Committee to take on the maintenance of the outfall from the Common Drove Drain then it is going to need the developer to be discharging directly in to the Common Drove Drain and paying a development levy accordingly. If, as Condition 7 describes, the developer attenuates his outfall to agricultural run-off rates then he will not be required to pay a development levy and hence there will be little or no incentive for the committee to "take over" this watercourse. Officers comments that the removal of Condition 7 has been discussed with the Environment Agency who recommended its imposition in the first instance and in light of this response they are content to see the condition removed. In addition, sustainable drainage methods have always been a concern to surrounding residents in that ground water may percolate onto adjoining property. Removal of the condition will, therefore, assist in resolving the drainage comments by both residents and the North Level Internal Drainage Board
- the Environmental Protection Team note and accept the submitted information and have 'no objections' to the proposed development as it is unlikely to have a detrimental effect on local air quality or the noise climate. The submitted soil investigation is noted and accepted. Based upon the submitted information, Environmental Protection are in agreement that the site does not pose an unacceptable risk to future site users if developed as proposed. Based upon the submitted information no further information regarding contamination is required
- that the National Planning Policy Framework has been fully taken into account on the proposal
- the recommendation remains to grant, subject to prior completion of a Section 106 Agreement in relation to a contribution to the upgrading of the Common Drove Drain with a view to adoption by the IDB and conditions, including deletion of Condition 7 in the officers' report and including the new Environment Agency condition detailed above.

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

- Councillor Miscandlon asked if a one-way system is to be put in place around the site, will there be anything to confirm this to be the case? Officers advised that a planning condition can be added to any consent that signage is placed on site to show that it is a one-way system to be implemented before any unit is occupied;
- Councillor Keane asked if the roadway is to be adopted, there is sometimes problems with rubbish collection and is the roadway wide enough for the refuse collection lorry? Officers advised that they have been informed that the road is wide enough, it meets the model standards for caravan sites, but will not be adopted by the Highway Authority. The proposal has been designed so that the refuse collection lorry can come into the site and stop on its way round, which would have to be by arrangement with Environmental Services;
- Councillor Curtis expressed the view that this proposal is never going to be a perfect solution, the approach road is not in a good state and is unadoptable, but a lot of work has gone into this proposal and it is as good as it is going to get. The drainage scheme is now

acceptable, which is really important to this application, and the proposal will enhance what is, in his view, an awful site. He feels the application should be approved;

- Councillor Mrs French agreed with Councillor Curtis, she queried whether PPS23 has been deleted and is now dealt with under the NPPF and has been taken into account in the conditions? Officers confirmed that PPS23 has been deleted and the NPPF has been taken into account. She also raised concern about lighting within the site. Officers advised that low level lighting is proposed throughout the site and as already proposed on the application there is no separate condition, this lighting is considered to be more acceptable than high level lighting. A further condition could be added if members wished that the lighting be implemented before any unit comes into use;
- Councillor Mrs French asked for reassurance that the caravans would be securely anchored to the ground? Officers advised that there is a condition to this effect on the recommendation;
- Councillor Connor asked if the two trees at the front of the site now have TPO's? Officers advised that this has been undertaken and these trees have lots of space around them away from the unit.

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

**Grant, subject to:**

1. **prior completion of a Section 106 Agreement in relation to a contribution to the upgrading of the Common Drove Drain with a view to it being adopted by the IDB**
2. **the conditions reported, plus two additional conditions relating to one-way signage for vehicles travelling around the site and that lighting on the site is implemented prior to occupation of the park home units.**

(Councillor Mrs Mayor registered, in accordance with Paragraph 3 of the Code of Conduct on Planning Matters, that she had, as Chairman of Whittlesey Town Council and as the site lies within her ward, had considerable input into this application, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillors Curtis and Miscandlon registered, in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that they took part in the discussion of this item at the meeting of Whittlesey Town Council at which it was discussed and stated that they will consider all relevant matters before reaching a decision on this proposal)

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

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

**P143/11**      **F/YR11/0577/F (25.7.2011)**  
**TYDD ST GILES - LAND EAST OF POTENTIAL HOUSE, KIRKGATE, ERECTION**  
**OF 2 X SINGLE-STOREY 4-BED DWELLINGS AND 2 X TWO-STOREY 4-BED**  
**DWELLINGS WITH ASSOCIATED DETACHED DOUBLE GARAGES**  
**(MRS J FINDLAY)**

Minute P61/11 refers.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey expressed his confusion as this application was approved 10 for, 3 against at the Planning Committee meeting on 19 October 2011 and the minutes state that it was "Granted, subject to suitable conditions to include a unilateral agreement in relation to the provision of a footpath from the development to the existing footpath on Kirkgate", therefore, the principle has been agreed and asked why it has been brought back to committee for conditions when it has already been agreed as the minutes state.

Mr Humphrey expressed the view that it has taken six months to bring the conditions back to committee and he has builders waiting to "sign on the dotted line" to start on site, and it was hoped that it would be quicker than this. He hopes members would agree the conditions and the development of four executive dwellings can commence.

Councillor Mrs French made the point that Mr Humphrey raised concern about the time lapse, but the application was subject to a unilateral agreement for a footpath, therefore, permission would not have been granted unless the footpath has been provided and asked when the footpath will be completed? Mr Humphrey was not in a position to provide a timescale. Councillor Mrs French stated that the reason this application has come back to committee is that officers have to be satisfied that the footpath is in place and up to an acceptable standard.

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

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

**P144/11**      **F/YR11/0982/F (20.12.2011)**  
**WISBECH - FORMER WISBECH VEHICLE EXCHANGE, LAND WEST OF 22 OLD**  
**LYNN ROAD, ERECTION OF 9 X TWO-STOREY DWELLINGS COMPRISING 6 X 2-**  
**BED AND 3 X 3-BED DWELLINGS**  
**(MR J FITT)**

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 applicant has submitted a revised set of plans which show the omission of some paving and a revised bedroom window design on the 3-bed house in order to improve privacy
- the applicant advises that the access road to the site will be engineer designed and constructed to highways standard for estate roads and that the Council's Refuse Service would be indemnified to use the access for refuse collection absolving them from any claim for damage to the road surface or sub-structure - this being in accordance with the Council's Refuse and Recycling Team's standard requirements
- the agent notes the County Archaeologist considers the site has high potential for archaeology but a condition for such was not appended to the previous approval. He asks that if the committee is mindful to approve the application the County Archaeologist be

granted a "maximum watching brief" when work commences. The agent feels this would be justified due to the considerable disturbance to the site already carried out for the erection of the current buildings and drainage works

- the agent has also submitted 18 details of names and signatures from Old Lynn Road in support of the application
- the revised design does not deal with the fundamental issues as set out in the recommendation. The access and bin collection arrangements are noted. It would be inadvisable to disagree with the County Archaeologist recommendations. The supporting contributions are noted.

Members received a presentation, in accordance with the public participation procedure, from Mr Fitt, the applicant for the proposal. Mr Fitt expressed the opinion that disparaging comments have been made about the proposed layout and it has only changed slightly from the previous approval.

Mr Fitt expressed the view that the form and development should have no adverse impact on the street scene and the proposal is of a good standard in accordance with PPS3 in the report for the previous scheme. He stated that the distances between the properties on Jeffrey Avenue are the same, with the omission of the three-storey element, removal of three large roof windows, reduction of two dwellings and four bedroom spaces and this proposal being 2.5 metres lower compared to the previous scheme.

Mr Fitt made the point that all properties now have a rear access, which they did not on the previous scheme, and it has been stated there is inadequate parking, but this is the same as the previous scheme. He expressed the view that small garden areas are being deemed unacceptable for family use, but referred to a similar development in March which has similar garden areas to this proposal and was acceptable.

Mr Fitt made the point that he can reinstate the previous application for 11 dwellings or use the site for its current use, contesting, in his view, the unsubstantiated claim that the previous application is extant, stating that it has started due to commencement of demolition of the buildings on site.

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

- Councillor Mrs French asked for clarification on whether the 2007 application is extant or not? Officers advised that the application has expired, the 2007 description did not include demolition of buildings and there is no indication on file that any conditions have been discharged. Officers would be happy to speak to the agent/applicant about this issue and for them to provide evidence as to why they feel the application is not extant;
- Councillor Mrs French referred to PPS1 changing in 2010 to stop over-development, with density standards previously being 30 and this proposal being 50 houses per hectare. She asked if the emerging Core Strategy and NPPF have taken precedent over the original planning application in 2007? Officers advised that the policy framework has changed since the original application and weight can be given to the emerging Core Strategy and NPPF;
- Councillor Curtis referred to the assumption that the previous application has not been started, which based on the evidence on site and advice given, has not. The agent states that there would be no adverse impact from this proposal, but the NPPF refers to improving the character of the area. He feels that the issue of parking has significantly changed since the original approval and, in his view, the proposal lacks any element of design flair or quality. He supports officers' recommendation;

- Councillor Mrs Newell made the point that how could 11 dwellings be approved on the site, but an application for 9 dwellings is now being refused, whatever policies were in existence? Councillor Mrs French stated that planning policies have changed, which is a material consideration, and just because a site has planning permission in the past does not mean it will obtain it again;
- Councillor Miscandlon expressed the view that the lack of parking on the site is a recipe for disaster. Officers advised that the issue of parking is not only the tandem car parking arrangement, but also the way in which the car parking relates to one another, with cars potentially backing into one another as the whole development is cramped and tight. Councillor Miscandlon asked if the car parking meets the criteria for the number of dwellings? Officers advised that concerns have been raised the Local Highway Authority that there are insufficient car parking spaces;
- Councillor Scrimshaw stated that he is in favour of the principle of development on this site, but he would not be supporting this proposal as he has concerns over, in his view, the extremely bad design, overlooking of properties, car parking and the affect on adjoining residential properties;
- Councillor Quince expressed the opinion that he feels that the design of site is poor, there is a lack flair and it needs something else.

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

**Refused for the following reason -**

**the proposed layout and design of the development by reason of its open and hard paved appearance provided along the Old Lynn Road site frontage, which contains very limited mitigating landscape features, the cramped nature of the layout including the provision of relatively small private rear gardens, the close positioning of dwellings within the site, and the close proximity, height and massing of the proposed dwellings in relation to both proposed and existing dwellings within and adjoining the site, is considered to have an unacceptable impact on the character and appearance of the locality as well as a significant loss of privacy and overbearing impact on existing and proposed dwellings in and around the site. The proposal, therefore, fails to accord with Policies H3 and E8 of the Fenland District-wide Local Plan (1993) and the national planning policy guidance contained in the National Planning Policy Framework relating to the design of new housing development.**

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

**P145/11      F/YR12/0033/F (16.1.2012)  
WIMBLINGTON - LAND WEST OF 9 MARCH ROAD, ERECTION OF TWO-  
 STOREY 4-BED DWELLING WITH DETACHED GARAGE AND FORMATION OF A  
 NEW VEHICULAR ACCESS TO 9 MARCH ROAD INVOLVING THE DEMOLITION  
 OF THE EXISTING GARAGE  
(MR AND MRS G DHILLON)**

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.



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

- Councillor Mrs French stated that she does not have a problem with the development, but does have concerns over it being two-storey with a balcony, therefore, she cannot support it. She requested that the applicant submits an application for a bungalow;
- Councillor Mrs Mayor agreed with Councillor Mrs French stating that she would not like to see a two-storey property on this site. She does also have reservations about another access onto Wimblington Road, but acknowledges that the Local Highway Authority have stated that this is acceptable;
- Councillor Keane asked if there were any further comments from the Middle Level Commission? Officers advised that there were no further updates;
- Councillor Quince expressed the opinion that a bungalow would be more suitable on this site;
- Councillor Curtis disagreed with the comments of Councillor Mrs French, he can understand the concerns in terms of the balcony, but feels this can be overcome with conditions on glazing and obscuring views, and he thinks the plot is far enough away from other development to be acceptable and is of a good design.

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

**Refused for the following reasons -**

1. **The proposed two-storey dwelling by virtue of its design is not considered to reflect and would be out of keeping with the character of the surrounding area. The proposal is, therefore, considered to conflict with Policies H3 and E8 in the Fenland District-wide Local Plan.**
2. **The design of the proposed two-storey dwelling is considered to be unacceptable by virtue of the potential for overlooking of adjacent properties from the proposal and is thus considered to be detrimental to the amenities of neighbouring properties. The proposal is, therefore, considered to conflict with Policies H3 and E8 in the Fenland District-wide Local Plan.**

Members do not support officers' recommendation of grant of planning permission as they feel that the proposal would have a detrimental impact on the surrounding area.

**P146/11      F/YR12/0150/F (22.2.2012)  
MANEA - THE SHIP INN, PURLS BRIDGE DROVE, CONVERSION OF EXISTING  
PUBLIC HOUSE INTO 2 X TWO-STOREY 3-BED DWELLINGS  
(MR W BISHOP)**

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.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey referred to the comments of the Evaluation and Estates Officer within the officers' report who states that there has been "no evidence of advertising and marketing submitted", which he feels is misleading as a copy of the UK Pub Sales letter was included with the application informing the Council where the public house had been marketed, showing 7 enquiries, no viewings and no offers.

Mr Humphrey expressed the opinion that in relation to officers stating that the public house is overpriced, the applicant takes professional advice and put it on the market for £350,000 as advised by UK Pub Sales. He stated that the accounts have been made available, an amended Design and Access Statement has been submitted, which show that profits have declined since 2006, with the public house now only opening two days a week, and two previous owners have tried to run the pub but have failed.

Mr Humphrey questioned why the Council thinks the public house should be a success, asking what is its expertise in running pubs? He reiterated that the applicant is losing money, as much information as could be provided has been and a third party report has not been commissioned as it is difficult to fund when a business is in decline.

Mr Humphrey expressed the view that there used to be 17 public houses in Manea, now there is only this one and one in the village, and this public house obtains very little passing traffic, with you having to drive to it to access it. He hopes that members would support the proposal.

Councillor Mrs French asked Mr Humphrey what is the date of marketing in the letter he was referring to? Mr Humphrey advised 1 July 2011. Councillor Mrs French expressed the view that she would have thought, due to his expertise, that one advert is not sufficient and does not justify proper marketing. Mr Humphrey advised that the property has been advertised for 12 months and this letter is a snapshot showing one month's marketing.

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

- Councillor Mrs French sympathised that business is not good, but made the point that there has to be proven evidence to allow a public house to close down. She feels that the business used to be very successful, she does not know what has happened for it to decline, but feels if it had been marketed correctly it could be supported;
- Councillor Scrimshaw expressed the view that specialist rural pubs can survive if run well, but no evidence has been provided by the applicant or agent that this could not be the case in this location;
- Councillor Keane made the point that at one time you had to book up weeks in advance to eat in this public house;
- Councillor Connor disagreed with the views of Councillor Mrs French, feeling that everyone has to earn some money and he cannot see why the applicant cannot be granted their wishes, asking what the applicant should do if he cannot make a profit;
- Councillor Mrs French reiterated her sympathy, but that there is no proof and evidence, with there been strict criteria on how these businesses should be marketed. She feels that the applicant should come back with evidence to show that the business has been marketed properly;
- Councillor Connor expressed the opinion that he is sure the applicant, as a businessman, would not be running the pub down on purpose and if there is a profit to be made he would make it;
- Councillor Curtis expressed the view there are occasions where pubs cannot be justified in closing, but before important facilities such as this are lost consideration needs to be given to the long-term viability, as once it is gone it is gone for ever, and he does not see enough evidence to make this decision now.

P200

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

**Refused for the following reason -**

**the proposal fails to demonstrate that a comprehensive marketing exercise has been undertaken, nor has the application demonstrated that the existing facility is not viable contrary to advice contained within the National Planning Policy Framework and Policy CS10 of the emerging Core Strategy (draft consultation July 2011).**

*(Councillor Curtis declared a personal interest in this application, by virtue of being a member of the Campaign for Real Ale which is against pub closures)*

**P147/11      F/YR12/0170/F (2.3.2012)**

**WISBECH - 6 HILL STREET, CHANGE OF USE FROM A1 TO 2-BED DWELLING**  
**(MR J BRUCE)**

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 additional information has been provided by the applicant:

- an element of uncertainty exists concerning the availability of rear access to the property and this has not been clarified. The applicant maintains that the closed off doorway (in side elevation) into the rear yard of No.8 can be used to provide rear access from New Bell Lane, however, the owners of No.8 have stated that there is no right of way across their yard for the occupiers of No.6. No title documentation has been provided by either party to evidence their claims
- the applicant has stated that if he cannot use the side door of the property into the rear yard of No.8 he will open a doorway in the rear elevation of No.6. There is evidence to show that a doorway has been bricked up in the rear elevation. Effectively this means that a rear access can be provided, but there is no private amenity space for the proposed dwelling
- the applicant wishes to clarify that the current tenant has been in place since 1982. In August 2009 the tenant gave notice that they would be vacating the premises in May 2011. Since then the property has been placed with a business rental agency and has not attracted any interest. To avoid dereliction and a non-secure situation the applicant negotiated an interim arrangement with the tenant to remain in occupancy at a reduced rent on the understanding that the premises would be vacated immediately if a new tenant is found or a sale secured
- due to market conditions the applicant is seeking a residential option for the property and it is argued that the internal layout and frontage will remain virtually unchanged.

Members received a presentation, in accordance with the public participation procedure, from Mr Bruce, the applicant for the proposal. Mr Bruce advised members that he has been the owner of 6 Hill Street for the past 30 years and was originally the owner of No.8. He has let No.6 since 1982, but the current occupiers gave notice on 29 August 2009 and since that time the property has been advertised with an agency, without any takers, and he asked the current occupier to remain in the premises on a reduced rent.

Mr Bruce expressed the opinion that he thought it would be a good idea to increase the marketability of the property by having an alternative use for it as a two-bed town house, as since the Horsefair development there have been too many empty shops in Wisbech and he knows of other premises which are having difficulty in being rented, with the premises next door to No.6

being empty since 2009. In relation to the rear access, he expressed the view that the doorway into the rear yard into No.8 is not bricked up but boarded up as the door frame is falling into disrepair, the electric meter is read every quarter in this vicinity and he feels sure the conveyance would have given rear access via No.8 when he sold it.

Mr Bruce referred to the fact that there is housing on the north side of Hill Street as well as businesses and, in his view, this proposal would not set a precedent as Hill Street is a secondary shopping area. He stated that amenity space for bins could be provided by making openings in the wall to provide the spaces.

Mr Bruce requested that members go against officers' recommendation and allow the application with conditions.

Mr Miscandlon asked if it is Mr Bruce's intention to open up the bricked up doorway to rear of property to the left of the window? Mr Bruce advised only if it cannot be legally proved that the doorway already in existence cannot be used. A copy of the conveyance has been requested, but it was only raised as an issue a fortnight ago. He made the point that the existing doorway has been used for over 25 years and believes that a right of access exists anyway if it has been used for over 20 years.

Members received a presentation from Councillor Farmer, who opposes the application. Councillor Farmer made the point that the application site is within his ward and he feels that it is an excellent report by officers, well reasoned, argued and coming to the correct conclusion. He disputed whether this area is not part of the primary shopping area as he feels the primary shopping area is the centre of town and the roads off it.

Councillor Farmer stated that he cannot recall any similar applications for conversion of a shop into residential within this area and he requested that members resist it and anything similar that is submitted. He feels it is a serious matter if shops are converted into residential as it creates a break in the shopping experience and shoppers do not carry any further along the road to other shops.

Councillor Farmer expressed the view that there are a lot of empty shops in Wisbech as being inaccurate, as beside those that are burnt out or derelict which are not viable, there are only three empty shops in the whole of Wisbech. In his view, for the town centre to remain vibrant and relevant it needs empty shops so that entrepreneurs can move into them and small businesses can develop. He urged members to support officers' recommendation.

Councillor Hatton asked Councillor Farmer would Wisbech Town Council like to see empty shops, making the point that this shop has been on the market for over a year with no takers and the one next door being empty for over two years. Councillor Farmer reiterated that some empty shops are needed, but he feels that these shops are empty due to the rents that are being charged and that they should have 'To Let' signs displayed.

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

- Councillor Curtis stated that he does support officers' recommendation as he feels that if shops need to be converted it should be undertaken in a master planning approach, not piecemeal, as the shopping experience will be ruined. He referred to Section 2 of the report which states that on a pre-application enquiry the change of use could be supported, which is why the application was submitted, asking on what basis was this advice determined as he does not believe planning policy has changed much in relation to whether this site is acceptable for residential development? Officers advised that pre-application advice is an

informal opinion, officers have to look at the balance and weight given to various elements; in terms of planning policy, the Fenland District-wide Local Plan and the draft Core Strategy, which do not provide a view on changing the use of retail to residential, and the character and viability of the town centre, which is covered by the NPPF, in that this area is an important commercial area of Wisbech, which leads officers to the conclusion to refuse;

- Councillor Mrs French agreed with Councillor Curtis as she would have thought that if the proposal was either end of the street it would have been supported, but not in the middle as when you get to a residential property people think there are no shops further on. She does sympathise with the applicant, but believes officers have got this decision right;
- Councillor Miscandlon expressed concern about the location of the wheelie bins, with the applicant stating that he would cut a hole in the wall to locate them, which if he did would not leave much premises and he feels that no realistic plans or proposals have been put forward in this respect;
- Councillor Bucknor stated that Wisbech is a historical town, it is trying to improve the shopping experience in the town centre and this type of development would not assist with this. He would recommend that the officers' recommendation is supported.

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

**Refused for the following reason -**

**the introduction of a residential use on the southern side of Hill Street, which has predominantly retail uses at ground floor level, is considered to give rise to adverse impacts in relation to the vitality and viability of this area of the town centre located adjacent to the Primary Shopping Area and offering a variety of independent outlets. Furthermore, the lack of any outdoor amenity space is considered to give rise to a development which fails to provide a good standard of amenity for the future occupiers of the building. As a result the proposal is contrary to the provisions of the National Planning Policy Framework.**

(Councillor Oliver declared a personal and prejudicial interest in this application, by virtue of owning business premises next door to the application site, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Hatton declared a personal interest in this application, by virtue of knowing another neighbour of the application site as well as Councillor Oliver)

(All remaining councillors present declared a personal interest in this application, by virtue of knowing Councillor Oliver)

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

**P148/11 F/YR12/0173/F (28.2.2012)**  
**GUYHIRN - LAND WEST OF THE LODGE, MOUTH LANE, ERECTION OF 1 X 4-BED TWO-STOREY DWELLING WITH DOUBLE GARAGE AND OUTHOUSE**  
**(MR AND MRS J AND R EMBLING)**

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:

- at the request of Councillor Scrimshaw his "call in" reason has been reproduced in full:
  - "I wish to call in the application to allow members to assess the developments effect on the surrounding area and consider it alongside the Leader's Interim Planning Policy Statement No2 and new government policy"
- amended plans have been received to show the removal of the wind turbine from the proposal and to incorporate the points raised by the Local Highway Authority relating to the improvement of the access
- the Parish Council support the development and recommend approval
- Cambridgeshire County Council's Highways Development Control team state that the highway related issues have been satisfactorily addressed on the amended plan
- the Council's Environmental Protection Team has no objection
- the agent has indicated on the biodiversity checklist that a number of wildlife surveys have been undertaken on the site. In the light of the consultation responses from English Nature and neighbours indicating that the proposal could impact on protected species, the agent was asked to submit the details of the surveys and the results. The agent's response indicates that he carried out the surveys by inspecting the site and that no species were found, therefore, cannot supply any further information. It would be useful for experts in particular species to carry out the surveys and provide detailed reports. In addition, the proposal does not incorporate into the design features bird boxes or roosts for bats to mitigate any impacts caused as a result of development.

Members received a presentation, in accordance with the public participation procedure, from Mrs Newland, an objector to the proposal. Mrs Newland informed members that she lives at The Lodge and Mouth Lane is one mile in length, it has 17 properties on large sized plots and Guyhirn is over a mile away.

Mrs Newland stated that occupants of Mouth Lane chose to live there as it is in a quiet setting, outside the village and outside the Development Area Boundary. She is speaking on behalf of her family who chose to live in this area as it has no near neighbours and they have livestock, expressing concern that this proposal is in close proximity to her property and her animals could cause problems to any occupiers.

Mrs Newland expressed the view that if the application is successful it would set a precedent along Mouth Lane. She asked that the application be refused leaving this part of the Fens countryside unspoilt.

Councillor Mrs French asked Mrs Newland what animals she has? Mrs Newland advised that she has sheep, racing pigeons, horses, chickens and a dog.

Members received a presentation, in accordance with the public participation procedure, from Mr Hodson, the applicants' agent. Mr Hodson referred to the Interim Planning Policy Leadership Statement (IPPLS) 2 in relation to executive housing and, in his view, this site fits the bill for executive housing, with Mouth Lane having many other properties of all sizes, with one larger than this proposal, and he feels Mouth Lane could not be described as open countryside, with it being almost a village.

Mr Hodson stated that the land is old scrubland and there used to be cottages on the site, but there is no evidence of them now. On the pre-application enquiry he submitted a traditionally

designed Fenland farmhouse and was informed by officers that the design of the proposal must be of exceptional quality to constitute a departure from the Development Plan and this was not acceptable, therefore, he produced the proposal before members today which, in his view, is different and qualifies as executive.

Mr Hodson expressed the opinion that the proposal provides generous accommodation, sits well on the site, has a low carbon footprint and there is a bus stop and shelter approximately 100 metres from the site. He stated that he submitted a two page bio-diversity report with the application and has only been advised today that a more substantial report needs to be submitted, on which he would be happy to accept a condition.

Mr Hodson made the point that the report makes no reference to the Leader's Statement and that both the Local Highway Authority and Parish Council find the proposal to be acceptable. He stated that he would be happy to change the render to brick if members preferred it and to accept a less formalised landscaped garden.

Mr Hodson acknowledged that the dwelling would be different, but asked members to be bold and support his clients by approving the application.

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

- Councillor Mrs Newell referred to the fact that officers have stated that an application on the site was dismissed on appeal and asked when this was? Officers advised in 2005. Councillor Mrs Newell made the point that the appeal, although mentioned in the report, is not referred to in the history section;
- Councillor Scrimshaw referred to the 'Other Matters' section of the officers' report where it says that if this development is approved it could lead to other developments, making the point that one application should be dealt with at a time and any others that could be submitted in the future would be determined at that time. Officers agreed, but advised that the character is very similar along this road so it could apply to all the frontages;
- Councillor Curtis expressed the view that the principle of IPPLS is right in an area where there is a genuine deficit, but it does have to be in the right location and approving this proposal could lead to development that would change the character of Mouth Lane, which is important. He believes, from this perspective, officers' are correct in their recommendation. In relation to design, he feels it lacks flair and has no 'wow' factor. He is pleased that the wind turbine aspect has been removed from the proposal;
- Councillor Mrs French agreed with Councillor Curtis and stated that IPPLS 2 is for executive housing, but she does not believe that this site is one of them and it would be setting a dangerous precedent if the application was approved;
- Councillor Stebbing referred to 'wow' factor and that you only have to go further down the lane to a large country house together with a barn conversion, which he feels has the 'wow' factor, which this proposal does not.

Proposed by Councillor Curtis, seconded by Councillor Stebbing and decided that the application be:

**Refused for the following reasons -**

1. **the proposed development, which is located outside the Development Area Boundary of Guyhirn, will be situated within open countryside which forms the rural character**

of this part of the village and it is considered that the scale and form of development will be visually intrusive and will fail to assimilate into the rural landscape. As a result the proposal is contrary to the provisions of the National Planning Policy Framework and Policies E1, H3 and H16 of the Fenland District-wide Local Plan. Furthermore, it is considered that the special circumstances required in Paragraph 55 of the National Planning Policy Framework have not been adequately demonstrated to justify the approval

2. the proposal fails to demonstrate that all biodiversity issues have been addressed in line with the requirements of the National Planning Policy Framework.

(Councillors Curtis and Murphy declared their respective personal interest in this application, by virtue of the agent being a Independent member of the Roddons Board of which they are also members)

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

**P149/11      F/YR12/0217/FDC (16.3.2012)  
**CHATTERIS - SOUTH FENS ENTERPRISE PARK, FENTON WAY, DISPLAY OF  
**TWO NON-ILLUMINATED FASCIA SIGNS TO WEST ELEVATION  
**(MR T WATSON, FENLAND DISTRICT COUNCIL)********

Officers informed members that the Town Council note the application.

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

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

(All members present declared a personal interest in this application, by virtue of the applicant being Fenland District Council)

**P150/11      WISBECH - LAND SOUTH-EAST OF 11 SIXTH AVENUE - TPO 12/2003**

Members considered revocation of a Tree Preservation Order (TPO), TPO 12/2003, at land south-east of 11 Sixth Avenue, Wisbech given that it has been superceded by TPO 08/2011. Members were informed that:

- following review of the site it became apparent that the historic TPO did not reflect the species and location of trees in situ. Furthermore, the owner noted that the 11 Sycamores referred to in the document had never existed on the site;
- the site was surveyed and the trees assessed by the Council's Tree Consultant who recommended that a new TPO be prepared which reflected the on-site situation;
- given that the original TPO refers to two 'Groups' of trees and does not plot individual trees and their locations it is not possible to ascertain where and how the discrepancy has occurred;
- the earlier TPO has been superceded by the more recent TPO, approved under delegated powers, and it is considered essential that the TPO and the Council's records should reflect the on-site situation, therefore, it is recommended that authority be given to revoke TPO



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12/2003;

- the revocation of any confirmed TPO falls outside the Scheme of Delegation and as such this matter has been referred to committee for consideration.

Councillor Curtis stated that he has no problem with this revocation, he feels that grouping trees in a TPO is not a good way of conserving and protecting trees and he is aware that some more of these reports will be coming forward. Officers advised that when officers visit a site, they ascertain whether a TPO exists and is current and spare capacity is being used to revisit some of the existing TPOs.

Proposed by Councillor Mrs French, seconded by Councillor Stebbing and **decided that TPO 12/2003 be formally revoked.**

4.40pm

Chairman