

# PLANNING COMMITTEE



**WEDNESDAY, 18 JULY 2018 - 1.00 PM**

**PRESENT:** Councillor A Miscandlon (Chairman), Councillor S Clark (Vice-Chairman), Councillor S Court, Councillor A Hay, Councillor D Laws, Councillor P Murphy, Councillor F Newell and Councillor W Sutton,

**APOLOGIES:** Councillor D Connor and Councillor M Davis,

Officers in attendance: David Rowen (Development Manager) and Stephen Turnbull (Legal Officer)

## **P9/18      PREVIOUS MINUTES**

The minutes of the meeting of 20 June 2018 were confirmed and signed.

## **P10/18      PLANNING ENFORCEMENT UPDATE - NEW BRIDGE LANE, WISBECH.**

Stephen Turnbull updated members on the enforcement action taken by the Council in relation to the site in New Bridge Lane, Wisbech. He confirmed that following a further court hearing on 13 June 2018, a full injunction was granted to prevent any person or persons, carrying out works for the creation of a caravan site. He added that the owner of the site had given a formal undertaking to the Court in support of this.

## **P11/18      F/YR17/0548/F - LAND WEST OF 338 AND LAND SOUTH EAST OF 344 MAIN ROAD, CHURCH END, PARSON DROVE - CHANGE OF USE OF BARN TO TEA ROOM AND AGRICULTURAL LAND TO TI-PEE CAMPING SITE AND ERECTION OF 2X2 STOREY 5 BED DWELLINGS WITH INTEGRAL GARAGE (PLOT 1) AND DETACHED DOUBLE GARAGE (PLOT 2).**

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

David Rowen presented the report and update to members.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Alan Dixon (the Applicant).

Alan Dixon explained that he had been involved with the site since the age of fourteen and had been responsible for creating multiple habitats for wildlife throughout the farm. He said he was passionate about the site and his proposed plans are of a positive nature and will not cause harm to anybody. He explained that he currently runs free woodland walks on the site for members of the public, with over 550 people attending. He is keen to encourage the local community to explore the wildlife in the area and said the walks had received positive feedback from those that attended. He added that the local village school had attended the farm and he is keen to engage with them further, if planning permission is approved to expand the site. He informed members that although the planning application is for thirteen Ti-pee's, he feels ten would be a comfortable amount for the site without impacting the surrounding habitat. He confirmed that work will be carried out to the entrance of the site in order to improve safety, if planning permission is granted.

Members asked Alan Dixon the following questions;

1. Councillor Mrs Laws said the site visit had allowed her to understand the vision Mr Dixon has for the site. She said it was positive that he had engaged with the local school and would be interested to see this progress further. She asked for confirmation that the business element of the proposal would commence prior to the development of the dwellings, as discussed in the report. Alan Dixon confirmed this was correct.

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

1. Councillor Murphy said Parson Drove and Church End are distinctly separate settlements and have developed in a predominantly linear form along the main road. He said the southern side of the road has remained undeveloped, as it is considered outside of the settlement boundary. He highlighted that the site is located in Flood Zone 3 and said public representation had discussed that the development would be built outside of the built-up area and would exceed the permitted limit for residential developments in the village. He said in regards to the Fenland Local Plan (FLP), the scheme does not comply with policy LP3 as Church End is another village where development is considered on its own merits, but would normally be limited in scale to single dwellings. He believes the proposed residential element of the application is not in accordance with LP12 as development would lead to the erosion of an important open-frontage and this could set an unwelcome precedent for future applications. He said policy LP16 would be contravened if the application is to be approved, as the dwellings would not make a positive contribution to the local distinctiveness of the area. He said policy LP3 restricts development in the open countryside and the proposal cannot comply with LP12 or LP16. He said the threshold for development in Church End has been exceeded and policy LP3 restricts development in Church End to single in-fill sites. He believes development of the land would lead to erosion of the frontage which would be detrimental to the character and appearance of the area and would set an unwelcome precedent.
2. Councillor Mrs Hay agreed with Councillor Murphy's comments and said if the application was purely for dwellings, members would reject it on this basis. She said that whilst she would approve the tourism element of the site, she does not support the dwellings.
3. Councillor Sutton agreed but said members should consider this a holistic application. He believes the site benefits from a natural boundary and therefore supports the application.
4. Councillor Mrs Laws explained that if the application was purely for two dwellings, the application would be refused based on the issues raised. Whilst she applauds the projects undertaken on the site, she is concerned that the tourism element of the application does not outweigh the issues she has with the residential development aspect.

**Proposed by Councillor Sutton, seconded by Councillor Sam Clark and decided that the application be APPROVED as per the officer's recommendation.**

**P12/18 F/YR18/0233/F - LAND NORT OF ALLENDALE, MILL HILL LANE, MARCH - ERECTION OF 2X2 STOREY 4 BED DWELLINGS WITH ATTACHED GARAGES INVOLVING DEMOLITION OF OUTBUILDINGS.**

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

David Rowen presented the report to members.

Members received a presentation in support of the application in accordance with the Public Participation Procedure, from Chris Walford (The Agent).

Chris Walford explained that prior to the submission of this application; pre-application advice had been sought on a similar layout but for three-dwellings. Following discussions with the Tree Officer, the design was re-worked to overcome any issues raised. He highlighted that whilst the pre-application advice is over a year old, there have been no policy changes in this time. He confirmed that a specialist tree report had been carried out in order to show members that the development would have no adverse impact on the sites trees. He hoped the concerns raised by local residents, had been satisfied by the report findings and reminded members that a similar outline application had been recently been approved for a development located south of the proposed site. He concluded that the development would cause no adverse impact on the character or residential amenity of the area and asked members to support the officer's decision to grant planning permission.

Members had no questions for Chris Walford.

Members asked questions made comments and received response as follows;

1. Councillor Mrs Laws said as the proposal has gained approval from March Town Council, complies with the Neighbourhood Plan and has received no objections from the statutory consultees, the application should be approved.
2. Councillor Sutton said whilst he is not in favour of development on this site, there is no planning reason to reject the scheme.
3. Councillor Mrs Newell asked if any archaeological tests had been carried out on the site. David Rowen confirmed that this is would be covered under a condition if planning permission is granted.

**Proposed by Councillor Mrs Laws, seconded by Councillor Sutton and decided that the application be APPROVED as per officer's recommendation.**

**P13/18 F/YR18/0466/F - LAND SOUTH OF 92 ELLIOTT ROAD, MARCH - ERECTION OF 2 X SINGLE STOREY 3 BED DWELLINGS INVOLVING DEMOLITION OF GARAGE AND OUTBUILDINGS.**

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

David Rowen presented the report and update to members.

Members received a presentation in objection to the application, in accordance with the Public Participation Procedure, by Colin Richards.

Colin Richards said he is speaking as a concerned resident who will be negatively affected by the proposed development. He highlighted that both March Town Council and this Committee had previously rejected an application for development on this site. He showed members photographs of his garden which regularly floods during rainfall and believes this is caused by a pond that was once on the proposed site. As a result of this, he does not believe that even installing soakaways on the proposed site will prevent this from happening in the future. He explained that the suggested site entrance will be narrow and hazardous to vehicles entering and exiting the site. He highlighted that Elliott Road already suffers from congestion due to parked vehicles and believes this will only worsen if approval is granted. Due to his property's proximity to the site, his privacy will be lost and he will suffer from noise pollution as the suggested parking areas for the dwellings are adjacent to his garden. He said Elliott Road currently has several sites with planning permission granted however the infrastructure has not been updated to cope with the impact of these developments and their residents.

Members asked Colin Richards the following questions;

1. Councillor Mrs Laws asked Colin Richards if the flooding in his garden had worsened over recent years. Colin Richards explained that he had lived in his property for thirty-seven years and the flooding had worsened during this time. He clarified that the photos he had shown members were of his garden after only a normal level of rainfall.

Members received a presentation in objection to the application, in accordance with the Public Participation Procedure, by Councillor Mrs Jan French.

Councillor Mrs French explained that she had been a Ward Councillor for over twenty years therefore was well aware of the flooding issues in Elliott Road. She clarified that the photos of Colin Richard's garden were taken during a period of normal rainfall and not during the flooding the area suffered in 2014. She highlighted that March Town Council are against the application due to the flooding issues and said the Environment Agency have not managed to resolve the problem either. She views the proposed site as 'backland' development and said the Council had promised to stop this type of development as part of the National Planning Policy amendments in 2010/11. Councillor Mrs French reminded members of the previous planning application on the site and asked them to reject this application on the same basis.

Members had no questions for Councillor Mrs French.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, by Chris Walford (The Agent).

Chris Walford clarified that the previous outline planning application had been submitted by another agent and was refused on the grounds that not enough information was given to members. He has now submitted a detailed scheme that, in his opinion, proves the site can be successfully developed. He highlighted that the private amenity space has been increased and said his client acknowledges the drainage issues on site and is happy to accept to a drainage condition if planning permission is granted. Regarding the concerns of 'backland' development, he said the policies mentioned do not stop this but suggest sites are assessed on an individual basis. He highlighted that locally, there are many developments in similar cul-de-sac locations and asked members to support the application.

Members had no questions for Chris Walford.

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

1. Councillor Mrs Hay said she saw very little difference between the previously rejected application and the application being considered today. She confirmed the decision notice for the previous application had stated that; 'the development proposed by virtue of its 'backland' location would be at odds with the prevailing pattern of development in its vicinity of the site and would therefore fail to make a positive contribution to the local distinctiveness and character to the area, contrary to Policy LP16 (d) of the FLP' and 'the development of this site for two dwellings would represent an over intensive form of development which has failed to demonstrate that the amenity of neighbouring residents would not be adversely impacted in terms of loss of privacy and outlook'. As the current application does not address these issues, she proposed members reject the application.
2. Councillor Mrs Laws asked for further information on the pond mentioned by Colin Richards. David Rowen confirmed that he was unaware if a pond had been on the site historically and added that detailed drainage schemes would be submitted to try and alleviate the issue.
3. Councillor Mrs Laws believes the site would have a detrimental visual impact and brings little merit to the area. She agreed that members should reject this application too.
4. Councillor Murphy agreed and said it is 'backland' development with a very narrow site entrance,

5. Councillor Sutton said whilst he had voted to approve the previous planning application on the site, the new application proposes a worse layout than before with much larger dwellings.

**Proposed by Councillor Mrs Hay, seconded by Councillor Mrs Laws and decided that the application be REFUSED against officer's recommendation.**

**The Chairman proposed that the reasons for refusal of this application, be approved by himself and the Vice-Chairman prior to the refusal notice being issued. Councillor Mrs Laws asked that the size of the proposed dwellings is included in the refusal notice. Members agreed. The reasons for refusal being:**

**1) The development proposed by virtue of its 'backland' location would be at odds with the prevailing pattern of development in the vicinity of the site and would therefore fail to make a positive contribution to the local distinctiveness and character of the area, contrary to Policy LP16 (d) of the Fenland Local Plan.**

**2) The development of the site for two dwellings would represent an over intensive form of development which has failed to demonstrate that the amenity of neighbouring residents would not be adversely impacted in terms of loss of privacy and outlook. This would be contrary to Policy LP16(e) of the Fenland Local Plan.**

**3) The proposed dwellings by virtue of their length, orientation and layout within the application site, would be at odds with the distinctive character of the development in the immediate vicinity of the application site, and would therefore be contrary to the requirements of policy LP16 (d) of the Fenland Local Plan (2014).**

**P14/18 F/YR18/0489/F - 1 EXCHANGE SQUARE, WISBECH - RETENTION OF 7NO FIRST-FLOOR WINDOWS (RETROSPECTIVE); REPLACEMENT OF 2NO FIRST FLOOR WINDOWS TO UPVC AND INSTALLATION OF GUARD RAILINGS TO GROUND AND FIRST FLOOR WINDOWS.**

*(Members resolved to exclude the public from the meeting for part of this item of business in so far as it related to confidential papers which were circulated at the meeting on the grounds that it involved the disclosure of exempt information as defined in Paragraph 3 of Part 1 of scheduled 12A of the Local Government Act 1972)*

The Chairman explained that a confidential document would be circulated to members once the registered speakers had finished their presentations. He made the public and press aware that they would be asked to leave the Council Chamber during this time, to allow members deliberation of the document.

David Rowen presented the report and update to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Councillor Steve Tierney.

Councillor Tierney asked members to consider the people they serve and not bureaucracy when considering this application. He said the site deserves special consideration as The Retreat is a fantastic local business working in a tough area where other businesses have previously failed. He explained that he had recently attended a presentation at Meadowgate School where students were celebrating their work with The Retreat. He explained that the owners of the salon work hard to serve the community and he had personally spoken to hundreds of people who support them

and their business. He highlighted that Wisbech Town Council had passed a motion to support the proposed application and the Mayor of Wisbech is in attendance today to show his support too. He said the Deputy Leader of the Council, Councillor David Oliver also backs the application. He said the public opinion is that the Council are putting bureaucratic barriers above helping a legitimate business and he reminded members that the site is located opposite a car-wash and between two nightclubs. The windows installed are attractive and shutters will protect the business from the anti-social behaviour problems they face. He highlighted that windows are expensive to replace when they are subject to vandalism and the Police cannot protect the premises at all times, therefore this application should receive special dispensation as they are in a situation through no fault of their own. He explained that the applicants had employed a firm to install the UPVC windows, who had assured them that they would apply for the appropriate planning permission on the applicant's behalf. This firm is no longer in business and the applicants are left with the consequences of this. He asked members to go against officer's recommendations and send a positive message to the public in relation to protection of local businesses against vandalism. He said the Committee should view this case as an exception. He disagreed that a precedent would be set by granting the planning permission as each application is assessed on its own merits and asked members to make a common sense decision.

Members asked Councillor Tierney the following questions;

1. Councillor Mrs Laws said Councillor Tierney had referenced the installation of shutters however the application is for protective railings. Councillor Tierney said he had made a mistake and corrected his statement.
2. Councillor Court asked if the building is listed. Councillor Tierney confirmed it is not listed but located in a conservation area.

Members received a presentation, in accordance with the Public Participation Procedure, from Mr and Mrs Faulkner (the Applicants).

Mr and Mrs Faulkner thanked members for the opportunity to speak and offered special thanks to Councillor David Oliver for his support. Mrs Faulkner said they had received huge amounts of support from Wisbech Town Council and the public, with over two-thousand signatures in support of their application. She confirmed that they had put their faith in a local firm to install the UPVC windows, who assured them that they had obtained the relevant planning permissions on their behalf. They were devastated to learn that this was not the case and planning permission had not been given. She explained that in the last three years they had suffered more damage to their building than ever before. Due to their location, between two nightclubs, they are prone to acts of anti-social behaviour and decided to change the windows to acoustic, high-quality, double-glazed sash windows to try and prevent further vandalism. She highlighted that 10.3 of the Fenland Local Plan, supports proposals which help reduce crime and confirmed that if the application is refused, they cannot afford to replace the UPVC windows with the same quality timber-frame windows due to the high cost. Because of this, they would have to revert back to single-glazed windows which will have an adverse effect on their health and wellbeing due to the noise of the surrounding premises. She added that nobody had approached them in relation to the UPVC windows and they were only made aware of the issues surrounding these, when they sought advice on replacing the ground floor windows this year. She highlighted that within close proximity of the shop, are buildings with plastic windows, illegal shutters and a fire-damaged listed building nearby too. She argued that these are far more detrimental to the character of the conservation area than the shops windows. Mrs Faulkner said the salon is losing foot-fall and looks an eyesore in its current state, as the boards at the window cannot be removed until the railings are installed due to the high-risk of further vandalism. She explained that the salon had recently styled the Rose Queen's hair as well as donating hair to the Little Princess Trust charity. The salon currently has eight employees of which three are Apprentices and offer work experience to pupils of Meadowgate School too. She concluded that she and her husband are innocent victims in this upsetting situation and thanked members for their time.

Members asked Mr and Mrs Faulkner the following questions;

1. Councillor Mrs Laws asked if they were aware at the time of purchase that the property was located in a conservation area and what this entailed. Mr Faulkner confirmed they were aware of this but did not realise the restrictions.
2. Councillor Mrs Laws asked if the applicants had ever approached the Council about the windows. Mr Faulkner said no as they had entrusted the window company to do this.
3. Councillor Mrs Laws asked if anybody had ever recommended they seek pre-application advice or recommend they submit the application for the windows and railings separately. Mr Faulkner said following meetings with their agent and the Council's planning officers, it was suggested the application be submitted as one application to save the cost of submitting two.

The meeting was adjourned at 2:09 PM to allow members time to consider the confidential papers. The Press and Public were asked to leave the Council Chamber during this time.

The meeting resumed at 2:26 PM. The Press and Public returned to the Council Chamber after the confidential papers were read and discussed by members privately.

Members asked questions, made comments and received response as follows;

1. Councillor Mrs Laws asked for confirmation that the building is subject to an Article 4 too. David Rowen confirmed that properties located in Wisbech and Bowthorpe Conservation areas, are subject to an Article 4. This is imposed on particular areas to restrict certain forms of development. For example, the restriction removes the permitted development right for householders to change their windows and instead states that planning permission must be obtained.
2. Councillor Murphy said he was surprised that the applicants had not considered that planning permission may be required to replace the windows and asked why they had not obtained more than one quote for the work. He said the Council had had a similar situation in another town which had caused many issues which he is keen to avoid happening again.
3. Councillor Mrs Laws said she would have had no issues with granting planning permission for the railings as she agrees that business owners need to protect their premises and feels railings would be suitable both for the protection of the building and aesthetics of the area. She said whilst she understands the financial impact changing the windows would have on the applicants, this cannot be used as a planning consideration. She is mindful that the building is located in a conservation area and is subject to an Article 4 also. She said she is upset to say that she cannot see how this application can be granted on this basis and offered her sympathies to the applicant. She suggested the application should have been submitted as two separate applications and with a heavy heart, suggested the application is refused.
4. Councillor Mrs Hay agreed and added that she had no issues with the installation of railings either. She said whilst she has sympathy for the applicant, their lack of knowledge of the process cannot be a reason to approve permission for the windows. She feels granting the application would set a precedent and therefore she cannot support the application.
5. Councillor Mrs Laws asked if it was possible to make a decision on the railings and windows separately. David Rowen confirmed that split decisions cannot be issued on planning permissions by Local Authorities.
6. Councillor Murphy said this is a terrible situation however granting permission would set a precedent for other similar applications.
7. Councillor Sutton said this decision was one of the hardest he has considered during his time as a member of the Planning Committee. He said members have policies they must adhere to and cannot wear their heart on their sleeves. He was concerned that if they were to grant permission, the wrong message would be sent out to the Heritage Lottery Fund who

invest a lot of money in to improvements in Wisbech. He confirmed that other windows in the area that do not comply with planning policy will be identified and the relevant action taken against them.

8. Councillor Mrs Laws said whilst she understands Councillor Tierney's point regarding assessing applications on a case-by-case basis; this site is located in a conservation area and will set a precedent if it is approved. She said Wisbech has one of the highest amounts of listed properties in the area and they must be mindful of the funds that are granted to the town because of this.
9. Councillor Mrs Newell asked why nothing has been done about the other properties in the area with UPVC windows. David Rowen confirmed that examples of these had been submitted arising from this application however initial investigations showed these windows were unauthorised. He reiterated that dependent on the decision today, officers will investigate these claims further and take the appropriate enforcement action where necessary.
10. All members confirmed that the decision made was with a 'heavy heart'.

Proposed by Councillor Mrs Laws, seconded by Councillor Mrs Hay and decided that the application be **REFUSED** as per officer's recommendation.

2.41 pm

Chairman