

**PLANNING COMMITTEE DATE: 18<sup>th</sup> July 2018**

**APPLICATION NO: F/YR187/0489/F**

**SITE LOCATION: 1 Exchange Square, Wisbech, Cambs PE13 1RA**

**UPDATE:** Wisbech Town Council have advised that at its meeting of 25 June 2018 the following motion, proposed by Councillor Tierney, was debated by members and supported unanimously:

“A local business, The Retreat, has been in a “tug of war” match with Fenland District Council over two issues.

The windows of the premises are continually being broken and the owners of the business would like to be able to install shutters to protect the windows from vandalism. The cost of replacing windows is very high and the local business would simply like a fair chance to protect its property; however, due to the location of the premises, within a Conservation Area, Fenland District Council (FDC) has refused to allow the installation of shutters.

The windows which were installed upstairs at this property several years ago, which the owners were led to believe by their contractor were in order, have also fallen foul of FDC. The owners of The Retreat are being told that they cannot have these windows, despite the fact that they look very nice and were never installed with any intention of breaking any rules. The cost is prohibitive.

Although Wisbech Town Council values the heritage of the town and understands the need for a Conservation area, it does feel that:

- (a) reasonable concessions should be made to allow businesses to protect themselves
- (b) the rules are not fairly enforced to all businesses, creating a feeling of unfairness
- (c) the Conservation Area rules have gone too far and are stifling business success and growth
- (d) a common sense approach should apply, where situations are unusual like this one.

Wisbech Town Council calls upon Fenland District Council to:

- (a) make an exception for The Retreat and allow retention of the very nice windows
- (b) make an exception for The Retreat and allow the installation of security shutters over the windows to protect them from vandalism at times when the premises are closed
- (c) consider a comprehensive review of the entire Conservation Area system, with a view to creating one where reasonable precautions like security shutters are within the rules, and to consider relaxing the rules and introducing some flexibility to allow for businesses to thrive and grow without undue and unreasonable bureaucracy”.

The agent has provided confidential information in support of the application which will be circulated to Members at their request.

In addition to the confidential information the following documents have been supplied:

- Screen shot of ‘Change.org’ on-line petition recording 1081 on-line signatures

**UPDATE continued:**

- A further 375 petition signatures. Combined with the original 588 upon submission, results in 963 signatures of support.
- The cover of a local paper focused on the Rose Fair to illustrate that the applicant would like to make known, and proud about, their involvement with Wisbech Rose Fair queens hair for 55<sup>th</sup> Rose fair.
- Letter of support from specialist regarding quality of windows of The Retreat; this letter notes that in his opinion the windows are extremely high quality and one of the more superior products on the market, they have also been made to copy the style of the original windows.
- An email from the WBL Apprenticeship Scheme Supervisor noting that they have worked with the college in supporting apprentices for 3-years and that it will be a shame if they are not in a position to offer apprenticeships for the upcoming year.
- Copies of email exchanges between the applicant and FDC Environmental Health (dating to Spring 2016) identifying that the noise recordings taken from inside the property indicate that the rear bedroom is unsuitable for sleeping in whilst the nightclub is in operation. The FDC team note that the owners do not wish to pursue this matter with the nightclub operators, as they wish to do so in the first instance. Assurances are given by the FDC team that should they wish FDC to intervene they would do their utmost to try and improve the situation.

The additional signatures are noted and as has been acknowledged in the officer report there is clearly a ground swell of support for the applicants; however there is also clear and valid planning reasons to refuse the submission.

Similarly there is no doubt that the applicants support the local community and local training, however again this does not outweigh the planning and heritage considerations of the scheme.

In terms of the window quality and the evidence supplied in this regard the report identifies that the windows are not considered to be the highest quality, as this would be a foil finish, however it does acknowledge that they are equally not a low grade product.

Regarding noise disturbance it is not disputed that the residents suffer residential amenity impacts arising from the nightclub and this matter is currently the subject of a further planning application and an enforcement appeal; however there is nothing to demonstrate that the same levels of noise amelioration could not be achieved through double glazed timber framed windows.

**Recommendation: Refuse as per recommendation on pages 60-61 of the agenda**