

# PLANNING COMMITTEE



**WEDNESDAY, 13 DECEMBER 2023 - 1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner, Councillor P Hicks and Councillor S Imafidon,

Officers in attendance: Nick Harding (Head of Planning), Stephen Turnbull (Legal Officer), Jo Goodrum (Member Services & Governance Officer) and Tracy Ranger (Development Officer)

## **P75/23      PREVIOUS MINUTES**

The minutes of the meeting of the 15 November 2023 were agreed and signed as an accurate record.

## **P76/23      F/YR23/0546/F CHURCHFIELD FARM, KINGS DYKE, WHITTLESEY CHANGE OF USE OF EXISTING Paddock LAND TO B8 OPEN STORAGE WITH ASSOCIATED ACCESS WORKS AND LANDSCAPING (PART RETROSPECTIVE**

Tracey Ranger presented the report to members.

Members asked questions of officers as follows:

- Councillor Marks stated that the application had been discussed at the previous meeting in November and at that time members had been advised that there were no refrigerated lorries, however, it appears that has changed, and the figure has now changed to 16. He added that officers have explained that there are refrigerated lorries across the road and he expressed his concern regarding the noise impact on residents residing nearby, especially during the summer months when people spend more time outside.
- Councillor Mrs French stated that she also shares the same concerns as Councillor Marks, and she would like to see the application deferred in order to seek further guidance and the professional opinion of an Environmental Health Officer.
- Nick Harding explained that the noise assessment was submitted when the application was first received, and the content of the report actually modelled sixteen refrigerated trucks operating from the site at night and with the proposed mitigation that has always been part of the proposal, with the Environmental Health Officer stating that the situation is satisfactory in respect of noise impact on the nearest noise sensitive premises. He added that the noise assessment would have taken into consideration the existing background noise generated from existing activities and it would have been those activities prior to the development taking place with this proposal adding onto it. Nick Harding stated that committee should be assured that the applicant's consultant has looked at this appropriately, but he does appreciate that the committee may wish to question the Environment Health Officer and defer the application.

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

- Councillor Benney expressed the view that he does not see any reason to refuse the application and whilst it could be deferred to discuss the proposal with the applicant, the application, in his opinion, is policy compliant. He added that the officer's report states that the noise levels are acceptable and whilst he would support a deferral, in his opinion, if the

proposal is brought back to committee he anticipates that the same conclusion will be reached. Councillor Benney acknowledged that it would be nice to receive some assurance from Environmental Health on whether there could be acoustic fencing installed to see if it would mitigate the noise prior to the application being determined.

- Councillor Gerstner stated that the noise assessment has been carried out to the satisfaction of Environmental Health. He added that he has spoken to the nearest resident to the site which is at least 300 to 400 metres away and at the present time, the application site is not causing the residents any problems at all, however, this may alter once refrigerated units are brought onto the site. Councillor Gerstner explained that it is an industrial site and he concurred with the comments made by Councillor Benney that at the current time there are very few reasons to refuse the application.
- Councillor Marks stated that at the last meeting when this application was considered, there was no mention of refrigerated vehicles until that particular question was asked. He added that his fear is that the number of vehicles could escalate and, in his opinion, the company are likely to expand and his concern is that whilst the residents do not have any concerns currently, once additional lorries are added that an increase in noise is inevitable and if they are left overnight, the refrigeration units cut in and out and the noise is not a constant running noise. Councillor Marks stated that he is not in objection to the actual planning permission, but he does have major concerns over the noise, and he would like assurances that steps have been taken to mitigate the issue. He added that is why he would with like to listen to the expert opinion of Environmental Health Officers so that residents can be provided with some assurance.
- Councillor Benney stated that any assurances the Environmental Health Officers give to the committee cannot be guaranteed, and he reiterated the fact that as the application stands currently, it is fully compliant.
- Councillor Gerstner stated that a request can be made for a mathematical modelling of 16 refrigeration units to be provided which can provide the amount of noise, sound and frequency that could be generated but he does not know what the outcome of that would be. He added that the science could be that there is a slight variation between the mathematical modelling and the actual practical modelling. Councillor Gerstner stated that whilst he appreciates the issue concerning the units cutting in and out there are no residents living adjacent to or very nearby and, therefore, even with the noise impact statement, he would find it very difficult not to agree with the officer's recommendation.
- Councillor Connor stated that there is a noise impact assessment in place and whilst he does sympathise with the opinion of Councillor Marks, consideration does need to be given to the fact that if a decision is not reached today then the applicant and agent could penalise the Council for non-determination of the application.
- Councillor Marks made the point that he would be more content if the opinion of the Environmental Health Team can be sought and whilst he appreciates that to date the residents have not complained, if approval is given, then there maybe a time when complaints do start and he would like to have the comfort factor of speaking to the noise specialists and the applicant so that they can explain to the committee how they intend to marshal 16 trailers.
- Councillor Mrs French made the point that the application was actually determined at the committee meeting in November and a condition was added to the application and, therefore, the Council cannot be penalised for non-determination. Nick Harding explained that as a result of the committee resolution, the planning application decision notice has not been issued due to the fact that following the meeting some checks were made on the noise assessment and it was identified that the noise assessment made a provision for 16 refrigerated vehicles operating overnight and, therefore, it was thought to be prudent to bring the application back to committee to see if members would be minded to amend that one condition or keep it in place.
- Councillor Mrs French asked whether the committee can stand by the decision that they made last month when the application was determined. Nick Harding stated that the committee do not need to alter their decision which they have already made.

- Councillor Marks expressed the view that officers have been very fair to the applicant, however, consideration does need to be given to the residents living there as well and, in his opinion, then the Environmental Health Team along with the applicant should be invited to committee to ensure those safeguards are in place and he would be happy to see the application deferred.
- Councillor Benney stated that he does not welcome deferments unless there is good reason for it, and he does not see what difference it will make if any experts are invited in to address the committee as they will just reaffirm what it says in the report. He added that if the application went to appeal the Council would lose and he made reference to the point made by Councillor Gerstner that the nearest resident is 300 metres away from the site and there is no noise at the present time although that could alter. Councillor Benney stated that he will support a deferment but, in his opinion, there needs to be grounds to support it. He made the point that the application has come back to the committee with a variation of a condition and, in his view, that condition that the committee placed on the application in November was reasonable and whilst he appreciates that the number of refrigerated units may increase, the committee need to base their decision on what is before them which, in his opinion, is a policy compliant application.
- Councillor Gerstner stated that there is another major distribution centre, DFDS, who operate a much larger 24-hour operation, which is closer to the settlement of Kings Delph in Whittlesey. He expressed the view that if the application is deferred or refused then the applicant will appeal, because adjacent businesses across the road, such as McCain Foods, which are closer to the residents have no restrictions.
- Councillor Imafidon expressed the opinion that if the application is deferred then it will be a waste of officer's time. He added that the noise assessment has been undertaken and when the application had been previously discussed in November, he had mentioned whether there were any refrigeration lorries going to be on site and at that time there was not but, in his opinion, a storage yard like this always has refrigeration units. He added that the noise assessment report states that the noise levels are within acceptable levels, and he does not see any reason for a deferment as it would be wasting officer's time.

**Proposed by Councillor Gerstner, seconded by Councillor Imafidon and agreed that the alternative condition be GRANTED to state that no more than 16 operational (loaded with the engine running) refrigerator lorries to be stored on site between the hours of 7pm and 7am.**

*(Councillor Connor declared that the applicant for this item is known to him from when he was Chairman of the Planning Committee at the County Council and liaised with him over the Kings Dyke Bridge, however, he has had no contact for 4 – 5years and does not socialise with him, and is not pre-determined and would approach the application with an open mind)*

*(Councillor Gerstner declared that he had been lobbied by individuals and also the Saxon Gate Residents Group but he is not pre-determined and would approach the application with an open mind)*

**P77/23      F/YR23/0415/F & F/YR23/0413A  
22-23 OLD MARKET, WISBECH  
F/YR23/0415/F - ALTERATIONS TO EXISTING BUILDING INVOLVING  
CONVERSION OF PART OF BUILDING TO CREATE 4 X 2-STOREY DWELLINGS  
(1 X1-BED, 3 X 2-BED), 1 X FIRST-FLOOR FLAT (1-BED), REFURBISHMENT OF  
EXISTING CLUB INCLUDING NEW FRONTAGE AND FORMATION OF 1M LINK  
FOOTWAY  
F/YR23/0413/A - DISPLAY 1 X NON-ILLUMINATED FASCIA SIGN**

Tracy Ranger presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Rakesh Ganger, an objector to the application. Mr Ganger stated that he is a direct neighbour and expressed the opinion that the five dwellings at the rear of the building, which were originally the dancefloor, are overdevelopment with poor internal amenity space for future residents, assuming that there will be families with children in cramped living conditions with no private communal outdoor space. He added that the developer has not provided measurements which could be assessed against technical housing standards and national prescribed space standard to see if they meet the minimum requirement for internal living space and no detail of the roof height for the three two-bedroomed dwellings and he questioned how the development improves the economic and social development and the well-being of Wisbech and the residents.

Mr Ganger questioned the idea of toilets being approved to work as a buffer for noise which has been suggested in the proposal for new residents as, in his opinion, the toilets in a nightclub can often have cases of screaming, shouting, singing, crying and vomiting. He referred to the 1973 document which shows the change of use for the restaurant, club and offices but has no mention of a nightclub and he explained that when he received notification of the application, he was advised that there was no subsequent supporting evidence with the application in 1973. He was advised that neighbours have direct contact with the Planning Officer and there has been no mention of the other paperwork being available.

Mr Ganger stated that Mendi's has previously been a member only club due to its location within a Conservation Area and the previous owners have stated that the premises was not a nightclub and was a dance floor with bar and restaurant which they had owned since 1976. He added that the officer's report fails to mention the address on the 1973 document is incorrect as it shows part of his address which he feels raises questions over General Data Protection Regulations and he questioned its validity.

Mr Ganger explained that there are two addresses on the report, one of which is his address with the other address belonging to the proposed applicant and he made the point that it is important for the Council to be aware of how the buildings are situated in order to understand the severity of the nightclub next door. He added that having spoken to some elected members, they seem to be under the impression that because he has lived next to Mendis for the last 21 years, the planning application would have little impact on him and his family.

Mr Ganger stated that the dance area is currently situated at the back of the building in Exchange Square which is detached from his home with a private car park in between and, therefore, music noise has never been a problem for him, although the entrance is from the front of the Old Market and the doors were closed at 10.30pm which he added does not resemble the actions of a nightclub. He expressed the view that the new proposal converts the old dance floor into dwellings that rest on the building solely as a nightclub and bar area immediately adjacent to his living area and the nightclub will be situated on the other side of his bedroom wall.

Mr Ganger explained that the Environmental Health Team have advised him that no amount of sound proofing will reduce the vibrations that will be felt throughout his home and that although an insulated party wall has been proposed, there has been no details provided with regards to what materials will be used, and whether its going to be a stud wall, breeze block or brick wall and there is no sound proofing included within the plan. He stated that there will still be significant vibrations felt throughout his home on top of little or no effort to soundproof the party wall and there has been no provision made for the flat roof that his bedroom joins for noise reduction.

Mr Ganger stated that the data from the Crime Prevention Design Team concerning the application was inaccurate in the representation over the last two years which was during lockdown. He referred to LP16 of the Local Plan which states does not adversely impact on amenity of neighbours use such as noise, light pollution and privacy and he explained that noise is his biggest concern followed by anti-social behaviour as three of the windows are present and will overlook his

private garden space.

Mr Ganger stated that the report does not make reference to noise from any clubbers entering and exiting the premises which he has already encountered when the ownership of the premises changed last year and there were logs made and passed to Environmental Health. He stated that he lives in a Conservation Area with large single panel windows and noise echoes through the Old Market Square upwards in a chamber, with there being a young family who reside on the other side of Mendis who are also concerned on the impact of the proposal.

Mr Ganger stated that there have been recent sightings of bats and at 11.1 of the officer's report it is stated that the proposal will not cause significant adverse harm to the street scene or the character of the Conservation Area, however, in his opinion, when the premises was open for three months last year his experience was somewhat different, with broken bottles found at the front of his property, windowsills left covered in vomit and rubbish left and he questioned how it can be considered to be in character within a Conservation Area just around the corner from North Brink. He explained that he also had to ensure the slamming of doors until 2am in the morning which caused vibration through his home and, in his view, that demonstrates how close they are to him in his home.

Mr Ganger expressed the opinion that Mendi's has been a great asset to many locals of Wisbech making many memories from evenings out, but the proposal will not be the same Mendis in his view. He added that the supporting comments are from people who remember Mendis for what it was and from their experience, although it has the same name and location it will be very different and without the restaurant it will lose the family appeal that it has always attracted, with people of all ages having been there.

Mr Ganger questioned whether the proposal is actually providing a sustainable mode when it is only proposed to be open for one night a week on a Saturday. He stated that the impact of noise will have a huge impact on his health and mental well-being, and he asked the committee to consider whether the proposal is acceptable in having a nightclub a brick away from his bedroom when he has resided there for 20 years, and it will mean that the business that he has operated for 21 years will be lost.

Members asked Mr Ganger the following questions:

- Councillor Gerstner stated that in 1973 the application site had planning permission for a nightclub, restaurant and bar and he asked Mr Ganger whether he was aware of the business that was operating at the site when he moved to his address? Mr Ganger confirmed that he was.
- Councillor Hicks asked Mr Ganger whether he would be happy if a noise limiter was installed to assist with the noise levels omitting from the dance floor? Mr Ganger responded that he would be happy but only if it does not disturb his peace but if he can hear it in his bedroom while they are sleeping then no. Councillor Hicks stated that the way a noise limiter works is when there is an unacceptable level of decibels then the music cuts out and resets but it would work permanently so that as soon as a certain level of noise is reached then it would automatically cut out. Councillor Hicks explained that Environmental Health will assess what is an acceptable level of noise within the nightclub. Mr Ganger stated that what is to say that what they consider to be acceptable may not be considered as acceptable to him and his family. Councillor Hicks explained that the Environmental Health Team will work with both parties to reach a satisfactory resolution. Mr Ganger reiterated that his concern is that it is right near his bedroom, and it will disturb his peace.
- Councillor Connor stated that the Environmental Health Team will come to his home to discuss noise levels.
- Councillor Marks asked Mr Ganger to clarify that he has lived there for 21 years, and he asked how many days a week was the previous Mendis open for as a nightclub? Mr Ganger stated that it was open for 6 days a week and closed on a Monday. Councillor Marks asked

Mr Ganger to clarify what his concern is, and Mr Ganger stated that it is the level of noise and also the customers creating anti-social behaviour when they exit the club as that will mean engines running and cars hooting at 2.00am in the morning. He added that he had to endure that for the three months that the current owner operated the premises a short while ago.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the agent. Mr Walford stated that Mendis has been a landmark in Wisbech for many years and it has planning consent and a license granted, held and maintained since the 1970's for a range of activities on both floors including recorded and live music, dancing and the sale of alcohol. He expressed the view that Mendis closure after the Covid lockdown was a significant loss to the town of Wisbech and the applicant purchased it with the aim to refurbish and reopen it, but due to the running costs and the amount of footfall, it will no longer be viable to open every day of the week and, therefore, it will be operating on a reduced schedule.

Mr Walford added that although permission is in place to do more it was felt that it was good gesture to reduce those hours to the more key hours and ultimately not every night of the week. He stated that in order to sustain the business the venue has been condensed down to a more realistic and appropriate size which has allowed for four townhouses and a flat to be added at the back within the redesign, which will assist the business with an additional income stream and assist with sustaining the business.

Mr Walford explained that within the officer's report it explains that in terms of the club and the venue it is not a change of use as they have permission to run it and the change of use is aimed at the residential part towards the rear. He stated that the rest of the operation is all lawful and there is a dance floor upstairs at the front, along with a DJ booth and a bar all on the same party walls and the main change will be the dance floor on the ground floor which will be brought forward.

Mr Walford explained that the internal alterations will include a reconfigured staircase, a larger core which adds an acoustic barrier to one of the party walls, and following guidance from the Environmental Health Officer an additional internal acoustic party wall upgrade detail which has been included on both sides of the entire length of both side walls and on both floors to aid the neighbouring properties. He made the point that he is happy for a condition to be added for the detail of that to be agreed with a specialist such as an acoustic specialist.

Mr Walford added that with regards to the noise limiter as long as it was within a level decided by a specialist then he would be in agreement for that to be put in place. He explained that he has worked closely with officers, including Conservation, Housing and Environmental Health, as well as Crime Prevention and the Environment Agency who are all in support of the proposal.

Members asked Mr Walford the following questions:

- Councillor Benney asked Mr Walford to clarify that he is willing to fund an accepted condition for sound proofing and acoustic barriers? Mr Walford confirmed that is correct and made the point that currently there is a free-standing wall with a 100ml clear cavity against the current wall and then a free-standing wall. He added that because it is on both floors and due to the length, it probably would be a timber detail and whilst it could be masonry, it adds another level of structural support issue. Mr Walford stated that he has used timber party walls and separating walls to Building Regulation standards before and if the committee agree there is the space, and it can be done on both sides.
- Councillor Connor asked Mr Walford to confirm that he would be happy to work with Mr Ganger if the committee approve the proposal? Mr Walford stated that he would be happy for Mr Ganger to attend the meetings with the acoustic specialists to agree the levels of noise. Councillor Connor stated that should the proposal be approved all parties need to be happy and he asked whether there will be doorman on duty for the nightclub? Mr Walford made the point that it is a club and has been for many years and the entrance has not and

will not be moving and, therefore, people will congregate at the front. He explained that there was also a rear entrance which was the smoking area and was on the road in Exchange Square and, in his opinion, the fact that was moving away meant that the anti-social behaviour which used to take place at the back of the property would cease as it is a residential area, and the road is quiet. He added that he has noticed that noise levels reduce significantly since the closure of the club as his office is nearby and, in his opinion, the proposal of the houses will bring the area back up as a level of surveillance and it removes the smoking area and the congregation that used to take place. Mr Walford stated that with regards to the front of the property it has always been and will be the entrance of the club and he made the point that a management plan could be put in place and then there could be doorman who could control that door. He added that the noise from car doors cannot be stopped as it is a public road but as much mitigation will be included within the remit of door staff. Councillor Connor added that he would like to see a management plan included and appropriate signage erected to advise those attending the club to respect the neighbours.

- Councillor Marks asked where the new smoking area will be? Mr Walford stated that that will now be at the front of the club which is similar to the Kings Head Public House which is opposite the club. He made the point that there is still a rear entrance and if the decision was made then a rear entrance is still in place, which is a fire escape exit, and an area could be put in place for smokers. Mr Walford explained that the nature and characteristics of the application mean that certain aspects, such as a bin collection point, has to be located within what is already on the site as it is bookended and shoehorned in, and it is a very old building. He expressed the opinion that the logical place would be out the front of the premises, which is under the surveillance of the doorman, whereas previously it was an unmanned area.
- Councillor Hicks asked whether provision for ashtrays has been considered at the front of the premises? Mr Walford stated that there is not provision now for ashtrays but there could be as there is a wall where one could be situated.
- Councillor Mrs French asked whether the side arched door as shown on the presentation belongs to the application site or another premises? Mr Walford explained that it belongs to the flat next door.
- Councillor Gerstner stated that the objector has made reference to the antisocial behaviour which takes place outside of the premises and he asked Mr Walford makes attempts to clear up any mess which is left within the curtilage of the premises. Mr Walford explained that he is the agent, but he added that it would be fair to say that anything within the realms of the applicant's frontage would be something that the applicant would want to keep tidy, however, it is a town centre location.

Members asked officer's the following questions:

- Councillor Benney stated that the noise is obviously a concern, and the applicant has stated that they will make acoustic changes to make it better and he asked whether that can be conditioned? Nick Harding confirmed that a condition is detailed within the officer's recommendation.
- Councillor Mrs French stated that if the condition can be imposed, she will fully support the proposal. She added that she would hope that the acoustic noise barriers will assist the noise so that the residents do not suffer.
- Councillor Hicks stated that he will be happy to support the proposal as long as there is a condition to state that there are 2 reasonable sized ashtrays placed outside the frontage along with the acoustic changes and a noise limiter. Nick Harding stated that with regard to the ashtrays it would not be appropriate to bring that under planning control. He added that with regards to the noise limiter, consideration does needs to be given to the fact that the nightclub is an existing business and the reason for looking at noise mitigation is because a new development is being introduced into the same physical building that contains the nightclub, which is going to be of benefit to a third-party occupiers and owners. Nick Harding explained that the proposed condition requires details of noise mitigation to be provided and

he expressed the opinion that he would not wish to be specific with regards to a noise limiter being utilised due to the fact that it may not actually be necessary in order for the appropriate noise and vibration levels to be achieved. He explained that when the details are submitted, they will be assessed by the Environmental Health Team, and they will assess the balance between the acoustic mitigation against the amount of noise that is likely to be generated which may well require the noise to be controlled from the disco or the live music, which is a matter to be addressed through the discharge of condition process.

- Councillor Connor stated that he is pleased that the agent and applicant have stated that they will liaise with Mr Ganger to reach a satisfactory resolution.
- Councillor Marks asked Nick Harding to clarify whether the noise mitigation has to be undertaken for the new premises and not for existing tenants? Nick Harding stated that as a consequence of the noise mitigation being put in that will not only be to the benefit of the occupiers of the proposed units but also the third parties as well.

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

- Councillor Benney stated that there is an established building in place, and he made the point that planning is about land use, with a great deal of what has been discussed being to do with licensing and the management of the premises and the Licensing Manager at the Council will deal with any issues. He expressed the view that with regards to the structure in terms of putting the soundproofing in, is not something for the committee to consider. Councillor Benney made the point that whether or not the proposal will add to the anti-social behaviour falls to speculation, because until the premises is operating it is not known what issues will arise and that should the proposal be approved, any issues will be dealt with by the appropriate teams such as Licensing or Environmental Health. He expressed the view that the proposal is policy compliant, and the officer's recommendation is to approve and providing the sound proofing is introduced and the agent fulfils his promise to work with the objector to reach a satisfactory resolution, in his opinion, the application cannot be refused. He made the point that no restriction should be placed on the business owner and any consequences on what he does or does not do will be picked up by the relevant teams.
- Councillor Marks stated that he agrees with Councillor Benney, and added that more housing in Wisbech is also being gained, with this being, in his view, a good application. He added that those purchasing the houses will know that there is a nightclub in the vicinity, and it is their choice whether they choose to buy there or not. Councillor Marks stated that it is a good application and whilst a lot has been said about anti-social behaviour that does not fall under the remit of the Planning Committee and he will fully support the proposal.
- Councillor Mrs French stated that there is a shortage of flats, this proposal will include a flat in the town centre and she will support it.
- Councillor Gerstner stated that he thinks it is a very good planning application which opens up space for housing and whilst there is a question over amenity space those purchasers will know that when they choose to live there. He stated that Wisbech Town Council have made a comment over parking spaces, however, that is not material consideration in a town centre location, and he will support the proposal.

**F/YR23/0415/F**

**Proposed by Councillor French, seconded by Councillor Benney and agreed that the application be GRANTED as per the officer's recommendation.**

**F/YR23/0413/A**

**Proposed by Councillor Benney, seconded by Councillor Gerstner and agreed that the application be GRANTED as per the officer's recommendation.**

*(Councillor Imafidon left the Council Chamber for the entirety of this item due to having a previous vested interest in the premises)*



**P78/23**

**F/YR21/0985/F**

**LAND EAST OF 2 INGLES LANE, DODDINGTON**

**ERECT 3NO DWELLINGS (SINGLE-STOREY, 1-BED)**

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, a supporter. Mr Hall stated that the applicant has asked him to speak in support of the application and he has read the officers report and visited the application site. He made the point that there is only one reason for the recommendation of refusal which is a concern highlighted by the Conservation Officer regarding a perceived harm to the Listed Building, however, the application site is 25 metres away from the listed building and maintains all the trees and extends the existing driveway.

Mr Hall stated that there are no other reasons for refusal in terms of flood risk damage, overlooking, overshadowing, over development or amenity. He added that some of the objectors have raised concern with regards to access, however, the access is existing and there have been no concerns raised by the highways department and there is adequate parking and turning on site.

Mr Hall expressed the view that the key point with the application is that there are numerous other sites in Fenland where planning approval has been allowed by officers and members in the grounds of Grade 2 Listed Building within the centre of settlements. He provided examples including Chatteris House, High Street, Chatteris which is a Grade 2\* Listed Building and had a lot of land at rear which has all been built on, which was approved as part of listed building consent.

Mr Hall explained that Park House, Gorefield Road, Leverington was approved by the committee in 2021, which was for a builder's yard with various buildings and sheds adjacent to a Grade 2 Listed Building, approved by members even though it had four reasons for refusal. He referred to 133 High Street in Chatteris which is also a Grade 2 Listed Building was also approved by members for a number of properties along with Minstrels Nightclub in March which is a Grade 2 Listed Building, and a large amount of development has been permitted at the rear as part of a consent under the current Local Plan.

Mr Hall expressed the view that there are no technical objections to the current application, which would allow three small scale units to add a variety of housing in Doddington which do not obstruct the façade of the Listed Building and respect the trees and hedgerows on the site.

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

- Councillor Connor stated that he is not enamoured with the proposal but there are no technical reasons why it should not be approved. He added that it is a piece of pastureland, and the exit comes out onto Ingles Lane, which is very narrow, and the Bevills Place development will be built out going forwards. Councillor Connor made the point that there is not a path in place on Ingles Lane and the majority of the children attending the school will use Ingles Lane which is narrow with cars parked on one side and, therefore, is a single track. He stated that it is the only little piece of pastureland in the middle of Doddington and he can support the application.
- Councillor Mrs French agreed with Councillor Connor's comments.
- Councillor Imafidon questioned that if other Grade 2 Listed Buildings with developments to the rear of them have previously been approved and the only reason for the recommended reason for refusal with the current application is due to the Grade 2 Listed nature of the building then could the applicant take the application to appeal. Nick Harding stated that Mr Hall gave the committee examples of development which have been permitted and whilst he was not familiar with all those that were mentioned, he is aware that some of those decisions were against the officers recommendation, however, just because you have

allowed it in one instance does not mean that you should continue to determine that it is appropriate to grant planning permission for development within the curtilage or within the setting of listed buildings and each case should be looked at individually. He added that consideration needs to be given to whether or not the development proposal harms the setting, appearance and appreciation of the listed building and, if so, to what extent. Nick Harding confirmed that the Council would have a good case, should the matter be taken to appeal.

- Councillor Mrs French stated that the proposal is in the middle of a village and that is why it should be considered on its own merits, with the others that were referred to by Mr Hall actually blending into the surroundings.

**Proposed by Councillor Mrs French, seconded by Councillor Connor and agreed that the application be GRANTED as per the officer's recommendation.**

*(Councillor Marks declared that the applicant for this application is known to him and, therefore, took no part and removed himself to the public gallery for the duration of this item)*

*(Councillor Connor declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a District Councillor for Doddington and does attend Doddington Parish Council meetings but takes no part in planning)*

**P79/23      F/YR22/1387/F  
LAND EAST OF 100 FELDALE LANE, COATES  
ERECT 1 X DWELLING (2-STOREY 4-BED) (IN ASSOCIATION WITH EXISTING  
BUSINESS) WITH ATTACHED OFFICE, AND ERECT AN EXTENSION TO  
EXISTING EQUESTRIAN BUILDING (INCLUDING AN INDOOR ARENA AND  
STABLING)**

This item was withdrawn.

**P80/23      F/YR23/0134/F  
LAND EAST OF 6-8 MARCH ROAD, COATES  
ERECT A SINGLE-STOREY RETAIL UNIT CLASS E(A) INCLUDING FORMATION  
OF 2 X ACCESSES AND ASSOCIATED HARD AND SOFT LANDSCAPING**

Nick Harding presented the report.

Members received a presentation, in accordance with the public participation procedure from Councillor Bob Wicks, a Whittlesey Town Councillor who spoke in objection to the proposal. Councillor Wicks explained that he is a long-standing resident of Coates and that his prime concern relates to the comments which were made by the Police Officer with regards to anti-social activities. He made the point that the Police Officer failed to mention the issue of speeding in the village, which, in his view, is the biggest anti-social behaviour problem the village has and has been a problem for many years.

Councillor Wicks expressed the view that the problem is so severe Whittlesey Town Council have purchased 12 motor vehicle recording systems to monitor the speeds initially within Coates and Eastrea, with some of the statistics that have been gathered are quite extreme with one recorded speed of 107 being captured on the entrance to Coates. He added that the speed of that vehicle was captured in the vicinity of this proposed development and his concern is also for the village school whose entrance is virtually opposite the proposal site, with there having been a number of incidents on the level crossing which may have been very serious.

Councillor Wicks stated that there is also the potential that the community asset of the village post office may also be affected by the proposed development which could have serious implications for

those elderly residents who live in the village. He stated that the actual fence to the south of the site is missing and has been for a period of time, which has never been reinstated and he is also aware that there is a retrospective planning application for the industrial unit next door which will include extra access to be required on the whole site.

Members asked Councillor Wicks the following questions:

- Councillor Mrs French asked for clarification concerning what has not been re-erected? Councillor Wicks confirmed that it was a fence.
- Councillor Mrs French stated that Whittlesey Town Council recommends the refusal of the proposal as it is a detrimental impact of the surrounding area and concerns regarding speeding. She made the point that speeding is a matter for the Police, and it is not a material planning consideration, and, in her opinion, she would have thought that the store would be a welcome addition to the village for the people who live there, and she asked Councillor Wicks to explain why the proposal will be detrimental to the village post office. Councillor Wicks explained that at the present time the village shop contains the Post Office which is part and parcel of the business and there is the possibility of the income for that business decreasing because of this development.

Members received a presentation, in accordance with the public participation procedure, from Mr Matthew Wilkinson, the applicant. Mr Wilkinson explained that he is the Capital Projects Manager for Lincolnshire Cooperative. He made the point that the site is a brownfield site located just east of 6 to 8 March Road in Coates and the site has been unused for over ten years and the proposal is to create a new convenience store for the residents of Coates.

Mr Wilkinson explained that the applicant is Lincolnshire Cooperative which is a successful regional cooperative society that operates food stores, pharmacies, funeral homes, florists, travel agencies and post offices in Lincolnshire and the surrounding areas. He added that the Coop has been in existence for over 160 years and the aim is to provide a food store to serve the community of Coates and he explained that it does not form part of the larger Cooperative Group who operate the larger store in Whittlesey, however, the recently developed West End Cooperative in Whittlesey, which opened in 2021, and this proposal are similar types of scheme.

Mr Wilkinson explained that the purpose is to bring ideas together, energy and resources to make life better in communities and this is undertaken cooperatively with their members, customers, colleagues and suppliers as well as organisations, businesses, charities and good causes that they work with. He added that by providing the proposed new local convenience store, it will fulfil all of these priorities and in recent years they have developed many schemes throughout Lincolnshire and surrounding areas and the stores were vital and traded throughout the whole of the pandemic and making the point that it is vital that the 4683 residents of Coates, Benwick and Eastrea have the benefit of a new convenience store to provide for their day to day shopping needs. He added that there will not be a post office operating from the site and it is not the intention to operate one either.

Mr Wilkinson explained that they currently operate 48 local post offices, and they are at a significant cost to the business and for the past 15 years they have been campaigning to the Government for a fair deal for rural communities. He stated that it is his intention to develop the site to encourage more shoppers to stay and use local services and, therefore, in turn helping local businesses such as the Post Office rather than people having to use their car to drive for essential items.

Mr Wilkinson stated that there have been several concerns raised about the proposal throughout the planning process and the applicant has provided thorough and substantial reasons why this sustainable development should be granted to bring this vacant site back into use. He stated that the site is well located directly off the A605 and in the historic geographical centre of the village of Coates, with it expected that the convenience store will serve the village of Coates and

surrounding villages.

Mr Wilkinson explained that with regards to the impact on the character of the area, the building has been individually designed to be in keeping with surrounding historic architecture of the village of Coates and will be built of traditional materials in line with predominant buildings of the area including buff coloured brick and grey slate tiles for the roof. He added that the Planning Officer has stated that the development will make a positive contribution towards the character of the area through the development of the site.

Mr Wilkinson stated that with regards to highways and transport, the proposal includes suitable parking provision for the store and the ability to turn HGV service vehicles on the site so that they can enter and exit the site in forward gear and the County Council Highway Authority support the scheme. He added that with regards to noise and lighting, the application included a full noise impact assessment and a detailed lighting plan which outlined the scheme is in accordance with all current policies with the opening hours of the store to be 7am to 10pm.

Mr Wilkinson explained that with regards to anti-social behaviour, it is not unusual for a retail premises to often act as a location where people want to go and visit and, therefore, there will be a minimum of 16 camera CCTV system and there will be an active dialogue with the local Police and the ASB Officer at the Council. He added that the company operates 98 similar premises in similar rural towns and villages and generally there is no issue with ASB.

Mr Wilkinson explained that the proposal creates a convenience store and essential services, which is much needed, and the development will make a positive contribution and will not be out of character with the area. He added that it will not give rise to adverse impacts in terms of neighbourhood amenity, highways safety, noise and lighting and the proposal will result in the redevelopment of a vacant site by investing in the area for local trades people and contractors which will create up to 20 jobs for the local community.

Mr Wilkinson made the point that the proposal is acceptable in planning terms and is recommended for approval and he asked the committee to support the proposal.

Members asked Mr Wilkinson the following questions:

- Councillor Gerstner stated that is familiar with the area and he is concerned that there does not appear to have been a public consultation undertaken with the Town Council or the local residents which he finds disappointing as when the West End store was built there was a great deal of engagement undertaken with the Lincolnshire Coop Group and the Town Council. Mr Wilkinson explained that he did attend a Whittlesey Town Council meeting prior to the plans being submitted in February or March 2023. Councillor Gerstner apologised as he was not in attendance at that time, and he added that the residents of Benwick do not tend to shop in Whittlesey.
- Councillor Gerstner asked whether there is a Net Zero policy in place with regards to the carbon emissions for the proposal as it is adjacent to the Conservation Area? Mr Wilkinson explained that there is not a Net Zero policy but there is a detailed environmental strategy which can be discussed at the outline stage. He added that in terms of the proposal the operational costs in terms of scope 1 and 2 emissions will be extremely low and there will be a significant number of environmental initiatives built in, most notably the insulation and the actual U values of the building will be extremely high to make it as efficient as possible. Mr Wilkinson explained that the refrigeration systems will take up between 55% to 60% of the energy use of the store and a carbon dioxide system will be in place which uses high pressures and uses carbon dioxide as its refrigerant rather than HCFC gases which are harmful to the environment. He stated that there is no Net Zero, due to the fact that there is the will to use traditional materials and Net Zero cannot be achieved without offsetting. Mr Wilkinson made the point that he wants the building to look attractive and is in keeping with the area.

- Councillor Gerstner stated that it is a historic site and there used to be a mill and a pub at that location and he would like to see a plaque on the side of the store which gives a small piece of historic knowledge. He added that he would hope that the Lincolnshire Coop will be a good neighbour to those residents who live in the vicinity of the store and that appropriate noise mitigation measures will be incorporated so that the refrigeration units do not cause a nuisance to those living nearby. Mr Wilkinson explained that that the scheme has been designed deliberately so that the massing of the building is such that they are minimising the impact of the movement of the vehicles to as many neighbours as possible. He added that the massing of the building and the store warehouse has been planned so that the neighbours are protected on one side of the site and the service yard compound is a solid brick wall and as part of the noise impact assessment it also has mitigation materials to be lined all the way on the inside. Mr Wilkinson made reference to the CO2 noise units and added that they are incredibly quiet, and steps are in place to mask noise as much as possible for the residential property and amenity and it has been a very well thought out process. He stated that there will be a new fence erected all the way as well around the site and, in his opinion, the proposal is a significant improvement on what has been a derelict site for many years.
- Councillor Marks stated that he has concerns over the transport movements at the site and he asked whether there is the intention to have deliveries to the shop through the night? Mr Wilkinson explained that there will be no deliveries taking place through the night. Councillor Marks asked how a lorry will be able to turn around when there are people on site? Mr Wilkinson stated that has been considered and there is the possibility of turning an HGV whilst cars are parked in each of the car parking spaces. He added that with regards to the supply chain the premises will be part of the Cooperative supply chain and, therefore, the shop will receive a delivery daily containing chilled, frozen and ambient products. Mr Wilkinson explained that in addition there is likely to be an additional 2 or 3 HGV deliveries a day to include bread and he made the point that he is confident that lorries will always be able to exit and enter the site in forward gear. Councillor Marks asked whether he would accept a curfew to be added on HGV movements? Mr Wilkinson made the point that there is a noise planning condition for a noise management plan which will contain the details including no HGV deliveries before 7am and they can stop delivering between 4 and 5 pm. Councillor Marks asked Mr Wilkinson whether he would be happy to accept a condition to stipulate deliveries between 7am and 5pm? Mr Wilkinson responded in the affirmative and it can be included as part of the noise management plan.
- Councillor Hicks asked how many staff will be employed at the store? Mr Wilkinson stated that he would expect between 15 and 20 staff and the hours can be flexible to suit the needs of the staff and would include 2 to 3 full time members of staff as well as part time staff members.
- Councillor Marks referred to the information circulated by officers with regards to vehicle movement and he asked whether there is an intention to use urban articulated lorries as a 13.6 metre vehicle is a standard trailer without the unit on the front which he finds concerning. Mr Wilkinson stated that it is his understanding that there are a number of different vehicles which can be used. Councillor Marks stated that the handout shows the trailer going into the compound by reversing in and he asked how the trailer is unloaded at the rear of that? Mr Wilkinson explained that there is sufficient clearance at the back of the vehicle and there is a tail lift which will come down and then the stock can be decanted off the side. He added that the Cooperative retail logistics network supply 3500 food stores and, therefore, they do have a range of different vehicles which can be used. Mr Wilkinson stated that the site surveyor has reviewed the site, and they will be able to specify the vehicles that are used, and the site does have 19 car parking spaces which is a good size for a convenience store. Councillor Marks made the point that he is concerned that a turning circle for a proper articulated lorry would mean that car parking spaces would be used, and his worry is that may mean that there are vehicles reversing out into the road which is a real concern. Mr Wilkinson stated that the site has been

tracked with a vehicle which can service the site. Councillor Marks explained that the other lorries may not be able to be accommodated. Mr Wilkinson stated that the bread delivery lorries are fixed wheelbase lorries and are, therefore, smaller and he added that he can stipulate to the third-party suppliers that the vehicles that they use to service the store cannot be any larger than the size of the vehicle which has been used to track the site. Councillor Marks made the point that you can request that, but there can be no guarantees given.

- Councillor Connor added that he does feel that the concerns that Councillor Marks has raised are legitimate and any lorries cannot be reversing out onto the A605 and further consideration does need to be given. He added that Councillor Marks has concerns with regards to the access and lorries being able to enter the site without causing any health and safety issues.

Members asked officers the following questions:

- Councillor Mrs French referred to condition 10 which relates to the noise management plan, and that there does not appear to be any times associated with the condition and she asked whether the times could be added should the application be approved? Nick Harding stated that with regards to deliveries and collection of waste from the site, the intention is for that to be considered under the noise mitigation plan, however, if members would prefer bringing that forward the Environmental Health Team identified a 7am to 7pm delivery times and, therefore, that can be added as a condition should the application be approved.
- Councillor Hicks asked whether there was the possibility of timed deliveries? Councillor Connor stated that is not an option.
- Nick Harding advised members that the update report which had been circulated to members had contained three further letters of objection.

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

- Councillor Benney stated that he used to be a shopkeeper for many years and the company he worked with when considering deliveries were excellent as they would undertake risk assessments and take into account times for deliveries along with any restrictions with regards to road types, widths and heights. He added that they then consider the types of lorries which are suitable to service the businesses. Councillor Benney expressed the opinion that if various products are being delivered in one vehicle in his experience it is highly unlikely that there would be late deliveries due to the way that the distribution system operates because if you have an evening delivery then one day's life is lost on the products being delivered.
- Councillor Benney expressed the view that when considering third party suppliers in his experience a risk assessment is also undertaken to ascertain the various aspects of delivering to a new store to ensure the health, safety and wellbeing of their drivers. He added that consideration may also be given to having somebody on site acting as a banksman to ensure that the lorry has a safe entry and exit from the site, and he would anticipate that the type of action he has described will also be operated at this site as it is quite a regulated industry.
- Councillor Benney stated that in the 2021 census it was registered that Coates has 2315 people residing there and he made the point that the shop will have a great deal of passing trade on the A605 and a positive aspect is when cars turn into to use the shop it will mean that other traffic will need to slow down. He stated that whether the local Post Office is able to sustain its business is not a material planning consideration and if the local residents of Coates support the proposal, then they will use the shop, however, if they do not use it then the business will close. Councillor Benney expressed the view that it will be a nice-looking store, on a busy road, with parking outside. He added that it is a good use of a brownfield site, and he can only see the proposal as a benefit to the community and whilst there maybe 50 letters of complaint that can only be seen as a very small percentage of the people that live there. Councillor Benney made the point that it is a brownfield site, and it will bring community value and by having this store on the doorstep will benefit the residents of

Coates.

- Councillor Gerstner stated that it is a brownfield site which has been derelict and an eyesore for 10 to 15 years. He added that he takes on board the comments of those people who have made objections to the proposal, however, a number of those objections are not materialistic in planning terms. Councillor Gerstner stated that Whittlesey Town Council have recommended the proposal for refusal as it will be detrimental to the surrounding area in their opinion, however, they have not substantiated that view and whilst they also refer to road safety issues due to the close proximity of the school, they have not quantified what the issues are. He stated that he would provide further information with regards to the motor vehicle activated signs which Whittlesey Town Council have purchased, with the equipment providing unequivocal hard data, and he explained that one of the recording devices on the A605 going towards March, being sited 100 metres from the application site, had captured data over a one-month period and had recorded 64,000 vehicles with the lowest speed being 33mph and the highest speed being 94mph, all within a 30mph speed limit, with the average number of vehicles which would have been prosecuted was 28% of the 64,000 vehicles which were recorded. Councillor Gersner explained that another set of data captured showed that 86,000 vehicles which had passed and 33mph was the lowest recorded speed and 97mph was the highest speed recorded with 27% of the vehicles being over the speed limit. He explained that another set of data highlighted that 94,000 vehicles passed the recording equipment with the lowest being 33mph with 93mph being the highest figure, meaning that 30% of the vehicles would have found themselves liable to prosecution and in conclusion it would mean that 4,000 vehicles would be prosecuted. Councillor Gerstner expressed the opinion that whilst it is a lovely store, in his opinion, the comments of the Highway Officer and the Police are incorrect and the figures that he has collated can evidence that.
- Councillor Gerstner stated that there has been no major accident there and nobody has been killed, however, Mr Wilkinson has stated that the Lincolnshire Coop intends to be a good neighbour and, therefore, he would like them to help to introduce a speed reduction mitigation measure and not chicanes or speed humps but something visual such as rumble strips. He added that the close proximity of the school to the shop does not assist with the speeding issue and whilst he welcomes the store, he does think that there are issues surrounding speeding.
- Councillor Marks stated that he does have issues concerning HGVs, however, in his opinion, anybody who wishes to introduce a shop in the present climate in any of town location should be supported. He added that whilst there maybe issues with road safety, if the applicant can work with officers then there could be some mitigation introduced to assist with that issue. Councillor Marks added that he will support the application because the proposal will bring benefit to the local area which far outweigh the safety concerns at the current time until safety measures can be implemented.
- Councillor Mrs French stated that she would suggest that Whittlesey Town Council submit an application to the Cambridgeshire County Council Highway Team for funding under the Highway Improvement Scheme or the applicant could submit a third-party application to the Highway Authority.
- Councillor Gerstner stated that Whittlesey Town Council have already taken steps with regards to a highway improvement submission. He added that Coates is now a growing medium size village with the potential of another 400 houses and the store would be a welcome asset for the residents and if the current residents have concerns over the loss of their village shop then they should use it or risk losing it. Councillor Gerstner stated that he fully understands some of the objections raised against the application, however, the residents of Coates do not have to use the new shop and can continue to use the existing shop, it is down to personal choice, but, in his opinion, it is a very bold financial move by the Lincolnshire Cooperative who have been very engaging and community spirited at their other store by having a community fund which many of the local community groups have benefited from. Councillor Gerstner stated that he fully supports the application with a caveat of the road safety aspect.

- Councillor Marks stated that he fully supports those views and he asked whether there is anything that the Coop can do to assist with the road safety concerns should be considered and he asked whether it is something that the applicant can be consulted on to see what they would be prepared to do.
- Nick Harding explained that there has been no objection received from the Highway Authority and, therefore, consideration needs to be given with regards to on what basis is the application going to be refused on highway safety grounds or alternatively look for a contribution towards a traffic calming scheme which has not been defined. He added that given that situation committee would be acting outside of the CIL regulations in terms of developer contributions because there is not the evidence to support the request. Nick Harding stated that if members are concerned and they are agreeable to his suggestion then a discussion could take place with the applicant outside of the planning regime.
- Councillor Hicks stated he fully agrees with the safety concerns which have been highlighted and added that he is sure that as the Coop is such a big organisation. He expressed the opinion that as a goodwill gesture they should contribute to some traffic calming measures. Councillor Hicks added that consideration needs to be given to the amount of employment the proposal will bring to the village, making the point that 15 to 20 jobs will be provided to local people including parents of the children who attend the local school.
- Councillor Connor stated that Nick Harding has advise the committee that consideration cannot be given with regards to the road safety improvements until the application has been determined.
- Councillor Benney stated that he agrees with the advice provided by Nick Harding with regards to road safety improvements. He added that it is something that cannot be defined, would not be in the remit of the committee and would be unreasonable. Councillor Benney made the point that all traffic calming measures are data based and unfortunately the data does not evidence that there have been road traffic collisions or fatalities. He stated that the application is policy compliant which brings good community benefit, and it will either fail or succeed and it is a brownfield site which is totally compliant. Councillor Benney stated that any issues encountered with regards to the deliveries to the shop are something that the Coop need to address themselves and it is not a consideration for the committee and the proposal should be approved.
- Councillor Connor agreed that the proposal should be approved.

**Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the application be GRANTED as per the officer's recommendation with conditions to be added concerning the operating hours of the premises and also the hours of when deliveries can be made.**

*(Councillor Imafidon left the meeting following the determination of this item and for the remainder of the items on the agenda)*

**P81/23      F/YR23/0228/F  
LAND NORTH OF 3 GORE VILLAS, MILL ROAD, MURROW  
ERECT 1 X DWELLING (2-STOREY 5-BED)**

This application was withdrawn.

**P82/23      F/YR23/0572/O  
LAND EAST OF 52 CHURCH ROAD, CHRISTCHURCH  
ERECT UP TO 3 X DWELLINGS INVOLVING THE FORMATION OF A NEW  
ACCESS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT  
OF ACCESS) INCLUDING A DETACHED GARAGE TO SERVE NO.52 AND  
DEMOLITION OF EXISTING OUTBUILDINGS**



Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that the proposal is in outline form and is for three dwellings on a site in Christchurch village and is positioned in a gap between the existing dwellings at 52 Church Road and number 3 Shrubbery Close and, therefore, the proposal would represent infill development which is supported in principle under Policy LP3 of the Local Plan. She added that the indicative drawings show that there is sufficient space within the site to accommodate the three dwellings, including appropriate amenities, parking and turning.

Mrs Jackson explained that the existing site access will be upgraded and used to serve plot one and a new access has been proposed to be to the immediate northeast of this which will serve plots 2 and 3 and the existing dwelling at number 52, which have all been agreed by the Highways Team. She added that she has noted the comments made by the Parish Council and she explained that she has an in-principal approval from the Middle Level Commissioners for the necessary works.

Mrs Jackson explained that the proposal is compliant with the policies of the development plan as set out in the committee report. She requested that planning permission is granted.

Members asked questions of Mrs Jackson as follows:

- Councillor Mrs French asked for clarification with regards to the distance for the Middle Level maintenance access? Mrs Jackson confirmed that the distance is 9 metres.
- Councillor Marks referred to the presentation screen which showed a hatched area but it appears that one of the porches was within the 9 metres. Mrs Jackson clarified that it is an outline application and, therefore, the design can be tweaked in order to move the porch slightly or remove it in order to keep the 9-metre access strip.

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

- Councillor Benney stated that he can see nothing wrong with the application and the extra houses will add to the sustainability of the village. He added that the officer's recommendation is to approve, and he cannot see anything wrong with the outline application. Councillor Benney stated that the access strip issue will be resolved at the reserved matters stage.
- Councillor Connor stated that he also agrees with the views of Councillor Benney, and he added that as long as the 9-metre access strip is protected he cannot see any issue with the proposal.

**Proposed by Councillor Benney, seconded by Councillor Hicks and agreed that the application be GRANTED as per officers' recommendation.**

**P83/23**

**F/YR23/0749/F**

**114 OSBORNE ROAD, WISBECH**

**ERECT A DWELLING (2-STOREY, 3-BED) INVOLVING DEMOLITION OF SIDE EXTENSION, STORE AND GARAGE TO 114 OSBORNE ROAD, INCLUDING ERECTION OF A FRONT PORCH**

Nick Harding presented the report to members.

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

- Councillor Benney expressed the opinion that the officer's recommendation is correct as the proposal will change the street scene, it will have a detriment impact on and not blend into the area and the application should be refused.

- Councillor Mrs French questioned whether the previous application F/YR21/0496 went to appeal? Nick Harding confirmed that it did not. Councillor Mrs French asked what was different with that application which was refused and the application before the committee today? Nick Harding explained that the flood risk issue has been resolved now but otherwise it is the same scheme.
- Councillor Connor stated that he refused the application previously under his powers of delegation as he thought it was disjointed at that time. He added that he has no reason to change his mind this time and thinks it should be refused again.

**Proposed by Councillor Marks, seconded by Councillor Mrs French and agreed that the application should be REFUSED as per officer's recommendation.**

**P84/23**

**F/YR23/0852/O**

**LAND SOUTH OF 12-24 INGHAM HALL GARDENS, PARSON DROVE**

**ERECT UP TO 9 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)**

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Donald Smithers, an objector. Mr Smithers stated that he opposes the application on two factors which are both connected to a 30-metre stretch of unadopted road that runs from Ingham Hall Gardens to the farmland at the rear. He added that the applicant seeks to join up the road to service the nine dwellings and he explained that the section of road according to Land Registry is registered to Mr Boston who was the developer of the Ingham Hall site and three months ago he offered to give that stretch of road to the Ingham Hall Residents Association, which would have been gratefully received, however, when the process commenced for the change of ownership, it was discovered that Mr Boston was not in fact the owner and it was owned by the Crown under the watchful eye of the Crown Agents.

Mr Smithers stated that he lives at 22 and along with the residents of numbers 39 and 41 Ingham Hall they have an obligation to maintain that stretch of road along with a further obligation to allow unrestricted access to farm traffic which will also include the applicant, because the applicant owns farmland at the rear. He has been advised by his legal adviser that the applicant cannot allow others to use that same right of access and, therefore, if there were people residing in the nine dwellings they would not have access to that piece of road.

Mr Smithers expressed the view that it may seem childish to deny those residents access to that piece of road but the issue which arises is that if the parish line is breached which is what would happen the number of properties on the site could significantly increase and the piece of road would become very difficult to maintain.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that there have been previous applications for housing on the site and she has worked very hard to overcome the previous reasons for refusal. She added that the most significant piece of work which has been carried out includes a community consultation exercise which was undertaken to meet the requirements of the Parson Drove Neighbourhood Plan.

Mrs Jackson explained that she is aware that the Parish Council do not support the scheme, however, as a result of the exhibition and completed forms, 68.7% of those that responded were in favour of a development for nine dwellings which shows that there is a community desire for the dwellings, despite the Parish Council documents. She made the point that the site has been recommended for housing under the emerging Local Plan under Policy LP57.01 and whilst she recognises that only limited weight can be given to the plan, it highlights the direction of travel in

terms of spatial planning for the area, which is a change from the previous decisions and allows the committee to consider the application differently.

Mrs Jackson made the point that the principle of development is acceptable, and it is acknowledged within 10.11 of the officer's report and she explained that she has demonstrated that the scheme is a comprehensive form of development to address policy LP12 and it actively seeks to avoid linear features and ribbon development. She explained that concerns have been raised with regards to the noise impact on neighbouring residents due to the additional vehicle movements, however, as there are only up to nine dwellings proposed these movements are relatively small scale given the context of the wider housing area and this issue must have been considered by officers when they proposed the allocation of the land.

Mrs Jackson stated that the road leading up to the site is a sealed surface and the noise generated by a vehicle on a sealed surface is minimal and, in her opinion, there is no harm caused in terms of existing residential amenities in accordance with policies LP2 and LP16. She stated that there has been concerns raised concerning the distance for the bins to be wheeled in order to be collected, however, she is aware of an appeal decision elsewhere in the district which states that an objection on these grounds cannot be upheld and to her knowledge such an objection no longer forms a reason for refusal.

Mrs Jackson advised members that the internal roadway will be constructed to an adoptable standard, including a turning head and future residents can benefit from roadside collections if arrangements are made and she would also be happy to accept a condition to this effect. She made the point that whilst there are concerns over access and rights of way, however, they are legal issues and do not fall under the remit of the planning application.

Mrs Jackson explained that she understands the position of the Parish Council, but she highlighted that there is overwhelming community support for the proposal, with the site being available, can be built out as soon as is practicable and will contribute to the housing numbers for the parish and the district as a whole. She asked the committee to support the application.

Members asked Mrs Jackson the following questions:

- Councillor Mrs French asked what details are in place for the drainage and sewage as she presumes that there are no main sewers in Parson Drove?. Mrs Jackson explained that the information would form part of the technical design.
- Mrs French made the point that the committee gives very little weight to the emerging Local Plan.
- Councillor Gerstner clarified with Mrs Jackson that she is aware of the comments provided by Mr Smithers with regards to the road access and the legalities. Mrs Jackson stated that she is aware that access could be denied but this is a legal matter. Councillor Gerstner asked whether access could be achieved elsewhere? Mrs Jackson explained that access could be achieved elsewhere, however, it would be a different red line and, therefore, a different application.
- Councillor Gerstner stated that there is no legal formal agreement for a contribution at the current time and Mrs Jackson stated that there is no formal contribution agreement and as Nick Harding had mentioned as it is nine dwellings it would not trigger anything in accordance with the CIL. He asked Mrs Jackson whether, in her opinion, the contribution influenced people at the consultation stage? Mrs Jackson explained that she does not know, however, in her opinion, people only respond to issues when they have concerns with them and, therefore, the fact that they are responding to something because they are happy with it would suggest that they are supportive of it.
- Councillor Marks asked how the poll was undertaken and questioned whether it was the whole village, leaflet drop or Facebook? Mrs Jackson explained that there was an exhibition held and at that the scheme was explained and various options for the site were given. She added that the local residents were provided with leaflets who either took them

away or responded at the time. Mrs Jackson expressed the view that the consultation is something where you cannot insist that people attend or send responses, but it is her understanding that the attendance was pretty good. Councillor Marks asked whether there was any other way that people got to find out about the poll, other than turning up on the day? Mrs Jackson explained that there were adverts in the press and, therefore, it was not just a singular approach. Councillor Marks asked whether there was a local free paper which is distributed? Nick Harding explained that site notices were put up along with a Village Voices magazine which gets circulated locally. Mrs Jackson added that it was also advertised in the village shop, post office and village hall.

- Councillor Hicks asked as a result of the open day were the results signed on the day and then collated there? Mrs Jackson explained that the residents took the leaflets away with them and sent them back. She added that there are copies online which can be reviewed. Councillor Hicks made the point as to whether there was an element of pressure inflicted on the responders and Mrs Jackson stated that was not the case.

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

- Councillor Marks stated that he is not content with the poll which was undertaken as, in his opinion, he finds it a strange way of undertaking such things and does not seem to be a formal procedure. He added that the responses could have been photocopied or doubled up and the application does not appear to be significantly different from when it was brought before the committee previously.
- Councillor Mrs French asked what is different between the current proposal and the previous two applications? Nick Harding explained that the only difference is that the community consultation exercise has been undertaken.
- Councillor Gerstner stated he has reviewed the Parson Drove Parish Council Neighbourhood Plan, and the proposal does not comply with it and the development encroaches on open land and he is not content with the poll that was undertaken and the contribution which is not legally binding. He made the point that he has never seen anything undertaken in that format before as it is outside of Section 106 contributions and CIL, and he cannot support the proposal.
- Councillor Mrs French stated that she has never seen anything undertaken in this format in the 24 years she has been an elected member.

**Proposed by Councillor Hicks, seconded by Councillor Gerstner and agreed that the application be REFUSED as per the officer's recommendation.**

**P85/23      TPO/04/2023  
GRANARY BARN, MAIN ROAD, ELM  
TREE PRESERVATION ORDER.**

Nick Harding presented the report to members, which they had been provided with an updated copy of prior to the commencement of the meeting. He explained that the report seeks to set out clearly the issues in relation to this application, including looking at the reasons why the objector does support the Tree Preservation Order (TPO) Report being confirmed.

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

- Councillor Hicks asked that if the tree is felled could it be insisted that two or more new trees are planted? Nick Harding explained that if the Tree Preservation Order is confirmed and subsequently for whatever reason, such as disease in a few years, the tree has to be removed then it can be required that a replacement tree is planted.
- Councillor Mrs French asked whether the age of the tree is known, and Nick Harding explained that did not form part of the assessment undertaken. Councillor Mrs French stated that the point she was trying to make was whether the tree was there before the residents purchased the property and if it needs maintenance then they can apply to have the works undertaken properly rather than not have a TPO placed on it. Nick Harding

explained that the application that was received was for complete removal rather than for any tree works and members can see from the photographs that they have been provided, the nature of the species of the tree is such that there is not always a lot to cut back.

- Councillor Marks stated that the tree looks quite scrawny and if somebody undertakes works to it again there will be little of the tree left. He added that the neighbouring tree gives the shadow and he questioned whether the residents can still maintain it if they choose to do so. Nick Harding stated that the residents need to apply to the Council should they wish to undertake any tree works. He added if the tree is seen to be dead, dying or dangerous then there are emergency provisions available.
- Councillor Connor stated that the Tree Officer went and looked at the tree and has advised that the tree must be kept. He added should the condition change then it can be reviewed again, however, the expert opinion of the Tree Officer should be considered, and he feels that the TPO should be approved.
- Councillor Mrs French stated that she agrees with Councillor Connor.
- Councillor Marks stated that the Tree Officer's expert knowledge and opinion must be considered.

**Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the Tree Preservation Order be CONFIRMED.**

4.30 pm

Chairman