

## **17/01015/OUT – Proposed Residential and Commercial Development Station Road Bluntisham**

Parish council Comment in response to revised plan for 26 dwellings and 4 commercial units

### **Introduction**

It is noted that this application has been referred to the DMC prior to Bluntisham Council's response to the updated proposed plan. This indicates that the planning department pre-empted the response from the Parish council and had determined its decision prior to receiving the comments from a statutory consultee. This in our opinion demonstrates that the Planning officers at HDC do not consider our representations to be worthy of deliberation and are not given due weight in terms of making their recommendation. The NPPF states "Finally, once consultation has concluded, the local planning authority will consider the representations made by consultees, and proceed to decide the application. The consultation window for this application was extended to 6<sup>th</sup> September by Laura Nuttall and yet the planning officer's decision was published on 05.09.2018.

This application is intrinsically linked to another application 17/01785/FUL and at the DMC meeting in December 2017, a decision on this application was deferred so that it be considered at the same time as application number 17/01015/OUT. As a result of this and the fact that both applications will come before the DMC meeting on 17.09.2018, this response from Bluntisham Parish Council covers both applications.

Application - 17/01015/OUT - REFUSE

Application - 17/01785/FUL – REFUSE

### **Comments**

1. Proposed Local Plan to 2036 - Bluntisham has been reclassified as a Local Service Centre in the proposed new plan. This was challenged at the Inspection hearing on 18.07.2018 and the Inspector instructed HDC planning to carry out a review of the service provision within Bluntisham and other sites to provide evidence that the service levels claimed by HDC were suitable to sustain development and deliver growth. This section of the inspection is Matter 3 and the report from HDC is EXAM/04. Attached as an appendix to this report is the EXAM04 report from HDC and the response from Bluntisham Parish Council to the new claims in this report.

Within it HDC list the following services as being contributors to the level of service provision that justifies the change in Bluntisham from a small settlement to a Local Service Centre:

Bluntisham Fryer - Recommended for demolition by HDC planning on application 17/01785/FUL

The Lounge Café – Recommended for demolition by HDC planning on application 17/01785/FUL

The Village Barbers - Recommended for demolition by HDC planning on application 17/01785/FUL

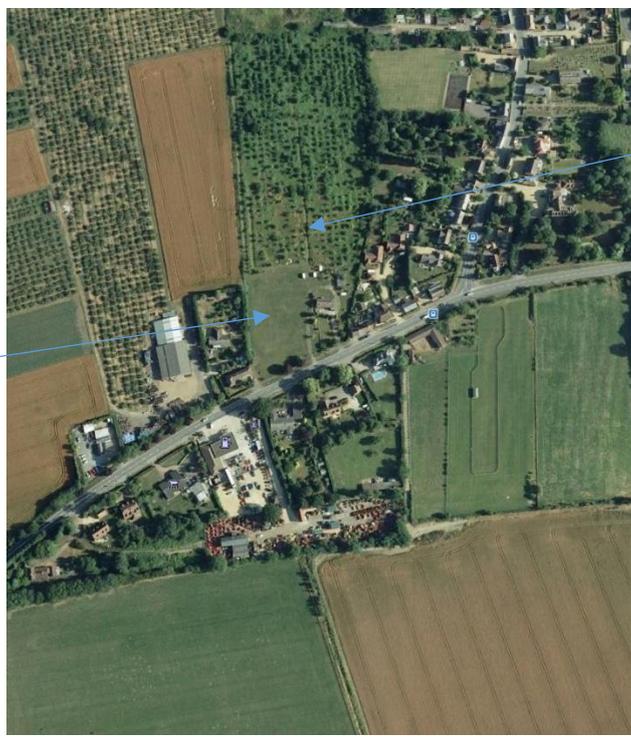
BPC question how on one hand these services can be used to justify the change to our settlement status by the planning department and then approve that they be demolished. Surely it is incumbent on the planning department to take a holistic approach to planning within Bluntisham and this blatant contradiction suggests that this is not the case.

2. Proposed Local Plan Soundness - The officers report (Agenda item 4B) makes several references to Bluntisham being designated as a Local Service centre – see points 7.11, 7.14, 7.22, 7.104 . It is on the record that BPC has challenged the soundness of the PLP to 2036 and that as previously stated the Inspector instructed HDC to carry out more investigations.

The inspector is yet to conclude on the settlement status contained within the PLP 2036. Submissions on the EXAM/04 had to be in by 31.08.2018, BPC's submission was confirmed as having been received by the project officer on 29.08.2018 and as of 05.09.2018 no further information from the Inspector has been made available. The hearings start again in September and BPC strongly feel that it would pre-empt the Inspectors findings to add any weight with regards PLP 2036 Policy LP9 to this application until such time that the Inspector has reached a conclusion.

### 3. Agenda item 4B – Specifics

1.2 – Greenfield Vacant Land - This land was formerly an Orchard and the land was sold to the applicant when it was an orchard with a small area of clear land between the houses and agricultural buildings on Station Road. The photograph below shows the extent of the Orchard, this photograph pre-dates the reconfiguration of the Garage site and the building of a car park on the cleared ground. Please see application numbers 0801135FUL and 1301360FUL for reference purposes of the changes and additions to these linked sites; please see officers report for conditions & comments regarding the car park & site attached as appendix 3.



Orchard pre 2008 purchase

Clear envelope of land separating residential and agricultural buildings

Originally the clear envelope of land was designated as a Rural Exception site as per officer's report 1301360FUL and negotiations between the then land owner and Nene Valley housing collapsed. This land including the Orchard to its northern boundary were purchased by the current land owner/applicant. Post purchase the new land owner began to clear the land and a blanket TPO was put in place, reference number L/TPO/286. Clearance has continued since on a large slice of the

Orchard which now forms part of the application site. This clearance activity was raised with the enforcement department and no remedial action has taken place. These actions have artificially created a larger area of vacant greenfield land contrary to the TPO.

7.14 - Policy LP23 PLP 2036 – States that the plan supports the provision of a new local service or community facility within the built up area or the extension of an existing local service area – There are already in existence the same facilities on the garage site immediately across from the site. These are neither new or an extension of the existing facilities. They are instead of or as well as, depending on decisions, and are therefore not compliant with Policy LP23.

7.16 - The application was only designated as a departure application and advertised as such in 2018, some 8 months post the application in May 2017. Point 7.17 makes it clear that this application is a departure from the current plan. It is included in the HEELA within the PLP 2036 but only under the auspices of the new plan which changes the settlement status of Bluntisham, the soundness of which is being questioned by the Inspector as previously stated. The status of Bluntisham as of 06.09.2018 and today remains as a small settlement and this application should be considered under the planning rules pertaining to Small Settlements, both within the current and policy LP12 within the PLP 2036 plan.

7.23 – Clearly states “that the commercial uses are also proposed as part of the current application which do not align with the draft site allocation”. There is clearly no need to include commercial units within this application as these services/commercial units are already in place and thriving.

7.25 - This site with 10 affordable units contributes 3% of the annual target for affordable housing in the district. No reference is made to the ward contributions to the affordable housing provision in the district – Needingworth 17/01687/OUT which was approved by DMC on 29 May 2018, potentially more sites within the ward Colne Road, High Street Bluntisham, Earith Minaars site. Potentially over 150 affordable units in one ward. Which based on the calculation used to say that this site delivers 3% then the Needingworth ward will potentially contribute 45% of the district wide provision.

7.28 – limited extent of floor space proposed, we consider this to be an inaccurate statement please see comments on point 7.14 above.

7.30 – Not applicable as these are unrequired replacements of existing commercial units.

Prematurity – BPC notes the premises of this section of report, please note that the same comments with regards to “prematurity” are not made in the report on application 17/01785/FUL. Which by HDC’s own admission needs to be assessed at the same time as 17/01015/OUT. Much as we appreciate the reasons for 17/01015/OUT fitting the criteria for prematurity being that it is a draft allocation in the PLP2036. It suggests that this cannot be used for a reason to refuse the application, however BPC feel that this is a valid reason to defer any decision until after such time that the PLP2036 has been concluded on by the Inspector.

7.56 – Acknowledges that the site has been cleared, and that no remedial action has been taken.

7.60 The application would mean that the existing Staff Car Park would be absorbed in to this application and would provide customer parking for the proposed commercial units. This car park was approved on application 1301360FUL and a condition of which is that this be primarily used for staff parking. Part of the justification for 17/01785/FUL is to provide more customer parking, there is no provision within 17/017185/FUL for replacement staff parking. BPC requests again that parking provision, and especially staff parking provision be assessed across both sites at the time.

Drainage – BPC would like to ask that riparian ownership be taken in to account when considering drainage. By the applicants own admission (email dated 03.09.2018 to BPC and copied to HDC planning) he states “The TPO’s prevent me from clearing the ditches on both the eastern and western boundaries”. Please see point 7.56 where it is stated that the site is surrounded partially on the west by residential land and residential development to the East. It is clear that the applicant has neglected his riparian ownership duties and that neither Anglian Water nor CCC were made aware of this and a full assessment of these drainage ditches should have been undertaken prior to the recommendation of approval.

7.97 Sustainability – we refer to earlier comments with regards to the level of service provision within the village and the proposed demolition of existing service provision.

7.100 – Please see BPC response to EXAM04 attached to this document for factual information about existing and reductions to the bus service.

7.02 Mentions Prince of Wales Public house. This public house closed in September 2015 and was subject to a change of use and renovation application 17/00258/FUL which was approved by HDC planning department.

7.103 – There are not two public houses in the village, this is incorrect and in need of correction, see above for the application number.

7.120 – Replacement commercial units will not provide any additional employment.

7.122 - Destruction of habitat has taken place since the land was purchased, the trees that were removed and were considered of enough quality to meet the TPO criteria. The removal of these trees and damage to the environment has contributed to reducing the quality of the trees (see 7.56). Via neglect and damage to the site the applicant has created “poor quality trees and environment” and as mentioned in this point as a factor in support of the proposal.

**Application 17/01785/FUL – Demolition of Existing Café/Barbers/Fish & Chip Shop and provision of 9 new customer parking spaces.**

Bluntisham Parish Council – Recommendation Refuse.

1.2 Parking provision – the statement is inaccurate and there are a number of inaccuracies on the plan, rather than list them here we have included the BPC planning report, original plans and proposed plans to this report. In effect there are currently only 24 available parking spaces rather than the 40 claimed on the application. The new plan will deliver 9 new spaces but this will mean in reality that there are only 33 useable spaces. Parking and disabled access are material planning considerations. Appendix 4

1.5 – This car park was primarily approved for the use of Staff at the site and overflow customer parking. This is not stated on the report in item 1.5 please see 13/01360/FUL. This application also included conditions that have never been met by the applicant and HDC enforcement officers are investigating 17/00158/ENBOC. This staff car park would be absorbed in to the application 17/01015/FUL and used as parking for the proposed commercial units. Attached is a copy of the officer's report with relevant points highlighted.

4. Planning History – Since the Garage site was developed to its current footprint 0801135FUL, there have been 4 additional planning applications. BPC would like to point out that three of these four applications have been retrospective - 1000716FUL, 1201316FUL & 1301360FUL. The history of the site and the inaccuracies in the plan, combined with other conditions being overlooked need to be considered. Previous planning decisions are a material planning consideration.

5.2 - Highways – state that the removal of the units will reduce the traffic flow. Clearly this is not the case as the traffic flow will remain as is.

7.5 – The demolition of the units will not promote economic growth, these units are thriving small businesses.

7.7 – See notes on 17/01015/FUL with regards to Local Service Centre and additional commercial units.

7.10 Policy LP – Local Service Centres – please see previous comments with regards to LP9 Policy and the current service levels used as justification for such. BPC demand that no weight from Policy LP9 in the PLP to 2036 be applied and that Blunt sham's current status as a small settlement and the existing and emerging policies with regards to Small settlements be given weight.

7.16 Parking provision - this increase to 49 is wildly inaccurate. Please see comments on 1.2.

7.42 – This application reduces the levels of services in the village and thus reduces the level of sustainability – please see HDC EXAM04.

7.43 – No economic growth would be generated by the addition of 9 parking spaces and the demolition of the services. Please see BPC report and both versions of the plan of the site for confirmation.

7.45 – See above, in accurate parking space numbers. Demolition of the only café in the village will be detrimental to the community and removes the only sit in and eat facility in the village & would have a negative social impact on the community.

Attachments included:

Appendix 1 – BPC Response to EXAM04

Appendix 2 – EXAM04 HDC report

Appendix 3 – 1301360FUL – Officers report

Appendix 4 – Site visit plan – 1701785FUL BPC comments

Appendix 5 – Site visit map showing car park spaces – 1701785FUL