

F/YR15/0117/F

**Applicant: Mr J Thomas
Play 2 Day**

**Agent : Mr J Griffin
Swann Edwards Architecture Ltd**

Play 2 Day, Old Station Yard, Gull Road, Guyhirn

Change of use from agricultural land to form extension to car park involving the erection of a 2.0m high chain link fence and the relocation of the existing agricultural access and raising the land levels.

This application is before committee at the request of Cllr Booth due to concerns raised by residents with regards to loss of amenity, screening, sound and drainage issues.

1 EXECUTIVE SUMMARY

The proposal is for the change of use from agricultural land to form an extension to a car park. It includes the erection of fencing, the relocation of an existing agricultural access and the raising of land levels. The application is considered to raise the following key issues:

- Principle of Development
- Layout and design
- Residential amenities
- Drainage
- Highway safety
- Biodiversity
- Health and wellbeing
- Economic Growth
- Other matters

The extension of the car park will alleviate existing parking problems with regards to on street parking within the area from visitors to the site. The application is partly retrospective as the land levels have already been raised however the new levels cause no concerns in terms of visual amenities or drainage. The proposed fencing is considered to be acceptable given that it will be softened by landscaping. The relocation of the access is acceptable in principle. The application was the subject of a previous refusal however it is considered that the current submission overcomes the previous reasons for refusal. The application is now considered to comply with policies of the Development Plan and it is therefore recommended that planning permission is granted.

2 SITE DESCRIPTION

The application site is located to the west of the existing building known as Play 2 Day. The north, east and south boundaries of the site are open and a drain forms the western boundary of the site. The use of the site is agricultural, as is the land to the rear. Material has been imported onto the site rendering the application retrospective.

3 PROPOSAL

The application seeks to change the use of the land from agricultural to a car park to serve the existing businesses known as Play2Day, Bowl2Day and Play2Day Laser Tag.

The businesses have an existing small car park to the south of the building, with access taken from Gull Road. On many occasions the car park is seen to be overflowing and as such visitors to the site resort to park on the verges along Gull Road. The proposal will seek to extend the car park in order to accommodate the off road parking needs of the business.

The proposal involves the erection of chain link fencing to the north and south boundaries and 1.8m close boarded fencing on the west boundary. Landscaping is proposed on south and west boundaries to soften the appearance of the development.

The car park will be formed in hardcore and finished in gravel to allow for drainage. A layout plan has been received showing 132 additional parking spaces however these will not be marked out due to the gravel finish. The proposal has allowed for the opportunity to provide 6 formal disabled parking spaces which will be formally marked out on the existing tarmacked area. At the closest point, there will be parking approximately 15m from the neighbouring residential property known as Ivy Cottage. However between the dwelling and the car park there is a belt of trees and landscaping (in Ivy Cottage's ownership), a drain, an agricultural access and further landscaping and close boarded fencing.

It is proposed that the access serving the agricultural land to the rear will be relocated 5m to the east off the A47 and the existing access effectively and permanently closed off.

4 SITE PLANNING HISTORY

REF. NO	DESCRIPTION	DECISION	DATE
F/YR14/0940/F	Change of use from agricultural land to form extension to car park involving the relocation of the existing agricultural access	Refused	16.01.2015
F/YR03/0111/F	Extension to existing childrens play centre to form 8 lane Ten Pin Bowling facility and additional warehouse accommodation	GRANT	13.05.2003
F/YR03/0640/F	Extension to existing childrens play centre to form 8 lane Ten Pin Bowling facility and additional warehouse accommodation	GRANT	03.09.2003
F/YR09/0114/F	Change of use of warehousing to childrens play area, party area, indoor mini-football and lazar area	GRANT	08.04.2009
F/YR00/0919/F	Change of use of existing warehouse to part childrens play centre and part warehouse involving formation of car parking and alterations to the access	19	28.02.2001

5 CONSULTATIONS

Parish Council

Recommend refusal. There is public concern relating to work taking place without permission/supervision and poor design and construction is likely to lead to drainage/screening issues.

FDC Environmental Protection

'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate. From the information provided contaminated land is not considered an issue.

Natural England

No objection in relation to statutory nature conservation sites. The Local Planning Authority should apply the Standing Advice in respect of protected species.

North Level Internal Drainage Board

Does not believe the proposal will cause undue harm to the surrounding amenities including the ditch and adjoining property. Have previously had levels taken along the boundary ditch to the west and found it to be in reasonable order.

CCC Highways

Given the increased demand for these facilities and the overspill of visitors parking onto the public highway this is a welcomed proposal. Parking spaces should be detailed along with disabled parking bays.

Highways Agency

Comments awaited.

Local Residents/Interested Parties

3 representations of support, comments as follows:

- As a resident living opposite, hope that the application is approved;
- Commend the owners of Play 2 Day in attempting to rectify the problem of car parking on the grass verges and pavements outside of the establishment;
- Fully in support of the application as visitors to the site block neighbouring property's driveway;
- Parking on Gull Road results in a harmful impact on highway safety and the churning up of grass verges;
- Pleased to see the business expanding and providing a successful facility beneficial to Guyhirn and the area in general;
- The proposal will overcome the problem of parking on sites across the A47 and reduce the need for people to cross this road

2 representations objecting to the scheme, comments as follows:

- Concerns with drainage on the site;
- Works have already commenced but no drainage pipes have been laid under the hardcore;
- Any excess water will flood across the A47;
- The actions of the owner gives the impression of someone who does not respect the planning process;
- Unclear intentions given the raising of the land behind the application site;
- Unauthorised works to the rear of the site;
- The number of parking spaces has not been quantified;
- The shortfall of parking spaces suggests there is difficulty in managing the demand of the operation;
- The movement of vehicles on the site will compact the hardcore and shingle to create a hard surface which will not allow for drainage;
- The combination of rain water from the main road and the proposal will increase the risk of ponding and potential flooding close to Ivy Cottage;
- The water should be channelled into slow release pipes;
- Overlooking from raising land levels;
- Noise and disturbance;
- Impact of vehicle and security lighting;
- There is little in the way of screening;
- An earth bank should be provided to deflect noise and light;
- The unauthorised works have destroyed a major part of the natural environment based on an inaccurate and incomplete biodiversity report;
- Unauthorised works have been taking place on site, including the completion of the vehicle parking area, the completion of the infill and the levelling to the agricultural area;
- Why would the applicant commit to the level of activity or expense if they were uncertain of the final outcome of the planning process?
- Previous conditions around screening of their last application were never finished and have never been enforced;
- Problems with the free running of the dyke;
- The supporting documents are lacking in any real reference to the total impact of the scheme;

- The site has been cleared and the land changed beyond recognition so as to destroy evidence before the planning application was submitted;
- No work has started on the Architects office;

6 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 19: Significant weight should be placed on economic growth.

Paragraph 21: Investment in business should not be over-burdened by the combined requirements of planning policy expectations.

Paragraph 28: Sustainable growth and expansion of all types of business in rural areas through the conversion of existing buildings and well designed new buildings should be supported.

Paragraph 58: Development should respond to local character and be visually attractive as a result of good architecture and landscaping.

National Planning Policy Guidance (NPPG)

Fenland Local Plan 2014

LP1: A Presumption in Favour of Sustainable Development

LP2: Health and well being

LP3: Settlement Hierarchy

LP6: Employment, Tourism, Community Facilities and Retail

LP12: Rural Areas Development Policy

LP14: Responding to climate change and managing the risk of flooding in Fenland

LP15: Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16: Delivering and Protecting High Quality Environments

7 KEY ISSUES

- **Principle of Development**
- **Layout and design**
- **Residential amenities**
- **Drainage**
- **Highway safety**
- **Biodiversity**
- **Health and wellbeing**
- **Economic Growth**
- **Other matters**

8 BACKGROUND

Planning permission was refused for a similar scheme in January 2015 for the following reasons:

1. The proposal fails to accord with Policies LP12 and LP16 of the Fenland Local Plan (2014) which seeks to ensure that new development does not harm the character or appearance of the area. The proposal would result in the change of use of an agricultural meadow to a car park. The area of land better relates to the countryside and the proposal would introduce an out of keeping and visually intrusive form of development that is contrary to the character and appearance of the area. This unwarranted and unjustified form of development has failed to respect natural boundaries and the recontering of the land would exacerbate this unacceptably harmful impact on the landscape. As such the proposal fails to accord with Policies LP12 and LP16 of the Fenland Local Plan (2014).
2. The proposal fails to accord with Policy LP16 of the Fenland Local Plan (2014), which seeks to ensure that development does not harm the amenity of neighbours. A noise assessment has not been submitted which demonstrates that the proposed development would be operated within acceptable noise limits. This harmful impact could be exacerbated as there is no intervening screening or boundary treatment proposed, thereby allowing headlights, and lights from the main building, to shine directly towards Ivy Cottage. For these reasons the proposal would have an unacceptably harmful impact on the amenity of this property through adverse levels of noise and light. The proposal thereby fails to accord with Policies LP2 and LP16 of the Fenland Local Plan (2014).
3. The proposal fails to accord with Policy LP14 (Part B) of the Fenland Local Plan (2014), which requires residential development within Flood Zone 3a to complete a sequential test, and exceptions test if necessary. The submitted sequential test has failed to identify whether there are any sequentially better sites within the locality and the exceptions test has not provided satisfactory justification for the development. As such insufficient justification has been provided to substantiate the introduction of the proposed development into Flood Zone 3a. The proposal is contrary to the NPPF and Policy LP14 of the Fenland Local Plan (2014).

As an attempt to overcome the reasons for refusal, the following has been included in the current submission:

Additional landscaping is proposed on the south and west boundaries which will screen the proposal from a public perspective. The landscaping will result in a more natural appearance, thereby assimilating into the character of the countryside. Additional details have been provided with regards to the site levels which were previously absent. The proposal therefore overcomes refusal reason 1.

The proposal includes close boarded fencing and landscaping on the western boundary. This solid treatment will screen car headlights from the neighbouring property. A noise assessment has not been submitted however the fencing and landscaping will reduce noise disturbance from the proposal and no objections have been received in respect of noise from FDC Environmental Protection. The proposal therefore overcomes refusal reason 2.

The Design and Access Statement describes how the proposal is for an enhancement to an existing business. With this in mind, the location of the development can only be next to the existing business, thereby making this the only available site. The proposal therefore overcomes refusal reason 3.

9 ASSESSMENT

Principle of Development

Policy LP6 of the Fenland Local Plan encourages the enhancement of existing tourism and visitor facilities. The extension to the car park is considered to be an enhancement of the existing business and it will reduce the amount of car parking on the public highway. As such the principle of the development is acceptable.

The proposal also includes the relocation of an existing access. The principle of the access has therefore already been established.

Layout and design

The proposed landscaping is considered to make the application appear visually acceptable in terms of the impact on the character of the surroundings. A condition securing the landscaping details and their maintenance is recommended to ensure that the proposal remains visually acceptable in perpetuity. It is noted that the land levels have been raised between 0.5 to 1m from the original level. Whilst this is not entirely desirable, it will not result in an excessively elevated piece of land which appears out of keeping with the surroundings. The proposal therefore complies with policy LP16(d).

Residential amenities

The proposal includes additional landscaping and 1.8m close boarded fencing and the nearest car parking space is approximately 15m away from the neighbouring dwelling at Ivy Cottage. With this in mind and given the proximity of the site to the A47 and the Gull Road junction, with its associated traffic noise, and that FDC Environmental Protection has raised no objections in respect of noise and disturbance, it is considered that a reason for refusal on noise implications could not be substantiated.

The close boarded fencing and landscaping will screen the vehicle headlights within the car park from the neighbouring resident. The security light on the Play 2 Day building is an existing light and therefore cannot be controlled under this application. No further security lights are proposed. The land levels have been raised and given that the fencing and landscaping will be positioned on the new higher level, it is considered that overlooking towards the neighbouring dwelling will not occur. The proposal is therefore considered to comply with policy LP2 and LP16(e) of the Fenland Local Plan.

Drainage

The car park will be constructed from hardcore and finished in gravel, both of which are entirely permeable. This will allow for surface water drainage at the same rate as greenfield. The North Level Internal Drainage Board has not objected to the proposal and notes that the drain is in reasonable working order. The proposal therefore complies with policy LP14 Part (B) of the Fenland Local Plan.

Highway safety

The proposal involves the closure of an existing access off the A47 and the formation of a new access to serve the agricultural land to the rear. The proposed car park extension will be an improvement on the existing highway safety situation as it will reduce the need for vehicles to park in the public highway. Furthermore the formation of dedicated disabled parking bays makes the proposal more inclusive for all users. The proposal therefore complies with policy LP15 of the Fenland Local Plan.

Biodiversity

The retrospective nature of this application unfortunately has resulted in the loss of opportunity to inspect the existing land for wildlife habitats. However there were no derelict buildings on site which would have accommodated roosting bats and if anything, the inclusion of additional landscaping will provide greater opportunity for wildlife habitats. The walk overs carried out by the agent did not highlight the presence of habitats.

Health and wellbeing

The proposal will result in no detrimental impact on neighbouring residential amenities as such it complies with health and wellbeing principles in accordance with policy LP2.

Economic Growth

The proposal constitutes the enhancement of an existing business thereby promoting economic growth.

Other matters

The objections raised by neighbouring residents which have not already been discussed in this report are addressed as follows:

- *The actions of the owner gives the impression of someone who does not respect the planning process;*
This is not a material planning consideration.
- *Unclear intentions given the raising of the land behind the application site;*
The land in question falls outside of the application site boundaries and does not affect the current proposal. Therefore this point is afforded limited weight in the assessment of this application.
- *The shortfall of parking spaces suggests there is difficulty in managing the demand of the operation;*
- This application seeks to overcome the parking demand on site.
- *Unauthorised works have been taking place on site, including the completion of the vehicle parking area, the completion of the infill and the levelling to the agricultural area;*
Whilst the retrospective nature of this application is not desirable, it is not a reason for refusal.
- *Why would the applicant commit to the level of activity or expense if they were uncertain of the final outcome of the planning process?*
This is not a material planning consideration.

- *Previous conditions around screening of their last application were never finished and have never been enforced;*
Noted, however this application constitutes a fresh proposal on site.
- *Problems with the free running of the dyke;*
This falls to the owner of the drain to maintain.
- *No work has started on the Architects office;*
This does not relate to the current application.

10 CONCLUSIONS

The proposal constitutes an enhancement to an existing business and the relocation of an existing access off the A47 to serve agricultural land to the rear. It will cause no harm to the residential amenities of neighbouring residents, to the local drainage system or to highway safety. The development complies with policies of the Development Plan and it is therefore recommended that planning permission is granted.

11 RECOMMENDATION

F/YR15/0117/F – That delegated authority be given to the Head of Planning, in agreement with the Chair, Vice Chair and Ward Members, to grant permission subject to:-

- i) No objections from Highways England**
- ii) Conditions**

1. Within one month of the date of this permission, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- **planting plans,**
- **written specifications including cultivation and other operations associated with tree, plant and grass establishment.**
- **a schedule of plants noting species, plant sizes and proposed numbers/densities.**
- **Schedule of implementation.**

The approved scheme shall be carried out fully in accordance with the approved details and undertaken fully in accordance with the approved schedule of implementation.

If within a period of five years from the date of the planting of any soft planting element carried out pursuant to this condition is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced by planting as originally approved. This shall be undertaken by the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants unless the Local Planning Authority gives its written approval to any variation.

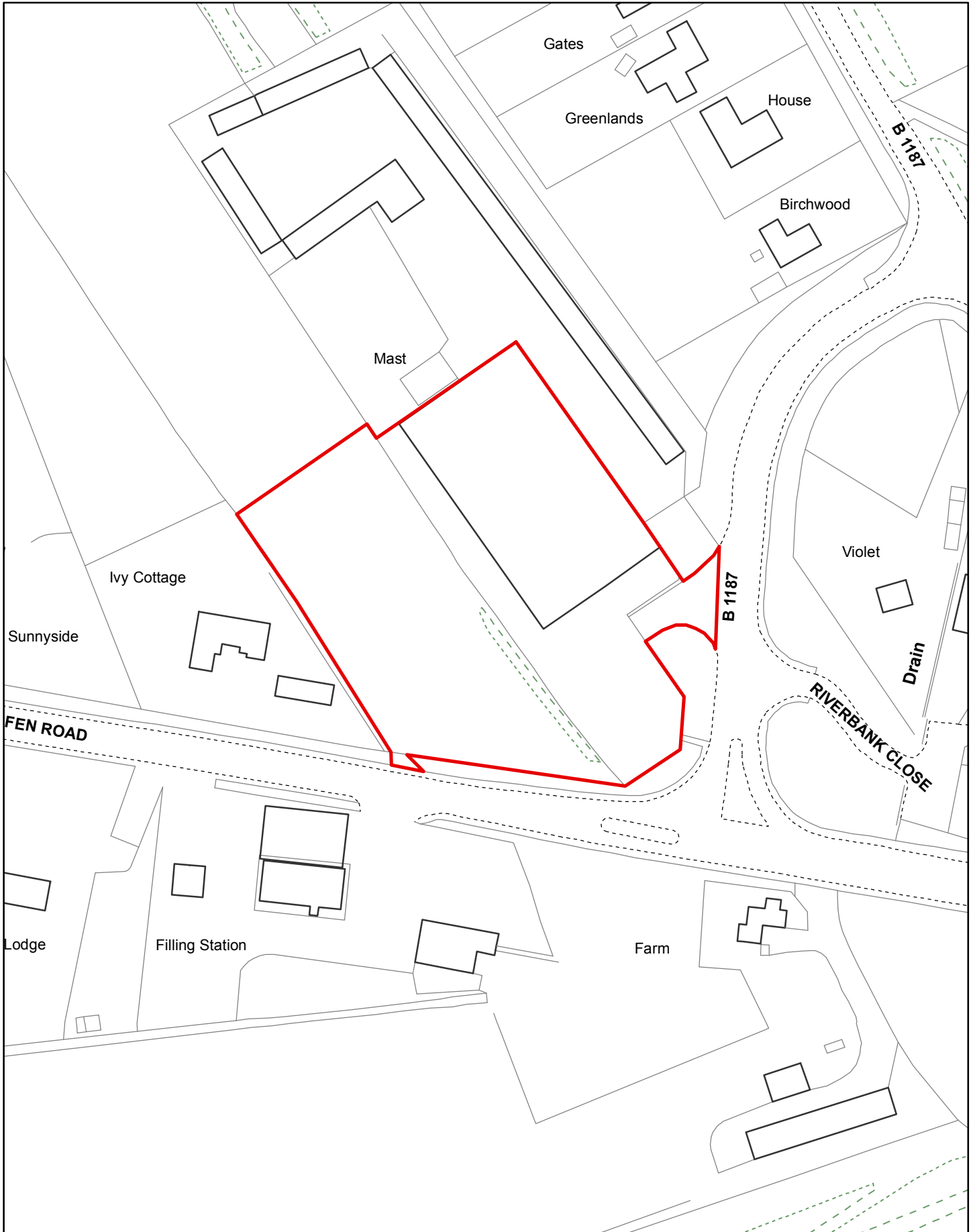
Reason: To ensure the environment of the development is improved and enhanced in accordance with Policies LP16 and LP19 of the Fenland Local Plan (Adopted May 2014).

2. The 6 No. disabled parking bays shown on drawing No. SE-353 02 Rev E shall be laid out and constructed to DDA compliant parking standards within one month of the date of this decision notice and thereafter retained and maintained in perpetuity.

Reason: In accordance with highway requirements and Policy LP15 of the Fenland Local Plan 2014.

3. The existing site access off the A47 shall be effectively and permanently closed and grassed over within two months of the date of this decision notice and thereafter maintained accordingly.

Reason: In accordance with highway requirements and Policy LP15 of the Fenland Local Plan 2014.



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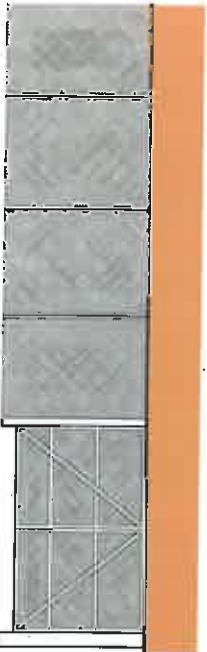
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Scale = 1:1,250



General Notes

1. All dimensions shall not be scaled. Figure dimensions only to be used.
2. All dimensions shall be in metres.
3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
4. This drawing is to be read in conjunction with all relevant engineering and specialist sub-contractors' drawings and specifications.
5. All dimensions are to be taken to the design's station.



Gate/Fence Elevation
Scale: 1:50

SITE PLAN KEY

	Indicate buildings un-developed from entrance survey location (plan)
	Indicate flowering cherry and rowan trees with grass
	Indicate planting of new natural herbivore and backstream hedgerows
	Indicate current levels
	Indicate current former levels

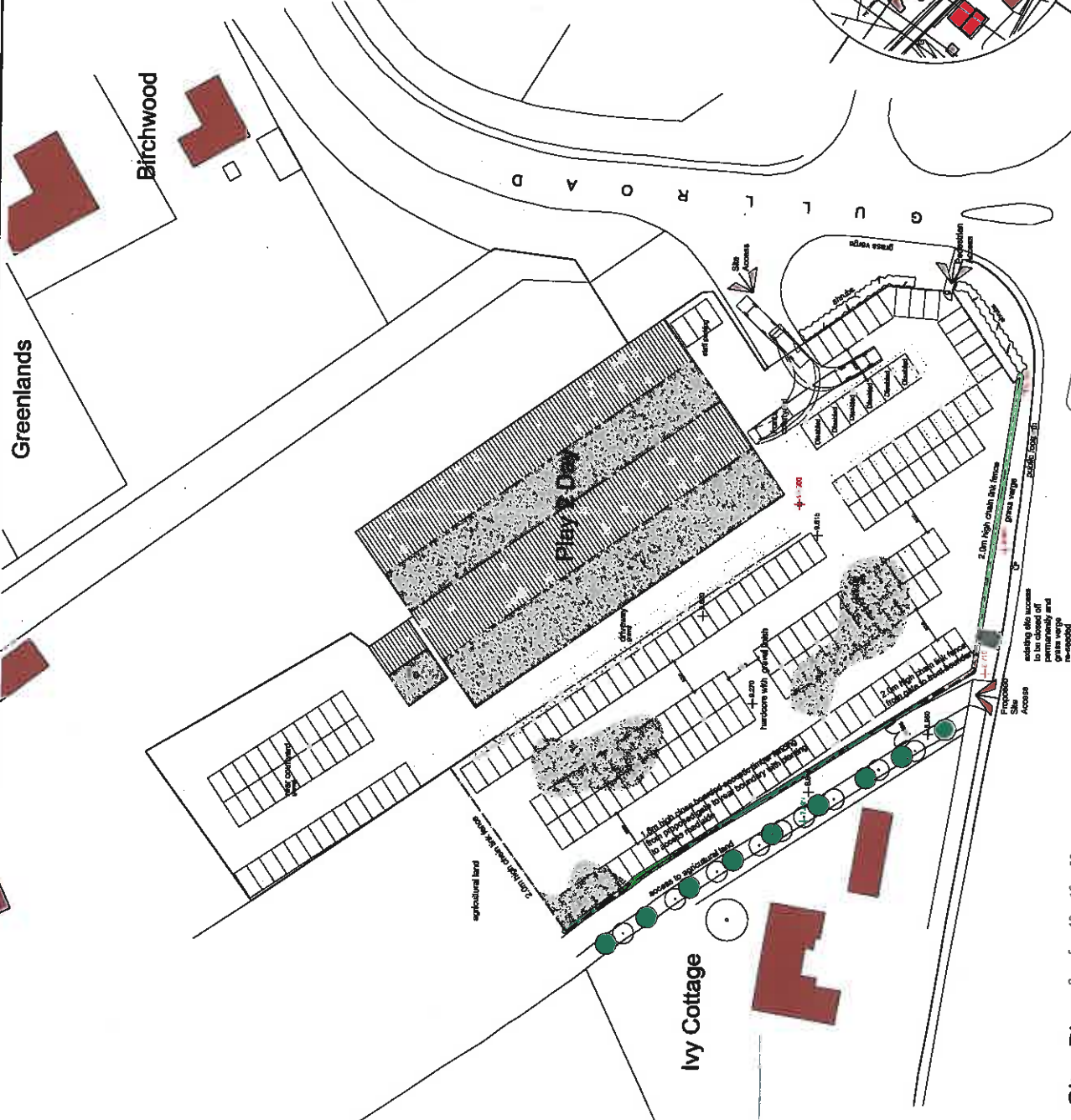
	Indicate proposed site access
	Indicate ground

Revisions

A	Nov 2014	Planners Comments
B	Feb 2015	Resubmit of Planning
C	Apr 2015	Additional Information for planning officer
D	May 2015	Levels added for planning application
E	May 2015	Parking spaces added to drawing

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Job Title	Scale	Drawn By
Change Of Use	A3 Shown	JG
Land to Car Park	Nov 2014	Revision
For Mr J Thomas	SE-353	E
Drawn By	Dr J Ma	02
Planning Drawing		



Site Plan
Scale: 1:500