

PLANNING COMMITTEE



30 MARCH 2016 - 1.00PM

PRESENT: Councillor A Miscandlon(Chairman), Councillor S Clark(Vice-Chairman), Councillor M G Bucknor, Councillor M Cornwell, Councillor Mrs Davis, Councillor A Hay, Councillor Mrs D Laws, Councillor P Murphy, Councillor Mrs F S Newell, Councillor C C Owen, Councillor W Sutton.

APOLOGIES: Councillor D W Connor

Officers in attendance: Mella McMahon (Development Manager), Hannah Edwards (Legal), Rebecca Norman (Senior Planning Officer), Gavin Taylor (Senior Planning Officer), Jane Webb (Member Services & Governance)

P76/15 TO SIGN AND CONFIRM THE MINUTES OF THE MEETING OF 2ND MARCH 2016

The minutes of the meeting of 2 March 2016 we confirmed and signed.

P77/15 F/YR15/1127/F 300 EASTREA ROAD, WHITTLESEY, PETERBOROUGH, CAMBRIDGESHIRE ERECTION OF A 3.0M HIGH (MAX HEIGHT) FENCE

The Chairman stated that both F/YR14/0979/F and F/YR15/1127/F would be presented at the same time as they were linked and the decision taken on F/YR15/1127/F would be taken before the decision on F/YR14/0979/F.

See below minute - as heard in conjunction with F/YR14/0979/F.

The item was proposed by Councillor Sutton and seconded by Councillor Owen and resolved that the application be:

GRANTED as per the recommendations within the report (attached).

(Councillors Miscandlon, Mrs Clark, Mrs Newell, Cornwell, Bucknor and Murphy, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application.)

(Councillors Miscandlon and Mrs Laws stated they were Members of the Whittlesey Town Council but take no part in planning matters.)

P78/15 F/YR14/0979/F 300 EASTREA ROAD, WHITTLESEY, PETERBOROUGH, CAMBRIDGESHIRE VARIATION OF CONDITION 6 OF PLANNING PERMISSION F/YR11/0574/F (CHANGE OF USE OF SITE TO HAULAGE YARD AND PART CHANGE OF USE OF EXISTING WAREHOUSE TO FORM OFFICE AND ACCOMMODATION FOR LORRY DRIVERS, INVOLVING FORMATION OF MEZZANINE LEVEL) TO ENABLE ALTERATIONS TO HOURS OF OPERATION AND TO SPECIFY THE HOURS AND NUMBER OF HGV MOVEMENTS

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy & Procedure (minute 19/04 refers)) during its deliberations.

Officers presented the application to Members and informed them that updates had been received as per the documents handed out (attached).

Members made comments and asked questions as follows:

- Councillor Bucknor asked if the condition with regard to radios and stereos playing extended to include the accommodation. Planning Officers stated this condition related to within the cabs of the lorries and explained the accommodation already existed and formed part of the 2011 permission. Councillor Miscandlon explained it was for the entry and exiting of vehicles.
- Councillor Mrs Hay referred to the applicant's own Noise Assessment where it stated "it is considered that the very limited number of vehicle movements proposed between 1 and 6 during any night time period would not give rise to a significant adverse impact". Councillor Mrs Hay asked that as between 1 and 6 vehicle movements had been proposed then why were Members asked to look at 9 vehicle movements. Councillor Miscandlon stated his understanding was the company required a maximum because of vehicles arriving from outside of the area that could arrive late due to delays. Councillor Mrs Hay stated her point was the applicant had quoted that the Noise Abatement had stated there was no problem but this was based on between 1 and 6 movements and not based on 9 movements and also the report stated "research by Vallet & Vernet 1991 considers that for a good night's sleep the number of individual events should not exceed 10 to 15 per night. The proposed maximum of 6 vehicle movements per night is well below this figure", therefore the noise assessment was based on 6 movements and not 9 movements. Planning Officers explained that the Noise Management Plan showed how noise would be managed and referred to 9 vehicle movements, which had been assessed by the Environmental Health Team and was the most up to date data; nine movements were requested and mitigation had been shown for nine. Councillor Mrs Hay stated she was concerned the noise assessment was based on 1-6 and not 9 movements and had been carried out from Friday through to Monday and whilst she fully accepted that after 11pm there would be vehicle movements as people tended to socialise at the weekend and were not in bed at 10pm; asked why a noise assessment had not been carried out covering Monday to Friday. Daniel Bales, FDC Environmental Health Officer, stated Councillor Mrs Hay was correct and whilst people socialised on a Friday and Saturday night there would also be less activity from HGVs than throughout the week and therefore this period would be at its quietest for heavy goods movements and the best case for the residents and worst case for the applicant. Councillor Mrs Hay asked why a noise assessment Monday to Friday was not carried out as this would be the time when residents would be more worried due to getting up for work in the morning or were on shift work. Daniel Bales explained these additional movements were looked at alongside the number of movements already and therefore it there were less movements then the additional nine would have a greater impact whereas in the week as there were more movements then the additional nine would be proportionally less significant. Councillor Mrs Hay stated her point was the applicant had requested an extension of hours to have the "out of hours" within the week as well as weekends therefore to achieve a true noise abatement then an assessment needed to be carried out over the whole week.
- Councillor Mrs Laws stated she agreed with Councillor Mrs Hay and added that this site had extensive history and as a Whittlesey Town Councillor, she had listened and not participated in several presentations and during these many promises had been made by the company and yet none to date had come to fruition, back from 2010. Her point was if this was granted then these planning conditions must be adhered to as on two or three occasions this company had been involved in enforcement and one in particular regarding the entrance, therefore she was extremely pleased this had been addressed whereby it would be moved further into the site as vehicles had been hanging out on the A605 making it extremely dangerous as traffic tries to pass them, this was a very busy and narrow road.

Councillor Mrs Laws asked if fobs had been issued to all permanent drivers and contractors as they were the ones entering the site during later hours. Planning Officers explained that the Agent had advised that all employees would have key fobs but he was not sure about the drivers travelling from elsewhere but their arrival would be anticipated, even if delayed and the gates would be opened on approach. Councillor Mrs Laws stated this did not currently happen and she had photographic evidence to prove that vehicles were queuing on the A605. Planning Officers stated they had advised that all measures within the mitigation plan needed to be complied with to ensure it was acceptable .

- Councillor Mrs Laws asked if officers would ensure that the acoustic fencing, if approved, would be installed before anything else took place. Planning Officers explained the first condition on the application was for the acoustic fence to be installed.
- Councillor Cornwell stated the slide shown to Members showed the acoustic fence starting at the edge of the building on the left hand side, whereas the Noise Management Plan showed it running along Eastrea Road and therefore asked which one was correct. Planning Officers explained the slide was correct and the fence would run from the corner of the left hand building, across the gates and half way down to the other building. Officers have asked for the Agent to amend the Noise Management report in order for it reflect the fencing application. Councillor Cornwell asked if Fenland had asked for the acoustic fence along Eastrea Road to be removed or was it the applicant. Planning Officers explained the Agent had initially shown on the first application the fence running along Eastrea Road but Planning had no details of that and as it required permission in its own right Planning requested the Agent apply and when they applied they determined where the fence would be placed; this had been assessed by Environmental Protection who were happy. Daniel Bales stated the fencing would be nearer to the lorries and give more attenuation than being placed further along Eastrea Road, the section that would have gone along Eastrea Road was for car parking and not a noise source. Environmental Health realised that the Noise Management Plan did not match with the application and this was why they had asked for the Noise Management Plan to be amended because for it to work the gate next to the building would need to be kept shut. Councillor Cornwell stated there would be no control over the noise that drivers made once they get in their cars to go home. Planning Officers stated that as far as they were aware the drivers that would be entering the site at that time of night would be the ones that would be staying in the accommodation to enable them to rest and drive again in the morning; therefore it would be unlikely that the drivers would be going home.
- Councillor Sutton stated with regard to the assessment that both Councillor Mrs Hay and Councillor Mrs Laws had read, he had seen the figure of 15 and as the applicant had stated 9 which was fewer than 15 it was neither here nor there. He thought the acoustic fence placed where it was, was far better than going across the road as the noise would hit it sooner and diverts it quicker and the entrance was a huge improvement on what was currently there; the whole application may not be ideal but was a big improvement on what was currently there and he supported the application.
- Councillor Murphy stated he would like to see the acoustic fence go right to the end of the property because beyond the car parking there were trailers lined up and to get these into line there must be a tractor unit. Daniel Bales explained the noise management plan restricted where and when vehicles could move and in the area behind the building stated that no vehicles could be parked there within the restricted hours. Planning Officers clarified that the reason why there was an application for the acoustic fence was because the applicant wanted to vary the hours of operation and the key point of concern was the night time noise therefore the noise management plan would tie the variation of hours to those particular conditions and this would show the area where the vehicles enter later at night in the unrestricted hours where the acoustic fence was proposed and it would mitigate the noise from that area.
- Councillor Mrs Hay stated the current restrictions were 0700 until 1900 Monday to Friday and 0700 until 1300 on Saturdays and not on Sundays and Bank Holidays; and asked what had changed since then. Councillor Mrs Hay stated she did not have a problem with the

acoustic fence but disputed Councillor Sutton's remark that there was not much difference between 6 and 9 as it was a 50% increase and therefore she wanted to know what had changed between when it first went over to HGV to now. Planning Officers stated the request had come off the back of increased business and therefore the change had come about from their business need. Councillor Mrs Hay stated many of the lorry drivers would be foreigners and in her opinion, having worked with previously with foreign drivers, that they did not take any notice of signs for noise or parking and asked as to how this would be policed. Councillor Miscandlon stated he had been advised by the Legal Officer that Members cannot speculate as to what the site would be used for and how it would be run.

- Councillor Mrs Laws explained there was registered proof at Fenland District Council that conditions had been continually broken on this site and although the Town Council was very mindful that they did not want to obstruct business but to encourage but it had to be compatible with the residents and they needed to adhere to the planning conditions; to date this had not happened. Councillor Mrs Laws asked if any update had been received from residents raising objections. Planning Officers stated there had been no further objections and there had been no objections to the fence application. Councillor Mrs Laws stated this needed to be taken into account as the previous applications had a substantial number of objections and her fear was that Members were discussing this without all the confirmed facts and that worried her, she asked if it would be possible to postpone this application until all the information was available; she thought more questions needed to be asked and possibly an adjournment until that information was received.
- Councillor Mrs Davis stated she agreed with Councillor Murphy as to why the acoustic fence stopped and was not being taken further along. She also agreed with Councillor Mrs Laws in the fact she thought there were a lot of unanswered questions and would not feel happy unless some of that information was available.
- Councillor Owen asked if it was the Council's responsibility to encourage business to expand or discourage it to which Councillor Miscandlon stated it was everyone's responsibility to encourage business. Councillor Owen stated he had observed at the site visit that every house in the vicinity had either double or triple glazing and therefore what was the problem as anyone could make noise, within reason during the day. Daniel Bales stated that at night most activity reduces such as traffic flows and this was why noise might become more of a problem as it would not be masked as much as it would have been during normal activity and it is also when people are more sensitive to noise; night time is deemed between 2300 and 0700. He agreed the road was noisy the recorder had shown there were a number of vehicles on that road already but when lorries arrive at the site their acceleration and braking would be more noticeable and this was why the Council were being very clear on restricting the number of movements within the restricted period. The barrier was required at night to stop residents being disturbed.
- Councillor Cornwell stated there was only one objection and asked how many were directly affected by the site. Planning Officers explained there were 17 houses affected. Councillor Cornwell stated this was just one objection out of 17 households and whilst he was not stating Members should take no notice of it; they were only objecting to the proposed relaxation of conditions and nothing else therefore he did not understand why so much effort had been put into the noise element of the application. Councillor Cornwell stated that Members were maybe overstating the noise element when it was an A road that carried substantially more traffic than previously and is slowed down at the site due to the speed limit.
- Councillor Sutton clarified the comment with regard to Councillor Mrs Hay; he did not intend to minimise what had been said and he appreciated that 9 was 50% more than 6 but what he was trying to point out was that whether it was 9 or 6, it was still under 15.
- Councillor Mrs Laws agreed to "overcooking" the noise situation but it did worry her this was not tied down "belt and braces" because historically the applicant had not adhered to planning conditions and been reported on a number of occasions. She thought that unless Members have that "belt and braces" then the Council would have nowhere to go. Planning Officers clarified exactly what was outstanding; there was a condition that related

to a Noise Management Plan and this needed updating so that it fully reflected the application of the acoustic fence; this was the only outstanding information. With regard to the general discussions as to how material noise was as a planning consideration, the test from a planning point of view was whether it would cause a serious adverse effect in terms of noise and this was why it was important to listen to the advice from Environmental Health.

The item was proposed by Councillor Sutton and seconded by Councillor Owen and resolved that the application be:

GRANTED as per the recommendations within the report (attached) - subject to:

- **Receipt of updated noise management plan**
- **Amendment to condition 7 as set out in the update (attached) (i.e. to define what constitutes an HGV movement and delegated powers given to the Head of Planning to reword Condition 7 if necessary following the receipt of the updated noise management plan).**

(Councillors Miscandlon, Mrs Clark, Mrs Newell, Cornwell, Bucknor and Murphy, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application.)

(Councillors Miscandlon and Mrs Laws stated they were Members of the Whittlesey Town Council but take no part in planning matters.)

P79/15 **F/YR15/0502/O**
LAND NORTH OF ORCHARD HOUSE, HIGH ROAD, WISBECH ST MARY,
CAMBRIDGESHIRE
ERECTION OF UP TO 50 DWELLINGS

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute 19/04 refers)) during its deliberations.

Officers presented the application to Members and informed them that updates had been received as per the documents handed out (attached).

Members received a presentation in accordance with the public participation from Peter Humphrey, Agent.

Mr Humphrey thanked officers as the application had not been straightforward but they had met, agreed (Councillor Sutton had been involved in some of the email exchanges) and been allowed to make changes and amendments and provide additional information to make this an exceptional scheme and this was how planning should be. Mr Humphrey explained a couple of points missed out from the report. Favourable pre-app - this had not been mentioned in the report, when approval had been given for eleven; Christine Flittner had suggested extending the site to the northern drain which was the stop line for the Churchfield Development further to the north east of this development. They had also carried a community consultation exercise although this was not needed, they had held a four hour open discussion whereby plans were shown and approximately 75% were in favour, this was not noted in the report. The application was for outline only, Wisbech St Mary is a growth village and part of the site has approval therefore the access had already been agreed and some of the site is acceptable for development. All the dwellings are to be constructed in flood zone 1 and the flood zones 2 and 3 areas to be used for SuDS and open space. The Agent is also in negotiation to try and achieve a footpath link from the site, in the northeast, with access over the adjacent paddock to the school and the playing field beyond in order to make this much better for the whole village. Residents would not have to use the roads to walk to school and the adjacent landowner is amenable to this. Planning Officers also alluded to the benefits that the village would receive from this scheme as it was not an insignificant

amount, the total would be £277,900.36 plus thirteen affordable houses. Mr Humphrey concluded that this application was up for approval and complied with policies LP1, LP2, LP3, LP5, LP12, LP14, LP15, LP16 and LP19 with no objections.

Questions were asked of Mr Humphrey as follows:

- Councillor Miscandlon stated the previous granted planning application had shown, to the rear of the workshop, there were three properties, these were not on the current application and asked why this had been omitted from the outline application. Mr Humphrey stated that area would form part of a separate application with access from the frontage off High Road and did not think it needed to be submitted as part of the current application.
- Councillor Mrs Laws asked how many people attended the consultation. Mr Humphrey stated the attendance had been approximately 30 people. There had been 19 completed and returned questionnaires with 13 in favour and 6 against.
- Councillor Cornwell asked what was the likelihood of gaining permission and going ahead with the proposed footpath. Mr Humphrey stated he represented both the client for the application and also the owner of the paddock who was happy to be involved if it meant that he would receive support. Mr Humphrey also visited the school who welcomed it therefore there had been many negotiations which included the school and adjacent farmer to try and provide this joined up thinking.

Members received a presentation in accordance with the public participation from Mick Grant, Applicant.

Mr Grange stated he wanted to put across the point of view of the landowner and set the scene for Members on their thoughts about this and the development itself. The Grange's family have been associated with Wisbech St Mary for over 200 years and have owned the site for over 80 years and therefore it was dear to the heart of his family to see development a formally of designated growth village such as Wisbech St Mary. The encroachment onto open fields was almost inevitable for that type of application and this application was no different but it was a natural extension point and growth point for the village and it would logically balance the village around the school, the church and other amenities with the footpath giving a nice, safe route for families keeping them away from the High Road. He stated both himself and his family would like to see joined up thinking in order that a development which achieved that would be good for the village, high quality, visually appealing and a sustainable legacy for the village. Through the S106 contributions the village will gain an advantage for the school, sports facility, medical amenities and more importantly, affordable housing for the next generation. Additionally he was concerned about wildlife and had taken the opportunity to talk the Peterborough Wildlife Officer and other Wildlife members as they wanted to ensure that the development both protected and enhanced through good eco design and habitat for wildlife in the open spaces. He hoped the committee would support his application and thanked Members for the opportunity to speak to them.

There were no questions asked of Mr Grange.

Members made comments and asked questions as follows:

- Councillor Mrs Laws asked what the land levels of the site were. Planning Officers confirmed the plan showed that to the rear of the existing properties on High Road was between 1.55m and 1.92m and the rear of the site it was very similar at 1.59m to 1.88m therefore fairly level and there were conditions for the levels of the site and for the finished floor levels to ensure this would be sorted at reserved matters. Councillor Mrs Laws asked if planning officers were happy with the comments from CCC Lead Local Flood Authority. Planning Officers explained there was an additional drainage strategy submitted to address all the issues and had been assessed by the Lead Development Flood Authority who were happy with the proposals; SuDS, swales, the North Level Drainage Board maintained ditch,

the driveway, parking areas and private drives will be permeable paint and they are happy this would be adequate to achieve the correct flow rate that was manageable. There were also some suggested conditions which would be adhered to as part of the reserved matters therefore further information would be received regarding the maintenance and long term management. Councillor Mrs Laws asked if confirmation had been received that the drain is to be adopted by North Level. Planning Officers confirmed that North Level had considered the application and were happy.

- Councillor Sutton stated he had problems with the entrance and the encroachment onto the open countryside. He did not like the entrance but if Highways were happy with it then there was little option but to bear with it; his ideal would be to have the entrance on the corner after demolishing a bungalow but he understood the bungalow was probably not in the ownership of the applicant therefore reluctantly he would agree with the entrance. Councillor Sutton stated the application did not fit the policy in terms of encroachment but it did give the village 13 affordable homes and Section 106 monies therefore he thought on balance he would support the application.

The item was proposed by Councillor Sutton and seconded by Councillor Murphy and resolved that the application be:

GRANTED as per the recommendations within the report (attached) subject to:

- **Completion of a S106**
- **Additional biodiversity and highway conditions**
- **Amendments to conditions 6, 7, 9, 11 and 14 to require the details as part of the Reserved Matters submission rather than prior to commencement/occupation.**

(Councillor Sutton stated for transparency that he had been copied into several emails during the application process but had taken no part in them.)

P80/15

F/YR15/1112/F

43 WEST END, MARCH, CAMBRIDGESHIRE, PE15 8DL

CONVERSION OF EXISTING OUTBUILDING TO FORM PART SINGLE-STOREY PART 2-STOREY 1-BED DWELLING WITH INTEGRAL GARAGE (AMENDMENT TO F/YR13/0894/F), CONVERSION OF EXISTING DWELLING TO 2 X 2-STOREY 2-BED AND 3-BED DWELLINGS AND ALTERATIONS TO THE MOORING TO INCLUDE ERECTION OF A SUMMER HOUSE, CREATION OF A COVERED AREA AND RAISING THE ROOF OF THE EXISTING SHED

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute 19/04 refers)) during its deliberations.

Officers presented the application to Members and informed them that updates had been received as per the documents handed out (attached).

Members received a presentation in accordance with the public participation from Michael Anthony, applicant.

Mr Anthony thanked the Planning Team for their patience and assistance in guiding him through the complex process of applying for planning permission for a historically important site in a conservation area; he had been involved in this for many years and therefore had a lot of personal regard for how the people of March regard this particular building. The primary concern that had been expressed by some of the White Horse Garden residents was the potential to increase vehicle traffic and parking due to the new dwelling but this assumption did not accurately reflect reality as the extension and restoration of 43 West End, having been granted planning consent in 2005, was largely complete by late 2008 and since to 2009 had operated as a 6 bedroom HMO

with some accommodation for his family when visiting from their home in Slovakia. Since 2013 there had been existing planning consent for a one bedroom conversion to the Bottle Store with one allocated parking space but construction had been suspended awaiting the outcome of this application therefore the established and approved use of the site at present was for seven bedrooms in total to be occupied by at least 7 to 8 adults with a total of 3 car parking spaces. The proposed development would have 3 dwellings providing 2 high priority family homes with a total of 6 bedrooms together with 5 car parking spaces including the integral garage this would result in a net reduction in bedrooms and an increase in parking spaces therefore it was reasonable to assume that the proposed development would generate less vehicle use than at present as the total number of adult residents was likely to be significantly lower than at present. Since 20 March 2016 and following a request by the new management of White Horse Garden Management Company one of his tenants had moved her car from the car parking space adjacent to 42 West End into a new space in the rear yard at 43 West End and he had previously been given informal authority to use this from the original management company. After he stopped using the space he has had to remind tenants that they have no right to park in White Horse Gardens but he also did not have any authority to ask them to leave. Although it was intended to improve the parking layout it was interesting to note that four cars are now independently parking in the existing rear yard therefore it did demonstrate that some of the concerns of Highways about practicability of parking could be made to work. The proposed integral garage in the former Bottle Store would not obstruct or impede traffic as a revised door design was fully retractable. In addition no significant issues with safety exist as visibility from both sides was excellent and the maximum volume of vehicle movements past the proposed garage entrance would only be about 30% of what could be expected at the Dartford Road end of White Horse Gardens and he was not aware of any existing safety issues existing within White Horse Gardens. Waste storage capacity would be trebled and all bins would be stored in the curtilage of each property. To summarise the proposed development would provide high priority small/medium sized family housing to replace an established HMO. Traffic and parking pressures on White Horse Gardens are likely to be reduced and not increased and all dwellings would enjoy improved amenity areas. Finally, if the application was approved, the fairly long awaited completion of this site could proceed without further delay on a viable and sustainable basis.

Questions were asked of Mr Anthony as follows:

- Councillor Cornwell stated the former Bottle Store had its garden alongside the river and asked how they would get from one to the other. Mr Anthony explained that there was a passageway available to all residents which would be between 44 and 43 West End. Councillor Cornwell stated that in order to get the amount of amenity there was a shared passageway taken into account and asked if that was the idea. Mr Anthony explained that everyone had access to the shared passageway to give them access to West End. Councillor Cornwell stated with regard to the calculations then did it still "stack up" because if it was shared by three people then that area would be divided by three therefore only a third would be allocated under the amenity rules and he thought that it was slightly odd that the amenity area for the Bottle Store was so remote from the Bottle Store.
- Councillor Owen stated this building site was familiar to many people and there was another project called Bank House further along West End which had been a work in progress for probably in excess of 20 years but it was now being worked; looking at this application Councillor Owen asked that in view of the complex nature of the application, had a timeline been attached to it. Mr Anthony stated he hoped that they would get to the final stages; he had first been involved with the site 14 years ago and started work 10 years ago on the restoration but the financial crisis had slowed it down. He was looking to still have an interest in the property but to downsize and the market had determined that people did not want to take it on as it was and therefore a sub-division was the logical conclusion. Councillor Owen wondered if there was a timeline involved otherwise local residents would have to endure continued building works; Mr Anthony stated the idea was to be completed within the next 6 to 9 months. The Legal Officer reminded Members that although planning

permissions would often carry a condition as to a time limit for commencing development provided that a developer commenced development in accordance with that condition there was no time limit imposed for completion and developers should not be penalised in the event that it did take longer than anticipated. Councillor Owen explained that the point he was trying to make was in the interest of the adjacent residents and he was not trying to include a condition.

- Councillor Mrs Hay commented the report stated "to facilitate parking and creation of a mezzanine bedroom at the first floor the existing floor level of the bottle store will be excavated by 35cms to enable sufficient headroom to accommodate a vehicle" and asked what the finished headroom would be. Mr Anthony stated it would be stepped down therefore effectively the first 2.5m would be at full 2m height and getting lower but that the area at the front of the vehicle would go under the mezzanine area. Councillor Mrs Hay stated that the roadway directly outside of the proposed garage was not in the applicant's control therefore it would have to be stepped and she was concerned as to how that would work given the dimensions which Members had been told would be 4.8m deep when it would normally be expected to be 7m, Fenland Local Plan recommends 3m x 7m for a garage yet the proposed garage would be 2.7m x 4.8m therefore it would have to be fairly steep. Mr Anthony stated it would go down fairly steeply but would not be a problem.
- Councillor Cornwell stated the design of the structures alongside the river, presumably these had been discussed with Middle Level and asked what their feedback had been. Mr Anthony stated he would still need permission from them but the comments he had received was that they did not see any problems as it was set back because the pub had a very substantial concrete mooring and the new structure would be back from that and therefore that was why they did not have any fears about the riverbank.

Members made comments and asked questions as follows:

- Councillor Bucknor commented he had not seen the drawings that were being displayed on the slides and asked if these could be circulated to Members beforehand in future.
- Councillor Murphy stated he thought this was the worst application he had seen for a very long time; the parking would be an issue as people do not park in allocated spaces, they park everywhere. The bottle store he thought had been built for dwarves and asked why there was an HMO in the middle of a very picturesque area of March. He thought this was a massive over intensification of the site, out of character, the layout was not conducive to the area and the visual impact will affect the area and therefore he recommend refusal of the application.
- Councillor Mrs Hay commented the report stated "within the Local Plan under Policy LP16 requires a minimum of 30% private amenity space to be available to serve individual dwellings....overall there will be 38% to serve all three dwellings" and therefore asked if this was contrary to Policy LP16. Planning Officers explained that Policy LP16h referred to private amenity space and required a development to provide essentially sufficient private amenity space although it did state "suitable to the type and amount of development proposed" and "for dwellings as a guide and depending on the local character of the area, this means a minimum of a third of the plot curtilage should be set aside" which meant that LP16h had been broken down into elements and essentially required suitable private amenity space to the type and amount of dwellings being proposed, depending also on character of that area. This application was a unique development and there was an existing outbuilding that benefited from extant planning permission to become a one bedroom dwelling. There was a large dwelling which was proposed to be sub-divided but it was a dwelling that existed with essentially 7 bedrooms and functioned as an HMO for six unrelated people to occupy with no control from the local planning authority. When this was considered in accordance with LP16h Officers needed to consider whether or not there was sufficient private amenity space for each component part of the dwelling. When looking at the outbuilding which was small and compact and therefore perhaps a smaller area of private amenity space would be expected however it was located separately to the

dwelling but when looking at the form and character of West End it was quite common to see dwellings separated and divided by the highway and therefore not considered to be significantly harmful or inappropriate for the development. Councillor Mrs Hay added the report stated "parking provision does not fully accord with adopted standards, it is considered sufficient given the site's sustainable location" and she presumed this was because it was within walking distance of the town centre. Planning Officers confirmed that was because it was situated within the core of March but Councillor Hay stated she still failed to see why Fenland were not according to the adopted standards. She was also concerned about the garage space and commented that Highways were not happy either as they stated "the 3 parallel parking bays have insufficient forecourt depth to make them workable and this is likely to result in vehicles parking along White Horse Gardens" therefore asked if Fenland were not taking any account of Cambridgeshire Highway's comments. Planning Officers stated that Cambridgeshire Highways have design and build standards that they work to which was often easier to do so when developing from scratch and this application had been looked at how it currently functions and how it was proposed to function and it had been acknowledged that it is a compact site that exists as an HMO and had parking spaces albeit that they were tight. Highways have advised that in their opinion it did not work but they have not sustained an objection to it therefore it was down to the local planning authority to consider whether or not it would cause severe harm to the highways as a result because the NPPF stated that development should only be refused on transport grounds where this could be demonstrated and both highway and planning do not believe an objection could be sustained on that basis. Councillor Mrs Hay stated as far as she was concerned Fenland were deviating too much from policies and if this was allowed through then there would be "no leg to stand on" when a similar idea is submitted to try and achieve as much profit as possible.

- Councillor Cornwell stated he was concerned about the percentages with regard to the 30% minimum private amenity space and the wellbeing of those that lived there and the proposed 38% as the 38% was for overall and this should not include any shared amenity area and the shared amenity area on this site was open to three properties and the only way that the bottle store development can access its own amenity area and therefore he thought it was going too far. He stated that there were minimum standards for a garage requirement and that should be applicable to this application. Councillor Cornwell added that planning committee did not give planning permission as it had not come to committee and he thought there were too many deviations on policy and in his opinion the application should be refused.
- Councillor Owen stated he agreed with Councillor Murphy's comments and commented that Members had seen the application and visited the site and seen the access and muddle at the site and if Members were to refuse the application then the status quo would remain and this would be a shambles but he did not think the application met the aspirations of many people West End or the town of March and on that basis it should be rejected.
- Councillor Sutton stated he agreed with the majority of the comments but asked himself if what was proposed was better or worse than what was already there and on the basis he was not keen on HMOs, the application was a long way from being ideal but did think it was better than what was already in place as there are currently 6 bedrooms instead of the proposed 10, there would be family homes rather than HMOs and whilst he took on board all the comments made, on balance he thought the proposal was better than what was already there and therefore was unsure on how to vote.
- Councillor Murphy stated that the mess that was currently at the site should be tidied up and not left and therefore there is no need to go through with the planning application to ensure it is tidied.
- Councillor Owen stated he was puzzled as to where Members were taking the discussion because the report stated "the site is located within the March Conservation Area, within the part of the conservation area identified as The Riverside in March Conservation Area Appraisal and Management Strategy (2008)" therefore the whole site is part of the conservation area; was this correct. Planning Officers confirmed that it was. Councillor

Owen then asked if it was then which part was being conserved. Planning Officers explained that the frontage of the main building was not changing and this was the part that impacted most on the Riverside and there were some additional structures proposed on the garden land but where they were located was not considered to impact or bring harm to the significance of the conservation area and there are minimal alterations to the main core building and therefore is not considered any significant to the heritage aspect associated. Councillor Owen asked if the northern elevation proposed was ok. Planning Officers explained that the north elevation looked out into White Horse Gardens which the conservation officer considered to be more modern in design and therefore the impact of the outbuilding proposed for conversion which shows a dormer window facing the west and potentially the garage door facing north, faces into the more modern development and therefore it would not harm the conservation area or character of the area. Councillor Owen stated he thought the application was so "out of kilter" with West End as it is known and therefore not appropriate and should be refused on the basis of inappropriate development on the site.

The item was proposed by Councillor Owen and seconded by Councillor Murphy and resolved that the application be:

REFUSED for the following reasons:

- **Contrary to policies LP15 and LP16, over-intensification of the site which would result in inadequate and poorly designed parking and inadequate provision/poorly related amenity space.**

(Councillor Owen stated he was a Member of the March Town Council but takes no part in planning matters.)

P81/15

F/YR16/0064/O

LAND NORTH WEST OF 146 LEVERINGTON COMMON FRONTING, MAYS LANE, LEVERINGTON, CAMBRIDGESHIRE

ERECTION OF 3 DWELLINGS (MAX) (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS) INVOLVING DEMOLITION OF GARAGE TO 146 LEVERINGTON COMMON

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute 19/04 refers)) during its deliberations.

Officers presented the application to Members and informed them that updates had been received as per the documents handed out (attached).

Members received a presentation in accordance with the public participation from Sharon Rowe, an objector.

Ms Rowe stated she represented the local residents who were objecting to the application and pointed out the Design and Access Statement for the proposed development behind 146 Leverington Common was being compared to the existing development of Top Field and the future development behind 118-124 Leverington Common however there were a number of differences in these applications. Firstly, Top Field and 118-124 Leverington Common are sited in flood risk zone 1 which complied with LP14 of the Fenland Local Plan. They also have a better, wider and safer access and have not demolished an attached garage or a utility to gain access to development. The proposed future development behind 118-124 Leverington Common will border other developments such as Top Field and Donington Park and therefore is not classed as a tandem development. As planning officers have already pointed out the character of these existing properties along with two sections either side of Mays Lane are different. With regard to the access route to the development behind 146 Leverington Common this will be gained by

demolishing an attached garage and a utility and will reduce the residential amenities which she pointed out that the current Design and Access Statement stated that there were no habitable rooms inside the west part of 146 yet the drawing showed a dining room downstairs and a study upstairs and asked if these were not habitable rooms? It would also create a hazardous, noisy, disruptive access using the brick wall of 146 Leverington Common as a barrier as there was no fence or anything else to stop anything going into the brick wall. This was detrimental to the health and well-being of the residents in 146 and contrary to the LP2 and LP16 of the Fenland Local Plan. 50% of this development behind 146 is on Flood Zone 2 LP14 states that all new developments should be built in the lower flood risk zones; there are lower flood risk zone areas south of Leverington Common which are suitable for development therefore it is also contrary to LP14 of the Fenland Local Plan. The Fenland Local Plan states that all new developments should be in keeping with the existing road frontage and not built behind an already established line of properties and this proposal for 146 Leverington Common is classed as a tandem back fill and would create a dense and urban feel to this part of Mays Lane/Leverington Common so it is contrary to LP12d and LP16d of the Fenland Local Plan. This development has been refused from the very beginning of the pre-app stage and it has always been contrary to LP12, LP14 and LP16 of the Fenland Local Plan. Ms Rowe stated she would also like to state that they had had a very large and consistent amount of objectors within the immediate area of this planning application. The new dwellings would be higher than several of the bungalows along Mays Lane therefore the residents there, as well as the people along Leverington Common, are very worried about the surface water as there is a lack of drainage there and they have seen on several occasions surface water laying quite deeply in places, there is also a problem along Mays Lane with water. This proposed development would result in the loss of privacy, loss of light and noise to several residents within the immediate area. In summary, 146 is a tandem development that is contrary to LP2, LP12, LP14 and LP16 of the Fenland Local Plan.

Members received a presentation in accordance with the public participation from Mr J Buckle, the applicant.

Mr Buckle explained he had been brought up in Leverington and had known the site from the day he had moved in 1967, his parents had owned it which had now been passed to him. He had submitted the application as he was the only surviving member of the family and thought it would be nice to leave a legacy to his father who had served the village for many years but also give something back to the local community in the form of what he described as affordable homes for the people of Leverington as he had a high regard for the village in which he had been brought up. He stated he wanted to address some points that he disputed, firstly Planning Officers had indicated that in principle Fenland agreed with it, he referred to a slide showing the current development along Leverington Common, which was back fill. The residents in these properties, especially Top Field indicated to him that they thoroughly loved living there as it was very quiet and off the main road, he agreed it was a back fill but it was approved and is part of Leverington Common and he could not see why this has to stop. This development would be a mirror image of Top Field, the access was fine; the size of the access had been looked at and it was within recognised limits. The flood risk he questioned as he showed a slide showing the majority was in flood zone 1 and there were only parts of plot 1 that was in flood zone 2. He explained that on the website when the postcode was entered onto the Environmental Agency website it showed properties further down the Common that were in flood zone 2. He also explained the slides showed that there were some properties that were in higher flood zones that had been approved in the past which he was not happy with and he would not be pushing this application if it was in flood zone 2. The impact and the character of the dwellings; he believed were very similar to Top Field as they would be affordable bungalows for people in Leverington that he had respect for and this was a legacy he would like to leave. Regarding the character of the layout, he disputed that they were very linear in a straight line because it was in a U shape and was very presentable and there was plenty of room around the properties so it was not dense and would not have an urban feel or be overlooking. He said stated those that visited the site would have seen when they looked around the back of the property that there was no over-looking.

Questions were asked of Mr Buckle as follows:

- Councillor Bucknor asked about the waste. Mr Buckle explained the plan showed that the waste would be on the south east side of the property but he would be more than happy if it was positioned there rather than where it was at present although he did not see any problem with where it was situated at the moment but there were issues raised regarding the distance that residents may have to push their wheelie bins.

Members made comments and asked questions as follows:

- Councillor Mrs Laws stated she was very concerned about the sequential test and although a statement would have been received, asked if anything further had been received. Planning officers explained they did go back to the agent asking what they had in terms of an evidence base for the sequential test and the agents replied stating that a walk around of Leverington Common had been carried out and there were no sites visually available to accommodate the development. The issue was that whilst there may not be any areas of land with a signpost on stating for sale, generally enquiries can be made on areas of land and there is Leverington Common and Leverington itself with land in flood zone 1 but there had been no demonstration that enquiries have been made. It was essentially a statement and therefore not robust enough to meet the sequential testing.
- Councillor Mrs Hay commented that the report stated "It is anticipated that Leverington is under the village threshold however an update in this regard will be provided to Committee" and asked if there was an update. Planning officers stated the latest data indicated the settlement had not yet reached its threshold, which was 95 units and there were currently 38 units.
- Councillor Sutton stated he could not see anything good about the application and planning officers were completely correct as it was out of keeping with the area and the access was terrible; there was nothing good about it at all and could not understand that the application had been pushed through to the stage of Committee therefore he was happy to propose the officers' recommendation.

The item was proposed by Councillor Sutton and seconded by Councillor Murphy and resolved that the application be:

REFUSED as per the recommendations within the report (attached).

3:30pm

Chairman