

PLANNING COMMITTEE



27 APRIL 2016 - 1.00PM

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

APOLOGIES: Councillor M G Bucknor, Councillor M Cornwell

Officers in attendance: Nick Harding (Head of Planning), Hannah Edwards (Legal), Gavin Taylor (Senior Planning Officer), Kathryn Brand (Senior Planning Officer)Katie McAndrew (Conservation Officer), Jane Webb (Member Services & Governance)

P82/15 TO SIGN AND CONFIRM THE MINUTES OF THE MEETING OF 30 MARCH 2016

The minutes of the meeting of 30 March 2016 were confirmed and signed.

P83/15 F/YR15/0176/O LAND REAR OF 36 HIGH STREET, MARCH ERECTION OF 7 X 2-STOREY 2-BED DWELLINGS WITH BIN AND CYCLE STORES (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS, APPEARANCE, LAYOUT AND SCALE)

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) and that a further letter of objection had been received from a previous objector reiterating concerns regarding the access.

Members received a presentation in accordance with the public participation from Keith Hutchinson, Agent.

Mr Hutchinson thanked the Chairman for allowing him to speak in support of the application. He stated that before Members was a very full and comprehensive report and therefore his comments would be brief and add weight to the officers' recommendation for approval. The site had been the subject of several applications in the past and included permission for eight dwellings in 2010. A considerable amount of time had been spent negotiating with officers in order to revise the scheme by reducing the number of dwellings and improving the design and therefore would provide an attractive and well-designed addition to the town centre housing stock overcoming any reasons for refusal. The proposed scheme does not provide any on-site parking but was located within the town centre. The neighbouring site at 38 High Street was granted permission without car parking and Fenland's adopted Local Plan of 2014 acknowledged that in the central areas of market towns nil car parking may be appropriate. In this case there is public parking within walking distance and the public house which is adjacent operated a private pay and display car park open to the public. The Scheme would provide facilities for cycles as an alternative means of transport in accordance with government advice. The clients have full access rights from the High Street and no objections had been raised by the Local Highway Authority. The proposal consists of seven 2 bedroomed dwellings which were considered to be the most appropriate in the town

centre location. Security for the development would be achieved by electronic sliding gates along the front boundary. The design would incorporate two separate blocks with varying roof lines to add to the small cottage style appearance of the development which although was not within the conservation area would enhance the setting along with the various listed buildings in the vicinity. For these reasons it was hoped that Members would grant permission for the proposal in accordance with officers' recommendations.

There were no questions asked of Mr Hutchinson.

Members made comments and asked questions as follows:

- Councillor Mrs Laws asked how many dwellings and parking spaces had been approved at 38 High Street. Officers stated the development provided twelve units with nil parking located at the rear of the former nightclub known as Minstrels.
- Councillor Murphy commented that on the site visit it had seemed that the issue with car parking spaces would not be a problem but had since received correspondence from the owners of The Griffin stating they were firmly against the application. Officers explained that when visiting the site it had been mentioned that an objection had been received from The Griffin Hotel referring to the access and rights of way of the applicant but these issues would be a civil issue and would not form part of the planning process. Nick Harding, Head of Planning, explained that when planning permission was applied for there was not a requirement to own the whole site; just a need to serve notice on the third party landowners to inform them that a planning application had been submitted. If planning permission was granted then this would not give an automatic right to acquire the land or any access rights of the land; these would still have to be secured by way of negotiation with the third party land owners therefore the grant of planning permission did not require The Griffin to hand over rights of access above and beyond what was already in place and would be a civil matter to be resolved between the parties.
- Councillor Owen commented the letter Members received from Bidwells had stated that no one could access any of their land without their authority and he asked if the land occupied by The Griffin Hotel went from the footpath in the High Street as there was the question as to where tenants would leave their bins without the risk of having civil action taken against them. Officers explained the proposal was for the applicant to secure a unilateral undertaking with a private management company to provide a refuse collection and not the Council to provide the service. The Legal Officer stated this was a similar issue to the access point; a private matter that would need to be negotiated with whoever had ownership.
- Councillor Mrs Laws stated she was concerned with the parking issue; she was aware of what the policy stated but Whittlesey had several town centre developments permitted and this had caused parking issues and the same would happen in March. Councillor Mrs Laws agreed there was a need for town centre residential areas but was concerned if these developments were approved would result in parking issues in the future.
- Councillor Connor agreed with Councillor Murphy stating at the site visit he had asked if the Griffin were in agreement with the proposal and had been told there were not too many problems but the letter Members received stated the Griffin did not agree as they were worried about access, car parking and bins.
- Councillor Mrs Newell stated 12 dwellings had been agreed at the rear of 38 High Street and asked where the access to the development was; officers explained it was not the same access.
- Councillor Mrs Newell stated that large lorries turning into the access off the High Street would cause congestion and asked how the town centre would manage with lorry deliveries as these would block the whole centre and in her opinion this was a planning issue. Nick Harding explained that every development proposal, once planning permission was granted would result in noise and disturbance and inconvenience to the highway network as a consequence of deliveries; therefore it would not be reasonable to refuse the application on

the grounds of the disruption that would be caused as a consequence of deliveries to and from an active building site. Members needed to be conscious this was a piece of under-used land within the market town and if planning permission was not granted for its redevelopment on the grounds of an absence of direct highway access then the consequence would be that it would remain in its current state.

- Councillor Miscandlon asked what the distance was between the walls facing number 17 and the boundary fence. Officers stated this was approximately 8 metres.
- Councillor Owen stated that numerous planning permissions had been given; to Minstrels, Cassannos and developments along the High Street on the basis that their parking facility would be at the City Road car park or the Market Place therefore if the application was refused on the grounds of no parking then the Council could find itself in serious trouble.
- Councillor Mrs Hay asked even if planning permission was given was it correct that it could not go ahead if agreement was not received from the owners of The Griffin. Officers stated this was correct. Councillor Mrs Hay stated Members were to determine if the planning was a good plan irrespective of access. Councillor Miscandlon stated it was the principle of planning acceptance but whether it could be implemented was between the developer and surrounding property owners.
- Councillor Mrs Laws stated Members needed to be mindful as many town developments had been approved and this would bring in more vehicles; Members have to take on board that these vehicles would use the free parking access and Whittlesey was now in a position where at times there was no car parking available. Councillor Mrs Laws stated the application could not be refused on this basis but if town centre developments continued to be approved without parking then there could be difficulties in the future. Councillor Owen stated that in both March and September when the Fair arrived no-one was able to park in City Road car park and the Market Place was full but everyone finds a way without causing problems and he was sure this would be exactly the same.

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

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

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

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

P84/15

F/YR15/0716/F

BRICKLAYERS ARMS, 9 STATION ROAD, WHITTLESEY

ERECTION OF A 3-STOREY BLOCK OF 35 X SHELTERED HOMES FOR THE

ELDERLY COMPRISING OF: 20 X 1-BED AND 15 X 2-BED UNITS WITH

COMMUNAL FACILITIES INVOLVING THE DEMOLITION OF EXISTING BUILDING

WITHIN A CONSERVATION AREA

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 Councillor David Mason, Town and District Councillor.

Councillor Mr Mason stated he was speaking in his capacity as a Whittlesey Town and Fenland

District Councillor in support of the application. He stated Whittlesey needed to look to the future for the provision of retirement facilities for a rapidly growing elderly population. The 2011 Census revealed a population in Whittlesey of over 12,000 residents of whom 25% were 65 years plus. The growing population over the past five years estimated now to be approaching conservatively 18,000. There were currently five residential homes in Whittlesey catering for 139 persons and a further four sheltered housing schemes providing 138 one bedroomed residencies. This amounts to a maximum provision of 415 persons which was woefully short of the requirement. McCarthy and Stone are the UK's leading retirement housing providers and had taken pre-application advice prior to presenting proposals to a public consultation in which 93% of the population expressed support for the project. Following advice from Whittlesey Town Council, McCarthy and Stone increased their proposed parking allocation to 27 on-site spaces and subsequently the project has been recommended for approval unanimously by Whittlesey Town Council. The Plan sets out a well-constructed project on a brownfield site which has at the present time and will in the future if this application is refused become an eyesore in a lovely conservation area. The construction is in keeping with the architecture in the town and will enhance the character of the town considerably. Although there is provision for a small three storey section on the frontage, this will not in any way compromise local housing, the nearest point being Portland Place 27m away and his understanding was that anything beyond 20m was acceptable. The bungalows to the rear of the complex in Inham's Road are fronted by car parking only with the future provision of a landscape hedge. The situation of the development would allow free access for residents not only to local bus and rail services, but also to central shops and banking facilities with the Manor Leisure Centre being within walking distance should they desire. In conclusion, Whittlesey Town Council unanimously endorse the approval of this development and he thanked Members for their consideration.

There were no questions asked of Councillor Mason.

Members received a presentation in accordance with the public participation from Stephen Hodson.

Mr Hodson stated he had lived in Whittlesey since 1974 and in 1987 he started Hodsons Chartered Surveyors and Estate Agents although was now semi-retired. Since 1978 and almost without exception every year, there has been an unfulfilled demand for properties for sale in the town area. The proposed scheme for retirement flats was ideally placed and within walking or mobile scooting distance of all the facilities. Much has been made in the officers' recommendation for refusal of the three storey development being unacceptable; yet immediately to the north of the site is St Jude's Church and the priest's house and this is a very large two storey property and in his view had the mass of the three storey elements of the proposal. In Manor View there was also the original 18th Century Manor House which was three storey. Officers were also concerned about the overlooking of properties in Portland Place and Inham's Road yet measurements from the architect's plans show at least 20m from the rear elevation of the existing properties and the proposed elevations of the new and there were no minimum rules in Fenland for distances but he understood that 20m was recognised as a national requirement and this would be available. People moving into the scheme were likely to free up larger properties for the general market. Secondly, he was Chair of the Local Business Forum and at their recent meeting it was voted unanimously to support the scheme. Having a national firm who specialised in this type of development would be a credit to the town. Neither McCarthy and Stone or their representatives had lobbied him for support however with his estate agency experience he felt very strongly about this scheme and had to support it. The National Planning Policy Framework states that tests must be made to show the public benefits of a scheme and these would have to show that it outweighed any potential harm done to a conservation area and his view the benefits were greater than the harm done. Only good things would flow from this development and with both his hats on he asked the committee to approve the application.

Questions were asked of Mr Hodson as follows:

- Councillor Sutton asked the whereabouts of Manor View to which he was shown the location on a map.

Members received a presentation in accordance with the public participation from Mark Ritzk, the Architect.

Mr Ritzk stated he had been asked by McCarthy and Stone to read a statement on their behalf. "We are sorry to see that the proposed development is recommended for refusal. The principal of the development is considered acceptable, The Bricklayers Arms ceased trading at the end of 2014 and as Officers agree, retaining the use of the building as a public house is not a viable option. Furthermore, we have submitted detailed information via a chartered building surveyor that concludes it would not be financially viable to refurbish the building for any alternative use. As you will have seen from your visit the site is already in a derelict state and no doubt would become more dilapidated the longer it sits vacant. The redevelopment of the site into retirement accommodation would see it brought into a very beneficial use. The site is in an extremely sustainable location whereby future residents can shop locally and invest money in the town centre; they will also be able to access public transport and other services easily without being reliant on a car. The development will meet an identified local need for this type of retirement accommodation and given that a large proportion of occupiers tend to move from within the local area it will also release family sized housing to help support the council's housing supply and reduce the pressure on greenfield land. We have worked hard to design a building that meets the requirements for this type of sheltered housing whilst recognising the site's location within the conservation area. The Heritage Appraisal submitted in support of the application, concludes that the existing building on site is considered to have limited historical and architectural interest therefore there are no overriding reasons why the building should be retained on heritage grounds. The Appraisal also contains the design of the proposed building and enhances the quality of the overall design and landscape in this part of the Whittlesey conservation area. On balance, the Appraisal concludes the loss of the building and redevelopment of the site will have a neutral impact in heritage terms. We have taken on board comments made during the application process and in response have altered the building line to facilitate visibility required by the Highways Authority and also enable the footpath to be widened where it runs along the site at Scaldgate. We have also reduced the extent of the full three storey element of design which responds to comments regarding its perceived dominance. Given the benefits the scheme will bring, the fact it will utilise a dilapidated brownfield site and the fact that the scheme has local support, I urge you to reconsider your officers' recommendation and approve this application."

Questions were asked of Mr Ritzk as follows:

- Councillor Connor asked if the application was approved then how long would it be before work commenced. Mr Ritzk stated he could not answer the question as he was only the designer/architect for his client McCarthy and Stone and this decision would not be taken by him.
- Councillor Mrs Hay stated she understood the wall on Hardy's Lane was to be retained and asked what the distance was between the wall and the windows of the proposed properties on the ground floor. Mr Ritzk stated it was a short distance of between approximately 2m and 3m and that would be enough to ensure the foundations of the wall were not damaged and pointed out that at that elevation there was no overlooking windows just a circulation space and the idea would be to green the wall with planters to make it feel part of the courtyard garden. Councillor Mrs Hay stated her main concern was would it restrict light entering the property. Mr Ritzk stated it would not restrict light into any of the habitable rooms.
- Councillor Miscandlon commented that officers had stated the wall down the side of Hardy's Lane was due for inspection by Building Control, was this correct. Officers confirmed this was correct and had been referred to them since officers had received the comments.

Councillor Miscandlon asked if the wall was found to be dangerous or unserviceable in its current condition then would it be the intention of the developer to rebuild the wall. Mr Ritzk stated he was sure it would be the developers intention as they would not want this to be dangerous for their residents however he could not speak on behalf of the vendor.

- Councillor Sutton asked if there was a ground floor plan available; Mr Ritzk passed a ground floor plan around for Members to look at.
- Councillor Murphy asked Mr Ritzk to confirm what he meant by a habitable room. Mr Ritzk explained that corridors, bathrooms and hallways would be classed as non-habitable as they were functional as opposed to habitable rooms like bedrooms or lounges.

Members made comments and asked questions as follows:

- Councillor Mrs Laws commented the report stated "consider that the form, scale and design of the scheme is wholly inappropriate..." she was not on the site visit but had hoped Members saw the lovely 13th Century Church at St Marys and the unfortunate approved planning and build next door and adjacent to the church which was completely out of character. This development bring many things to Whittlesey Town and it must be taken into account that Whittlesey Town Council was in full support and the applicant had gone through the complete process including a public exhibition but more importantly there was a lack of housing for people of 55 years plus that are wanting a "forever lifetime home". This would also free up property in the town and surrounding areas where people would downsize to move in and she felt that the Bricklayers Arms had looked an eyesore for some time, it was dilapidated and was an ideal central location where there was a need for this type of property therefore she supported the application.
- Councillor Mrs Newell asked for clarification regarding a TPO as she understood this covered a very valuable tree. Officers explained that a TPO was placed on a Black Locust tree last year as it was deemed to have high amenity value in the conservation area but since the TPO was approved the applicant had undertaken further investigative work and found the tree to be decayed within. The FDC arboriculture office had confirmed that in view of the results the removal of the tree was justified and would recommend a replacement specimen to maintain the amenity value.
- Councillor Connor agreed with Councillor Law's comments stating both the Whittlesey Town Council and the Business Forum supported the application and in his opinion it was a "win win" situation and therefore he fully supported the application.
- Councillor Mrs Hay commented the Executive Summary stated "the subject building, The Bricklayers Arms, makes a positive contribution to the form and character of the area" and in her opinion this was possibly the case but having seen it, thought it was more than negative. The update stated " the viability report marketing exercise indicate the pub was unlikely to be renovated at present" and in her opinion, the longer this went on, it would make it less likely that it would ever be viable and as such she fully supported the proposal.
- Councillor Sutton stated Members needed to bear in mind this was a conservation area and conversation was very subjective therefore he asked if the Conservation Officer would give a précis of how she felt about the proposal. The Conservation Officer stated that Whittlesey's Conservation Area covered the historic core of the town and was designated as an area of special architectural and historic interest. It was the past that contributed to the historic interest therefore it was not just the high status buildings and key feature buildings around the Market Place but also the more humble buildings that were of historic interest in other parts of the town and if historic buildings were demolished within in a conservation area to be replaced with new builds then the historic qualities of the town would be eroded that were designated to be protected and this concerned her. There was also a duty under Section 72 of the Planning Listed Building and Conservation Act to pay special attention to the desirability of preserving and enhancing the character and appearance of the area therefore there was a need to retain historic buildings where possible; if these were beyond repair and reuse then demolition may be an option but reuse of these buildings should be looked at first and this application did not demonstrate that. Costings had been provided

for repair but this was not a viability study that looked at alternative uses for the building. The intention of the proposed scheme was to have a one building structure on the site and not retain the existing building which was an issue. Councillor Sutton asked if the Conservation Officer agreed that conservation was subjective to which she replied it was to an extent. Councillor Sutton commented that the Conservation Officer had stated the building was not beyond repair but Members may think it was; the Conservation Officer explained there was no viability study within the application to look at retaining the building as part of a development scheme.

- Nick Harding, Head of Planning, stated he wished to highlight a number of small points to Members after listening to their debate; if Members were to approve the application then there was a need to be sure that the redevelopment of the site as opposed to saving the existing building was an appropriate way forward. Also, that the design of the building was appropriate for the conservation area setting and in relation to any nearby listed buildings. The wording to satisfy legal would be that the proposal would result in some harm to the conservation area but that harm would be less than substantial and what harm that there was was justifiable on the grounds of the benefits that the scheme would bring. These were the key points that Members would need to be satisfied with and naturally there were other planning issues that were referred to in the report with regard to the TPO tree and the issue of overlooking.
- Councillor Miscandlon commented that the update stated "a viability report and marketing exercise indicate that the pub is unlikely to be renovated at present". Planning Officers explained this was in relation to Policy LP6 which referred to the loss of community facilities such as a public house; LP6 required that a marketing exercise and viability assessment be undertaken essentially to see if there would be any other takers for it being used as a pub to be retained as a community facility. They have met that requirement and therefore it was concluded that the requirements of policy LP6 had been met but this was separate to the conservation aspect. The Conservation Officer explained that it had been stated in the report that "the viability report may prove that there is no longer a viable use for the building as a licensed premises (she did not dispute that) but it does not prove that the building should be demolished as a result of this and cannot accommodate an alternative use".
- Councillor Mrs Laws stated she could demonstrate the viability of the business because factually there were eight active public houses and hostelrys in the area and the licensing trade had changed a great deal in the last ten years. There were two very reputable clubs that now close on a Sunday evening, Monday lunchtime, Monday evening and one in particular now closes every lunch time. This public house has not been in operation for a number of years and the viability study illustrated that there was no business to be had there. She was also unsure as to why the conservation area had crept down to beyond St Jude's as she could see no historic value there. This was an area that was dilapidated and therefore the proposal could only enhance the town centre and bring much needed properties to people of 55 years old plus.
- Councillor Owen stated the development next to St Marys Church and the modern buildings opposite The Bricklayers Arms had created a precedent that conservation in that part of Whittlesey did not matter. He was not opposed to the design of the proposed buildings as it was very aesthetic and would look better than what existed there presently; he did not think there was an issue with overlooking regarding the properties over the road as they were more than 20m away. This proposal would meet a need and would be a public benefit therefore why would Members chose to keep the dilapidated old building and forego the chance of providing adequate flats and accommodation for older people. He asked Members to consider meeting the needs of the people of Whittlesey and not to create a pub or a conservation area which would not benefit anyone therefore he recommended approval.
- Nick Harding, Head of Planning, asked that if this was put to the vote could he have confirmation that Officers be delegated the authority to negotiate the various conditions of the development if approved on behalf of Members. If Officers were to come across any complications then the application would be brought back to planning committee for the final

decision. These would include standard conditions; Nick Harding gave his assurance that Members need not be concerned.

- Councillor Sutton stated Members needed to agree a reason and this would have to be on the conservation issue as opposed to "its better for Whittlesey". If Members believed that the gain outweighed the harm then Members needed to agree this.
- Councillor Mrs Newell commented that the conservation area had altered over the years.
- Nick Harding, Head of Planning, stated he believed Members' decision was centred around the fact that Members recognised that a historic building within the conservation area would be lost but that loss was outweighed by a number of benefits associated with the scheme in terms of the provision of housing and the economic benefits that it would bring both to the Council and the wider economic area of Whittlesey. In relation to the TPO trees, Members indicated they were comfortable with the loss of the tree as it had been found to be diseased and therefore did not have a good life expectancy and Members were not concerned by overlooking as the separation distance between the property and the houses on the opposite side of the road was satisfactory.

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

APPROVED against the recommendation within the report (attached) with the Head of Planning having authority to attach conditions.

(Councillors Miscandlon, Mrs Clark, Owen, Connor, Sutton, Mrs Laws 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.)

P85/15

F/YR16/0130/F

LAND SOUTH EAST OF THE CHASE, GULL ROAD, GUYHIRN

ERECTION OF 4NO 2-STOREY DWELLINGS COMPRISING OF 1 X 5-BED AND 3 X 4-BED WITH GARAGES

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 Councillor Mrs Sarah Bligh, District Councillor.

Councillor Mrs Bligh stated she supported the application and the reason the application was at committee today was due to the amount of support it had received. She acknowledged the various points made by the objectors of which she would address a few.

- Overlooking - which was why it was refused by the Parish Council, she believed the distance between the existing houses and the new build was substantial enough not to create a problem.
- Loss of view - this could occur at any time if Mr and Mrs Channing chose to grow conifers on their land.
- Traffic noise - Councillor Mrs Bligh believed this was a moot point as this was a main road which was subject to many HGVs.

The village of Guyhirn has the benefit of being situated just off the A47 and as such it appeals to

commuters for Peterborough and London via the train station and also for the same reason it has close proximity to March. House prices have risen in the commuter belt to London and the trend of house buyers finding their house purchase further afield with easy access to their place of work. Guyhirn is a one sided village, due to the proximity of the River Nene it only has one side to the main road through and this causes severe lack of availability for the village to grow. This has led to a few back land developments to occur in the village which was understandable due to the lack of room. It has been noted by many of the supporters there was a notable lack of building plots in the village and a big desire to build due to its location. Back land development was the main reason Members have been asked to refuse the application. There were developments currently in Guyhirn that sit nicely off the High Road without causing problems. Councillor Mrs Bligh drew Members' attention to the amount of support the application had received, including the Farm Shop which was well used by the locals and the Public House, the Oliver Twist as they understand that the village needed to be allowed to grow and these proposed houses would allow that to happen. The village really needs a local shop and if the village was allowed to expand then this could be provided. Highways, the Environment Agency and the Environmental Health Team have raised no objections. She had been assured by Mr and Mrs Channing the applicants, that every advisory note that had been identified would be adhered to. Guyhirn was over threshold, but that was advisory and not set in stone and each application looked at on its own merit. The community consultation carried out prior to the submission of the application showed that well in excess of 60% support from the residents of Gull Road. The development would provide an infill between Sunflower House and The Chase.

Members received a presentation in accordance with the public participation from Stefan Brenna, resident objecting.

Mr Brenna stated he was speaking on behalf of the residents objecting to the application. He thanked Members for the opportunity to address the committee and stated that those objecting had not been against all new developments along Gull Road, indeed some had supported a number of such proposals however they felt this, or any scheme, that would build two storey houses directly behind their bungalows was out of character, unsustainable and should be refused. Much had been made of the evidence of local support however those most potentially affected by the scheme remain opposed. Adverse support in terms of actual letters to the planning officer came predominately from other local landowner developers together with their builder clients, the reasons were surely evident, planning approval if granted would set a precedent for further back land development along Gull Road which would clearly be in their interests.

Questions were asked of Mr Brenna as follows:

- Councillor Owen stated that Mr Brenna had raised the issue of overlooking and asked who would be overlooking who. Mr Brenna explained he and others were in single storey dwellings and most of these were fairly low lying as they were built before the present flood regulations came into force. The level of the paddock behind their dwellings was 2 to 3 feet above their ground floor levels and was due to be raised by about a metre above that therefore even though there were conifer hedges between them and the proposed development, they would be overlooked from ground floor level and this was their primary concern as it would make a huge difference to the rear outlook of their properties. There were existing leylandi and he believed these were joint maintenance and were presently between 4 and 8 feet height but made no difference in terms of potential overlooking. He did not think it would be possible for Mr Channing to grow a 40ft set of conifers along the boundary without some co-operation from the neighbours as they would have a right to cut them from their side.
- Councillor Murphy stated he agreed with Mr Brenna with regard to bungalows and houses as he had moved from a house to a bungalow and had not thought it would be too bad having houses behind his bungalow but once moved in he thought that there should be at least 400 yards between the properties as the houses overlook everything at the bungalow.

Members received a presentation in accordance with the public participation from Jackie Widdowson, resident objecting.

Mrs Widdowson stated she lived at a bungalow called Copperbeaches on Gull Road. Guyhirn has double its quota of new builds, there was heavy traffic and power outages happening on a regular basis. She stated that Copperbeaches was her forever home; it had taken a while to find and had been adapted for her needs as she was a wheelchair user. The development affects her property more than anybody else's; she had been very happy there. Presently there were two vehicles using the alleyway and heavy service vehicles had struggled with the corner; there would also be a problem with regard to the access for emergency vehicles due to the narrow alleyway. There were originally beautiful willow trees planted but these had been chopped down without consulting neighbours and this had affected privacy between her and her next door neighbours. Their property had a 7ft hedge all around it but the land levels with the elevated definition of the new development would be overlooking their property. The entrance drive would come downwards towards their property and therefore headlights would shine straight into their living rooms and bedrooms. At present there are only two vehicles using this access and this could easily be 14 plus service vehicles, plus guests; all using a single track. They had a very shallow garden and a high hedge would block out the sunlight due to the elevation of the development and the alleyway they would feel like they were in a goldfish bowl. As she was housebound, the garden was one of her few pleasures and now any car would be able to look into her back garden. This would be out of character for Guyhirn, it was back land development that had already been refused and only affected six homes on Gull Road as nobody else could hear or see it and four of these had objected; one developer who did support wrote a letter stating he wanted his privacy. She thanked Members for listening; she apologised if what she had said was not politically correct but stated she was not a professional body, she did not know buzz words or what buttons to press and was just a resident of Guyhirn who did not want this application approved.

Questions were asked of Mrs Widdowson as follows:

- Councillor Owen stated that Mrs Widdowson's garden faced west and she was concerned about lack of sunlight and asked what time of day this would occur. Mrs Widdowson explained it was not lack of sunlight; they have a 7ft hedge with a very shallow garden and if the hedge had to be grown much higher then they would lose the sun as it entered the garden from that side from 11am onwards.

Members received a presentation in accordance with the public participation from Russell Swan, Agent.

Mr Swan stated the application was before Members due to the level of local support received. The site was additional garden to The Chase and the surroundings were dominated by residential properties. The Planning Officer stated she did not believe the application complied with Policies LP3, LP12(a)(d) and LP16(d). LP3 classifies Guyhirn as a small village and as such development would be considered on its own merit, be of limited nature and normally residential infilling or a small business opportunity. The Planning Officer concluded that as this site was not on the road frontage it was not considered as residential infilling; Policy LP3 did not state anywhere that residential infilling has to be road frontage. As could be seen from the aerial view, the proposal sits between Sunflower House and The Chase which are existing dwellings sitting behind the frontage development; this was infilling and complied with LP3. There are also a number of dwellings located behind the road frontage in this part of Guyhirn. Guyhirn has been developed over the years with a mixture of frontage development and pockets of comprehensive developments dotted all around the village; the form and character of Guyhirn was consistent with this and complied with both LP12 and LP16. In terms of dwelling numbers, there were two very recent approvals on Gull Road for four plots each, which were considered to comply with LP3 and both were delegated decisions by the same Planning Officer as this application, showing that four

units was acceptable under LP3. Flood risk had also been key in understanding the right sites for development across Fenland in recent years and this site was the only developable piece of land located in Flood Zone 1 in the whole village; the sequential test process would demonstrate that this site should be developed for residential use before any other. The whole site was in Flood Zone 1 of the Environment Agency maps except for approximately 30m of the drive which was in Flood Zone 2; accurate site levels taken however showed that the access was higher than the main site demonstrating that it should all be considered above Flood Zone 1 levels. With regard to finished floor levels and the impact on the existing properties at the front; he drew Members' attention to the site section and the report stated that the existing frontage properties on the land were at 0.8m and where the land levels on the application site were between 1.7m and 2.21m, it also stated that this together with the raising of the finished floor levels that complied with the EA requirements would result in being too greater impact on the neighbours. This was incorrect and was totally misleading; the level at the front of Copperbeaches was about 2.62m whilst only the section of land at the rear boundary was at 0.85m where the former ditch ran. The finished floor levels of the front bungalows were 2.1m and the EA have confirmed that the new finished floor levels would be 300mm above existing ground levels; this sets the new floor levels between 2.2m and 2.35m; this was between 12cm and 25cm above the bungalow floor levels and were approximately 46m away from the existing properties and would have no impact on the frontage properties at all, three of the units were actually chalet bungalows. Councillor Bligh indicated the level of local support the proposal had and this had been demonstrated by the pre-application community consultation with over 65% in favour, including Sunflower House at the rear and also letters of support during the application process from both local people on Gull Road and local businesses in Guyhirn who all wanted Guyhirn to thrive as a Fenland village. The proposal complied with the NPPF and Local Plan and they felt the proposal was consistent with recent approvals. He asked Members to note that there were no references to the NPPF in the report when presenting a case against the proposal. He concluded by stating the proposal demonstrated the consistent approach to the form and character of Guyhirn, would have no detrimental impact on the neighbouring properties, had Highways approval and was in Flood Zone 1 and asked Members to support the application and to approve it with the conditions deemed appropriate.

Questions were asked of Mr Swan as follows:

- Councillor Owen stated Mr Swan had made reference to Guyhirn being a one-sided village which would mean only one side could be built on as the river ran the other side and had presented slides showing where development had already taken place and asked in his experience what did he regard as the difference between residential infilling and back land development. Mr Swan explained back land development would be out of the character of the area and residential infilling was new residential properties between existing residential properties which was what the application was. Councillor Owen asked if residential infilling or back land development had already taken place in Guyhirn to which Mr Swan stated that it had.

Members made comments and asked questions as follows:

- Councillor Mrs Laws asked what the land levels were to the rear of the site. Planning Officers stated the plan provided site levels which showed the rear of the site at 1.8m in the southwest corner and up to 2m in the northwest corner and along the conifer hedge line showed 1.67m leading up to 2.12m in the north corner.
- Councillor Mrs Laws asked if a sequential test had been carried out on the site. Officers explained that a sequential test was not required because the residential occupants would be on Flood Zone 1. Councillor Mrs Laws stated she was concerned about the concerns from the EA as their report stated there was an impact on the amenities of the properties to the east and the visual impact on the surrounding areas; the EA were also concerned about the floor levels within the properties therefore she appreciated it was Flood Zone 1 and she

was interested about the land levels surrounding the development. Officers explained that the update showed the EA were satisfied providing the finished floor levels were adhered to which was standard and their other comments regarding overlooking and residential amenity had been addressed within the report. Nick Harding, Head of Planning, clarified that it was not the Environmental Agency that had raised concern about any increase in site levels and the impact that may have on residential amenity this had been an officer comment but as could be seen from the recommendation overlooking had not been identified as a reason for refusal.

- Councillor Sutton commented regarding the issue between back land development and infill, he was sure the policy stated residential infill would be on the small villages in an otherwise built up area and this was clearly back land development.
- Councillor Owen stated that a precedent had already been set for either infill or back land development and therefore asked what the problem was with this application. Nick Harding, Head of Planning, explained the Policy required the proposal to be assessed to establish if it was in tune or at odds with the form of development in this part of the village. There was a horticultural property to the south of the site and also the host dwelling to the north and therefore it could be argued that the development now proposed would fill the gap between the two. However Officers saw that the main residential character of that part of the road, is primarily frontage development in form and that the Officers' conclusions was that the scheme represented back land development. Councillor Owen stated as there were no real concerns with overlooking or with flooding and as Guyhirn was a one sided village he did not see what the issue was and therefore recommended approval.
- Councillor Mrs Laws stated there were a number of people supported this application but pointed out that the Parish Council had recommended refusal.

The item was proposed by Councillor Owen and seconded by Councillor Mrs Newell to go against Officer recommendation and approve the application with officers able to set conditions. This proposal fell due to voting of 2 for and 6 against.

The item was proposed by Mrs Laws and seconded by Councillor Connor and resolved that the application be:

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

**P86/15 F/YR16/0182/FDC
F/YR16/0183/FDC
WAR MEMORIAL, QUEEN STREET, WHITTLESEY
ERECTION OF A 4.8 METRE HIGH FLAG POLE AND DISPLAY OF ASSOCIATED
FLAGS**

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 asked questions and made comments as follows:

- Councillor Owen asked why Members were considering an application for an erection of the national flag as it was not illegal. Officers explained that the flag pole was on Council land and therefore it had to come before committee.
- Councillor Murphy commented that Whittlesey must be the only place in England that did not have a flag pole and therefore he supported the application and recommended approval.
- Councillor Sutton commented he was confused as to why the application had come to committee as he thought this would have been covered by the Chairman and the Chief

Planning Officers' agreement to be delegated. Councillor Miscandlon stated it could not be brought forward in those circumstances. Nick Harding, Head of Planning, explained it was Listed Building consent that was required as stated within the report.

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

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

(Councillor Miscandlon, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he 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.)

**P87/15 APPLICATION TO DESIGNATE A NEIGHBOURHOOD AREA
(DODDINGTON PARISH COUNCIL)**

Officers presented the Application to Designate a Neighbourhood Area (Doddington Parish Council) Report.

Members made comments and asked questions as follows:

- Councillor Mrs Laws asked why the report stated other wards would be affected. Nick Harding, Head of Planning, explained these were the wards adjacent to Doddington and were not included.

The item was proposed by Councillor Connor and seconded by Councillor Mrs Hay and resolved that the application be:

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

3:10pm

Chairman