

PLANNING COMMITTEE



9 NOVEMBER 2016 - 1:00PM

PRESENT: Councillor A Miscandlon(Chairman), Councillor S Clark(Vice-Chairman), Councillor M G Bucknor, Councillor M Davis, Councillor A Hay, Councillor D Laws, Councillor P Murphy and Councillor W Sutton.

APOLOGIES: Councillor D W Connor and Councillor Mrs F S Newell

Officers in attendance: Nick Harding (Head of Shared Planning), Sheila Black (Principal Planning Officer), Ruth Lea (Legal Services) and Sally Taylor (Member Services)

P35/16 PREVIOUS MINUTES

The minutes of the meeting of 12 October 2016 were confirmed and signed.

P36/16 F/YR16/0770/F 7 GAS ROAD, MARCH, CAMBRIDGESHIRE, PE15 9LU. ERECTION OF A 2-STOREY 3-BED DWELLING AND A 2-STOREY 2-BED DWELLING WITH DETACHED GARAGE INVOLVING THE DEMOLITION OF EXISTING BUILDINGS

Members considered 6 letters of objections

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

Sheila Black presented the application to members and informed them that two updates had been received as per the documents circulated to members including an amended plan showing the location of the bin collection point and a further objection from the owner of 97 High Street, March relating to access concerns.

Members received a presentation in accordance with public participation from Councillor Kit Owen in his capacity as Ward Councillor and as an objector.

Councillor Owen confirmed that this application is very similar to a previous application for 2 detached 2 storey dwellings which was refused in 2015.

Councillor Owen confirmed that in the previous application the main issues for refusal were in respect of plot 1 and that the Inspector supported the conclusion of the Council that the height and proximity of plot 1 in relation to number 16 Causeway Gardens would have a detrimental impact on the amenity of the occupiers of this bungalow.

Councillor Owen stated that the current application has been redesigned, although the siting of the proposed dwellings are similar to the previous application and confirmed that the change to plot 1 of a single storey with hip roof is the only significant difference between the current and previous application.

Councillor Owen stated that although permission was granted previously for a single storey dwelling he considered that the applicant has failed to demonstrate how 2 x 2 storey dwellings could be accommodated on this site.

Councillor Owen clarified that this application seeks full planning permission for the erection of 2 x 2 storey detached dwellings involving the demolition of existing single storey storage building.

Councillor Owen confirmed that all of the trees within the site will be removed and removal of the trees will increase the likelihood of overlooking, especially to number 16 Causeway Gardens. Councillor Owen stated that plot number 1 will have 3 bedrooms and plot 2 will have 2 bedrooms with the ridge height for both proposed dwellings at 6.5 meters. Councillor Owen confirmed that the design of plot 2 has not changed from the previous application which was refused with plot 1 being redesigned and now consists of a single storey wing immediately adjacent to the boundary of 16 Causeway Gardens.

Councillor Owen stated that the proposed 2 storey building is set 7.5 meters away from the boundary and 13 meters away from rear elevation of number 16 Causeway Gardens.

Councillor Owen referred to 6 letters of objection that have been received with concerns that include overlooking, loss of light from the south and over shadowing to number 14 Causeway Gardens. Councillor Owen also stated that objections had been received concerning plot 1 in respect of overlooking, loss of privacy, over shadowing and loss of privacy to number 17 Causeway Gardens as well.

Councillor Owen stated that in his opinion this 2 storey development is inappropriate and that previous permission granted had stated that development on this site should be single storey otherwise it would cause loss of light to rear gardens, impact on the garden plants, devaluation of the property number 16 Causeway Gardens and that these reasons have not changed despite the redesign of a hip roof.

Councillor Owen stated that there are also issues for number 15 Causeway Gardens including shadowing, loss of light with plot 1 being extremely close proximity to the boundary and with the proposed 2 storey dwelling cutting out light to the back garden and the bungalow.

Councillor Owen stated that although the applicant has lowered the height to a small part of the proposed property in the area closest to the neighbour's fence it still affects residents as the majority of the proposed property is still 2 storeys.

Councillor Owen stated that that the sun rises in the east behind the 2 storey part of the proposed building which is extremely close to the back fence of number 15 Causeway Gardens. Councillor Owen stated that the proposed property will significantly reduce the amount of light that is able to enter the neighbouring properties especially with the lounge areas of the bungalows in Causeway Gardens being quite dark already. Councillor Owen stated that reducing light reduces the quality of life and ability for those residents to enjoy their homes.

Councillor Owen confirmed that not only is there a light issue but the proposed dwellings will overlook the existing properties and that the full height is said to be between 1 and 2 meters from the western boundary which separates the site from the properties in Causeway Gardens.

Councillor Owen added that the nearest property is number 16 Causeway Gardens which will be affected the most but that all the bungalows in Causeway Gardens have relatively short rear gardens of which the Inspector considered that the height of proposed properties would intrude significantly.

Councillor Owen confirmed that the outlook of the rear of number 16 Causeway Gardens which

has a good sized conservatory in the rear garden and the occupiers currently enjoy sitting in their conservatory, would be affected considerably. Councillor Owen stated that the Inspector had previously agreed plot 1 would be intrusive and deteriorate the quality of life to those living at number 16 Causeway Gardens and this situation has not changed as a result of the amended design.

Councillor Owen concluded that the amended design is not suitable and the impact on number 16 Causeway Gardens has not been addressed.

Councillor Owen stated that in his opinion planning permission should not be granted.

Questions for Councillor Owen:

- Councillor Mrs Laws asked for clarification from Councillor Owen in what capacity he is objecting on behalf of residents as he has stated it is in the capacity of a Ward Councillor? Councillor Owen confirmed that he is objecting as a Ward Councillor for residents. Councillor Mrs Laws confirmed that March Town Council had no objections to the application. Councillor Owen clarified that he was objecting as Ward Councillor for Fenland District Council and not March Town Council.

Members received a presentation in accordance with public participation from Mr Dean Pearce the agent in support of the application.

Mr Pearce confirmed that he was representing Mrs Pam Young the applicant and wanted to thank Mrs Thomas the case officer for her comprehensive report and assistance throughout this process.

Mr Pearce stated that new developments are not always welcomed by local people, especially those living close by. Mr Pearce confirmed that his applicant has demonstrated the residents concerns in this proposal with co-operation and understanding of the issues that had previously been unacceptable. Mr Pearce confirmed that this re-design has been completed in such a way to reassure the concerns of those most affected.

Mr Pearce stated that should the support of this committee be forthcoming today it is assured that this application will result in a development that will benefit and enhance the site and community including the wider locality without detriment to property within a town centre location.

Mr Pearce stated that the availability of town centre location development land is at a premium for affordable homes and indeed Causeway Gardens itself was built upon part of the same former builder's yard as this proposal of which both are owned by the applicants Father.

Mr Pearce acknowledged that the previous approved application was for outline and a single storey development; however this was due to the fact that there were no full details submitted at that time. Mr Pearce stated that this application has demonstrated a modest 2 storey development could be accommodated on this land with the best use of an un-kept, grey field site in accordance with the aims and objectives of the Council's local policies, national policies and the NPPF (National Planning Policy Framework).

Mr Pearce stated that this site is located in a most suitable, sustainable location for access to goods, services and local employment with smaller dwellings best suited for downsizing or young families where sustainability is key.

Mr Pearce confirmed that in addition to the officer's recommendation for approval the Conservation Area officer has stated that the proposal sits well within the conservation area and that the Town Council are now in favour of this proposal.

Mr Pearce stated that since the previous proposal the applicant has been proactive in fully addressing the concerns raised and due consideration has been given to the Inspectors report. Mr Pearce confirmed that the amendments have reduced the overall size, scale and massing of the development and substantially reduced ridge heights where they were considered detrimental to neighbouring properties and amenities.

Mr Pearce stated that the integrity of the design and its objective in creating 2 modest and appropriate in filling dwellings on the site in a cohesive form has not been lost in any way.

Mr Pearce concluded that the scheme now fully addresses those areas of concern and this has been validated by the officer's support and the proposals subject to conditions as stated in the report are appropriate and acceptable in all respects by the applicant.

Mr Pearce stated that the design represents the best use of this untidy vacant site which could easily re-establish itself as a builder's yard tomorrow. Mr Pearce stated that the proposed dwellings are in scale and of similar density being located between the development in the east and the detached bungalows to the west.

Mr Pearce confirmed that this proposal offers 2 modest efficient homes and in addition vision enhancement of the site and the wider locality. There are no highways, environment or landscaping objections and the proposal is subject to conditions, as per the officers report which now accords with the relevant policies and the NPPF against which it is to be assessed on its merits.

Mr Pearce concluded that the applicant has demonstrated the fullest consideration in addressing concerns of neighbours with this being the view of the planning officer and for these reasons he respectfully requests that the committee support this application today.

Mr Pearce stated that previously a statement was made in respect of the report mentioning a 2 storey development was inappropriate on this site but that was not his understanding of the report and asked for clarification from officers. Nick Harding confirmed that the overall conclusions drawn by the Inspector was concerns on the impact that the development would have on number 16 Causeway Gardens. Nick Harding stated that the Inspectors conclusion was drawn from the proximity of plot 1 and height of plot 1 and how it affected 16 Causeway Gardens.

Nick Harding confirmed that the question that has been asked of this authority is around the previously mentioned concerns and does this application now, with the amended design of a reduced height to plot 1, satisfy the concerns on the impact to number 16 Causeway Gardens.

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

- Councillor Mrs Laws referred to the landscape and trees of which none have a TPO (Tree Preservation Order) and confirmed that all the trees will be removed. She asked if there could be plans in place for soft landscaping to replace these trees. Nick Harding clarified that officers are cautious about proposing a condition about landscaping on private gardens.
- Councillor Mrs Laws stated that there have been several issues mentioned concerning overshadowing and light and asked if planning officers have investigated this and gone through the appropriate process as usual. Nick Harding stated that when the Inspector considered the previous application he came to the conclusion that there should be no significant loss of light or overshadowing and because this is a reduced scheme in terms of its height then clearly the same conclusion must apply.
- Councillor Murphy stated that he could not see anything wrong with the application as March Town Council, CC Highways, Planning Officers, Conservation Officer and Tree Officer have no objections and the concerns of the inspectorate have been dealt with

therefore agrees with the officers recommendations. Councillor Mrs Laws agreed to second Councillor Murphy's proposal.

- Councillor Sutton referred to concerns that had been made previously concerning overlooking and confirmed that there are no first floor windows overlooking. He confirmed that another issue mentioned was in respect of loss of light but as it is proposed for the large trees to be removed this would surely improve the light. Councillor Sutton confirmed that he supports Councillor Murphy's proposal.
- Councillor Mrs Davis referred to the issue concerning bin collection and asked for Councillor Murphy to clarify if in fact the bin truck does in go into this roadway. Councillor Murphy confirmed from his investigation that in fact the bin truck does go into this roadway to collect refuse bins.

Proposed by Councillor Murphy, seconded by Councillor Mrs Laws and decided that the application be:

GRANTED as per the officers recommendations and conditions which include:

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission. Reason - to ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to commencement of works details to include (i) brick sample and (ii) roof tile sample, (iii) product information for windows & doors and (iv) product information on rainwater goods shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details. Reason - in order to control the visual impact of the development and to protect the character of the area in accordance with the requirements of Policies LP16 and LP18 of Fenland Local Plan 2014.

3. No development, other than that required to be carried out as part of an approved scheme of remediation, shall not commence until clauses a) to e) have been completed as in the report. Reason - To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in the NPPF and Policies LP2, LP16 and LP19 of the Fenland Local Plan 2014.

4. All vegetation clearance at the site shall only take place outside the bird breeding season of March to August inclusive. If this is not possible, a nesting bird survey must be undertaken by an experienced ecologist 24-48 hours prior to clearance and the report submitted to the Local Planning Authority. Reason - to ensure compliance with Section 1 of the Wildlife and Countryside Act with respect to nesting birds and to provide biodiversity mitigation in line with the National Planning Policy Framework.

5. Notwithstanding the submitted details, prior to the commencement of development, details of a 1.8m wide footway linking Causeway Gardens footway to the Gas Road footway across the private road shall be submitted and approved in writing by the Local Planning Authority. Submitted details shall include, levels, drainage and methods of construction. The footway shall then be constructed in accordance with the approved details and retained in perpetuity. Reason - in the interests of highway safety in accordance with Policy LP15 of Fenland Local Plan 2014.

6. Prior to the commencement of development hereby approved full details to include levels, drainage, kerbing type and construction details shall be submitted to and approved in writing by the local planning authority for the access from the private road into the site. Details shall then be implemented in accordance with the approved plans prior to occupation of the development and

retained thereafter. Reason - in the interests of the provision of a safe access to the site and in accordance with Policy LP15 of the Fenland Local Plan 2014.

7. Prior to the commencement of the development hereby approved adequate temporary facilities (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. Reason - to minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2015.

8. Prior to the first occupation of the development hereby permitted the proposed on-site parking/turning areas shall be laid out in accordance with the approved plan and thereafter retained for that specific use. Reason - to ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.

(Councillor Mrs Laws and Councillor Miscandlon stated that they attend the Whittlesey Town Council planning meetings but take no part in the decision making)

(Councillor Mrs Hay and Councillor Murphy stated that they attend the Chatteris Town Council planning meetings but take no part in decision making)

1.36pm

Chairman