

# PLANNING COMMITTEE



**26 APRIL 2017 - 1:00PM**

**PRESENT:** Councillor A Miscandlon, Chairman; Councillors S Clark (Vice-Chairman), D W Connor, Mrs M Davis, Mrs A Hay, Mrs D Laws, P Murphy, Mrs F S Newell and W Sutton..

**APOLOGIES:** Councillor M G Bucknor.

Officers in attendance: Nick Harding (Head of Shared Planning), David Rowen (Development Manager), Rebecca Norman (Senior Development Officer), Jennifer Thomas (Senior Development Officer), Oliver Block (Legal Officer) and Elaine Cooper (Member Services).

James Fisher (Wildlife Officer) also attended for F/YR16/1059/F

## **1 MINUTES OF 29 MARCH 2017**

The minutes of the meeting of 29 March 2017 were confirmed and signed.

## **2 F/YR15/1141/F LAND EAST OF TOWNHOUSE COTTAGES, LEVERINGTON COMMON, LEVERINGTON ERECTION OF 4 X 2-STOREY 2-BED DWELLINGS**

Members considered objections.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that in reference to the circulated update to members that a bilateral agreement would be entered into and not a unilateral one. Due to a misunderstanding, a Traffic Regulation Order (TRO) that was instigated by the County Council was not progressed on the basis of its content simply duplicating the existing lining in the road. It was believed, incorrectly, that this TRO contained everything the County Council was looking for to enable it to deal with all the potential issues that this development may or may not give rise to, but the TRO before did not cover the issue of loading and unloading, picking up and setting down on the highway and this will be addressed through the proposed bilateral agreement.

Members received a presentation, in accordance with the public participation procedure, from Nigel Lowe, the applicant's agent. Mr Lowe made the point that he is pleased that this application has finally made committee as it has been in the system for 16 months. He stated in this time the plans have been amended, they have entered into a TRO for yellow lines which was found not to be required and then had to enter into a unilateral agreement for double yellow lines should they be required in the future, which until yesterday they were led to believe was also not required.

Mr Lowe made the point that there have been no objections from Highways on safety grounds and in fact there have been no accidents recorded along this section of Leverington Common and the junction of Ringers Lane in the last 10 years. The site falls in Flood Zone 1 so there are no issues with flooding and North Level Internal Drainage Board are happy with the partial piping of the drain and filling in the dyke, they believe, will not result in flooding in fact on photographing the site in March there was only 100ml of water in the bottom of the drain.

Mr Lowe expressed the view that Leverington is classed as a limited growth village within Policy LP3 and Policy LP12 states development in villages should be in or about the main settlement, with this proposal adjoining the main settlement and does not go beyond the level of development permitted under Policy LP3 and, in his opinion, is in keeping with its surroundings. He stated that Leverington has the capacity for a further 95 dwellings before the 10% threshold is breached. He hoped members would agree with officers recommendation to grant subject to conditions.

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

- Councillor Mrs Laws asked if the capacity and threshold for additional dwellings in Leverington is accurate? Officers confirmed that Leverington has the capacity for a further 95 dwellings before the threshold is breached.
- Councillor Hay referred to the comments of one of the objectors who has asked who will maintain trees and shrubs so that they do not hamper visibility? Officers advised that a condition has been placed on the application that landscaping and management will be agreed.
- Councillor Murphy made the point that the four dwellings have been pushed into one corner and what happens if another four dwellings come in on the next area of land that is proposed to be car parking or can they not build on this at all? He is only raising this as the proposal was originally for 9 dwellings, has been reduced to 4 and he can see it going back to 9. Officers stated that members have to deal with the application before them and cannot speculate. There is, however, nothing to prevent someone from submitting an application on this site to develop something different, which would be dealt with at that time.
- Councillor Mrs Laws asked who is going to monitor the piping and maintenance of the ditch and the sewerage disposal as the works take place? Officers advised that this is likely to be North Level, who have raised no objections, but the applicant will need to make applications to them also. Councillor Mrs Laws advised that she has been informed that the drainage boards do not have sufficient staff to attend any sites to monitor the work. They can attend once the works are complete, but this is too late to ensure that actively involved when the works start. Officers advised that prior to any works to the ditch the applicant will need to apply to North Level, who has seen the proposal and raised no objection in principle, subject to them agreeing any details prior to the works commencing. The Chairman referred to the comments of North Level within the report at 5.3.
- Councillor Connor asked for confirmation that Highways are happy with the safety of the road and the proposal meets their requirements? The Highways Officer in attendance at the meeting confirmed that the proposal complies with visibility requirements and there are no safety issues.

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

**Granted, subject to the completion of a bilateral undertaking and the conditions reported.**

(Councillor S Clark registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that she had been lobbied on this application)

**F/YR16/1059/F**  
**30 PARK LANE, WHITTLESEY**  
**ERECTION OF PART 2-STOREY/SINGLE STOREY REAR EXTENSION TO**  
**EXISTING DWELLING INVOLVING DEMOLITION OF EXISTING KITCHEN WITHIN**  
**A CONSERVATION AREA**

Members considered objections.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers advised that a new letter had been received from 5 Horsegate reiterating concerns but adding nothing further to what is already contained within the report.

James Fisher, the Council's Wildlife Officer, informed members that this proposal is a relatively minor application which he would not normally be consulted on, but neighbours who have a pond have raised concerns over potential impact to wildlife and, therefore, he requested as a precaution that a ecological assessment was carried out of the site, which he is satisfied was carried out to a suitable standard by a qualified ecologist, who makes a number of recommendations as a precautionary measure for when the site is being cleared for construction. He stated that most of the new extension would be created on the existing hardstanding, there would be the removal of some vegetation and a log store, but this would be carried out under ecological supervision so that in the unlikely event that a great crested newt was found it could be moved to somewhere where it would be untouched by the proposal. He expressed the view that there is a nice area of habitat on the northern boundary, with the potential for protected species in the north eastern corner, but these areas are not affected by the scheme. He stated that construction vehicles would be limited to the hardstanding area and would not affect the northern boundary. The pond on site would not be affected by the scheme, which he thinks is unlikely to contain great crested newts due to its small scale size and being designed as an ornamental fish pond, but he has no reason to doubt that there are newts in the neighbours garden. He is satisfied that the precautionary approach that is being taken is unlikely to impact on wildlife provided this is secured by condition.

Members received a presentation, in accordance with the public participation procedure, from Mr Broker, the applicant's agent. Mr Broker made the point that he is well aware of the level of objections and criticism from neighbours, especially from one quarter, and expressed his surprise that they were not represented at the meeting due to the level of communication that has been made to officers. He stated the reason for this application is to provide an extension to the dwelling primarily to provide facilities for a severely disabled person who has suffered a stroke, with the process of providing suitably equipped accommodation being on-going since July 2015 and even if members choose to approve this application today construction work cannot commence until September, the safe season for ecology, which has been proved to be unlikely to be unaffected by the proposal.

Mr Broker stated that the proposal will allow the applicant, who is 71 years old, to be cared for at her own home by her son hence the modifications to the existing house making the point that the Council's adopted plan calls for provision of lifetime homes encouraging where possible people to be cared for at home. He expressed the view that the applicant is well known and liked in Whittlesey, has served the community all her working life and has lived in this property 50 years, with it having been built by her family, and has never had any disputes with any of the neighbours.

Mr Broker made the point that the proposal has been submitted, withdrawn and re-submitted to appease the objectors and believes all arguments have been countered and all the boxes ticked, amending plans on officers recommendations. He made the point that the proposal is supported by various officers, ward councillors and the Whittlesea Society. He referred to the suggested

conditions if the application is approved, which they are happy to comply with, asking how much longer must the applicant suffer the inadequacy of their home for the sake of perceived ecological concerns. The applicant is a keen ecologist in her own right and he referred to the comments of their own ecologist and that of the Council, with the confirmed report making several recommendations on ecology which the applicant is more than happy to satisfy.

In light of all the comments that have been made, Mr Broker asked that common sense prevail and the application be approved.

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

- Councillor Mrs Laws advised that she had attended the meeting of Whittlesey Town Council, who wholeheartedly support the application, particularly the ward councillor. She made the point as the agent has indicated that this has been an on-going application, which has been re-submitted from two separate dwellings to an extension. She praised officers for the in depth ecological report and back and forth correspondence that has been made on this application, together with the highway considerations, and feels that everyone has worked hard to bring this application to a successful conclusion.
- Councillor Sutton made the point that there are the conflicting reports from the ecologists and when looking at a professional report it can be designed to suit someone's own agenda. He found it very helpful and useful that on the site inspection the base of the extension had been marked out to provide an idea of the extent of the extension. He cannot see any reason to turn this application down.

Proposed by Councillor Hay, seconded by Councillor Davis and decided to:

**Grant, subject to the conditions reported.**

(All members present registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

(Councillor Mrs Laws registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she had been present at Whittlesey Town Council at which this application had been discussed but had taken no part. She stated that she is aware that she has been mentioned in correspondence between the ward councillor and adjacent neighbours Mr David Dodwell and Dr Fiona Dodwell, however, she would like to reiterate that she has had no direct contact with the applicant or neighbours. As will all applications, she will be approaching this application with an open mind and making her decision based on the papers, the debate and the planning officers presentation today)

(Councillor Miscandlon registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he has been present at Whittlesey Town Council at which this application had been discussed but had taken no part. He stated that he has been mentioned in correspondence between the ward councillor and officers and takes exception to inference within that correspondence that he has refused an invitation to take the committee onto the ecological site within 30 Park Lane. No such invitation has been extended to him or the committee)

(Councillor Sutton declared that he knows the applicant's brother, but this makes no difference to his decision making on this application)

**F/YR16/1083/F**  
**29 DARTHILL ROAD, MARCH**  
**ERECTION OF A 2-STOREY 4-BED DWELLING INVOLVING DEMOLITION OF**  
**EXISTING DWELLING AND FORMATION OF NEW ACCESS AND KERB**

Members considered letters of objection and support.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received presentations, from Mr Walker, the applicant, and Mr Hall, the applicant's agent. Mr Walker made the point that the plan has changed its design three times, without receiving feedback on what was required or needed. He referred to the amenity space, stating that he will be the residential owner and has two children already, is getting married and expects to have a further child, and four bedrooms is what he would like, although recognising it is not what he needs, because he wants to give his children their own rooms. He has lived in March his whole life and wants to remain in March with this development giving him this option.

Mr Walker questioned how this design is as bad as made out in the report. He acknowledged that the neighbouring property does have a conservatory, his objection initially was that this was his investment but this was not his investment as this was erected by a previous owner, and the sun goes over his own property and in the summer months it is their property that stops the light to their conservatory.

Mr Hall informed members that prior to submitting the application, the dwellings were investigated along the road on this side looking at all the residential properties and all of them are two-storey so this proposal was deemed to be in keeping with the character of the area. He made the point that the development of the site is supported by officers in principle, the scale of the development is acceptable in the context of the area and is not over-development, with the scheme receiving support from March Town Council and receiving no objections from Highways Authority as it is a town centre location.

Mr Hall stated that under the previous scheme the objections were submitted by neighbours adjoining and opposite, and there have been no new objections to the proposal. As a result of the previous objections, the proposal has been scaled back and moved away from No.31, and reduced in size and height. He referred to Policy LP16 that requires a third of a garden area being required for plots and this proposal has over 40% private amenity space, without the front garden and driveway. The existing dwelling on the site does not even have a rear garden, it is built on the boundary.

Mr Hall stated that the proposal lies within Flood Zone 1 and is not, in the officers' report, over-development, has no over-looking, is of an acceptable scale and would not impact on the character of the area, and the objections were raised on a previous scheme.

Councillor Sutton asked Mr Hall if the original proposal was for a three-storey dwelling? Mr Hall stated that it was originally two and a half storey and has been amended so that the height of the roof has no space to create a room in the loft space.

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

- Councillor Murphy expressed the view that the decision on this application is a difficult one, but he feels that the recommendation of officers to refuse should be supported. He stated that he had walked up and down this road and there are bungalows opposite and along the road so not all the dwellings are two-storey. He feels the scale, character, appearance and

visual impact of the proposal is beyond what he would want himself.

- Councillor Sutton agreed that this is a difficult decision. He agrees, without question, that the bungalow currently on site is an eyesore and a two-storey dwelling would fit in with the street scene better. He stated that there are no side windows towards No.31 and the issue is all about shadow and light to their conservatory, having heard that most of the shadowing comes from No.31 itself.
- Councillor Mrs Newell made the point that March Town Council know the area and recommend approval. She cannot see a problem and cannot agree with officers.
- Councillor Mrs Laws stated that she has question marks about the light issue and asked if any testing or investigation of the shadowing/light issues had been undertaken. Officers advised that no light shadowing or tracking has been submitted as part of the application. The conservatory would be in shadow from the two-storey part of the house, but the majority of the day the proposed dwelling would overshadow the conservatory and amenity space of No.31.
- Councillor Sutton acknowledged the comments of officers, but made the point if this is taken to its ultimate a two-storey dwelling would not be allowed on this site at all and it is a balance between the street scene and light issues. He expressed his difficulty in seeing how a horrible bungalow can be replaced with a two-storey dwelling that is going to fit in with the street scene without having some effect on that one single conservatory.
- Councillor Murphy stated that he does not feel that a two-storey house would be better on this site, he feels a bungalow would be better.
- Councillor Hay asked if this proposal was permitted would the conservatory never have any light? Officers advised that under a basic assessment from late morning through to midday/early afternoon a significant proportion of light that the neighbouring property would receive would be blocked, but a proper analysis would be needed to confirm the position.
- Councillor Mrs Laws asked if the proposal could be deferred for a light report to be submitted? Officers advised that this is a possibility, but there is a second reason for refusal which relates to whether the outlook from the rear of the property is acceptable and in officers opinion it is not.
- Councillor Connor expressed the view that much depends on the light issue and there are no hard facts on what it will affect and he supports Councillor Mrs Laws call for a deferment.
- Councillor Sutton asked if the agent for the proposal could come back to answer questions that members have now raised? The Chairman agreed to the agent returning to answer questions. Mr Hall stated that height of roof has been reduced and a hipped roof has now been offered, but this was too late in the day to be submitted to committee. The neighbouring property is blocking its own light from the north and this proposal was moved away 5 metres, using the plan on the screen to demonstrate where the light goes.
- Councillor Murphy asked if someone built a property near him that is two-storey high and with a roof on it that it would not block any light at all from being that close? He does not believe this, as the height of a roof on a two-storey house right next to the neighbouring property is unbelievable. Mr Hall made the point that the proposal was much closer and has been moved 5 metres away from the boundary. Councillor Murphy questioned whether Mr Hall would like to live in the neighbouring property?
- Councillor Mrs Laws asked if the applicant would be prepared to undertake a light tracking professional report? Mr Hall advised that they would and if a hipped tench roof overcame concerns they would undertake both. Councillor Mrs Laws asked how officers feel about the change of roof design and have the revisions referred to been received for consideration? Mr Hall stated that the amended design and layout was submitted two days ago. Officers advised that the proposal to change the roof to a hip was submitted on Monday and officers are unable to give a definite answer without a plan, however, a hip roof would have a lesser impact and they feel that light tracking should be undertaken to be assessed at a future committee.
- the Legal Officer referred to members mentioning that the current site was an eyesore and made the point that members should not grant planning permission to develop a site due to it being in a poor state and should not take this into account when reaching their decision.

- Councillor Sutton questioned whether members are happy with the second reason for refusal as members do not want to put the agent to unnecessary expense on re-design to then refuse it for the second reason. Councillor Sutton asked Mr Hall if a full hip was being offered? Mr Hall confirmed that it was. Officers stated that the proposal is recommended for refusal for two reasons; light loss to adjacent property and the outlook to the rear of the proposal to the adjacent dwelling. If members support deferral it would be assumed that they are happy with the relationship of the rear of the property proposed to the end of the garden.
- Councillor Hay stated that she is not happy with the outlook to the rear, but feels if re-development of the site is held up because of this no development would take place on site. She would only support the light aspect for refusal.

Proposed by Councillor Connor, seconded by Councillor Davis and decided that the application be:

**Deferred, to enable submission of a light tracking report and the submission of a full hipped roof design.**

*(All members present registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)*

**5**                    **F/YR16/1137/O**  
**48 STATION ROAD, MANEA**  
**ERECTION OF 3 DWELLINGS (MAX) INVOLVING DEMOLITION OF EXISTING**  
**DWELLING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

Members considered objections.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

The Chairman referred to the aerial photo of the site and whilst the site was overgrown it had been cleared when they viewed it on site inspection.

Members received a presentation, in accordance with the public participation procedure, from Miss Dent, the applicant. Miss Dent referred to a handout that had been sent to Development Services to be circulated to all members, but only Councillor Sutton had indicated that he had received it. The Chairman advised that the handout had been circulated and received by all members.

Miss Dent stated that the previous application for this site was for a bigger area including land to the rear of the site, the immediate neighbours objected to development of the land behind and this was taken on board, as was that this area was in Flood Zone 3 and it was accepted that there were more sequentially suitable sites available, hence the alteration to the proposal using land that just lies in Flood Zone 1. She referred to the proposal being recommended for refusal based on being detrimental to the appearance and character of the area and not being in keeping and asked whether it would truly affect this as, on the aerial photos in the handout, Station Road is characterised by a complete mix of dwellings and there are clear examples of indepth development within 100 metres of the site.

Miss Dent drew members attention in the handout to a development granted last year behind a property some 88 metres from the application site, which she feels is highly comparable and she does not see why officers are choosing to look at the proposals so differently, they have a strong resemblance, are similar in location, appearance and character, with, in her mind, a precedent having been set. She expressed the view that the settlement is not characterised by ribbon development as indepth characterises the whole village and nowhere in Local Plan policy does it state that development in growth villages should be in ribbon form, it suggests that the most should

be made of previously developed land.

Miss Dent expressed the opinion that officers state that because something is dilapidated is not a reason to grant planning permission, but the Government's message is for new housing and on brownfield sites, which she acknowledges this is not, to reuse derelict sites and where buildings were previously. She feels members should be looking at this rather than sites in the open countryside referring to the 57 houses that have been approved in the open countryside on greenfield land in Teachers Close.

Miss Dent expressed the view that proposal such as this has a lesser impact and is not looking to change the core shape of development like major developments do. She asked if the proposal would really alter the character and appearance of the area?

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

- Councillor Mrs Laws asked if Manea, as a growth village, is near the threshold? Councillor Sutton stated that it is approximately 28% over.
- Councillor Sutton expressed the view that, although recognising sites should not be compared, a few years ago there was an application in March and the same arguments were made on this proposal between ribbon and indepth, and he feels that this site is where the ribbon development starts, with the other development referred to by the agent being more village centric, with this part of Station Road being all linear development. He feels that two nice bungalows on the frontage would be more in keeping with the street scene and it is a balance of where indepth development starts, with, in his view, it starting closer to the village. He stated that he would be supporting officers recommendation.
- Councillor Murphy expressed the view that all this part of Manea is linear development and it should be on this site as well.
- Councillor Connor agreed with Councillors Murphy and Sutton. He feels the site is ripe for development, but this area is linear in nature.
- Councillor Mrs Laws agreed with members and colleagues and would propose officers recommendation.

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

**Refused, as recommended.**

(Councillor Mrs Newell requested it be recorded that she abstained from voting on this application)

(Councillor Sutton registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application)

(Members, following determination of this application, took a 10 minute comfort break)



**F/YR16/1185/F**  
**17 LEVERINGTON ROAD, WISBECH**  
**CHANGE OF USE FROM 5-BED DWELLING (C3) TO 9-BED HOUSE OF**  
**MULTIPLE OCCUPANCY (C4 USE CLASS) AND EXTERNAL ALTERATIONS TO**  
**BUILDING**

Members considered letters and a petition of objection and one letter of support.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Mr Johnson, Chairman of the Wisbech Society Preservation Trust who object to the proposal. Mr Johnson stated that the objection is based on heritage, with the property being a late Victorian/Edwardian house built with fine proportions sitting comfortably within its setting and gardens, and very few buildings of this type are left in the locality that have not succumbed to modern development or a significant change to their nature or appearance. He stated that the house is a building of local interest, was previously owned by well known people within Wisbech, and although not listed, in his view, deserves to be retained in its current form and restored sympathetically within its current footprint and internal subdivisions.

Mr Johnson referred to the boundary of the site being on the edge of the curtilage of the General Cemetery and its Grade II Listed Chapel of Rest, and as such any development would, in his view, affect the setting of this listed building. The General Cemetery is a disused burial ground owned and maintained at the cost of the Council and contains many notable monuments, including some behind 17 Leverington Road. He advised that Wisbech Society has recently been awarded a £300,000 grant to restore the Chapel of Rest and bring it back into public use as well as investigate and restore some of the monuments, including burials, which are tall and impressive but as was usual they were erected without steel pins or brackets to hold the separate pieces of masonry together, therefore, any construction works could destabilise the monuments or vaults resulting in damage or collapse.

Mr Johnson expressed the opinion that there has been a significant amount of vandalism in the cemetery over the last few years, which demonstrates how easily it is for these monuments to be damaged by pushing on them. The Society has negotiated a lease for 30 years from the Council, however, the Council will retain the responsibility for the maintenance to pathways, litter collection, boundaries, trees and monuments. He expressed the view that the cemetery is used by drinkers, which could be associated with HMOs to socialise, with the alcohol ban ending at the cemetery boundary, and feels that as the proposal offers no communal space it could encourage more people to congregate in the cemetery.

Members received a presentation, in accordance with the public participation procedure, from Mr Samuels, the applicant. Mr Samuels informed members that this is a very derelict property and he intends to provide high quality, affordable and safe accommodation to people in Wisbech, which is sorely needed. He stated that he is committed to the area and an experienced landlord, working with Fenland's Housing Department, using a local professional property manager to find and manage the properties on a day to day basis.

Mr Samuels expressed the view that the property managers, Regal Rooms, have submitted an opinion based on its experience as specialist letting agents that less than 10% of people who choose to rent individual rooms own cars so on that basis with 9 rooms even if it was at the maximum 16 residents the property would only need 1.6 spaces, with his original application incorporating 5 spaces which, in his view, was generous and sufficient. However, working constructively with the Council and Wisbech Town Council and local residents to alleviate

concerns has increased the spaces to 11, being surprised that objections still remain. He stated that he has spoken to residents in Leverington Road and the objections are not based on parking, but misconception and misinformation as they believed the house would be occupied by unemployed layabouts, drug users, etc, but this is not true as it will only let to the employed who have been properly vetted and it will be run responsibly.

Mr Samuels made the point that the property has been semi-derelict for a considerable time, with scaffolding up since 1970s, and residents want to see this addressed. He referred to Mr Johnson's comments that many of the residents would have liked to have seen the property knocked down and replaced with flats, but he does want to do this, he thinks it is a beautiful old building and he wants to restore and reuse it. He expressed the view that there is no significant construction work, the internal room layout is remaining mostly untouched and there is no construction that is going to effect the graveyard and he is looking to provide quality affordable housing, working with everyone to improve the building.

Councillor Mrs Laws expressed the view that, knowing the urban location, 11 car parking spaces is generous and her fears about the cellar have been addressed. She asked about the parking spaces on the front of the property and is there going to be a wall so that cars will have to reverse back onto site and not the road? Mr Samuels stated yes, the wall already in existence will be improved, reduced and repaired to meet highway requirements, with one access in and out of the site.

Councillor Mrs Hay referred to the mention of high quality accommodation and asked Mr Samuels if he considered that two bathrooms between 16 residents as high quality? Mr Samuels stated that this exceeds national guidelines and requirements and will be full bathrooms with both a bath and shower. He hopes to also put 1-2 en-suites in rooms in addition, but this does not require planning permission, and the kitchen will be designed within the one large room as two separate runs. Councillor Hay stated that her main concern is that whilst they are full bathrooms they are going to be used by one person at a time and you could have people queuing up. Mr Samuels stated that 16 residents is the maximum and it will be monitored by HMO regulations and he works closely with the relevant bodies to ensure the right quality of accommodation is being provided.

Councillor Sutton asked if the professional agents being used hold any certificates? Mr Samuels believes so as it is a long established reputable business.

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

- Councillor Mrs Laws asked, as the Council would be responsible for the cemetery, have officers taken into account the number of monuments that are present and are they at risk from construction? Officers advised that there is a condition regarding the boundary wall, they are aware of the Chapel proposal but this application should not have any detrimental impact on the cemetery. Councillor Mrs Laws expressed the view that there is a construction care opportunity and she is not sure if developer would like to consider this, especially in relation to construction traffic management or regarding machinery that is used to protect monuments. Officers stated that the biggest works are in relation to the formation of the car parking, the other works are modest, and it would be unlikely that construction elements would have an impact on third party land.
- Councillor Connor notes Councillor Hay's comments regarding two bathrooms for 16 occupiers and, whilst not a planning consideration, does not feel this is sufficient for quality housing, with the applicant saying he may do an en-suite. Officers advised that whilst a concern this issue is not a material planning factor and is controlled by other legislation.
- Councillor Sutton expressed the opinion that he is not in favour of this application and would have preferred to have seen it as it was and occupied by one family, but acknowledged that this is unlikely to happen and would only be brought back into use by a proposal of this nature. He hopes that some of the issues in HMOs that he has seen do not happen here,

he feels there is little choice to approve, but made a plea for the applicant to ensure it is managed properly.

- Councillor Murphy expressed trepidation when he hears HMO, he does not feel this is high class or quality accommodation, if it was it would, in his view, be apartments.
- Councillor Mrs Newell asked for an explanation of 9.3 within the report? Officers advised that due to changes in Government legislation, there are two types of HMO - small scale of up to 6 persons which would not normally need planning permission and those with more than 6 persons requiring planning permission to undertake development. Sui Generis is the name given to the specific use of properties meaning in a class of its own.
- Councillor Hay asked what thought has been given to the fact that a car parking space has been made in front of the next door neighbours window? Officers stated that the area in front of that window could be used as a parking area now. There may be an opportunity to move a couple of car parking spaces and have an area of landscaping in front of that window, but the number of car parking spaces may not be able to be kept.
- Councillor Davis made the point that she thought that this window was opaque.
- Councillor Mrs Laws expressed the view that if the landscaping could be achieved it would be beneficial.
- Councillor Sutton expressed the view that the down side to creation of an amenity space is that people could congregate in this area and if just parking residents will park and go and he feels that a car park would be better than having a group congregating outside the window. Officers advised that looking at the car park layout currently proposed to achieve landscaping it would only be a small area of landscaping and not a sufficient space for congregation.
- Councillor Hay stated that she would be happier if some form of landscaping could be created as she would not be happy having a car parked outside her window.
- Councillor Miscandlon stated that he had suggested in the pre-briefing that some form of acoustic fencing be introduced to absorb noise if it was feasible. Councillor Mrs Laws made the point that an acoustic fence would prevent light. Councillor Miscandlon stated that he was suggesting a fence that would not be high, but delegated to officers to reach a solution. Councillor Sutton expressed the view that unless the fence was 6 foot high it would not be of any use and suggested that officers' recommendation be supported as it is.

The Legal Officer advised that there is nothing wrong with recognizing that the site is what it is and the state it is in, but it is important that members do not decide to grant planning permission because of this and not because of the proposal itself.

It was proposed by Councillor Sutton to accept officers' recommendation, which did not receive a seconder.

Councillor Mrs Laws proposed that officers' recommendation be supported, but that an area of landscaping be created next to neighbours windows. Officers requested that delegated authority be given to officers to achieve this proposal, if it is insisted that this landscaping area is created it may mean that the same number of parking spaces could not be created or there would not be enough space between spaces or in the site to turn vehicles around easily. Councillor Sutton asked if the agent could be invited to speak to see if he would be prepared to undertake this action. At the Chairman's agreement, Mr Samuels reiterated that he is trying to find solutions and be co-operative, and if there is a means to do this he would be happy to do it, but he needs to examine the practicalities of this suggestion. He made the point that the windows are opaque and there is a covenant in place that prevents them from being anything other than opaque. He feels that there will be few vehicles on the premises in any case, but is happy to work with officers to see if there is an achievable solution.

Proposed by Councillor Mrs Laws, seconded by Councillor Hay, that officers recommendation be approved subject to officers being given delegated authority to work with the applicant to achieve a small landscaping scheme next to the neighbours windows with the understanding that vehicles

must be able to turn in the site and exit the site frontwards, but this was not supported on a vote by the majority of members.

Councillor Murphy proposed that the application be refused due to the visual impact of all the cars that will be parked on the site, the prominence and density of what an HMO will provide. In his view, the proposal is not a high class HMO, it cannot be with only two bathrooms between 16 people and saying that none of them will have cars is wrong as, in his view, everyone has got a car these days. In his opinion, this application is the wrong proposal in the wrong property.

Officers stated that members need to set aside the reference to high class that was made during the presentation as this issue does not form part of the planning application itself. The application is for a HMO with a given number of rooms, a number of people and provides for alteration to the building and provision of car parking and that is the basis the application should be considered on. Looking secondly at the density of the occupation, it needs to be demonstrated that the level of occupancy is going to cause harm so that could be for example overlooking of neighbouring property, it could be crime and disorder, etc, but as it stand there is no evidence that supports either of those two factors and there may be more that are in members' mind and officers would not want to prejudice members thoughts. Finally, in terms of car parking and access members can see from the report that the Highways Authority has no objections to this proposal, the number of spaces is adequate, there is enough car parking being provided, the turning area is sufficient for the cars and also the access is wide enough with satisfactory visibility and, therefore, on those reasons alone there is not evidence to support members suggested reasons for refusal.

Proposed by Councillor Murphy, seconded by Councillor Mrs Newell, that the application be:

**Refused for the following reasons:**

- 1. Policy LP2 of the Fenland Local Plan seeks to facilitate the health and wellbeing of the District's residents. The development proposed would provide a low level of domestic facilities for the number of occupants. This would result in unacceptable levels of amenity for future occupiers of the property and would neither promote or facilitate a healthy lifestyle and consequently, if the development were permitted, would be contrary to Policy LP2.**
- 2. Policy LP16 of the Fenland Local Plan seeks to deliver and protect high quality environments. Due to the level of occupancy proposed, the development would result in a significant level of car parking within the site. The number of cars parked to the side and front of the property would form an incongruous and unattractive feature, adversely impacting visually upon the appearance of the application property and the wider street scene and, if permitted, would be contrary to Policy LP16 (d).**

Members do not support officers recommendation of grant of planning permission for the reasons outlined above.

**7                    F/YR17/0032/F  
PLOTS 5 AND 6, LAND WEST OF 450 MARCH ROAD, TURVES  
ERECTION OF 2 NO. DWELLINGS COMPRISING 3-STOREY 5-BED WITH  
DETACHED 2-STOREY GARAGE (STORE OVER) AND 2-STOREY 4-BED WITH  
1-BED ANNEXE AND INTEGRAL GARAGE INVOLVING THE FORMATION OF A  
NEW VEHICULAR ACCESS**

Members considered one letter of objection and letters of support.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that there is a second reason for refusal of this application due to a legal agreement not being entered into to secure the affordable housing provision.

Members received a presentation, in accordance with the public participation procedure, from Mr O'Donoghue, an objector to the proposal. Mr O'Donoghue informed members that he is the owner and occupier of 4 School Close and Plot 6 lies on the rear of his property in its entirety including parking. He stated that, whilst his preference is for the area to be left as a field, he is not strictly against development and did speak to the applicant asking him to place the house in a more conducive manner to him and they would withdraw their objection, which has not been undertaken.

Mr O'Donoghue expressed the view that in terms of geography he does feel there would be some development to the front, but asked that right of access to the rear be removed.

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, the applicant's agent. Mr Edwards stated that this proposal has arisen from an original application for 7 properties which was refused and Plots 5 and 6 have been designed specifically for the families that are to live in them. The garage to Plot 5 is a triple garage, with in most cases a family having two cars, which will be using two of the spaces, and the third allows for gardening equipment, cycles and children outdoor toys to be stored. He stated that the applicant is happy to provide additional screening if members feel it necessary and made the point that the occupiers of plots 1-4 will be buying properties in knowledge of the garage being there, with the dwelling, in his view, being consistent with those on School Close.

Mr Edwards advised that Plot 6 does already have a hedge on its boundary with the neighbouring property on School Close, but additional hedging will be provided on this boundary, and the house has been angled so it does not encroach on the neighbouring property reducing the roof to the nearest part to three-quarters. He stated that the property is a family property with again a triple garage explaining the family circumstances for requiring the property.

Mr Edwards informed members that whilst they did not have to carry out a community consultation, they did and this showed demonstrable support for both proposals along with support from the Town Council, Highways and Environment Agency. He expressed the view that the proposal complies with Policy LP16 in terms of design and is consistent with the adjacent development of School Close.

Mr Edwards informed members that the applicant will enter into a Section 106 for affordable housing if both applications are agreed. He stated the speed limit will be reduced in this area as agreed with the Town Council as a community benefit and, in his opinion, the proposal provides 6 additional dwellings, has demonstrable local support, allows an extended family to live together, finishes off this part of Turves, is consistent with the adjacent development of School Close, provides screening to reduce overlooking, has Town Council support, will contribute to affordable homes, will provide off-site road improvements and the proposal is in keeping with the built form.

Councillor Davis referred to the comments from Mr O'Donoghue that he would not have objected if a compromise could be reached, such as reduction of the triple garage to a double garage to provide more space between dwellings? Mr Edwards stated that there was originally a need for a triple garage and there would be a need for a garden store, but he is happy to speak to the applicant about this issue. The Legal Officer advised members that comments made by Mr Edwards about the proposal being a family development to accommodate specific people should be disregarded as planning permission is for the land and not the applicants. There is nothing to stop anyone obtaining planning permission and selling the land to someone else, and it is important that members do not grant planning permission on the basis that it would be nice to give these family people a family home.

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

- Councillor Mrs Laws asked officers to confirm if the distance between boundaries meets with policy? Officers advised that there are no policies in this regard.
- Councillor Mrs Laws stated that she attended Whittlesey Town Council and has seen this site layout and application change, with it being reduced by one property. She expressed the view that the frontage is very mixed along March Road and this frontage is in keeping and properties to the rear are in keeping with School Close and the surrounding area. In her opinion, the applicant has tried to look at the land they have and create exactly what is required. She asked officers if there are any windows overlooking the site? Officers advised that there was not.
- Councillor Mrs Laws asked is it possible if recommended to approve both applications that this can be undertaken with the intention to sign up to a Section 106 for affordable housing and the highways scheme? Officers advised that if both applications were approved it would be subject to a Section 106 for a financial contribution for affordable housing and the community highway scheme.
- Councillor Connor expressed the view that the proposal is in keeping with School Close, mirroring it, and will square the area off nicely.
- Councillor Sutton expressed the opinion that it is not being argued whether this land can be developed, but whether the two garages are too close to the boundaries. He feels that there are some high trees between Plot 6 and 4 School Close and given this he is struggling to see where it will have an impact on that boundary. He feels on balance that these garages are not too close to 4 School Close.
- Councillor Mrs Davies stated that she does not have a problem with the garage that is located near Plots 1-4 as if you are buying one of these properties you would take this into account, but it is a different issue with Plot 6. Officers advised that there is 10 metres between the properties.

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

**Granted, subject to suitable conditions and prior completion of a Section 106 Agreement in relation to affordable housing and highway improvements.**

Members do not support officers' recommendation of refusal of planning permission as they feel that the development is in keeping with School Close and would not be detrimental to the area.

*(Councillors Mrs Laws and Miscandlon registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of Whittlesey Town Council but take no part in planning matters)*

*(Councillor Miscandlon registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application)*

**8**                    **F/YR17/0033/F**  
**PLOTS 1-4, LAND WEST OF 450 MARCH ROAD, TURVES**  
**ERECTION OF 4 X 2-STOREY 4-BED DWELLINGS WITH INTEGRAL GARAGES**  
**INVOLVING THE FORMATION OF A NEW VEHICULAR ACCESS**

Members considered one letter of objection and letters of support.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Please see F/YR17/0032/F for details of the public participation and member comments.

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

**Granted, subject to the conditions reported.**

(Councillors Mrs Laws and Miscandlon registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of Whittlesey Town Council but take no part in planning matters)

(Councillor Miscandlon registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application)

**9**            **F/YR17/0042/O**  
**250 CREEK ROAD, MARCH**  
**ERECTION OF 4 DWELLINGS INVOLVING DEMOLITION OF EXISTING**  
**BUILDINGS (OUTLINE WITH MATTERS COMMITTED IN RESPECT OF LAYOUT**  
**AND LANDSCAPING ONLY) AND THE ERECTION OF A 3 METRE BOUNDARY**  
**TREATMENT COMPRISING A TIMBER EDGING, BRICK PLINTH AND TIMBER**  
**ACOUSTIC FENCING ALONG THE EASTERN BOUNDARY OF THE SITE**

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Mr Brand, the applicant's agents. Mr Brand stated that the previous application was refused for similar reasons mainly due to the sequential test submitted not being satisfactory, his client has now undertaken a professional sequential test in addition to an acoustic test. He stated that the history of the site is B1 general business/light industrial and, therefore, the site is brownfield, the business has been run down over a number of years as his client is coming up to retirement and some of the industrial buildings have already been removed from the site. His client has also received two offers to run the site under the existing uses, which is his fallback position.

Mr Brand made the point that there are previous approvals on this site for residential, for four dwellings, and the site is surrounded by residential development on three sides. He believes the main issue is the sequential test and flood risk, with the site lying in flood risk 3, but the maps do not take into account the flood defence or work undertaken by the internal drainage board. He stated that a site specific flood risk assessment has been undertaken, which came to the conclusion that the flood risk was low which was agreed by the Environment Agency and it has not objected to this application, and there has been no history of flooding on the site.

Mr Brand expressed the view that the sequential test has addressed some inconsistencies and in relation to whether there are alternative sites for this development he feels it is unreasonable to change the area of search from March to the whole of Fenland and is not in line with Government policy, but they did undertake a search on the whole of Fenland with allocated sites and planning appeals being looked at, which officers rejected due to other estate agents not being used only Right Move. He stated that the existing fence is only 2 metres high when viewed from the site, and the site levels have been raised by 2 metres for flood risk reasons on the residential side and 3 metres on the industrial site, with, in his view, there being no risk of flooding on the site.

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

- Councillor Mrs Laws asked for clarification regarding the flood risk assessment sequential test and whether the report recommendation was written on the basis of the consultant's submission? Officers advised that the recommendation was written on the basis of the

information received by the professional assessment.

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

**Refused, as recommended.**

(Councillor Connor declared that he used to deal with the applicant some years ago, but has not spoken publically to him for 18 months and does not socialise with him, and does not believe this will affect his decision making on this application. He did, however, leave the room following the officers introduction of the application)

**10**            **F/YR17/0060/F**  
**LAND NORTH OF MEADOWCROFT, SILT ROAD, MARCH**  
**CHANGE OF USE OF SITE FROM AGRICULTURAL LAND TO B1(C) BUSINESS**  
**USE INVOLVING THE ERECTION OF A 5.6M HIGH STORAGE BUILDING AND**  
**THE SITING OF A TEMPORARY MOBILE HOME (WHILST WORKS ARE BEING**  
**CARRIED OUT TO MODERNISE MEADOWCROFT) (PART RETROSPECTIVE)**

Members considered one objection and letters of support. Officers advised that a further letter had been received from the objector reiterating their objections.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, the applicant's agent. Mr Edwards informed members that the applicant has operated a groundwork business from the March area for the past 30 years and looked for a site where he could have his home and business being led to believe by a previous planning officer that if he brought a house with land this would be advisable instead of building and applying for a workplace home. He stated that the applicant carries out ground works all around the area for individuals and developers employing local labour when required and the proposed building will house his machinery and plant, with the majority of materials being delivered to the sites of the projects he works on.

Mr Edwards expressed the view that the land opposite owned by the neighbour is used for the baling of straw for commercial sale and generates more traffic than this proposal would. He stated that should any works or maintenance be required to his plant at home the applicant will work on site with the doors closed if required so not to cause a problem to the neighbours and in relation to the nature of the site and tranquillity, which is also important to the applicant, made the point that the main train line is behind the site, which generates an unbelievable amount of vibration and noise.

Mr Edwards referred to the 11 letters of support that had been received for the proposal, together with support from March Town Council and from Councillors Count and Skoulding. He feels that this area is best suited for an agricultural use building, expressed the view that noise cannot be an issue with the railway line next to the site and the high tree line and screening in Silt Road means there is little visibility for the proposal.

Mr Edwards expressed the opinion that Planning Committee has approved a similar development elsewhere in March and he would be disappointed if this application did not receive support, citing that the Council was Open for Business. He stated that Meadowcroft is the applicant's residence with the traffic generated being the same once the building is complete as it is now and he is happy for the buildings to be tied to the applicant for his personal use allowing him to securely store his machinery and plant. He asked members to support the proposal with any conditions



they deem necessary to allow a small business to continue to serve its local client base.

Councillor Connor asked how many vehicle movements would the applicant make in a day? Mr Edwards advised that the applicant is living in the caravan whilst refurbishing the bungalow which is in a poor state internally so he leaves in the morning and generally comes back in the evening. The applicant will not operate from the site, it is purely to store equipment. Councillor Connor asked if the applicant works away from the site? Mr Edwards confirmed that he did as he is a groundworker.

Councillor Mrs Hay referred to the fact that he has been in business for 30 years and asked where he stores his equipment now? Mr Edwards advised that generally a JCB if a large contract would stay on site, but he previously had an agreement with a local farmer to store his materials, but this area has come up for re-development and is no longer available. Councillor Mrs Hay stated that if he had been working for 30 years there must have been a period when the applicant has not been working and where would he have stored large equipment? Mr Edwards advised that a JCB is his main piece of equipment and this is normally transient from site to site, but the JCB was stored on site at his residence and this is his residence.

The Legal Officer stated that members should not think of this building being for the applicant to use, but whether it is good place to have this development. Planning Officers stated that key to consideration of this application is what national planning policy and the Local Plan say, which in local countryside locations development should be significantly limited to agriculture, horticulture, forestry or rural based enterprise. This is a proposal to have a plant hire and groundworks company wishing to site itself in the open countryside so does this comply with policies or not?

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

- Councillor Mrs Laws stated that she has every sympathy for this application as it is a business and the Council always says it is open for business, but this location is within the open countryside and whilst the agent has indicated that the objector is running a business from his property this is agricultural and would be seasonal. She feels this proposal is going against policies as it is not agriculture, horticultural or forestry business.
- Councillor Mrs Davies asked how this application compares with Hook Road, Wimblington, where it is open countryside and there are a number of groundworkers storing equipment and containers on site, with there being difficulties accessing this site? Officers advised that they could not comment in detail. The Legal Officer stated that members need to look at this application on its own merits and not on what has happened on any other site.
- Councillor Mrs Newell expressed the view that it is better for a groundworks business to be operated in the open countryside rather than in the middle of a town.
- Councillor Mrs Hay expressed the view that by virtue of how close the site is to the other bungalow she feels it is in totally the wrong place and she would support officers' recommendation.
- Councillor Sutton recognised that this is a business and we should be open for business, but that the proposal is not agriculture and if it was it would have been supported. He stated that policy is policy and if members want to go against policy they need a good reason for it and, in his view, he is not sure if it can be justified going against policy. In terms of transport, he knows the area well having worked in the vicinity and he does not think there is much of a highway issue with it and the railway crossing is to be keyholder operated so there will not be the amount of traffic as previously.
- Councillor Connor made the point that we are always saying the Council is Open for Business, March Town Council does not object and Highways are happy with it. He feels that the proposal could be conditioned if approved and it seems to be a one man operation that has operated over 30 years. He stated that the railway running at the back of site is noisy and feels that the proposal should be given the benefit of the doubt. He referred to an application that had previously been allowed by committee on agricultural land for a rose

grower. Officers advised that officers recommendation for that application was to refuse, but is distinctly different as it was for a horticulture business which is an accepted rural business and the location of the site was at the junction of the A141 and Burrowmoor Road with no access issues. This proposal is on a single lane rural road, 500 metres from the main road and will require upgrading from a highway perspective. What economic benefits are there for this proposal, the applicant is a one man band and there is no additional jobs being created. The fundamental point is that national policy states that development in the open countryside should be restricted to those activities that are essential and this is not one of those businesses having operated for 30 years from somewhere else and could continue to operate as such. Officers strongly recommend refusal, but if members are minded to approve it would be expected that officers be given delegated authority to set suitable conditions, such as to tie the occupation of adjacent bungalow and implementation of the highway safety improvements required by the County Council.

- Councillor Murphy expressed the opinion that this proposal is going completely against the Local Plan, it is in the wrong place and down a road that is not suitable, and members cannot keep going against its plan as it might as well not exist. He made the point that the applicant is not starting a business it is already a business and the Council is not open for business it is people themselves and this is one of the places this development should not be allowed.
- Councillor Mrs Hay expressed the view that a precedent would be set if this application was allowed.

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

**Refused, as recommended.**

**11**                    **F/YR17/0139/F**  
**346-348 CREEK ROAD, MARCH**  
**ERECTION OF 1 NO. 2-STOREY 3-BED DWELLING AND 2 NO. 1-STOREY 3-BED**  
**DWELLINGS**

Members were informed that this application had been withdrawn.

4.40pm

Chairman