

PLANNING COMMITTEE



WEDNESDAY, 17 MARCH 2021 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis, Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor M Purser, Councillor W Sutton and Councillor A Lynn, Councillor A Miscandlon (Substitute)

APOLOGIES: Councillor Mrs J French and Councillor R Skoulding,

Officers in attendance: Jo Goodrum (Member Services & Governance Officer), David Rowen (Development Manager), Nick Thrower (Senior Development Officer) and Chris Gordon (Legal Officer)

P74/20

F/YR20/0940/F

LAND WEST OF THE SPORTSMAN, MAIN ROAD, ELM. CHANGE OF USE OF LAND FOR USE AS PUBLIC HOUSE CAR PARK INVOLVING THE FORMATION OF HARDSTANDING, NEW LIGHTING AND THE SITING OF A STORAGE CONTAINER (PART RETROSPECTIVE)

David Rowen presented the report to Members.

Members received a presentation in support of the application, in accordance with the public participation procedure, from David Johnson, the applicant.

Mr Johnson stated that having read through the Planning Officer's information pack, he is conscious that no mention is made of the historic use of the land in relation to Supporting Letter 1 and Supporting Letter 2. He stated that he feels that the recent historic use of the land is particularly important in this case and added that both letters are eyewitness statements describing previous use of the land in the late 70's and early 80's.

Mr Johnson explained that one was the contractor who hard cored the rear land for parking, and latterly in addition at the far end constructed a pub garden complete with ornamental pond and seating areas and the other witness, himself a past owner of the attached Elm Manor and long-term Elm resident, details the previous use of parking and beer gardens on the land too. He stated that it should be noted that the land was not maintained when Elm Manor was purchased in 2007.

Mr Johnson stated that in his supporting statement he mentions a photograph of the pub hanging in the front dining area and that previously he had stated that the land appeared to be used for growing vegetables, but in fact it was the land behind Elm Manor which resembled an allotment. He added that since then he has studied the photograph with a fine-tooth comb and taken it out of its frame for a proper look and the photo was taken circa 1981 as dated by John Munro, the owner of the red Morris Marina parked nearest the front door.

Mr Johnson added that the picture depicts a well-worn vehicular access to the rear land and even shows a vehicle parked on the rear car park beyond the electricity substation. He stated that the pub is open, there are five cars parked on the front and one at the rear, and that he has visited the pub for 37 years since the age of 8 when he went every Sunday before lunch and Alan and Val

Williams, the then owners, were close to his family and when they left to move to Wales, their guard dog Tia came to live with him at Friday Bridge.

Mr Johnson explained that for the last few years Alan and Val were in residence, they had a field gate installed to section off the rear land to enable Tia to have full run of it during the day, before putting her in the downstairs of the pub to guard overnight. He advised that it was only the subsequent owners Pam and Ray Clements that allowed the rear land to become derelict, having failed to make work their huge wooden beer terrace they had installed on the land and both himself and co-owner Peter Golding removed the redundant terrace.

Mr Johnson informed members that Pam and Ray Clements owned the pub directly before him and added that none of the residents surrounding the pub have lived there quite long enough to experience all the historic use described. He added that the supporting letters, the photograph, the physical evidence of the pond, BBQ and the remaining hard core, prove beyond doubt that the land has a long and rich history of serving the pub and, in his opinion, he feels that this is important, because any purchaser back when the housing estate was newly built, had the opportunity to discover more about the land adjoining the property they were seeking to buy and its rich association with the pub: that is; pub land used for pub purposes.

Mr Johnson explained that he would now like to focus on current times and stated that he is sure members are aware, the pub trade is beyond difficult at the moment. He added that he restored the building and opened as a wet pub and the trade has evolved continually to the point that it is now a food-based pub, with solely wet pubs in villages being almost extinct and this shift seems irreversible as the casual drinking trade may never return to the level required to make a wet village pub viable.

Mr Johnson expressed the view that during Covid, trade has been incredibly challenging and whilst he is allowed to open on the 12th April to service customers outside, he has taken the difficult decision to wait until customers are allowed inside as he simply cannot trade viably until more restrictions are lifted. He stated that the shift to being a food pub has put enormous pressure on his current parking provision and the extra staff required and the travel habits of dining customers mean that there is the need for much more parking space if he is to be able to provide a quality and safe experience as customers aren't car sharing and this might not improve.

Mr Johnson stated that to illustrate the point, it has been the case when he had 8 customers dining mid-week, each bringing their own car in addition to 6 staff cars which totals 14 cars to serve two tables of 4 for lunch! He explained that, other potential customers have driven past because the pub looked too busy to cater for them and it looks too tricky to get parked safely (so customers told us) and he simply cannot operate profitably under these circumstances and the pub needs to be able to use its assets to adapt to the times and survive as it has done in its rich history.

Mr Johnson stated that he needs to use its pub land for pub business as it has done in the past and he is desperate for more parking if the pub is to survive.

He advised that all staff will be instructed to park on the new car park and staff cars will then account for roughly a third of all parked cars at the rear, if it is fully utilised which will itself be a huge mitigating factor for reducing any potential antisocial behaviour in the car park.

Mr Johnson expressed the view that his customers tend to be middle aged and older and his youngest customers tend to be in their 30's, with the pub providing a premium offer, and this tends to keep trouble away. He stated that his staff are managed well, and the staff manage his property and customers well and he has no doubt that they will manage his car park equally well too.

Members asked Mr Johnson the following questions:

- Councillor Marks asked Mr Johnson to clarify whether his business partner Mr Golding, is

involved in anyway with Goldings Horse Feeds and Mr Johnson confirmed that it is not the same person.

- Councillor Cornwell asked Mr Johnson to clarify that there are 16 car parking spaces marked on the plan and Mr Johnson confirmed this to be correct. Councillor Cornwell asked Mr Johnson to confirm that he had also stated that there will be 7 staff who will also require parking and, therefore, there is the intention to provide 9 car parking spaces for customers. Mr Johnson stated that he is just looking to increase car parking and that staff will be instructed to use the new car park, near the houses, which will free up the front car parking and the area by Atkinsons Lane, enabling customers to have the closest parking provision.
- Councillor Mrs Davis asked Mr Johnson to clarify that, when customers exit the pub, is there the requirement to walk down Atkinsons Lane to reach the car park or does the pub have a rear access point? Mr Johnson stated that there is no rear access, but the pub has its own footpath down the side of the pub.
- Councillor Miscandlon stated that officer's had referred to a previous application which had included an acoustic fence, however, the application before members today does not include a fence and he asked Mr Johnson whether it would be advantageous to include a fence to protect the wellbeing of the neighbouring properties? Mr Johnson stated that a debate took place regarding the fence and any benefits of the fence or any detriment to the tree roots as a result of the installation of an acoustic fence and he was aware that the professionals involved had concluded that a no dig solution was preferable. Councillor Miscandlon expressed the opinion that the benefit of such a fence to neighbouring properties is quite dramatic and, in his opinion, it should be considered. Mr Johnson stated that it is something that he would consider.
- Councillor Marks asked for confirmation that it will be road planings, that are used as a surface and not a gravel surface to the car parking area. Mr Johnson confirmed that it will be road planings that are used.
- Councillor Mrs Davis asked whether there was a reason that the parking spaces were planned for the side where more private residences are than on the opposite site where Elm Lode is. Mr Johnson stated that is the way the architect has drawn the plan and he added that if there was the requirement for it to be altered the other way then he would be amenable to that.

Members asked officers the following questions:

- Councillor Cornwell asked officers to confirm the name of the road outside of the pub and whether it was Main Road or Atkinsons Lane. David Rowen stated that it is his understanding that the road at the side of the pub where access to the car park would be gained is Atkinsons Lane. Councillor Cornwell stated that regardless of the name of the road, the condition of it is poor and it is more like a country lane.
- Councillor Mrs Davis asked for clarity over the update report, where the comments of the archaeology officer has stated that if an acoustic fence is added then an archaeological survey would have to take place, but if no fence is included then a dig would not have to take place. David Rowen stated that the comments received from the archaeological team state no dig, however, if a fence was proposed it would be something that would require further advice being obtained.

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

- Councillor Purser stated that he is in favour of the application and added that the car park will enhance the business, and this is something that should be encouraged in the current climate. He added that the addition of the acoustic fence is a good idea and added that the neighbouring properties would possibly be patrons of the public house. Councillor Purser added that the proposal would also alleviate parking from the war memorial area, and he welcomes the application.
- Councillor Cornwell stated that he agrees with the comments made by Councillor Purser. He added that there is obviously a need for the pub to have a car park which appears to draw in people not just from the immediate locality, but there is the need to protect the

interests of those people who would be affected by it and to assist with the ongoing success of the pub. Councillor Cornwell added that if Mr Johnson is happy to consider all forms of noise mitigation, which will include instructing staff where to park to minimise their impact and if the site provision can be arranged in such a way to mitigate against some of the noise which is likely to occur, he will support the application, but only if the owners try their utmost to mitigate the noise.

- Councillor Sutton stated that he would like to thank Mr Johnson, on behalf of the village for bringing the pub back to life, as it has been a success. He agrees with Councillor Cornwell, there has to be consideration given to the adjacent properties but also to the consideration of the ongoing success of the business. Councillor Sutton added that it is a concern for the residents and they may be appeased if an acoustic fence was included, especially for the proximity some of them are to the pub. He expressed the opinion that the application should be deferred so that the acoustic fence can be considered further and some professional input to ascertain how well the acoustic fencing would work.
- Councillor Lynn stated that it is normal for a pub to have a car park, but it is not normal to have a pub which is not fenced off from the neighbours and the neighbours in the vicinity deserve to have some protection. He expressed the view that he would not welcome a deferment, as the business owner wants to operate, having been closed for many months due to the pandemic. Councillor Lynn added that he will support the application as long as it is fenced off from the neighbours and added that it is not just noise, it is also car headlights that need to be considered.
- Councillor Miscandlon stated that the lighting in the car park must also be considered and should be downlights and not be intrusive on the neighbouring properties. He added that he would support the application with the condition of an acoustic fence being included, which the applicant has stated he would be amenable with. Councillor Miscandlon expressed the view that he does not see that there would be much ground disturbance with the installation of an acoustic fence and he agrees with the comments made by Councillor Mrs Davis with regard to moving the parking spaces over to the other side, with the addition of an acoustic fence and something to mitigate light pollution, which is highlighted in the officer's report by the Environmental Health Team.
- Stephen Turnbull, the Legal Officer, advised members that they can only grant planning permission based on what is in front of them and the application does not incorporate an acoustic fence. The introduction of an acoustic fence may need planning permission itself and, therefore, if members wanted to approve the application to include an acoustic fence, it would need to be deferred or refused and then the applicant would have to consider a further proposal in the future.
- Councillor Sutton expressed the view that if the car parking spaces were moved to the other side it would be detrimental as the closest dwelling is the Old Manor, which is 4 to 5 metres away, and he feels the spaces are located on the right side as the properties on Laurel Drive are up to 19 metres away. He added that following on from the legal advice, there is an alternative submitted plan which includes the addition of an acoustic fence and he asked for clarity that if members were minded to approve the application with an acoustic fence could the approval be on the condition that it goes with the alternative submitted plan.
- Councillor Meekins expressed the opinion that he does not see what difference it will make with regard to what side of the car park the parking spaces are on. He added that he agrees with Councillor Sutton's suggestion that the application could be deferred and then be brought back with the acoustic fence.
- David Rowen stated that members appear to support the proposal subject to the issue of the acoustic fence being adequately resolved. He added that he would caution members against granting the application today, with a condition regarding a fence being provided as they need to be mindful that following the comments received from the Environmental Health Team, there has been no technical information provided to demonstrate that an acoustic fence would be an adequate solution. David Rowen referred to the point raised by Councillor Sutton regarding the previous iteration of the plan indicating an acoustic fence which was 2.4 metres high, however, there is no technical information to state that a 2.4

metre fence would be adequate. He added that there is a further issue in terms of the provision of an acoustic fence of whatever height in terms of consultation with the neighbours and he is unsure as to whether any of the plans which have gone out to public consultation have had an acoustic fence indicated and, therefore, this needs to be taken into consideration. David Rowen suggested that a deferment to allow an acoustic fence to be explored and for an appropriate acoustic fence to be achieved and consulted on maybe a prudent course of action.

It was proposed by Councillor Mrs Davis, seconded by Councillor Sutton, and agreed that the application be DEFERRED, to allow for further consideration to be given for the inclusion of an acoustic fence.

P75/20

F/YR20/0979/F

HOLIDAY LET 1, 105 NENE PARADE, MARCH. ALTERATIONS TO 1 X 2-BED HOLIDAY LET TO FORM A 4-BED DWELLING INCLUDING THE ERECTION OF A 2-STOREY EXTENSION AND DEMOLITION/ALTERATION TO 1 X 1-BED HOLIDAY LET

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the public participation procedure, from Mr Ted Brand, the Agent.

Mr Brand explained that the proposal is to join an existing residential annex and a holiday let, with an extension linking the two, to form one dwelling which are 3.8m apart and both two storey. He stated that the annex, to the north, is currently occupied by the applicants, one of whom is the daughter of the elderly occupant of Nene House and is his carer who has power of attorney. The annex was previously a holiday let but has now been designated by the Council as an annex, with the access being from a private road off Creek Road and this dwelling relates mainly to a group of houses off this road.

Mr Brand stated that officers have given 3 reasons for refusal, firstly the effect on the character of the area as they say it would not respect the predominant character of the area due to its location; secondly, the orientation and scale, as it is also considered to detract from the host dwelling, Nene House, eroding its historic form and setting and, in his opinion, this is not correct or justified as he feels the Council's case is based on an assessment of the character of Nene Parade, but this dwelling and Nene House are close to, and relate to, a group of houses on the private road off Creek Road, Nene Parade end just before Nene House and the site, with only a footpath to the south, with this proposal being 33m from this path and is screened by the many trees and shrubs in the garden and fronting the path, which has no effect on the character of Nene Parade. He added that regarding the relationship with Nene House, this scheme is only 0.9m higher, in part, than the existing annex and holiday let and is low chalet in appearance, much lower and subservient to Nene House, with the eaves height of Nene House being 6.2m and the eaves height of this proposal being 3.5m and the ridge height of Nene House being approximately 9m and the highest part of this proposal being 6.6m with a lower ridge of 5.0m.

Mr Brand explained that most importantly the proposal is 12 to 15m away from Nene House compared to a Council approved, large, 5 bedroom house, only 9m away, as can be seen on items 1 to 4 on the screen. He added that the location plan shows adjacent houses clearly closer than this proposal and approved by the Council in 2018, with the large-scale site plan of the 2 approved dwellings showing the relationship to Nene House and their size.

Mr Brand expressed the view that the photo of plot 2 house, with the space in front is plot 1 is described by the Council as a "5-bedroom, 3 storey house" and the elevation of the plot 2 house, not yet built but starting soon, has the third storey in the loft, which has a much greater effect, than

this application, on Nene house, but was approved. He feels that it would be totally inconsistent and unfounded to not approve this scheme.

Mr Brand stated that with regard to overlooking there are five windows on Nene House facing the proposed scheme, these are screened by two small trees and the lower branches of one large tree, to the three first floor windows, one of these is a bathroom, which can have obscuring film added if it is not already obscured. He added of the eleven windows in the proposed scheme, noted in the agenda report, six are ground floor and can be completely screened, in both directions, by reinforcement of the existing tree screening with an evergreen hedge or fencing and with regard to the five first floor windows, one is a high-level roof window, above looking out height, and one is an obscured bathroom window and of the three remaining, one can be removed as there is another window to that bedroom on the side and the other two can be obscured and only openable above eye level.

Mr Brand explained that any overlooking concerns can be overcome by conditions and if minor amendments and/or screening details cannot be conditioned, he suggested that the committee delegate power to officers to approve the application, subject to satisfactory measures regarding overlooking. He made the point regarding loss of existing tourist facilities and lack of evidence regarding their viability that there is now only one holiday let and he stated that this is not a significant tourist facility and its effect on the local tourist economy would be insignificant. He understands that the holiday let has never been very profitable and due to Covid is currently not at all viable.

Mr Brand expressed the view that the benefits of a good quality house, providing care for a family member, in a sustainable location, far outweigh the effect on tourism. He concluded by stating that the proposal has no adverse effects on the character of the area, the concerns regarding overlooking can be easily dealt with, and the well-being benefits of good quality housing, in a sustainable location, for an established local family, with care in the community, far outweigh any tourism concerns.

Members asked Mr Brand the following questions:

- Councillor Sutton stated that the information that had been circulated to members had been referred to as an annexe and asked for clarification as to whether the proposal is for a holiday let or an annexe. Mr Brand stated that there were two holiday lets for a couple of years and one of those had been occupied by the daughter of the gentleman who lived at Nene House. He added that his client was advised by the Council Tax department that it was an annexe and they needed to pay the appropriate Council Tax.
- Councillor Sutton stated that the building looks as though it has not been built with in accordance with the plan, however, by looking at the plans and on a site visit this does not appear to be the case. Mr Brand stated that he was not involved with the original holiday let application and he does not know the planning history.
- Councillor Meekins stated that Mr Brand made reference to a 5 bedroomed property and asked for clarity as to where it is located. Mr Brand stated that the land to the north of New House has planning permission for a three storey, 5 bedroomed property which will be on the site where there is currently a pond.
- Councillor Murphy stated that Mr Brand referred to a holiday let, where the applicant's daughter is residing, and he asked for clarity as to whether that is the current situation. Mr Brand confirmed that the applicant and her partner live in one of the holiday lets and have done so for two years and the applicant is acting as a carer for her father in Nene House. The Council have stated that this is an annexe, not a holiday let, which is why Council Tax is being requested and he stated that is how the property is being used which he suspects does not have planning permission.

Members asked officer's the following questions:

- Councillor Sutton asked for clarity with regard to F/YR11/0180/RM and stated that the

application does not appear to have been built in accordance with the plan as it steps forward 8 to 10 feet and he asked officers to provide further clarity. David Rowen stated that regarding the annexe, one of the units is being occupied as an annexe which is in breach of its original condition restricting its original use as a holiday let. He added that there was an enforcement case on it, however, the decision was taken that it would not be in the public interest to take any enforcement action against that annexe given the particular circumstances involved, but the lawful use from a planning point of view is as a holiday let.

- Councillor Cornwell asked for clarity with regard to the plot to the north of Nene House, which is in close proximity and is a substantial property, and asked how that application differs from the current application, which also creates a substantial building with a nice long garden down to the river. David Rowen stated that there is a substantial difference as historically there has been an encroachment into the site from Creek Road, where the two houses that Mr Brand has referred to were granted planning permission in 2010, with the impact on Nene House being far less consequential due to the fact that the element of the site had been eroded. He referred members to the site plan and highlighted that 161 Creek Road which had moved that element of the development towards Nene House and effectively the two dwellings squared the impact off and made the point that the current application has an incursion from the west and the loss of a significant impact on the area immediately adjacent to Nene House and the principle elevations of Nene House, down to the river.
- Councillor Cornwell stated that he cannot see where they are substantially different and, in his opinion, by developing there it may well act to protect the future of the Nene House plot from excessive development in the future.

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

- Councillor Cornwell expressed the view that the proposal will tidy the plot up with a substantial property, with a nice garden going down to Nene Parade and will improve the area.
- Councillor Sutton stated that, in his opinion, the difference is the overlooking and he added that the overlooking will be onto the garden of the house and will be no more than a cars width as there is car parking close to the proposed 1.8 metre fence and there will be overlooking issues from the upper rooms. He added that had the annexe been built in its proper place, the whole frontage would have been further back and negated some of the overlooking and he agrees with officers that overlooking is a problem and there needs to be consistency with previous applications as well as protecting current and future users.
- Councillor Benney stated that the application has an address of Nene House, but it is not as the entrance of this proposal is off Creek Road and there is no consistent development along this back entrance. He added that regardless of whether it is a holiday let or an annexe it has evolved due to the needs of the resident in Nene House and regardless of whether it is built 10 foot forward or backwards it is where it is. He expressed the view that the site is currently a mess and the proposal will smarten the area up. Councillor Benney expressed the view that the holiday lets are plain buildings, simply a box with a roof on it and he stated that he agrees with Councillor Cornwell, that this proposal will protect Nene House in the future and it should be supported.
- David Rowen stated that he has reviewed the 2011 plans for the northern most holiday let and it does appear that it should have been built slightly further back, however, that situation is now lawful, so it would not be subject to any enforcement action.
- David Rowen stated that tidying a site up is not a material planning consideration when determining an application. He added that with regard to the relationship issues, the relationships in this application are extremely tight, and the view of officers is that there would not be an acceptable relationship between either property and as well as the character of the area there is also LP6 of the Local Plan to be considered which is quite clear that for tourist facilities to be lost, there has to be justification provided and this application does not provide this justification. David Rowen explained that Mr Brand had

referred to very small tourist facilities, but the policy of the Local Plan does not differentiate between large or small scale, it just refers to the loss of the tourist facilities to be justified.

- Councillor Connor stated that is not currently a tourist facility as it is an annexe. David Rowen stated that although one may be used as an annexe, there are two holiday lets on the site and one is a tourist facility and one could argue that the temporary loss of one of the holiday lets has been justified due to personal circumstances involved, however, the second holiday let there is the lack of evidence and information to justify that with regard to LP6.
- David Rowen clarified the overlooking issues for members.

Proposed by Councillor Sutton, seconded by Councillor Murphy to refuse the application as per the officer's recommendation. This proposal was not supported on a vote by the majority of members.

Proposed by Councillor Lynn, seconded by Councillor Benney and decided that the application be APPROVED against the officer's recommendation with the conditions imposed on the planning permission to be agreed in conjunction with the Chairman, Councillor Lynn, and Councillor Benney.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the application cannot be classed as being detrimental to the health and wellbeing of local residents, there will be no detriment to any sustainable transport links and the proposal will enhance and make a positive contribution to the area and the setting of Nene House.

(Councillor Marks declared an interest in this item, as the applicant is known to him, and he took no part in the discussion on this application and voting thereon)

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

P76/20

F/YR20/1126/F

LAND SOUTH AND WEST OF 12 HIGH ROAD, GUYHIRN. ERECT 1 X DWELLING (2-STOREY, 4-BED) INVOLVING FORMATION OF A NEW ACCESS

Nicholas Thrower presented the report to members.

Members received a presentation in support of the application, in accordance with the public participation procedure, from Mr Gareth Edwards, the Agent.

Mr Edwards explained that he is speaking in support of this application for an infill dwelling at land south of 12 High Road, Guyhirn and the application has the support of the Parish Council and all other consultees other than one objection from the neighbour. He explained that the site is within Flood Zone 3, however, it is no different to many other developments within the village and district and the submitted Flood Risk Assessment demonstrates that the scheme can be made technically safe from flooding, and it should be noted other than the host property the client does not have any other land in the village.

Mr Edwards stated that he has checked on Rightmove earlier that day and the only land available in Guyhirn at present does not have planning approval, so sequentially is not available for development. He added that with regard to the finished floor level of the development it should be noted that he is required to lift the dwelling 300mm above the existing land level whereas a development approved by the committee a couple of meetings ago in Guyhirn required the finish floor lifting considerably higher from the existing ground level than is required, and as the report states the Environment Agency have no objection to the proposal.

Mr Edwards explained that the site is in a continual line of development extending throughout the village on this side of the road, and as the majority of Guyhirn can only be developed on one side due to the river and its bank, sites like this are valuable to provide dwellings to sustain the facilities in the village. He expressed the opinion that Guyhirn has a real mixture of dwelling types throughout and this section of the village is no different, with a mixture of detached and semi-detached, single and 2 storied dwellings of different heights and styles from the traditional cottages to the more modern detached properties, and these are in the main not in a hard and fast straight line and step the frontage throughout the village.

Mr Edwards added that the proposal, whilst larger than the neighbouring properties, is consistent with other dwellings being built in the village and may be considered aspirational, but as the client already owns the land and uses it as extended garden to his host property asked if this is a bad thing, and there should be the need to be encourage a mixture of dwelling types and the site can clearly take the development. He added that the report states that both the existing and proposed dwellings far exceed the requirements for garden space and upon inspection of the site there are a pair of semi-detached dwellings being constructed three doors along to the south closer to the river, and these look like large single dwellings and these were approved at appeal following officer refusal.

Mr Edwards explained that the proposal is served via an existing access on to High Road with a new access for the host property that has the support of highways and the proposal makes the best use of the land and will finish off this part of the village and add to the diverse housing mix in the village.

Members asked Mr Edwards the following questions:

- Councillor Cornwell stated that it is a large plot and asked whether there is a reason why the building line cannot be pushed back to be in line with other dwellings in the vicinity. Mr Edwards stated that potentially it could, and it is something that could be considered if the application could be deferred for revised plans to be submitted.

Members asked officers the following questions:

- Councillor Lynn asked officers to clarify if the application was deferred for alternative plans to be submitted, would it alleviate any of the other reasons cited by officers, to allow the application to be approved? David Rowen stated that there is still the issue of Flood Zone 3, which would need to be addressed and if the dwelling was to be moved back, the impact on the street scene would be less albeit whether the L Shaped design would then fit into the street scene. He added that it is different in terms of a deferral issue from the earlier application as this application is for a dwelling and has been submitted in the location identified and that is what needs to be considered, adding that re siting the proposal is a different application. Councillor Lynn asked, by raising the property, would that not alleviate the flood risk concerns? David Rowen stated that the flood risk has two separate elements, firstly is the site sequentially acceptable and secondly can the site be made technically safe from flooding, which is why the floor level would need to be raised.
- Councillor Murphy expressed the opinion that the proposal is linear development, regardless of whether it is moved forward or backwards. He added that the land could have a number of dwellings on it and he would rather see the proposal on the site. David Rowen stated that the character of the stretch of the High Road is quite linear in its form and there is a defined building line. He added from a character point of view, there is not an issue with regard to the infill element and the concern is the front projection from a visual point of view where there are two storeys sticking out ten metres beyond the established building line, which is the real issue.
- Councillor Miscandlon stated that the Agent had intimated that a conversation could have taken place with officers concerning the siting of the property, but this conversation never took place and he asked why? David Rowen stated that there is an issue with regard to

Flood Zone 3 and the lack of a sequential test, but added that an application has been made in the form that it has been made, which is what the applicant wants and what the Agent thinks is an acceptable scheme.

- Councillor Mrs Mayor stated that if the Agent or Applicant had come forward for some pre application advice, then the issues and concerns could have been negated. David Rowen stated that if a pre application enquiry had been submitted than advice and guidance would have been provided to the Agent and they could have acted accordingly.

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

- Councillor Sutton stated that he does not have a problem with that section being infilled, but he has a problem with the proposal as it is way out of keeping in the area. He expressed the view that it is way out of character to approve in its current form and although a deferral would be the quickest process, he will support the officer's recommendation.
- Councillor Benney stated that mitigation measures are in place for the issues surrounding flooding. He added that with regard to the house sticking forward, he does not see any problem with it, it is a large plot and although it is a different design it could be said that it adds character to the area. Councillor Benney added officers should liaise with Agents to discuss applications, make suggestions, and provide advice and guidance.
- Councillor Lynn stated that that the Agent has advised that consideration could be given to moving the development slightly further back and for that reason he would like to see the application deferred, as opposed to refusing it, to give the Agent the opportunity to come back with a revised plan.
- Councillor Miscandlon stated that if the application is refused, then it will give the Agent the opportunity to review the design of the application and liaise with officers to alleviate any issues.
- David Rowen stated that with regard to the discussions members have had concerning refusal or deferral, in his opinion, it is a considerable change to the scheme and goes above and beyond what could be considered as a deferrable change. He added that the changes that members have alluded to, would in the opinion of officers, have to go through a public consultation exercise and, therefore, there would be a time delay. He added that should the application be refused; the applicant would not incur any additional fees and they also have the opportunity of appealing the decision.
- David Rowen stated that with regard to the communication issue which members have highlighted, the Council does offer a pre application advice service which agents can use and he highlighted that professional agents are also able to use their professional judgement with regard to what is and what is not acceptable with a scheme.

Proposed by Councillor Mrs Davis, seconded by Councillor Mrs Mayor, and agreed that the application be REFUSED as per the officer's recommendation in relation to reason 1 only of the officer's report.

P77/20

F/YR20/1253/F

LAND WEST OF 22 SOUTH PARK STREET, CHATTERIS. ERECT 2 X 2-STOREY 4-BED DWELLINGS WITH 0.9 METRE HIGH (APPROX.) BRICK WALL/RAILINGS

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the public participation procedure, from Mr Ian Gowler, the Agent.

Mr Gowler stated that he has worked with the officers closely during the application to produce a sympathetic design for the two properties on the site.

He added that he would like to clarify the issue of parking, which he is aware is a concern of nearby residents, with the dwellings proposed being 4 bedroom and should require 3 parking spaces, however, as in the officer's report this is a town centre location and, therefore, parking standards can

be reduced as has been agreed with recent developments in nearby Victoria street.

Mr Gowler stated that the fourth bedroom has the flexibility to be used as a home office, which would allow the proposal to fall into the 2 car parking standard and with modern home working becoming the new normal this also in turn reduces the need for additional cars required. He expressed the view that the proposal meets policy and provides two well designed family homes close to the Town Centre of Chatteris.

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

- Councillor Murphy stated that he welcomes the proposal and expressed the view that it will fit into the street scene. He added that behind the houses in South Park Street there is another plot of land, which, in his opinion, will also be developed on in the future.
- Councillor Mrs Davis stated that she will support the application and she expressed the view that the design is excellent. She congratulated the Agent for working with the officers to bring forward the proposal.
- Councillor Sutton stated that he agrees that officers should be congratulated for working with the Agent for bringing the proposal forward and he will support the application.
- Councillor Miscandlon stated that he welcomes the application and congratulated the Agent and Architect for bringing an application forward which is pleasing to the eye and will enhance the area and he will fully support the application.

Proposed by Councillor Murphy, seconded by Councillor Miscandlon and agreed that the application be APPROVED as per the officer's recommendation.

(Councillors Connor and Mrs Davis declared an interest, by virtue of the fact that the Agent for this application is known to them as he is a Doddington Parish Councillor and Councillors Connor and Mrs Davis attend Doddington Parish Council in their positions as elected members of Fenland District Council)

(Councillor Cornwell left the meeting prior to the commencement of this item and took no part in this item)

P78/20

F/YR20/1188/F

LAND NORTH-EAST OF EASTLEIGH, ELM LOW ROAD, WISBECH. ERECT 3 X 2-STOREY 3-BED DWELLINGS

Nicholas Thrower presented the report to members.

Members received a presentation in support of the application, in accordance with the public participation procedure, from Mr Tim Slater, the Agent.

Mr Slater expressed the view that it is often the case that consideration of planning applications comes down to two fundamental elements, which are the principle of development and impact, for example, can I put a development in that location? and if so; would the impact be acceptable? He stated that with regard to principle, this case is not a matter of principle in terms of whether the development is in the right place, as the case officer acknowledges at paragraph 11.1 the site is within the built form of Wisbech and principle of development is acceptable and in addition, the site has an extant outline planning permission for 2 dwellings on it dating from 2018, which confirms the principle of development.

Mr Slater stated that with regard to impact, the officer's objection to this application is solely in respect to impact and specifically the front to front separation of the proposal from the adjacent homes and the impact of this relationship on residential amenity. He stated that Fenland does not have adopted design guidance and as such consideration falls against LP2 and LP16, with LP2 being largely a strategic policy in relation to residential amenity refers specifically to LP16 and

LP16 criterion (e) seeks to avoid unacceptable adverse impact.

Mr Slater expressed the view that it is contended that the proposal, albeit at the minimum acceptable distance, does not cause unacceptable significant adverse impacts on the residential amenity of the adjacent properties. He feels that existing permissions, given the size and position of the site, it is very difficult to envisage an alternative arrangement that could come forward under reserved matters that would not encounter the same issues, however, in granting the outline permission the Local Planning Authority must have been satisfied that an acceptable solution to design and amenity issues exists.

Mr Slater expressed the opinion that consideration of the townscape/ street scene along Elm Low Road will show that the form of frontage development similar to that proposed, just set back from the highway edge is indeed characteristic of this street and Policy LP16 criterion (d) requires that development responds to local distinctiveness. He added that there appears to be a disagreement on a single issue of the proposal; the acceptability of the impact of the proposal in relation to the offset distance from the terrace of 3 properties opposite, which it is noted are built to the back of the highway edge, and whilst the proposal is set back further from the highway than the houses opposite, he would hope that members accept that this is just set back from the highway edge form of development is characteristic of this street and that the level of impact will be within acceptable bounds.

Members asked Mr Slater the following questions:

- Councillor Cornwell asked Mr Slater to clarify his statement where he mentioned that his proposed layout is not any closer to the road than the other properties around Elm Low Road as he presumes Mr Slater meant Elm Low Road on the eastern side, because there is a tradition that in order to maximise the plots that were adjacent to the canal, they had to build near the road, whereas on the western side there was more space and most of the properties are set back from the road. He stated that on the plan the frontages on the proposal are considerably nearer the road than Eastleigh to the south and number 310 to the north. Mr Slater stated that he was specifically referring to the three properties opposite in relation to the distances from the road and the characteristics of Elm Low Road is tight to the highway, with the point he was making that the area does not have significant front gardens or significant setbacks. Councillor Cornwell stated that properties on the eastern side of the road are tighter, but on the western side there are normally much more frontages, and it does have an impact. He added that those properties on the eastern side are also parking on the footpath which reduces the available gap.

Members asked officers the following questions:

- Councillor Marks asked officers to clarify the parking arrangements for the proposal? Nicholas Thrower stated that there is no adopted formal car parking space standards with regards to sizes for parking spaces and he pointed out that the photographs show the sizing of 2.4metres by 4.8metres, which is a fairly established minimum size in terms of what may be considered acceptable. Councillor Marks stated that the allocated space given would appear only to be for small cars and given the fact that the proposal is for three dwellings, which may have large cars, would they struggle to open the car doors? Nicholas Thrower expressed the view that it could be an issue as the spaces would be constrained for larger vehicles and he would expect to see the larger vehicles parked on the road.
- Councillor Meekins referred to the aerial photograph and asked for clarification with regard to what DEF refers to? Nicholas Thrower stated he was unsure what that abbreviation meant. Councillor Meekins stated that one of the reasons for refusal was that the proposal detracts from its surroundings and he asked for further explanation on this point. Nicholas Thrower stated that Elm Low Road is narrow, and development is in very close proximity to the highway, especially on the eastern side. He added that there is a changing relationship in those developments on the eastern and western side and where development is in close proximity on the east, it is set back more than on the west and the properties do not directly

overlook each other, whereas the proposal would have two developments both with two storeys and three properties which are terraces in close proximity to the highway and in conflict with each other, which creates a cramped feeling within the street scene.

- Councillor Sutton stated that during the Agent's presentation, it was pointed out that there is extant permission on the adjacent building, and he asked for some confirmation on the differences between the extant permission and the proposal before members? Nicholas Thrower stated that there is permission for two dwellings on the proposal site and two dwellings on the land to the north of the application site.
- Councillor Connor clarified that there is permission for two dwellings on the application site and two dwellings on the site to the north.
- Councillor Purser stated that if the proposal is at the end of the road, there will not be passing traffic and he expressed the view that the scheme is for an updated version of the older style terraced cottages, which are on the opposite side. He stated that officers have stated that the dwellings will be too cramped, however, if the number of dwellings were reduced on the site, would it make a difference. Nicholas Thrower stated that the proposal is at the end of the road and that is why the comments that have been received from the Highway Authority do not form part of a formal reason for refusal and made the point that if the road was busier and included an entry and exit access then it may have resulted in the Highway Authority imposing an objection. He added that with regard to design, the visual appearance of the dwellings in the area at a bare minimum have a step frontage and are set at an angle to the road frontage, which provides visual interest and variety to the street scene. Nicholas Thrower stated that he appreciates the point that Councillor Purser made with regard to the proposal being a modernised version of a terraced cottage, however, with the lack of any architectural detail, the result is just a one block building with no chimneys, or a Dorma window arrangement to break up a plain building. He added that due to the space on site, there is the scope for more visual interest on site, by reducing the number of dwellings, which gives the dwellings more space and more space in the street scene.
- Councillor Cornwell stated that DEF means a defaced boundary.
- Councillor Marks asked, looking at the site plan, will the dwellings have a rear access to the car park? Nicholas Thrower stated that property number 2 will have a rear access to their garden, but property number 1 will access the car park by the south side of the building. Councillor Marks stated so it is likely that if the occupiers of number 1 needed to they would have to park on the road.

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

- Councillor Lynn stated that it has been mentioned that the three properties are close to the road and the road is very small. He added that the turning point is at the end of the road and unless you live down there 90% of the traffic that goes down there is going to need to turn around, with the road becoming very congested and there can be very little space to pass. Councillor Lynn expressed the view that access for refuse freighters and emergency vehicles would be very difficult. He stated that the plot of land already has permission for two houses and if another two dwellings were sited on the plot and moved further back in his opinion, it would be adequate, however, he feels that the proposal for three dwellings is excessive.
- Councillor Mrs Davis expressed the opinion that the proposal is shoe horned and it is trying to get too many properties on the plot. She added that if there were two properties on the site, they could be positioned to provide better amenities. She added that she is concerned with overlooking and whilst she appreciates that this type of property is needed, she cannot support the proposal.
- Councillor Miscandlon stated that he agrees with the comments made by members, making the point that the size of cars has increased significantly over the years and car parking standards are out of date due to the size of modern vehicles. He added that he agrees with Councillor Mrs Davis that three dwellings are too many and two would be adequate and would provide better amenity space.
- Councillor Marks stated that he also agrees with other members. He added that parking will

take place on the road and he will not support the application.

Proposed by Councillor Mrs Davis, seconded by Councillor Cornwell and agreed that the application be REFUSED as per the officer's recommendation.

4.27 pm

Chairman