

**Applicant: Mr R Marshall & Mrs C Varney**

**Agent : Mr Liam Lunn-Towler  
Peter Humphrey Associates Ltd**

**Land East Of Bank View, Gull Road, Guyhirn, Cambridgeshire**

**Removal of condition 3 (materials) and variation of condition 2 (occupancy restriction) and 8 (list of approved drawings), relating to planning permission F/YR21/0425/F (Erect a dwelling (2-storey 4-bed) and detached garage, involving the demolition of the existing glasshouses) to allow changes to elevational details, to re-position garage and clarify extent of 'business operation' on site**

**Officer recommendation: Refuse**

**Reason for Committee: Referred by Head of Planning on Advice of Committee Chairman**

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## **1 EXECUTIVE SUMMARY**

- 1.1 Planning Permission was granted for this scheme under delegated powers with Officers working proactively with the agent/applicants to secure revisions and additional information in respect of both the original scheme and the subsequent variation of conditions submission, to facilitate approval.
- 1.2 As part of the original scheme negotiations, the repositioning of the garage was secured on visual amenity grounds. Whilst officers also had concerns with regard to residential amenity impacts these concerns did not manifest themselves as a stand-alone reason to resist the scheme. Notwithstanding that no 'significant' residential amenity impacts were identified the solution arrived at in terms of the garage position was considered both 'essential' in terms of visual amenity and character considerations whilst also being 'beneficial' in terms of residential amenity.
- 1.3 Officers do not seek to resist the repositioning of the garage as an arbitrary response; indeed, the negotiations previously undertaken clearly demonstrate how they have worked to secure a scheme which delivers the features that the applicant desires whilst also protecting and delivering an appropriate built environment.
- 1.4 The NPPF gives a clear message that 'Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme'. This is one such circumstance where to revert to the original scheme proposals would be retrograde in terms of visual amenity and as such the officer recommendation has to be one of refusal.

## **2 SITE DESCRIPTION**

- 2.1 Bank View is located to the western side of Gull Road, it comprises a nursery enterprise with associated buildings and features a bungalow to the rear of the site which is nearing completion.
- 2.2 The application site at the time of the initial site inspection (17.05.2021) comprised a range of dilapidated glasshouses situated to the south of the existing access to the site and associated service road to the wider nursery complex and the dwelling to the rear of the site. However, subsequent to the initial visit the glasshouses had been removed and the site cleared for development with Heras fencing erected to the front boundary.
- 2.3 The frontage of the site is landscaped with intermittent planting along the south-eastern boundary. Immediately to the south-east of the application site is a modest bungalow Rhonelda which sits circa 9 metres from the back edge of the carriageway.
- 2.4 The site is within a flood zone 3 location.

### **3 PROPOSAL**

- 3.1 Whilst the proposed description assigned to this application seeks to:
  - (a) Revise the elevational details of the garage and house,
  - (b) Agree construction material and
  - (c) Clarify the occupancy tie, in essence deleting the existing dwelling to the rear of the proposed property from the 'blue' land as this property is not tied to the nursery use
  - (d) Reposition the garage to serve the dwelling

Items (a) to (c) have previously been accepted under F/YR20/1490/VOC which was not determined at the time that this more recent application was made.

- 3.2 Accordingly, the sole change to consider in respect of this application is the repositioning of the garage to serve the dwelling. Whilst the approved garage was to be sited to the rear of the property circa 30 metres from the edge of the highway it is now proposed to site it forward of the dwelling some 7.5 metres from the edge of the highway. As a consequence of this repositioning the garage doors will now be contained within the northern elevation of the garage, as opposed to the eastern elevation as originally proposed.
- 3.3 Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

## 4 SITE PLANNING HISTORY

F/YR21/1490/VOC	Removal of condition 3 (materials) and variation of condition 2 (occupancy restriction) and 8 (list of approved drawings), relating to planning permission F/YR21/0425/F (Erect a dwelling (2-storey 4-bed) and detached garage, involving the demolition of the existing glasshouses) to allow changes to elevational details, and clarify extent of 'business operation' on site.	Granted 01.02.2022
F/YR21/0425/F	Erect a dwelling (2-storey 4-bed) and detached garage, involving the demolition of the existing glasshouses.	Granted

## 5 CONSULTATIONS

### 5.1 Parish Council

*'At the meeting of Wisbech St. Mary Parish Council on 14th February 2022, the Council recommended REFUSAL as Councillors feel any conditions placed on the original planning permission should remain'.*

### 5.2 Local Residents/Interested Parties

None received

## 6 STATUTORY DUTY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

## 7 POLICY FRAMEWORK

### 7.1 National Planning Policy Framework (NPPF)

Para. 2 - Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 10 - Presumption in favour of sustainable development

Para. 12 - Presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making

Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 135 - Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

### 7.2 National Planning Practice Guidance (NPPG)

Planning Practice Guidance has also been provided in July, 2019 at paragraph

7.3 **National Design Guide 2019**  
Context C1 - Relationship with local and wider context

7.4 **Fenland Local Plan 2014**  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP16 – Delivering and Protecting High Quality Environments across the District

## 8 **KEY ISSUES**

- **Principle of Development**
- **Implications of the VOC submission in so far as it relates to visual and residential amenity**
- **Other matters**

## 9 **BACKGROUND**

9.1 Planning permission was granted for the erection of a dwelling required in connection with the business operation on the existing site. It was noted that whilst there was a dwelling on the site that this was occupied by Mr & Mrs Varney and was not available for use in connection with the business as it was intended that this dwelling, which did not have any occupancy conditions attached, would continue to be their home on their retirement when Miss Varney would take over this aspect of the business in addition to her own business Varneys Plants.

9.2 A functional and essential need was demonstrated by virtue of the earlier consent, and it was accepted that the dwelling would allow for succession planning noting that the existing dwelling on site could not be relied upon to satisfy this essential functional need.

9.3 Subsequent to the above approval a Section 73 application was made which:

- Agreed the materials to be used in the build
- Agreed some changes to the elevational detailing
- Clarified that the existing dwelling on site was to be excluded from the land to be 'tied' to the new house, and that the associated land/business should be described as Varneys Plants – as opposed to Bank View Nursery.

This submission was approved on 01.02.2022.

## 10 **ASSESSMENT**

### **Principle of Development**

10.1 The principle of a dwelling has been established on the site by virtue of the earlier consent with matters of need and justification, access/highway safety and servicing, flood risk impacts, design, character and residential amenity found acceptable. It is further noted that the elevational changes, materials and extent of business operation have been accepted by virtue of the subsequent VOC application F/YR21/1490/VOC.

10.2 The sole item which requires consideration is therefore the repositioning of the garage and this is explored below.

## **Implications of the VOC submission in so far as it relates to visual and residential amenity**

- 10.3 It is noted that during the evaluation phase of the original application F/YR21/0425/F the agent informally tabled a site layout drawing which positioned the garage in an almost identical position to that now proposed as their 'clients preferred option'.
- 10.4 Negative feedback was given to this position in the context of the street scene and the scheme was subsequently approved with the garage situated to the rear of the approved dwelling with the garage doors facing forward.
- 10.5 It remains the contention of officers that delivering the garage forward of the house is detrimental to the context of the street scene as the blank wall of the garage will present to the roadside some 7.5 metres from the edge of the highway, marginally forward of the modest bungalow Rhonelda to the south-east.
- 10.6 The prominence of the garage will serve only to reinforce the scale of the proposed development which was a concern when the scheme was originally submitted. Officers proactively worked with the applicants' agent at that time to disaggregate the garaging element from the main dwelling thereby reducing its bulk and allowing it to sit comfortably alongside its neighbour with appropriate separation, noting the scale of the modest dwelling adjacent.
- 10.7 It is considered a retrograde step, at odds with the delivery of a high-quality environment appropriate in terms of scale, to revert back to the 'clients preferred option' when viewed in the context of Policy LP16.
- 10.8 It is further acknowledged that in the flank wall of Rhonelda, (circa 3.8 metres wall to wall distance) there is a window serving a bedroom. This window will already have a 1.8 metre close boarded fence some 1.4 metres distant; whereas as a consequence of the garage placed as shown there would be a further dominant feature of the rear garage wall 700mm above the fence line, even allowing for the change of levels between the two sites, with a further roof scape of 2.7 metres above this; albeit this will reach its maximum height some 7.2 metres distant of the flank wall of Rhonelda.
- 10.9 Whilst this is not considered so significant an intrusion as to render the scheme unacceptable from a residential amenity perspective, noting that the garage is to the north of the established bungalow, it is another reflection as to the benefits accruing to the wider locality in retaining the garage in the originally approved location.

### **Other matters**

- 10.10 It is noted that the Parish Council have recommended refusal of the scheme citing that '*Councillors feel any conditions placed on the original planning permission should remain*'; however this is at variance to the response received in respect of the earlier Section 73 application which stated that the council 'offered no further comment'.

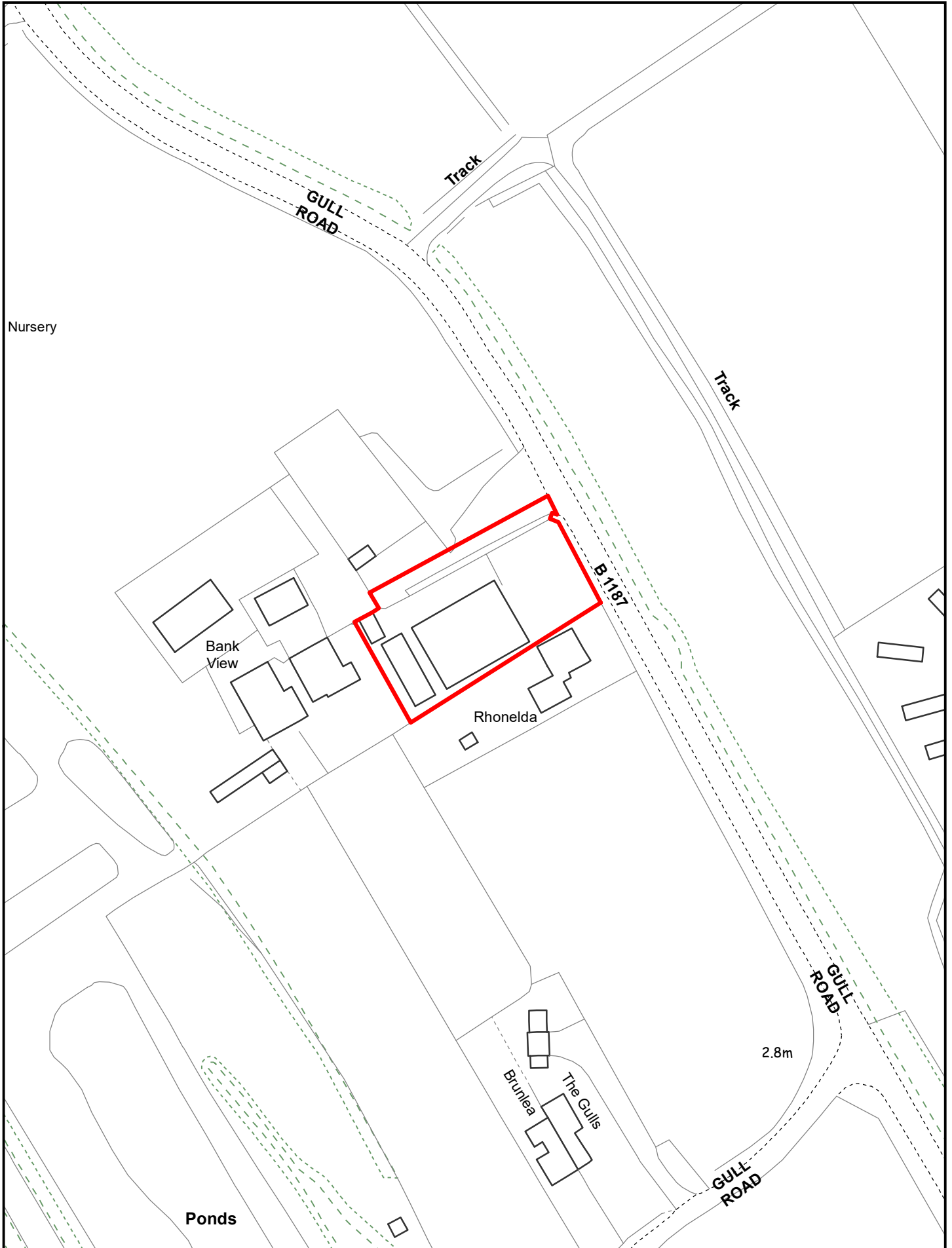
## **11 CONCLUSIONS**

- 11.1 Whilst the LPA has accommodated revisions in design to the approved dwelling under the earlier Section 73 (Variation of Condition) application it is not considered that the changes now proposed may be deemed acceptable given the harm that the repositioned garage will have in terms of character impact on the streetscene by virtue of its prominence and the effect that it will have in consolidating the general mass of the resultant property. Accordingly, the only response can be to resist the revisions proposed as contrary to Policy LP16 of the FLP (2014).

## 12 RECOMMENDATION - Refuse

### Reason for refusal:

1	Policy LP16 of the Fenland Local Plan (2014) seeks to deliver and protect high quality environments across the district, requiring that proposals for new development make a positive contribution to the local distinctiveness and character of the area and do not adversely impact, either in design and scale terms, on the street scene. It is considered that the prominence of the garage and the lack of separation between it and the modest bungalow, known as Rhonelda to the south, will be detrimental to the character of the streetscene through the consolidation of the built form on the site. Furthermore, the lack of visual interest within this prominent elevation will further compound its character impact at odds with the aims of Policy LP16 of the Fenland Local Plan (2014).
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**F/YR22/0051/VOC**

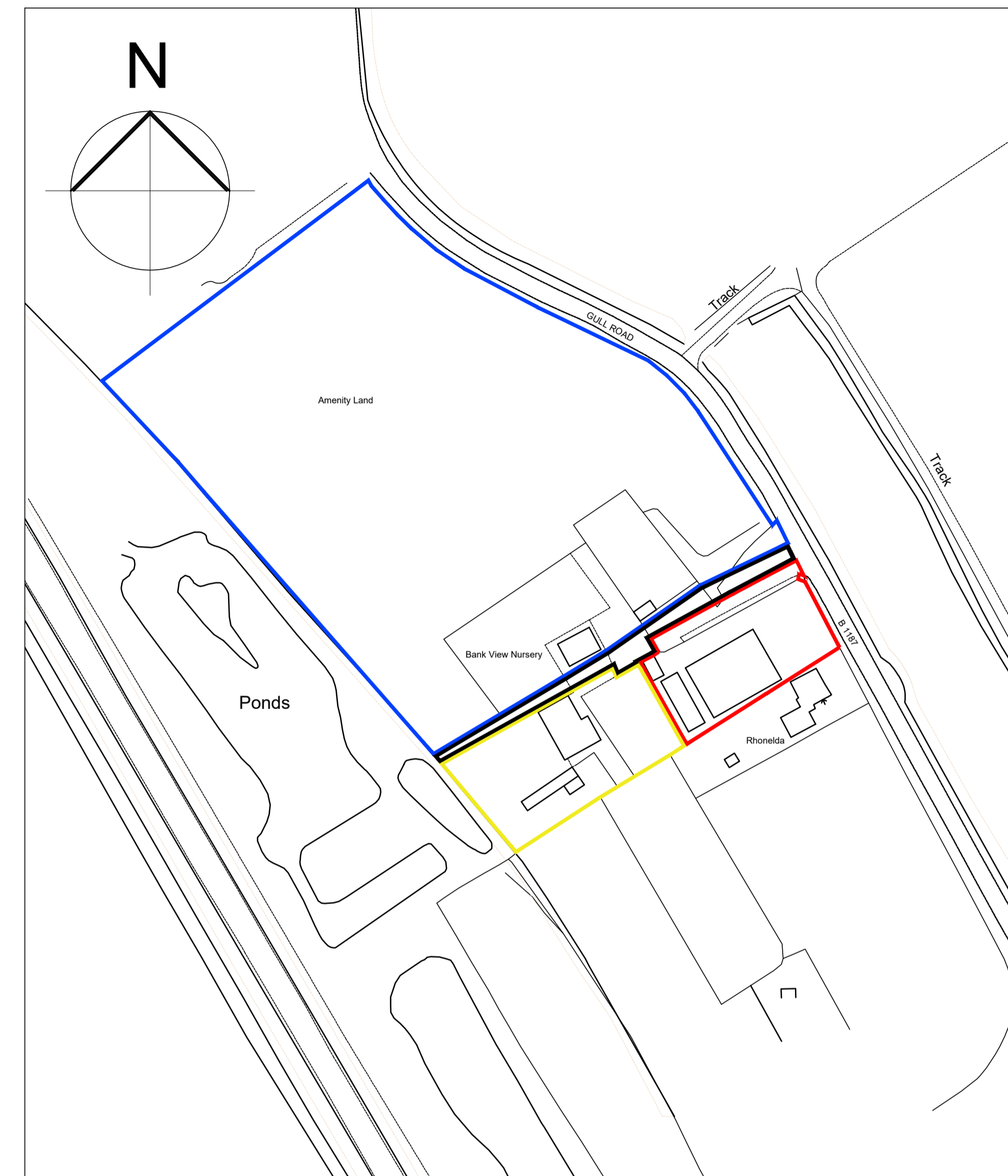
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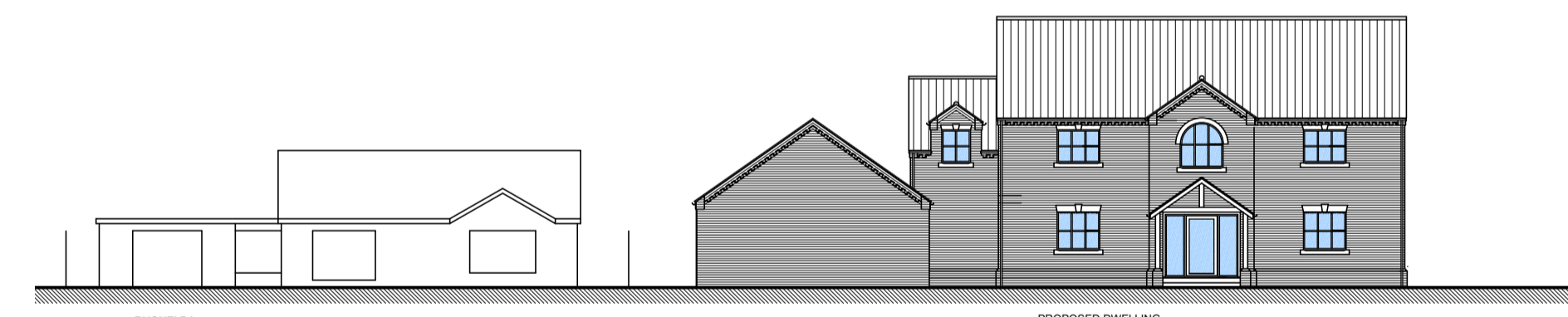




SITE PLAN 1:200



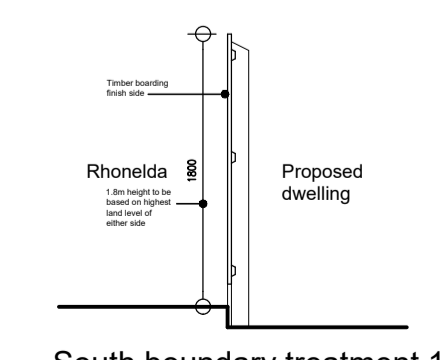
LOCATION PLAN 1:1250



STREET SCENE 1:200

Ownership/control key:

- Shared access
- Dwelling with no restrictions



South boundary treatment 1:50

- Y - Amend ownership
- W - Amend ownership
- V - Amend blue outline
- U - Amend site plan
- T - Revised garage position
- S - Revised garage position
- R - APPROVED

REVISIONS

JOB NO.	PAPER SIZE	DATE
6197/02/PL01Y	A1	JAN 2022

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CLIENT  
**MR R MARSHALL**

PROJECT  
**PROPOSED DWELLING**

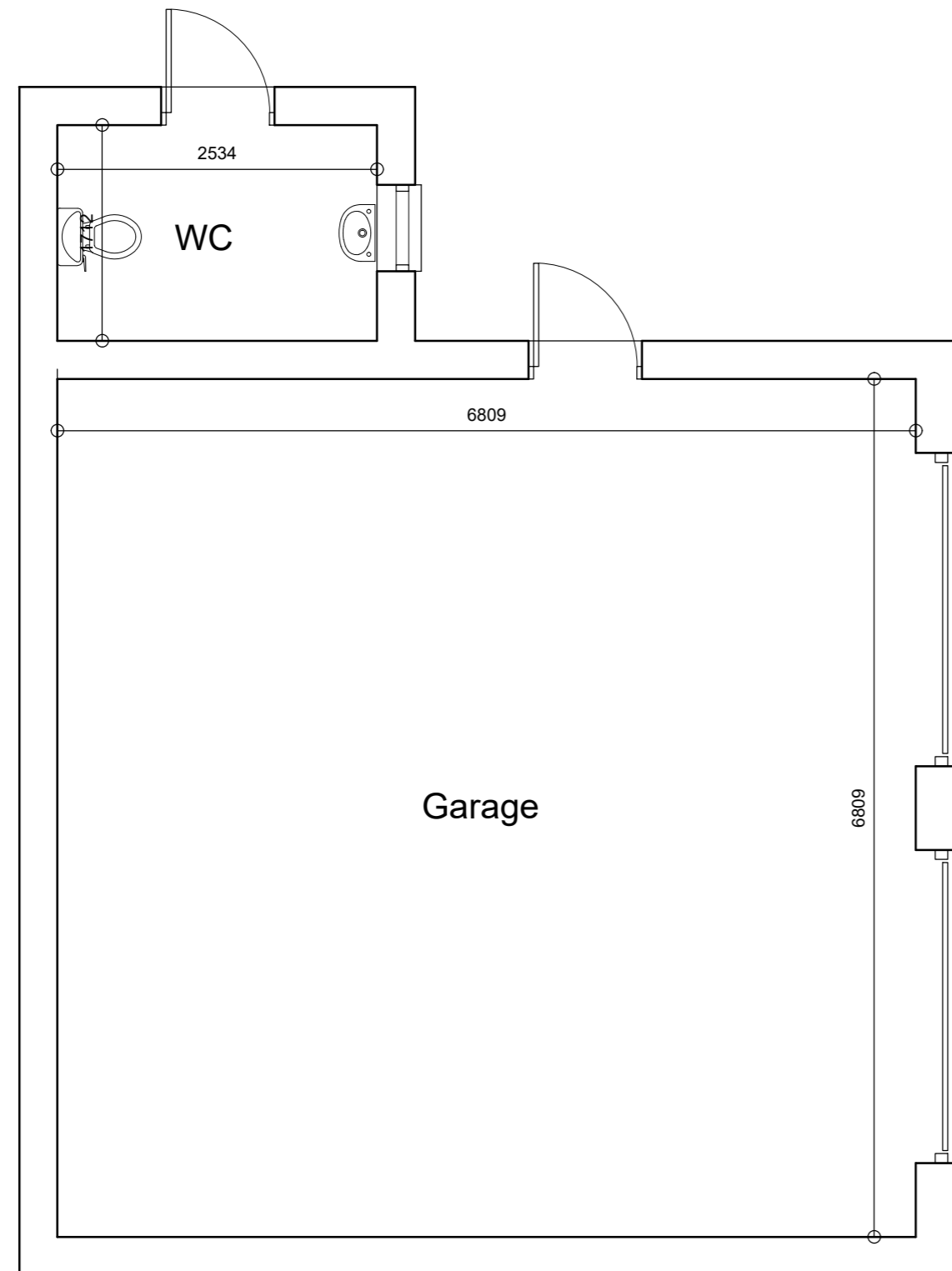
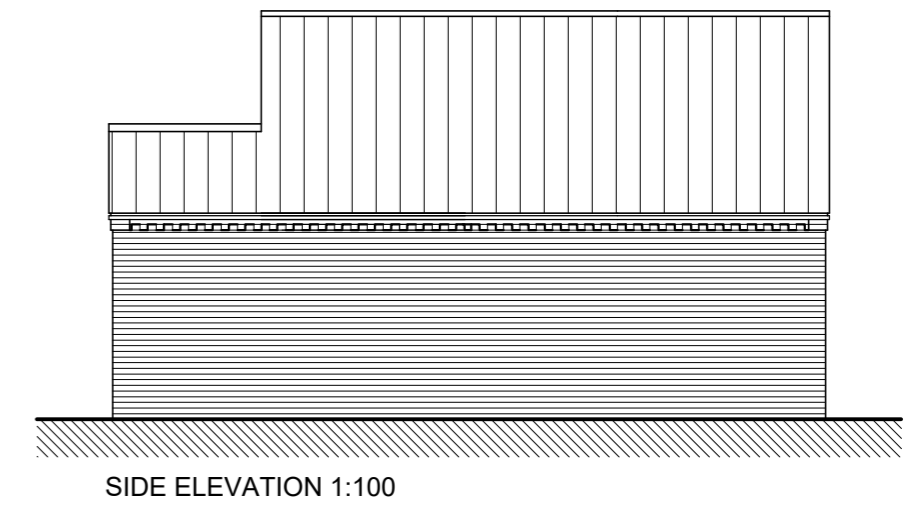
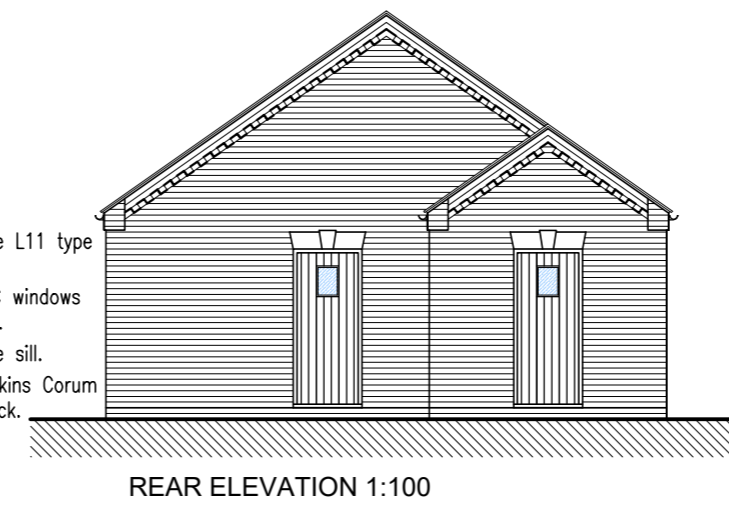
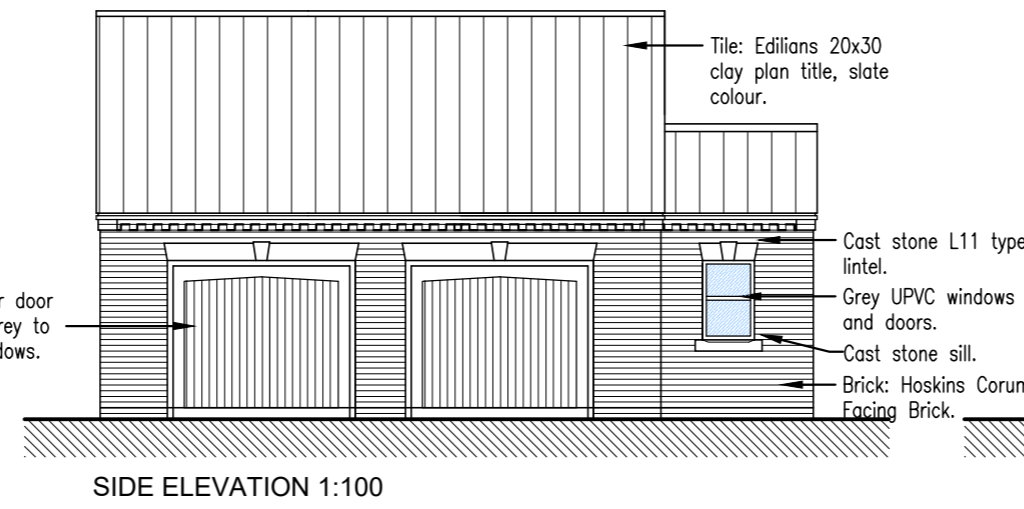
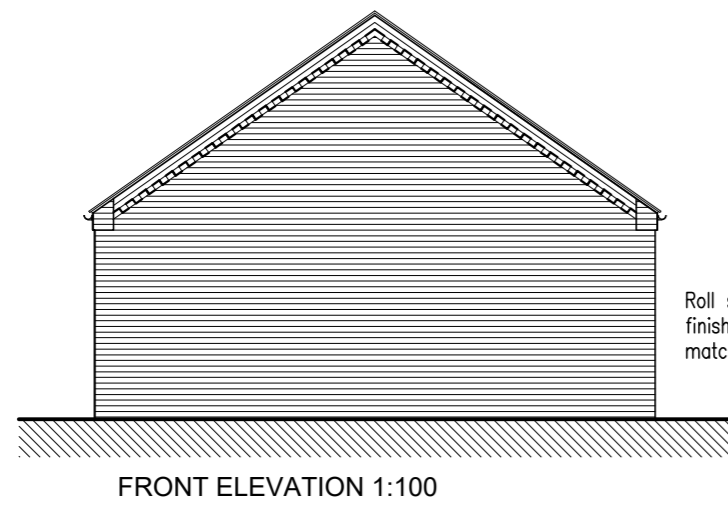
SITE  
**BANK VIEW NURSERY  
 GULL ROAD  
 GUYHIRN  
 WISBECH**

DRAWING  
**SITE PLAN & STREET SCENE**

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GROUND PLAN 1:50

J - Front elevation amendment  
 i - Revised layout due to location change  
 H - Amendment to appearance of windows and doors  
 G - APPROVED  
 REVISIONS

JOB NO.	PAPER SIZE	DATE
6197/02/PL04J	A2	DEC 2021

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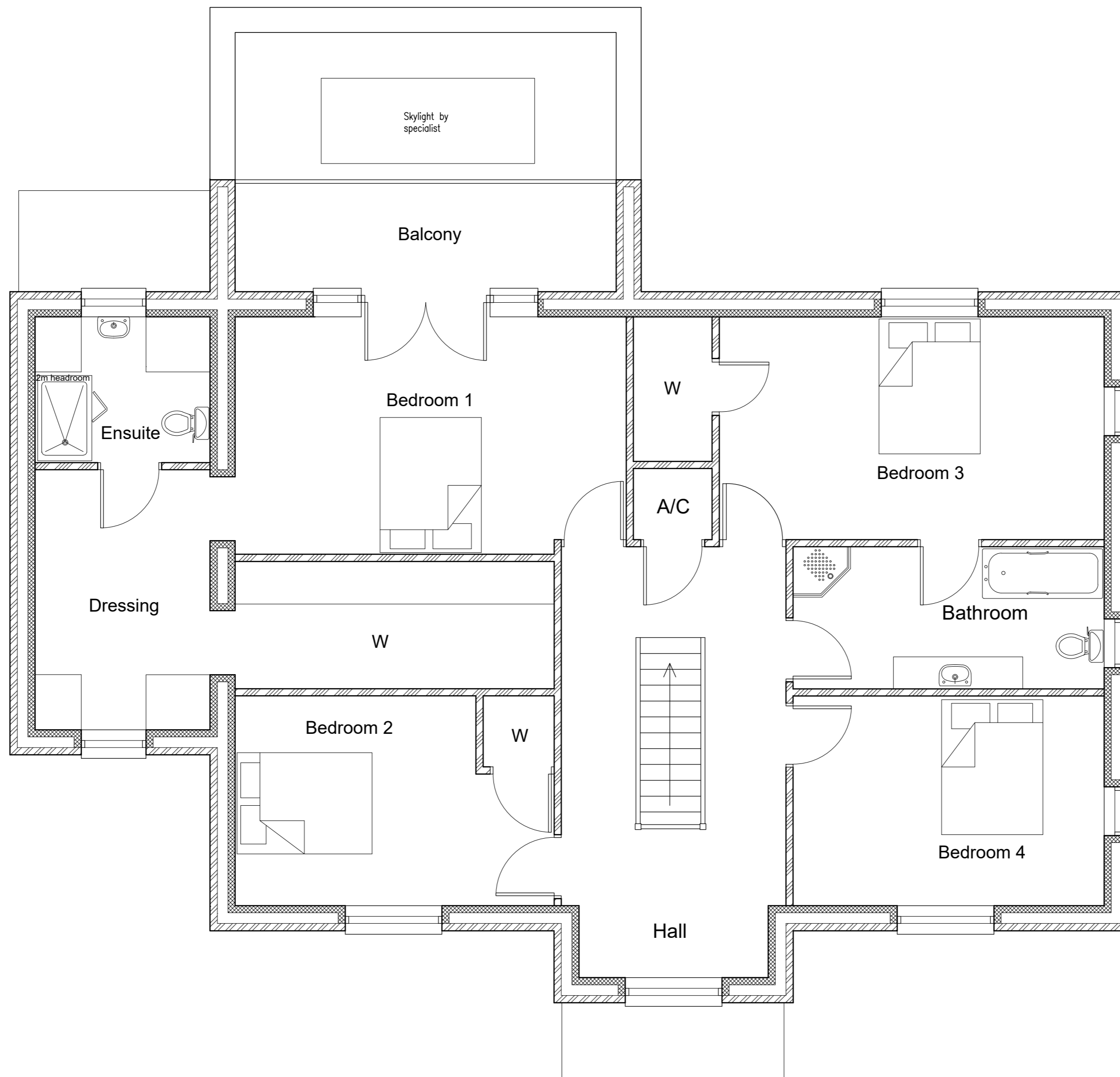
DRAWING  
 GARAGE PLANS AND ELEVATIONS



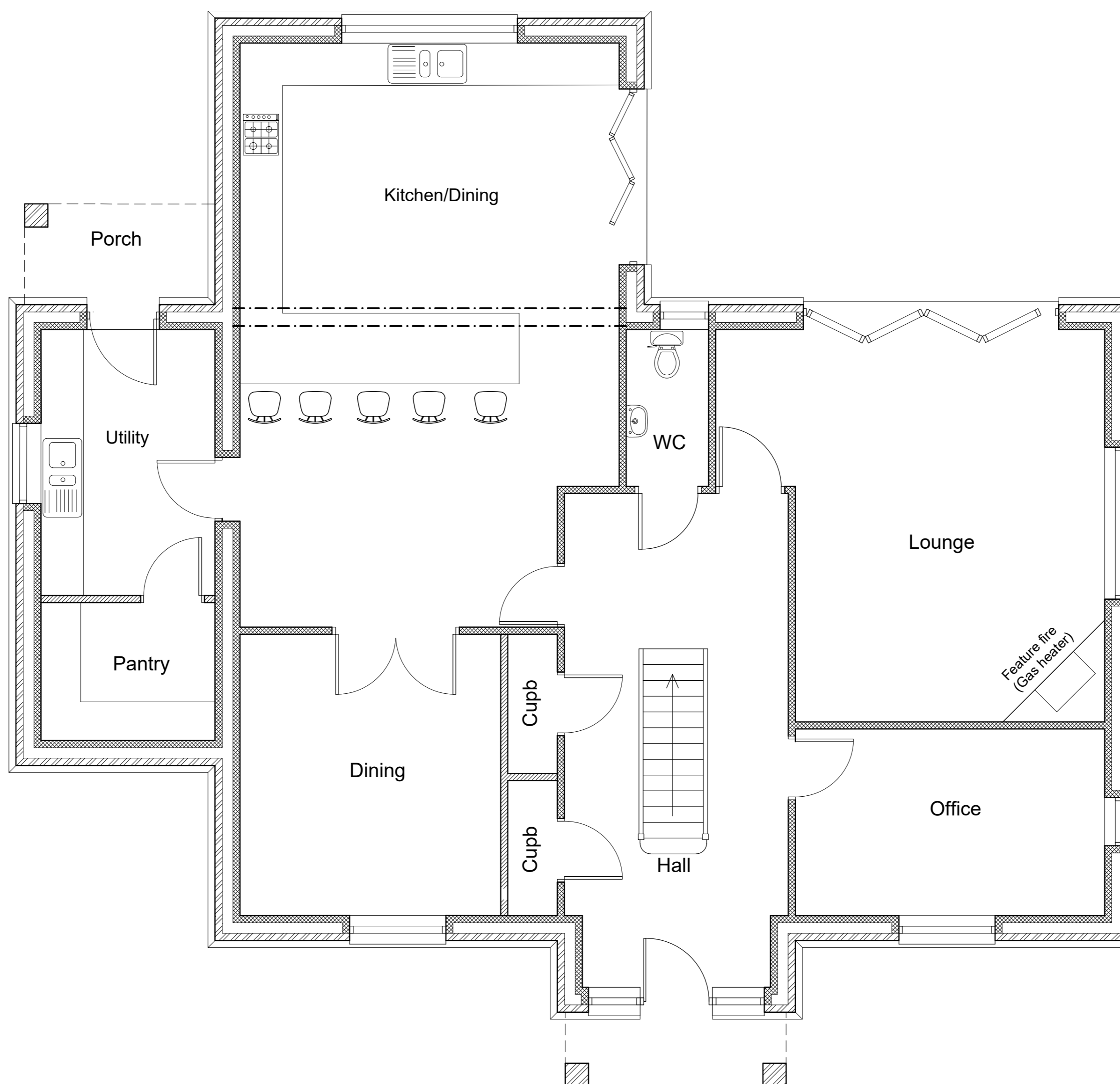
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FIRST FLOOR PLAN 1:50



GROUND FLOOR PLAN 1:50

H - Addition of dormer windows to dressing room  
 G - APPROVED  
 REVISIONS

JOB NO.	PAPER SIZE	DATE
6197/PL02H	A1	NOV 2021

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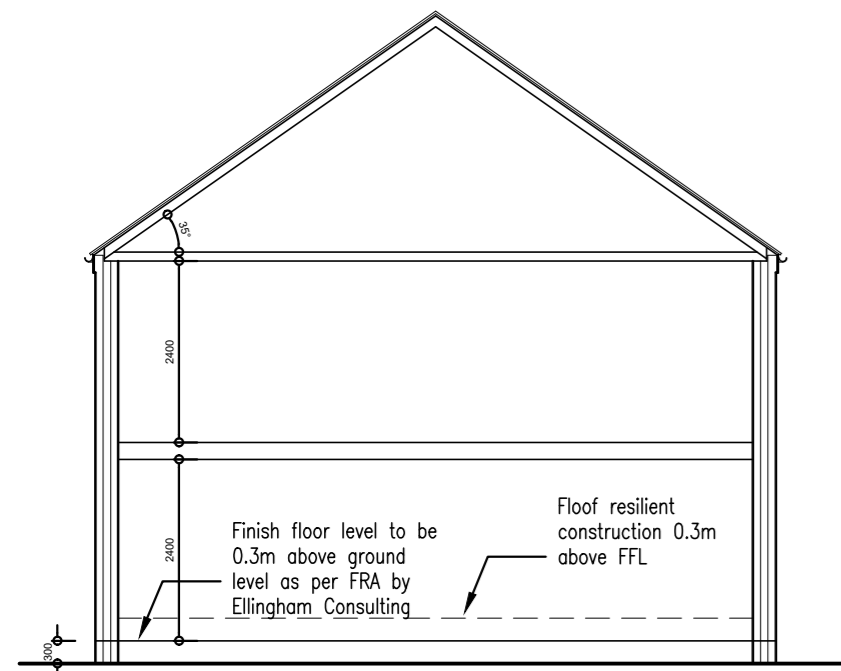
CLIENT  
 MR R MARSHALL

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 PROPOSED DWELLING

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 BANK VIEW NURSERY  
 GULL ROAD  
 GUYHIRN  
 WISBECH

DRAWING  
 PLANS

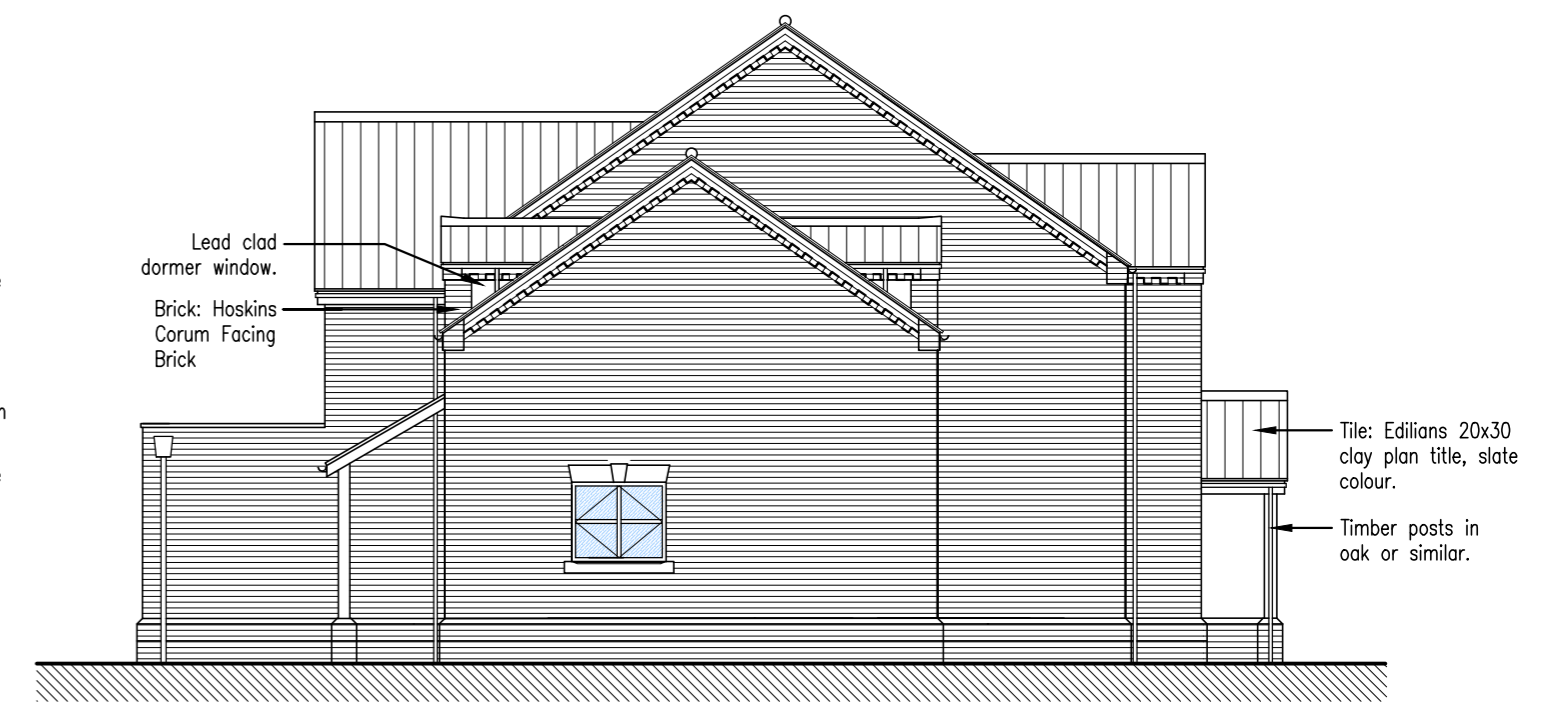
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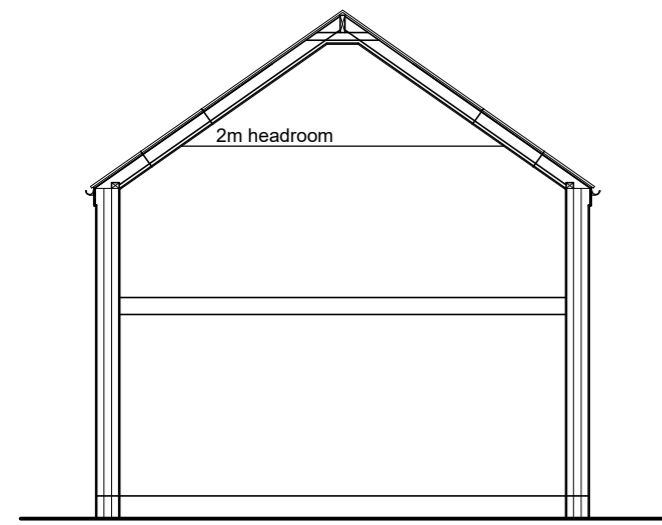
Section A-A



FRONT ELEVATION



SIDE ELEVATION



Section B-B



REAR ELEVATION



SIDE ELEVATION

ELEVATIONS & SECTIONS 1:100

O - Revised dormer window.  
 N - Revised dormer window.  
 M - Addition of external materials. And addition of dormer windows, and edit to windows.  
 L - APPROVED

JOB NO.	PAPER SIZE	DATE
6197/PL030	A2	NOV 2021

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 ELEVATIONS



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