

F/YR11/0950/F

7 December 2011

Applicant : Mr M A Smith

Agent : Mr G Edwards
Swann Edwards Architecture

Land South Of 2 Marina Drive, March, Cambridgeshire

Erection of 8 dwellings comprising; 1 x 3-storey 5-bed dwelling, 3 x 3-storey 5-bed dwellings with double garages with playrooms over, 2 x 3-storey 5-bed dwellings with carports and 2 x 2-storey 5-bed dwellings with double garages, involving demolition of existing buildings

This proposal is before the Planning Committee due to the views of the Town Council being contrary to Officer recommendation

This application is a minor

Site area: 0.39 ha

1. **SITE DESCRIPTION**

The site is located on the western side of March and lies outside the settlement area of March and presently consists of a number of commercial units. The site is bounded mainly by security fencing and there is a residential bungalow to the north-east of the site which was originally attached to the use of the commercial units by condition which has subsequently been removed. To the west of the site is a bus depot and to the north west of the site are further industrial units. There is a pair of cottages along Marina Drive and a new replacement dwelling. The rest of the dwellings are located to the north of the site in a loose knit pattern which reflects the rural nature of the area.

2. **HISTORY**

Of relevance to this proposal is:

- | | |
|---------------|--|
| F/YR06/0253/F | - Erection of extension to existing showroom – granted 24 April 2006 |
| F/YR06/0252/F | - Erection of 3 unit storage building – granted 24 April 2006 |
| F/YR04/3403/F | - Change of use of part of haulage yard to second hand car sales and siting of portacabin for sales office – granted 7 June 2004 |
| F/YR04/3404/F | - Change of use of part of haulage yard to retail showroom for specialist mobility aids – granted 7 June 2004 |

3. **CONSULTATIONS**

Parish/Town Council:

Recommend approval

Local Highway Authority (CCC):	<p>The access location which has the junction of Marina Drive immediately to the north east and the access to the Depot site immediately to the south west has the potential for vehicle conflict. However the current and proposed use of the site is unlikely to lead to more traffic generation and could not therefore sustain a highway objection.</p> <p>The site is isolated in terms of accessing the main facilities of the town other than by means of the private motor car and therefore the site is unsustainable. Any informal crossing the highway is of serious concern.</p> <p>The access road is private and a maintenance plan should be drawn up.</p> <p>Recommends conditions.</p>
Environment Agency:	<p>Development is only acceptable providing a surface water disposal condition is imposed and the assessment of the hydrological and hydrogeological context of the development has been submitted to and approved by the LPA.</p>
Middle Level Commissioners:	<p>Oppose the application. The applicant has not provided adequate evidence to prove that a viable scheme for appropriate water level/ flood risk management that meets current design standards exists contrary to Policy PU1 of the Local Plan.</p>
FDC Scientific Officer (Land Contamination):	<p>Requests contaminated land condition</p>
Local residents/interested parties:	<p>6 letters of support/concern relating to the removal of the lorries travelling to and from the site; the same letter has concerns relating to drainage and how the properties are to be built as piling would significantly affect neighbouring dwellings. The dwellings will enhance the area.</p> <p>1 letter stating support but concern has been expressed regarding the crossing of the by-pass and large</p>

lorries using Whittlesey Road with no footpath link proposed to the town.

4. POLICY FRAMEWORK

FDWLP Policy

- | | |
|----|--|
| E8 | <ul style="list-style-type: none"> - Proposals for new development should: <ul style="list-style-type: none"> - allow for protection of site features; - be of a design compatible with their surroundings; - have regard to amenities of adjoining properties; - provide adequate access. |
| H3 | <ul style="list-style-type: none"> - To resist housing development outside DABs. To permit housing development inside DABs provided it does not conflict with other policies of the Plan. |

East of England Plan

- | | |
|------|--|
| ENV7 | <ul style="list-style-type: none"> - Quality in the Built Environment |
|------|--|

Core Strategy Draft Consultation July 2011

- | | |
|------|--|
| CS4 | <ul style="list-style-type: none"> - Employment and Retail |
| CS7 | <ul style="list-style-type: none"> - March |
| CS10 | <ul style="list-style-type: none"> - Rural Area Development Policy |
| CS14 | <ul style="list-style-type: none"> - Delivering and Protecting High Quality Environments across the District. |

NPPF

- | | |
|-----------|---|
| Para 2 | <ul style="list-style-type: none"> - Planning law requires that applications for planning permission must be determined in accordance with the Development Plan. |
| Para 7 | <ul style="list-style-type: none"> - Achieving Sustainable Development |
| Para 17 | <ul style="list-style-type: none"> - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants. |
| Section 7 | <ul style="list-style-type: none"> - Requiring good design |

5. ASSESSMENT

Nature of Application

This application seeks full planning permission for the erection of 8 dwellings on land south of 2 Marina Drive, March. The dwellings proposed are 5-bed dwellings with 6 dwellings being 3-storey and 2 dwellings being 2-storey in nature. Each dwelling will have associated garages and parking. The proposal also involves the demolition of the existing commercial units on the site.

The application is considered to raise the following key issues;

- Site history
- Principle and policy implications
- Potential Loss of Employment
- Layout and density
- Design
- Highway Issues
- Service provision including flood risk, drainage and bin storage
- Biodiversity.

Site History

In 1989 planning permission was refused for the erection of 3 dwellings and dismissed on appeal when an Inspector considered the main issues for developing this site related to whether the proposal would represent development forming part of a settlement or an intrusion into the open countryside. It was concluded that the settlement of March was separated from the site by the A141 bypass and that the site did in fact lie in the open countryside.

In 1999 consent was granted for the change of use of the residential and agricultural land for the use of a haulage contractor's yard and the erection of a workshop. Further buildings have been approved since 2000 to include retail sales and showrooms for various commercial businesses which are still trading from the site.

2 Marina Drive was originally approved with an occupancy condition attached to the commercial yard. In 2011 an application to remove the occupancy condition was approved.

Principle and Policy Implications

Pre-application discussions took place in June 2011 when the applicant was advised that the proposal could not be supported as it was contrary to both Local and National Policies. Since this time the NPPF has been adopted and development should now meet the principles of sustainable development. LPAs should actively manage growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable (para 17). Development should function well and create safe and accessible environments and address connections between people and places. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (para 64).

Policy CS7 of the emerging Core Strategy steers development to the east of the A141 which is a clear indication that the preferred location for new development has good links to the town for walking, cycling and public transport. The proposal is, therefore, contrary to Policy CS7 in that the settlement limits of March lie to the east of the A141 bypass and that the application site is, therefore, considered to be in the open countryside.

Policy CS4 of the emerging Core Strategy seeks to retain for continued use high quality land and premises currently or last in use for B1/B2/B8 employment purposes. The site has been in continued use since 1990 for a variety of uses which could be considered to fall under the stated use classes and the loss of these units without any potential relocation is to be resisted.

Potential Loss of Employment

The proposal involves the demolition of the existing commercial units and the applicant has stated that he would seek to purchase alternative premises for his businesses or acquire commercial land to build premises on. If it is considered that development of the land is acceptable then a Section 106 Agreement should be entered into prior to any approval to safeguard the businesses and jobs.

However, the applicant has now confirmed that he will only enter into a Section 106 Agreement following the grant of approval which is considered unacceptable to the LPA as any approval should be subject to the terms of the Section 106 Agreement.

The applicant considers that his businesses would be better suited to one of the business parks in March to move the businesses forward, but without a Section 106 Agreement there is no mechanism to ensure that this is achieved.

Layout and Density

The density of the proposed development is 20 dwellings per hectare. Each plot benefits from associated garages and parking and private amenity space to the rear. The dwellings are inward facing with the rear elevations overlooking open land to the east and south and an existing bus depot along the western elevation. The existing bungalow to the north of the site will be screened with additional landscaping and the whole site is to be enclosed with a native hedge.

Design

The houses are a mix of 2-storey and 3-storey dwellings utilising dormer windows in the roof for the 3-storey dwellings. The dwellings have a ridge height of 9.2 metres which is considerably higher than other dwellings in the area.

It is proposed to use Terca Olde Alton Buff Bricks with Sandtoft roof tiles for the external materials which is acceptable.

Highway Issues

The proposal is for 8 family homes and the Local Highway Authority raises serious concerns about the linkage to the town and the lack of footpaths along Whittlesey Road and crossing over the A141 without which the site is unsustainable and relies purely on the use of the motor car due to the

absence of public transport. The LHA notes that there is an informal foot link from the eastern end of Marina Drive across the A141 to Peas Hill Road and any increase in use of this link is of huge concern to the Highway Authority. The site is proposed to be developed for families (5-bed houses) and, therefore, without any safe crossing over the A141 the application fails to comply with the NPPF and Policy E8 of the Local Plan.

The proposal is for 8 dwellings served off a private drive which exceeds the generally accepted limit of 5 dwellings. This will result in issues which will require a management plan to be agreed for the future upkeep of the drive and also issues relating to refuse disposal. The Local Planning Authority considers that 8 dwellings should be served off an adopted road to overcome issues relating to maintenance and refuse collection.

Service provision including flood risk, drainage and bin storage

The site is located within Flood Zone 3 and a Flood Risk Assessment was submitted with the application. The Environment Agency has reviewed the FRA with regard to tidal and main river flood risk only and all other issues concerning flood risk are to be dealt with by the Middle Level Commissioners as all other watercourses are under their jurisdiction. The Environment Agency considers the application is only acceptable providing further details are submitted relating to surface water drainage from the site which should be conditioned accordingly.

However, the Middle Level Commissioners have opposed the application as they consider the FRA does not meet the minimum requirements as laid out in PPS25 (now part of the Technical Guide of the NPPF). The MLC state that from past experience it is known that ground conditions in this area are not conducive to the use of soakaways or other similar infiltration devices and they consider the application has not provided enough evidence to prove that a viable scheme for flood risk management exists.

With regards to bin storage, it is proposed to provide a bin storage area close to the access into the site on both sides of the access road. This area will need to accommodate a total of 16 bins on collection day.

With regards to the movement of refuse, the recently adopted Recap Waste Management Design Guide advises that householders should not have to move their refuse more than 30 metres to a collection point. This limit is exceeded for all plots and in particular it should be noted that plot 4 would need to move their refuse approximately 125 metre (250 metre round trip) on refuse collection days. This is obviously unacceptable and does not contribute positively to making places better for people as set out in Section 7 of the NPPF.

This could be overcome with the introduction of an adopted road to facilitate a better quality of design that will function better for the future occupiers of the development.

Biodiversity

The site is a brownfield site which can be attractive to particular species and the agent has undertaken a water vole survey in respect of works to the watercourse on the eastern and western boundaries of the site. The conclusion is that there are no historic records of water voles within 200

metres of the site and results conclude that currently there are no signs of water vole presence in the western and eastern drains of the site.

Conclusion

This proposal raises several serious concerns relating to its proposed development, namely, the lack of a Section 106 Agreement, highways, location of application site, quality of design of the proposal and the need to create safe and accessible environments for future users as set out in the NPPF.

As set out above the applicant has failed to enter into a Section 106 Agreement to ensure the existing businesses can be relocated thereby ensuring the protection of jobs. Whilst the applicant is content to enter into such an Agreement once planning permission is gained, the LPA cannot consider granting approval without the terms of such an Agreement being fully explored, this would also serve to provide certainty for the applicant and current business users.

The site is located on the western side of the March bypass and there is no safe pedestrian access into the town of March. The proposal, therefore, would need to provide a footpath link from the site up to the roundabout on the A141 and a safe link across the bypass. Details of the method of a safe crossing over the A141 would have to be agreed with the Local Highway Authority and to date no further discussions have taken place as to how this would be achieved.

The site is located on the periphery of March and does not connect directly with the town and is considered, therefore, to be in open countryside. The LPA acknowledges that there are other dwellings in the area with some more recent development including a replacement dwelling and a workplace home dwelling. This small level of individual plots could not sustain the need for a footpath and crossing, however, the level of development now proposed requires such provision which should be situated in a place that functions well for future occupiers.

The lack of an adopted road will lead to a poor form of development that will not function well for the occupiers of the dwellings. The proposal does not comply with the guidance contained within Manual for Streets and the Waste Management Design Guide in respect to private drive and refuse collection.

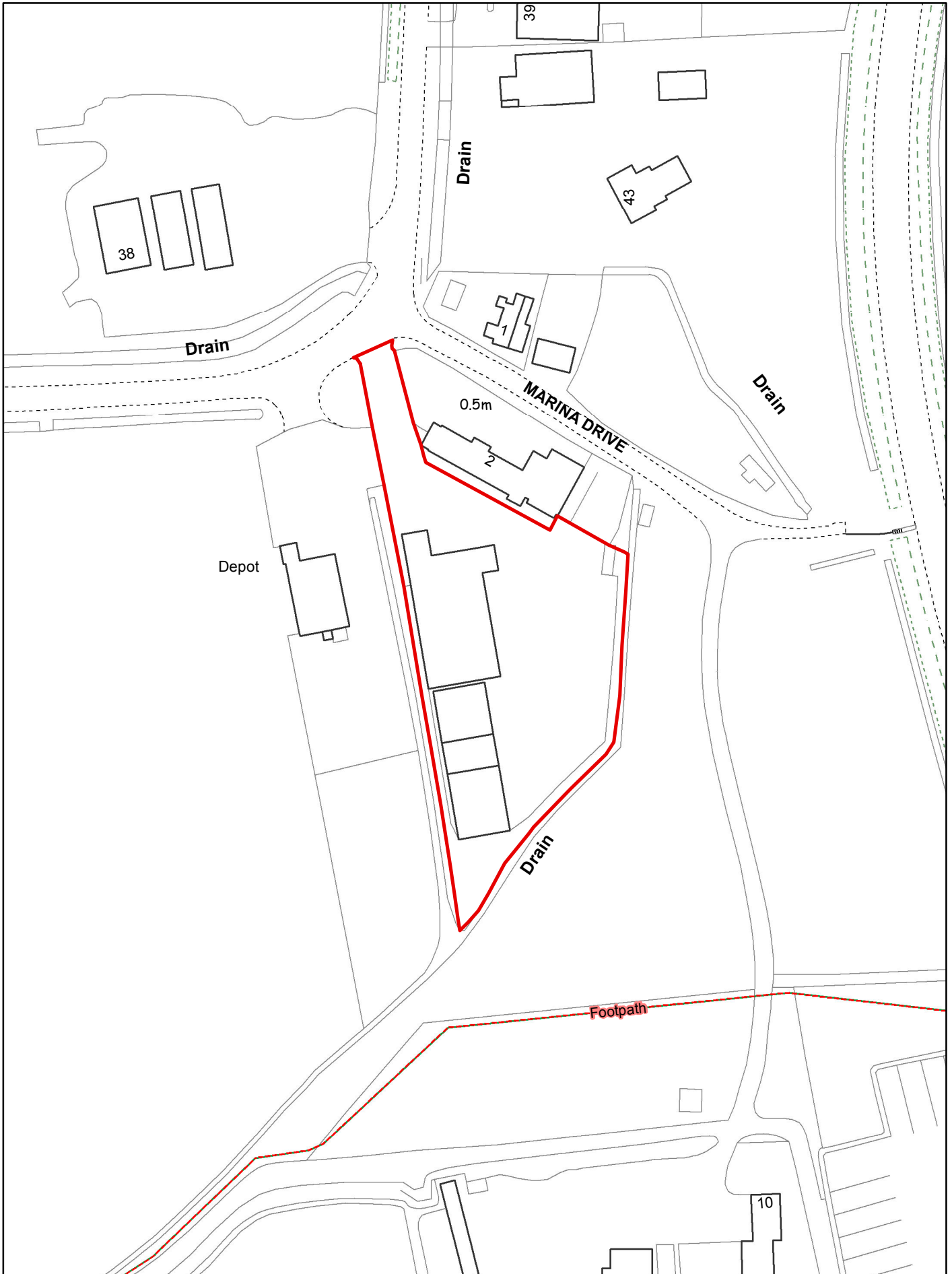
The proposal is, therefore, considered unacceptable as set out above.

6. RECOMMENDATION

Refuse

- 1. The applicant has failed to enter into a Section 106 Agreement relating to the relocation of the commercial businesses on site and, therefore, the potential loss of commercial premises and jobs is contrary to Policy CS4 of the emerging Core Strategy Draft Consultation July 2011.**

- 2. The proposal fails to provide satisfactory pedestrian links to the town of March which is located on the eastern side of the A141. Without the provision of a footpath link and safe crossing over the A141 the proposal is not sustainable and is, therefore, contrary to advice contained within the NPPF Section 7 Requiring Good Design.**
- 3. The site is located outside of the settlement of March separated from the main body of the town by the A141 bypass and is, therefore, considered to be in open countryside. The proposal would clearly lead to an extension of development into the countryside in an unsustainable location contrary to Policy H3 of the Fenland District Wide Local Plan 1993 and advice contained within the NPPF.**
- 4. The proposal fails to address the amenity of future occupiers by virtue of the unacceptable distance for moving refuse for collection in accordance with the Recap Waste Management Design Guide adopted 2012. The proposal is, therefore, also contrary to Section 7 of the NPPF as it fails to provide an adequate standard of design, fails to add to the quality of the area and would not function well in amenity terms.**



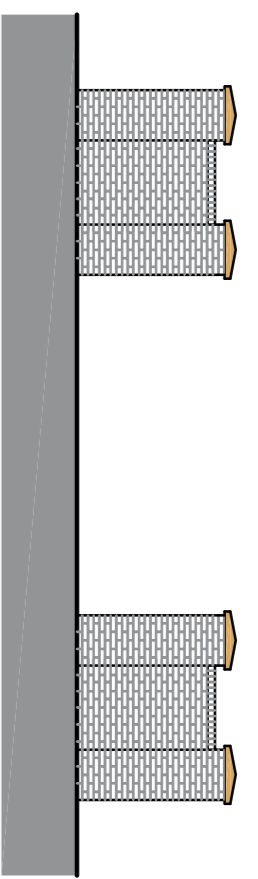
Created on: 14/12/2011

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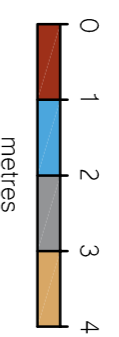
Scale = 1:1,250





Entrance Gate Detail

Scale: 1:100

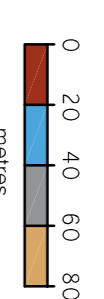


Finished Floor Levels for all Dwellings to be set at 0.70m AOD, as outlined in Geoff Beel Consultancy's Flood Risk Assessment, dated August 2011

All dwellings to have an individual mini treatment plant and rain water harvesting unit with outfalls to new surface water system, tanks to be designed in conjunction with structural engineers.

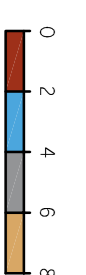
Location Plan

Scale: 1:2500



Site Plan

Scale: 1:250



- General Notes
1. The drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in 'mm' unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 4. All work shall be carried out in accordance with the specifications and specialist sub-contractors drawings and specifications.
 5. Any discrepancies are to be brought to the designers attention.

	Roof Tiles to be Sandtoft Carderdale Tiles Slate Grey
	Buff Block Paving
	Adaptable Standard Driveway with Marshalls Diversett Pione Harvest Permeable Paving System
	Existing Buildings
	Existing Buildings to be Demolished
	Proposed Native Hedge
	Proposed Trees to Landscape Scheme
	Proposed Shrubs to Landscape Scheme
	Buff Concrete Paving Slabs
	Grassed Area
	Gravel Area
	1.8m Close Boarded Timber Fencing
	Lockable Gate
	Street Light
	Rainwater Storage Cates for Additional Rainwater Storage from Rainwater Harvesting Overflow and Mini Treatment Plants to be Designed by Drainage Engineers

Revisions		
A	March 2012	Revised for Planning

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Job Title: Proposed Residential Development
 Marina Drive, March
 Cambs, PE13 0NU
 For: Mr M Smith

Scale: Various
 Sheet Size: A1

Drawing Title: Site and Location Plan
 Job No: SE-008
 Drawn by: G.E.
 Rev: 001