

**Application Number: F/YR13/0694/O**

**Minor**

**Parish/Ward: March East**

**Date Received: 16 September 2013**

**Expiry Date: 11 November 2013**

**Applicant: Mr L Banys, Trade Recruitment Ltd**

**Agent: Mr K Elener, KL Elener Architectural Design**

**Proposal: Erection of 8no 2 bed 2 storey dwellings with bin and cycle stores**

**Location: Land Rear Of 36 High Street, March**

**Site Area/Density: 0.1241/ 64 dwellings per hectare**

**Reason before Committee:** This proposal is before the Planning Committee due to officer recommendation being at variance to the Town Council.

## 1. EXECUTIVE SUMMARY/RECOMMENDATION

This application relates to a rectangular piece of land located behind No.36 High Street, March.

It seeks outline planning permission for the erection of 8 dwellings on the site with layout, scale and access committed. Matters of appearance and landscaping have been reserved for future consideration.

The principle of developing the site for housing in this location is considered acceptable in policy terms. The site previously benefitted from outline planning consent for the same development although this expired in May this year.

The proposed layout and access arrangements for the site are considered to demonstrate an acceptable and sustainable form of development.

Consequently the proposal is considered to comply with the relevant policies of the development plan and to national guidance contained with the NPPF, and therefore approval is recommended.

## 2. HISTORY

Of relevance to this proposal is:

2.1	F/YR10/0155/O	Erection of 2 blocks of 4 terraced houses with associated bin and cycle stores	Granted on 11 May 2010
	F/YR07/0838/F	Erection of a 3-bed detached bungalow	Granted on 12 October 2007
	F/99/0308/LB	Erection of a 3-bed detached bungalow	Granted on 13 October 1999
	F/99/0307/F	Erection of a 3-bed detached bungalow	Granted on 13 October 1999

F/98/0888/LB	Erection of a 3 / 4-bed detached chalet bungalow	Refused on 3 October 1999
F/98/0887/F	Erection of a 3 / 4-bed detached chalet bungalow	Refused on 3 October 1999
F/97/0018/LB	Formation of opening in 1.83 metre high brick wall and erection of wooden gates	Approved on 3 November 1999

### 3. PLANNING POLICIES

#### 3.1 National Planning Policy Framework:

- Paragraph 2 - Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise
- Paragraph 14 - Presumption in favour of sustainable development
- Paragraph 17 - Core planning principles
- Paragraph 18-22 - Building a strong competitive economy
- Paragraph 32, 34 – 37, 39 - Promoting sustainable transport
- Paragraph 47-50 - Delivering a wide choice of quality homes
- Paragraph 56-61 - Requiring good design
- Paragraph 69-70 - Promoting healthy communities
- Paragraph 95-97, 99 - Meeting the challenge of climate change, flooding and coastal change
- Paragraph 109, 111, 118, 120-125 - Conserving and enhancing the natural environment

#### 3.2 Fenland Local Plan Core Strategy (Submission Version September 2013):

- CS1 - Presumption in Favour of Sustainable Development
- CS3 - Spatial strategy, the Settlement Hierarchy and the Countryside
- CS4 - Housing
- CS5 - Meeting Housing Need
- CS9 - March
- CS14 - Responding to Climate Change and Managing the Risk of Flooding in Fenland
- CS15 - Facilitating the Creation of a More Sustainable Transport Network in Fenland
- CS16 - Delivering and Protecting High Quality Environments across the District.
- CS17 - Community Safety
- CS18 - The Historic Environment
- CS19 - The Natural Environment

#### 3.3 Fenland District Wide Local Plan:

- H3 - To resist housing development outside DABs. To permit housing development inside DABs provided it does not conflict with other policies of the Plan.
- E3 - To retain existing trees and hedgerows. To impose, where appropriate, conditions on planning applications requiring landscaping and tree planting schemes. To request the submission of a landscaping scheme with planning applications on visually important sites.

- E7 - Archaeological Investigation.
- E8 - Proposals for new development should:
  - allow for protection of site features;
  - be of a design compatible with their surroundings;
  - have regard to amenities of adjoining properties;
  - provide adequate access.
- E13 - Full planning applications will be required for the development of sites both within Conservation Areas and close to important heritage sites.
- IMP2 - Securing benefits through the use of planning agreements.
- TR3 - To ensure that all proposed developments provide adequate car parking in accordance with the approved parking standards.
- TR4 - To allow limited exceptions to compliance with parking standards (subject to contributions) in new developments in the market town Central Commercial Areas.

#### 4. CONSULTATIONS

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|-----|---|---|
| 4.1 | <b><i>March Town Council:</i></b>                   | Recommend refusal - inadequate access and egress.   |
| 4.2 | <b><i>Middle Level Commissioners:</i></b>           | The Commissioners will require the provision of a proper appropriate Flood Risk Assessment. It is considered that that the applicant has not yet provided adequate evidence to prove that a viable scheme for appropriate water level/flood risk management that meets current design standards exists, that could be constructed and maintained for the lifetime of the development. |
| 4.3 | <b><i>FDC Environmental Health:</i></b>             | No objection to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate nor be affected by ground contamination.   |
| 4.4 | <b><i>FDC Housing Officer:</i></b>                  | The following affordable housing requirements have been identified:<br>The provision of 1 affordable home plus a financial contribution of £28,144.20.  |
| 4.5 | <b><i>FDC Tree Officer:</i></b>                     | No comments received.   |
| 4.6 | <b><i>Cambridgeshire Fire &amp; Rescue:</i></b>     | Adequate provision should be made for fire hydrants in accordance with the National Guidance Document on the Provision of Water for Fire Fighting' 3rd edition.   |
| 4.7 | <b><i>Police Architectural Liaison Officer:</i></b> | It is noted that there is little if no surveillance from active rooms to the  |

front of the properties which in turn increases the risk of crime or antisocial behaviour for future residents. It is noted that the gates giving access to the main doors of the dwellings will be controlled by electronic access. The same will need to occur at the bin compound if these gates are not to become an alternative bypassing the intended access point.

Additionally there needs to be a communal gate between the two housing blocks positioned at the front elevation of the units.

I have reservations concerning the access to the site between the hours of dusk to dawn and the need to provide column mounted lighting along the access road to the site.

Whilst not objecting to the use of the site for residential use I would ask that consideration should be given to the above points and that notwithstanding the information supplied if necessary suitable conditions be applied in respect of external lighting and boundary/gate and fencing details.

#### 4.8 ***Highway Authority:***

The proposal is a car free development with no parking spaces provided. The access onto High Street is shared with the adjacent Hotel, which also has an access from Market Place. The identified means of access to the public highway is substandard due to and inherent inability to allow two way simultaneous movement, poor pedestrian inter-visibility, and lack separate pedestrian infrastructure. However given that the development is being proposed as a car free development, and there would be no vehicular intensification of use, there are no grounds on which to recommend refusal that could reasonably be defended at appeal. Notwithstanding the above, the LPA should be satisfied that the identified access is suitable in terms of future occupier amenity, in terms of pedestrian/ cycle access and servicing.

- 4.9 **Anglian Water:** No comments received.
- 4.10 **Cambridgeshire Archaeology:** The site was subject to an archaeological evaluation in connection with the previous application for the site. On the basis of this evaluation we advised that no further archaeological works were necessary. We have no objection to the current application and do not consider further archaeological work to be necessary.
- 4.11 **Local Residents:** 3 emails/letters of objection/concern received. 1 further letter received following amended plans. Comments are summarised below:
- Overdevelopment of the site
  - Overlooking and loss of privacy
  - Concerns with the existing wall between the neighbouring dwelling and the site and its condition during construction stage
  - Possible root disturbance and impact to the line of lime trees within the site
  - Increase in noise disturbance by the future residents to the neighbouring dwelling
  - The proposal would have an affect on the local sewer system. There have been problems with drainage in the area.
  - Impact on the adjacent Conservation Area and setting of the Listed Buildings
  - Devalue property
  - No parking provision on site – will put pressure on parking areas within the town
  - Concerns with the existing access which is narrow and poorly lit which would leave future residents in a vulnerable position
  - Site may only be suitable for one dwelling
    - The LPA should insist on parking provision as the proposal is likely to lead to parking within the adjacent public house/hotel's car park

## 5. **SITE DESCRIPTION**

- 5.1 The site is currently overgrown and undeveloped. The site is located within the town centre of March and adjoins the Conservation Area on its northern and western site boundaries. It is immediately adjacent the grounds of No.36 High Street a grade II listed building. There are a mix of uses in the area, namely residential, commercial and retail.

## 6. **PLANNING ASSESSMENT**

- 6.1 This application seeks outline planning permission for the erection of 2 blocks of 4 terraced houses with associated bin and cycle stores on land east of 36 High Street, March.

The application is in outline form with matters of external appearance and landscaping being reserved for a subsequent application, although indicative plans have been submitted.

The application is considered to raise the following key issues:

- Policy and Principle
- Character and Appearance of the area
- Access and Parking
- Landscaping
- Residential Amenity
- Other Matters

### **Policy and Principle**

The site is located within the established settlement of March and therefore the principle of residential development is considered acceptable in line with Policy H3 of the Local Plan. Furthermore Policy H5 of the Local Plan encourages the provision of new dwellings in town centres in order to retain life and movement in town centres outside business hours.

The site lies within the town centre of March and is therefore in a sustainable location in easy reach of existing amenities and services. The principle of residential development has been established by earlier permissions on the site. Members may recall planning permission was granted for the same development at the Planning Committee in May 2010, although this permission expired in May this year.

The proposal would provide 8 dwellings on an area of approximately 0.124 hectares, a density of 64 dwellings per hectare. This is consistent with the advice within the NPPF which seeks to promote higher density developments within sustainable locations.

### **Character and Appearance**

The proposed layout of the site involves two blocks each containing four dwellings, together with outbuildings for each unit which are to be used for bin and cycle storage. A multiple bin collection point is contained in the north-western corner of the site and the existing gated access point will be retained to form a pedestrian access.

The site is located adjacent the March Conservation Area and is located in close proximity to several Listed Buildings. The proposed development would be located at the rear of the Listed Buildings at 38, 36 and 34 High Street. All of these have later rear extensions. The closest Listed Building is 36 High Street, which is approximately 13.5 metres away from the new development. It is not considered that there will be a harmful impact on the setting of the Listed Buildings.

The proposed development incorporates two-storey terraced style dwellings, which are considered to be consistent in overall form with the majority of development in the immediate area.

The site is relatively screened from public view owing to its location. Therefore it is considered there would be limited impact on the views in to and out of the Conservation Area, which is situated to the west and north of the site. Accordingly the scheme is not considered to be harmful to the character and appearance of the area.

Whilst the external appearance has not been committed it is envisaged that traditional facing brickwork and roof tiles will be utilised to reflect the characteristics of the surrounding buildings. These details will be duly assessed in any subsequent application.

The comments from the Police Architectural Liaison Officer have been considered in respect of crime prevention and lack of active surveillance; however these cannot be overcome due to the site's location and the access being in a different land ownership. Accordingly these aspects must be balanced against the overall benefits of the scheme.

### **Access and Parking**

The access point leads into the site from in between the buildings at 34 and 36 High Street. This access is predominately utilised for the Griffin Hotel car park, although there is also another access serving this premises from Market Place.

It has been indicated that the access to the dwellings would be for pedestrians and cyclists only, and as such no parking is provided. Given that the site is located within easy access of town centre facilities, it is considered that on site parking is not required. Notwithstanding this position it is noted that the access is sub-standard in terms of width, visibility onto High Street and lack of pedestrian infrastructure, as such any increase in traffic would not be encouraged or supported by Officers in the interest of highway safety.

As previously identified the site is within walking distance of shops, education, employment, health facilities and public transport. Furthermore, there is a free public car park in close proximity of the site at City Road approximately 178 metres away which would cater for future occupants if necessary.

In view of the above Officers consider that approving the proposal without parking would help to promote sustainable living. It would also lessen the emphasis on private car use, which would help to reduce carbon emissions.

Local Authority's should encourage residential development in areas where there is good accessibility to public transport and therefore use of the private car is not essential. This contributes to cutting carbon emissions and complies with the overarching Government aim of creating sustainable development.

In accordance with national guidance contained in Manual for Streets 2, Local Authority's should promote cycle use and provide cycle storage where possible; this scheme includes such a facility.

### **Landscaping**

Whilst landscaping has been reserved for a subsequent application the site does contain several existing trees, which have been the subject of a Tree Survey submitted as part of the application.

It has been indicated that all the existing trees on site will be retained and incorporated within the proposed development.

The most notable tree on site is the Beech located on the north-western corner of the site. It is noted that part of the development proposed would be located within the Root Protection Area of this tree and therefore further details indicating the protection measures (ground protection) and construction methods are required. This can be resolved through the inclusion of a negative condition to request such detail.

### **Residential Amenity**

There are residential properties located to the south and east of the site within Elwyn Court.

The scheme has been amended following concerns in respect of the impact on existing residential properties with particular regard to the first-floor windows facing south towards 17 Elwyn Court.

The relatively large windows serving bedrooms within the southern elevations have been reduced in size and some repositioned to the gable ends with false windows replacing the original openings. The proposed block (Plots 1 – 4) located closest to the rear garden of 17 Elwyn Court would now have two small first-floor bedroom windows facing south. It is considered that the overlooking would be significantly reduced, and whilst there would still be an element of overlooking this would be eliminated by virtue of the existing line of lime trees (currently around 3.5 metres tall).

The proposed block (Plots 5 – 8) located closest to 19 Elwyn Court has a small first-floor window serving a bathroom in the end gable, which would not cause any overlooking issues. The first-floor bedrooms within the southern elevation of this block have been reduced in size and additional tree planting is proposed to eliminate overlooking, however the area overlooked would be the front part of 19 Elwyn Court where the parking area is located.

The proposed layout provides each dwelling unit with a sufficient sized rear garden area ranging from depths of 5 metres to 8.5 metres which includes a small storage building for bins and cycles.



## **Other Matters**

The previous application relating to the site was subject to an archaeological evaluation. On the basis of this evaluation the County Council advise that no further archaeological works are necessary.

There has been concern raised in respect of localised drainage problems. Anglian Water Services Ltd been consulted on the proposed development, however no comments have been received. Middle Level has requested a Flood Risk Assessment and therefore opposes the application.

The site lies within Flood Zone 1, defined by the Technical Guide to the NPPF as having a low probability of flooding. The site is located within a highly sustainable location and given the scale of development proposed it is not considered that a FRA is required in this instance.

It has been indicated that soakaways would be used to dispose of surface water drainage. The previous application for the same development had a condition imposed to request details of the surface water drainage. In order of consistency it is considered necessary to repeat this condition.

The previous consent for the site was subject to a condition in respect of a refuse collection strategy which would be agreed prior to commencement of any development. A waste management strategy has been recently submitted following concerns in respect of compliance with the RECAP guide. It has also been confirmed that the Council's refuse vehicles are unlikely to collect from this site owing to the substandard nature of the access road. Accordingly the agent has indicated within this strategy that a licensed waste collection company would collect the future residents bin's and this would be secured as a legal agreement between the developer and future owner of each dwelling to pay fees etc to fulfil the waste disposal contract.

In accordance with Policy CS5 of the emerging Core Strategy this proposal would attract the provision of 1 affordable dwelling and a financial contribution of £28,144.20. This would be secured via a S106 agreement.

## **7. CONCLUSION**

- 7.1 This proposal provides an efficient use of a vacant and underused area of land within the town centre of March. The principle of the proposal is fully supported by national and local policies and as such approval is recommended subject to the conditions detailed below.

## **8. RECOMMENDATION**

**Grant subject to:**

- i) S106 contributions as set out above**
- ii) conditions as detailed below**

### **1. Approval of the details of:**

- i. the external appearance of the building(s);**
- ii. the landscaping**

**(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).**

**Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.**

- 2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.**

**Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.**

- 3. The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.**

**Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.**

- 4. All trees that are to be retained shall be protected during the course of construction in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented prior to the storage of materials or commencement of work on the site and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development.**

**Reason - To ensure that retained trees are adequately protected.**

- 5. Prior to the commencement of the development hereby approved a written Method Statement detailing protection methods (ground protection) and construction methods which should be of a 'no-dig' technique where the development comes within the Root Protection Area shall be submitted to and approved in writing with the Local Planning Authority.**

**Reason - To ensure that retained trees are adequately protected.**

- 6. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Local Authority in consultation with the Drainage Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.**

**Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding.**

- 7. Within 4 months of the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.**

**Reason**

To ensure a satisfactory form of development.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking or re-enacting that Order with or without modification), no additional first-floor windows other than those shown on the plans hereby approved shall be placed in the southern elevations of the development hereby approved.**

**Reason**

To protect the amenities of the adjoining properties.

- 9. Approved plans**