

F/YR15/0263/F

Applicant: Mr G Wilding

**Agent : Mr Nigel Lowe
Peter Humphrey Associates Ltd**

**Land West Of 126-132 Elliott Road Accessed From, Peas Hill Road, March,
Cambridgeshire**

**Erection of 9 x 2-storey 2-bed dwellings involving demolition of existing
outbuilding**

**Reason before Committee: The Town Council's views are in conflict with the
Officer recommendation.**

1 EXECUTIVE SUMMARY/RECOMMENDATION

The application seeks full planning permission for the erection of 9 x 2-bed dwellings involving the demolition of the existing outbuilding on land west of 126-132 Elliott Road, accessed from Peas Hill Road, March.

The proposed scheme is considered unacceptable for two reasons. Firstly the proposal is in conflict with Policy LP5 of the Local Plan 2014 in that it fails to provide sufficient and necessary infrastructure (affordable housing) as part of the development. The agent relies upon the recent Planning Practice Guidance which indicates that no contributions should be sought on schemes of 10 or less new homes. Whilst this Guidance is a material consideration it is not, at this time, capable of receiving sufficient weight that it can override the clear conflict with Policy LP5.

In addition the scheme has failed to submit an appropriate biodiversity study in line with Policy LP19 and as such officers are unable to assess any impacts of the proposal in this regard.

The proposed development is therefore recommended for refusal for the reasons referred to above.

2 SITE DESCRIPTION

The site lies to the south of Peas Hill Road and a recent development of two storey properties with parking to the rear. The parking area is surfaced in loose gravel/ chippings. A close boarded fence runs along the southern boundary of this development. Access to the site will be facilitated by creating an access road between 34 and 48 across the open car parking court, and by opening up the rear fencing to the site. It currently forms part of the garden to No. 201 West End a two storey house fronting West End. Current access to the garden is from a driveway between Nos 126 and 128 Elliott Road.

Features of the site include a large derelict brick outbuilding and construction waste as a result of two new dwellings under construction nearby. There are a number of trees on the site affected by the development however these are modest in scale and of poor form visually.

The surrounding character of the area is residential, predominantly bungalows fronting Elliott Road to the east and two-storey development of a similar form and scale to the north.

3 PROPOSAL

The proposal is for 9 x 2-bed properties laid out in 3 terraces of 3 dwellings and involves the demolition of the existing outbuilding. No details of building materials have been included. Access to No 201 will be maintained via a driveway to the south of the development. 15 parking spaces will be provided within a parking court mainly along the eastern boundary of the site.

4 SITE PLANNING HISTORY

F/YR08/1092/F	Erection of 12 x 2 bed terraced houses involving demolition of existing outbuildings on land west of 126-132 Elliott Road.	Withdrawn 26/02/2009
F/YR04/4132/RM	Erection of 26 houses comprising 20 x 2 bed terraced, 2 x 3 bed terraced, 2 x 3 bed semi-detached with associated parking. Baxters Dairy and Land south of Peas Hill Road March – development to the north of this site.	Approved 29/06/2005
F/YR03/0800/O	Erection of two bungalows. Land West Of 126 - 128 Elliott Road March.	Approved 11/08/2003
F/YR02/0683/O	Residential development (0.428ha). Baxters Dairy and Land south of Peas Hill Road March	Approved 17/10/2003.

5 CONSULTATIONS

March Town Council: Recommend approval subject to specific consents for surface water and sewerage disposal.

FDC Housing Strategy: In accordance with policy LP5 of the Local Plan a planning application for 9 dwellings should provide, subject to viability, 20% affordable housing.

To achieve this, it would be expected that 1 affordable home should be provided on site plus a financial contribution of broadly equivalent value to the provision of 0.8 of a further affordable home (£41,193.60) which is payable to enable some housing need to be met elsewhere, subject to viability. As this application would be for one affordable home, it is suggested that the tenure should be affordable rented. Analysis of the Fenland Housing Register indicates that 33% of current applicants require a 2 bedroom property and therefore there is considerable demand for 2-bedroom affordable homes.

Middle Level Commissioners: Will be commenting on the application, however no further comments received within the consultation period.

Anglian Water: No comments received within the consultation period.

Cambridgeshire County Council Highways Authority: The access currently provides access to courtyard parking for properties along Peas Hill Road. The number of dwellings proposed exceeds the acceptable quantum that can be served off a private drive. Given the restricted width of the access the applicant is unlikely to be able to construct the access to an adoptable standard and therefore the road will have to remain private. FDC should be mindful of approving developments of this scale that are served off a private drive. FDC must consider the long-term implications of permitting such development in terms of construction, future maintenance, lighting and surface water drainage of the access road(s) together with refuse collection. Vehicle to vehicle visibility is acceptable. Parking and turning within the application site is acceptable. The access width allows two way vehicle flows at the intersection with Peas Hill Road. It is noted that part of the access appears to be outside the red edge site ownership. Subject to this item being addressed no highway objections subject to suitable planning conditions.

Police Architectural Liaison Officer: In terms of crime, the immediate area has seen 19 crimes recorded in the past 36 months. These are broken down as 4 x damage, 7 x assault/violence, 3 x vehicle (damage/theft from), 2 x theft, and 3 x miscellaneous. There does not appear to be any anti-social behaviour affecting the area. Having visited the location the car park to the rear of the Peas Hill Road housing terrace is a large area of gravelled car park (not landscaped and laid out as shown in proposed 'site plan'). Any access to the proposed site is through this gravelled car park which is unlit. The site plan shows that the entrance road is to be paved and formalised. I cannot imagine this happening as the drive for the proposal shows gravel. Could this be conditioned that the approach needs to be formalised? In terms of the site for the 9 x dwellings, it is a non-permeable aside access to the rear of 199 & 201 to the west. This generally means that area is less likely to be the subject of crime, as criminals in the area are not given the anonymity they seek when committing crime and need a reason to be there. The car parking provided for 15 vehicles is shown as a large parking court to the sides of plots 3 & 4. The orientation of these plots is such that surveillance is provided by kitchen windows in the gable end of both plots. Whilst larger parking courts are generally frowned upon, in this case with the added surveillance, it is acceptable. Having viewed the existing car park (mentioned above) this area is unlit. I don't believe the new parking court will be illuminated. Normal crime reduction advice is that car parking areas be lit to BS 5489:2013. In terms of the design and layout of the proposal, no objection on the grounds of crime and disorder

FDC Environmental Health: Note and accept the submitted information and have no objections to the proposed development in principle, as it is unlikely to have a detrimental effect on local air quality or the noise climate. However our records indicate that the land was previously covered in structures and may have formed part of the adjacent dairy site. Therefore there is a potential for ground contamination to exist. At this stage the applicant has not demonstrated that the site is free from potential contamination and is suitable for use as residential land, in the absence of this information the contaminated land condition needs to be added if permission is granted. Additionally any demolition works and construction works on site should be carried out in such a manner so as not to cause nuisance to neighbouring residents, i.e. no burning of demolition / waste materials.

CCC Archaeology: Our records indicate that the site lies in an area of high archaeological potential. We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition.

Local Residents/Interested Parties: 6 letters/emails of objection received which may be summarised as follows:

- Loss of privacy and overlooking of garden areas;
- Loss of light to the rear of property;
- Loss of value to property;
- Increase in the amount of traffic – increasing danger to children;
- Wildlife - there are old structures on the site and bats are evident in the area, they fly around the gardens in the evening. Why has no survey been carried out?;
- Loss of trees which will destroy the habitat;
- Potential historical interest in the site;
- Existing drainage problems and concerns with the proposed development adding to the flooding of gardens; and
- Overdevelopment of the site and impact on the character and appearance of the area.

6 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 47: Supply of housing

Paragraph 64: 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.

Paragraphs 100-104: Development and flood risk.

Paragraph 109: Minimising impacts on biodiversity

Paragraphs 203-206: Planning conditions and obligations.

National Planning Policy Guidance (NPPG)

Determining a planning application

Planning Obligations

Flood Risk and Coastal Change

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 - Housing

LP5 – Meeting Housing Need

LP9 – March

LP13 – Supporting and Mitigating the Impact of a Growing District

LP14 – Responding to Climate Change and Managing the risk of Flooding in Fenland

LP15 – Facilitating the creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

7 KEY ISSUES

The key considerations for this application are:

- Principle of Development;
- S106 Planning Obligations – Affordable Housing
- Character and Appearance (Layout, Density and Design);
- Residential Amenity;
- Access;
- Biodiversity;
- Flood Risk and Drainage;
- Archaeology;
- Health and wellbeing;
- Economic growth;
- Other Matters

8 ASSESSMENT

Principle of Development

March is listed as a 'primary market town' in Policy LP3 the Fenland Local Plan, where the majority of the district's new housing, employment growth, retail growth and wider service provision is directed to.

The site is located within a reasonable walking distance of some local services and facilities, as such the principle of residential development of this site in this sustainable location is considered acceptable.

S106 Planning Obligations – Affordable Housing

The proposed development, in accordance with Policy LP5 of the Local Plan would require the provision of 1 affordable home (tenure to be affordable rented) to be provided on site plus a contribution of £41,193.60 to enable housing need to be met elsewhere.

The agent has confirmed that they do not intend to make any provision for affordable homes, either on-site or by way of an off-site contribution. Accordingly on this basis the proposal would be contrary to Policy LP5 of the Local Plan which indicates that all housing development sites of between 5 and 9 dwellings, 20% of the dwellings should be affordable.

The agent has referred to the changes that Government has made to proposals for affordable housing. The Government announced in November 2014, in the form of a Ministerial Statement and subsequently Planning Practice Guidance, that for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought.

The Planning Practice Guidance is a material consideration for the purposes of determining this application. It does not though hold the same status as the policies within the Local Plan which has to be given primacy according to planning law.

The announcement has caused a great deal of uncertainty amongst many Councils due to the lack of clarity of how much weight should be given to it in planning decisions. West Berkshire and Reading Councils are currently seeking a Judicial Review in the High Court challenging its legal status, however a decision has not yet been reached.

Until the Courts determine otherwise, officers are of the view that the recently adopted Local Plan is the statutory plan for the District and is the key basis for the assessment of planning applications. The Planning Practice Guidance is not therefore capable of being afforded sufficient weight such that it outweighs the non-compliance with Policy LP5 of the Local Plan.

Accordingly the applicant is unwilling to enter into a Town and Country Planning Act S106 agreement to secure contributions relating to affordable housing or go through a viability assessment to indicate that these contributions cannot be met in full. As such the application is contrary to Policy LP5 of the Local Plan 2014.

Character and Appearance (Layout, Density and Design)

The area surrounding the site is characterised by residential development. The housing on Peas Hill Road is a mix of two-storey terraced and semi-detached houses, with detached bungalows to the east of the site fronting Elliott Road. The style of the proposed development is in keeping with the two-storey form of development of Peas Hill Road and is therefore considered acceptable.

The density of the scheme equates to 41 dwelling per hectare which is consistent with the density of the majority of housing in the area, particularly to that north of the site. Whilst it is recognised that the scheme is relatively high in density, the proposal is not considered to represent an overdevelopment of the site.

Indeed the proposal allows for adequate garden space for each property, in line with Policy LP16 and the indicative landscaping scheme will aid the overall design of the development.

The external finishes for the development have not been included within the submission, but could be safeguarded by planning condition.

The Police Architectural Liaison Officer has reviewed the proposal and confirmed that the parking court which is proposed to be lit will be located to the sides of Plots 3 and 4 where there would be surveillance provided by kitchen windows in the gable ends of both of these plots. Accordingly in terms of the design and layout of the proposal, there are no objections on the grounds of crime and disorder and proposal therefore accords with Policy LP17 in this respect.

Residential Amenity

The majority of the boundaries comprise of various height close boarded fencing and given the overall separation distance which is provided it is considered there would be no undue impact in terms of overlooking or overshadowing of adjoining residential properties.

Overall the proposal is considered to have an acceptable relationship to the adjoining properties and consequently accords with Policy LP16 of the Local Plan.

Access

The proposal includes a 5 metre wide access going through the existing site with a graveled turning area and a parking court for 15 vehicles. Visibility splays of 4.5 m by 43 m to the west and 4.5 m by 69 m to the east can be achieved and these are considered acceptable. Accordingly the access width allows two way vehicle flows at the intersection with Peas Hill Road.

There are two parking spaces provided for each dwelling which would accord with the parking standards set out in Appendix A of the Local Plan.

The development would be accessed from a private drive which currently provides car parking which appears capable of accommodating 44 vehicles. Given the amount of existing vehicular movements which could be accommodated it is not considered that the addition of nine 2-bed dwellings (with 18 car parking spaces) would lead to an amount of additional vehicular movements which would create severe impacts upon the highway network. The County Council also confirms that the access would be fit for purpose (and thus safe).

Overall, the Highway Authority raises no objection to the proposal subject to suitable planning conditions detailing the visibility splays, access details, parking and turning provision. Officers concur with this view and so there are no highway grounds to resist the proposal.

Biodiversity

The Biodiversity Checklist completed by the applicant confirms that there have been no site surveys for bats, barn owls or breeding birds and other species. The application involves the demolition of an existing brick built outbuilding and removal of a number of trees on the site. The site is also heavily overgrown with brambles and hedging and trees bordering the site.

There is no evidence to suggest that a suitably qualified ecologist has surveyed the site, and therefore the potential impact of the development cannot be properly assessed. It therefore fails policies LP16 (b) and LP19 of the Local Plan.

Flood Risk and Drainage

The site lies within Flood Zone 1 and as such development of this nature in this location is considered appropriate.

In accordance with the NPPF a Flood Risk Assessment is not required as the site is less than 1 hectare in size and lies within Flood Zone 1. Notwithstanding this, a Flood Risk Assessment has been submitted with the application, and concludes that the site is considered to be at low risk of flooding from both fluvial and tidal sources, and is not at a significant risk of flooding by any other means.

The FRA indicates that the surface water is likely to be discharged via soakaways. The precise drainage design would need to comply with Building Regulations. Similarly foul drainage has been indicated to be disposed of via mains sewer and Anglian Water consent will be required for this.

There are no requirements for flood resistant or resilient construction methods and minimum floor levels do not need to be set. Accordingly there is no flood risk or drainage related grounds in the context of the Local Plan and to the NPPF on which to object to the proposed development.

Archaeology

The County Council Historic Environment team have advised that the site lies in an area of high archaeological potential. They do not object to the development from proceeding but have suggested a planning condition to secure a programme of archaeological investigation. This will secure the preservation of the archaeological interest of the area either by record or in situ as appropriate. Accordingly the proposal would accord with Policy LP18 of the Local Plan in this regard.

Health and wellbeing

In accordance with Policy LP2 of the Local Plan development proposals should positively contribute to creating a healthy, safe and equitable living environment. In doing so development proposals, amongst other things, should create sufficient and the right mix of homes to meet people's needs, and in the right location. It is considered that this location represents a sustainable location where residents will be able to easily access local services and facilities without dependence on a private motor vehicle. The scheme will provide smaller 2-bedroom units, however no affordable housing provision is being provided, which is considered contrary to Policy LP5 of the Local Plan.

Economic growth

The development would be likely to provide a degree of local employment during construction which would support the continued sustainability and economic growth of March.

Other Matters

The local residents concern in respect of loss of property value is not an issue which can be taken into account and as such is not a material planning consideration.

9 CONCLUSIONS

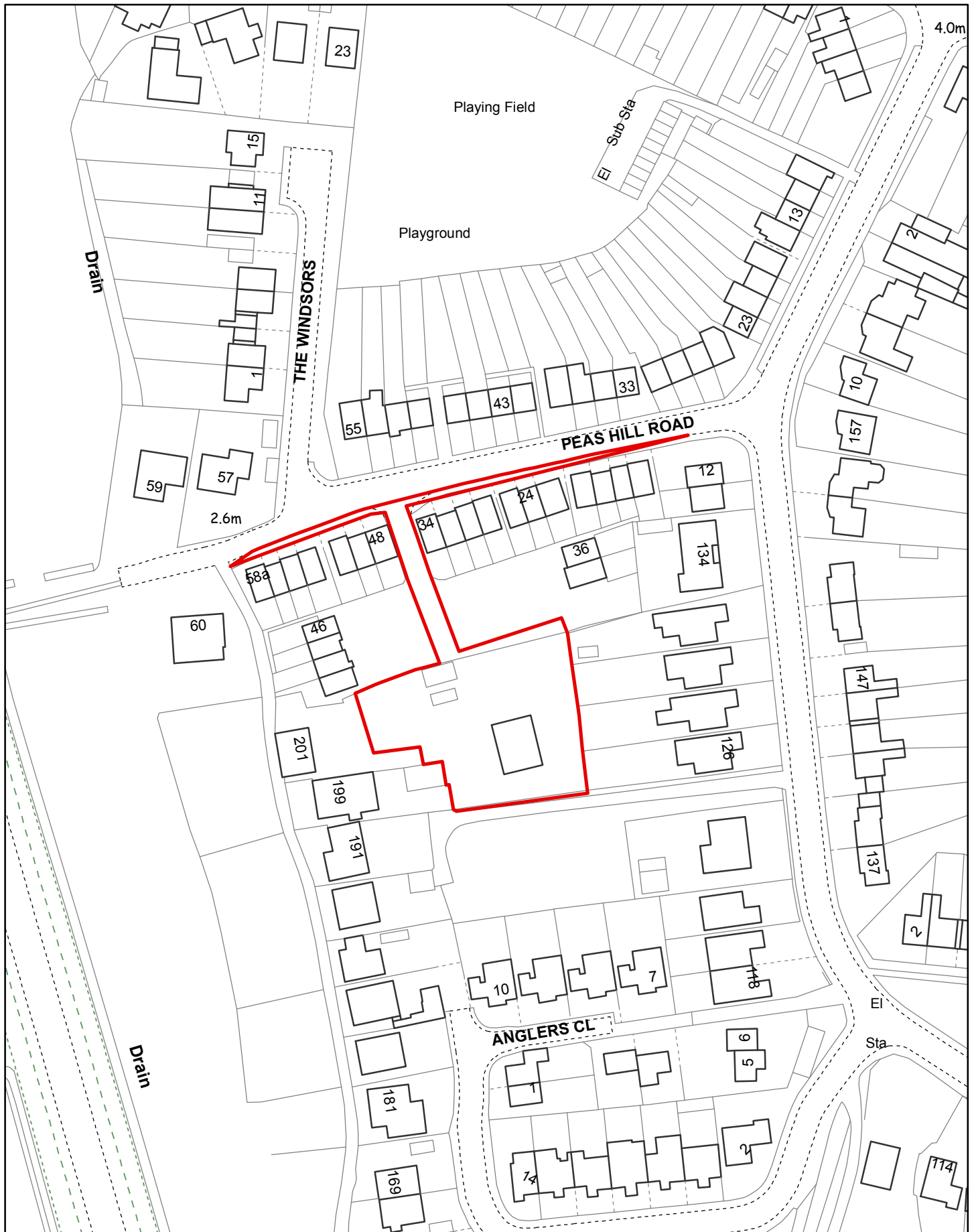
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In addition the scheme has failed to submit an appropriate biodiversity study in line with Policy LP19 and as such officers are unable to assess any impacts of the proposal in this regard. For the reasons given above it is recommended that the proposed development is refused.

10 RECOMMENDATION

REFUSE

1.	In accordance with Policy LP5 of the Fenland Local Plan 2014 this proposed development of 9 dwellings should provide, subject to viability, 20% affordable housing, this being the provision of 1 dwelling to be affordable, plus the payment of a financial contribution to the Council, of broadly equivalent value to the provision of 0.8 of a further affordable home on that site to enable some housing to be met elsewhere. The applicant has failed to enter into a Town and Country Planning Act S106 agreement to secure contributions relating to affordable housing or go through a viability assessment to indicate that these contributions cannot be met in full. As such the application is contrary to Policy LP5 of the Local Plan 2014.
2.	In accordance with Policy LP16 (b) and Policy LP19 of the Fenland Local Plan 2014 the proposed development should protect and enhance biodiversity on and surrounding the site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites. The application has failed to submit an appropriate biodiversity study and as such the Local Planning Authority is unable to assess any impacts of the proposal in this regard. As a result the proposal is contrary to criteria (b) of Policy LP16 and Policy LP19 of the Fenland Local Plan 2014.



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