

F/YR15/0770/O

Applicant: Mr M Hardiman

**Agent : Mr Ted Brand
Brand Associates**

250 Creek Road, March, Cambridgeshire, PE15 8RY

Erection of 4 dwellings involving demolition of existing buildings (Outline application with all matters reserved)

Reason for Committee: The Town Council's comments are in conflict with the Officer's recommendation.

1 EXECUTIVE SUMMARY

This application seeks outline planning permission for the erection of 4 dwellings involving the demolition of the existing buildings on land at 250 Creek Road, March.

The proposed scheme is considered unacceptable for reasons relating to the effect of the proposals on the operation and viability of the adjoining business and on the living conditions of future occupiers of the proposed dwellings, with particular regard to noise and also in relation to flood risk.

The proposal, as submitted, has insufficient evidence to establish whether there would be an unacceptable impact on the living conditions of the future occupiers owing to the location of the car repair business adjoining the site to the east. As such the proposed development would be contrary to Policy LP16, criteria (o) of the Local Plan.

The site falls within Flood Zone 3 and is therefore susceptible to a high probability of flooding. The sequential test which has been carried out by the agent is not considered adequate, and therefore the proposal would not be appropriate to its location in relation to Policy LP14 of the Local Plan and national planning policies concerning flood risk.

Accordingly the principle of residential development in this location would be unacceptable and clearly contrary to Policies LP2, LP14 and LP16 of the Fenland Local Plan. The application is therefore recommended for refusal.

2 SITE DESCRIPTION

The site is currently used as a car repair and sales business. The site adjoins residential dwellings to the west and north with ditches to the western and southern boundaries. The site also adjoins an existing car repair business to the east and further east is the March railway lines and level crossing. The site lies within Flood Zone 3.

3 PROPOSAL

This application seeks outline planning permission with all matters reserved for 4 dwellings involving the demolition of the existing buildings on site.

The application is accompanied by the following documents:

- Flood Risk Assessment (August 2015)
- Phase 1 Desk Study Report - Contamination (November 2015)
- Sensitivity Assessment (November 2015)
- Flood Risk Sequential and Exception Tests (November 2015)

4 SITE PLANNING HISTORY

F/YR08/0133/O	Residential Development (0.209 ha) involving demolition of existing buildings	Granted 02/04/2008
F/YR07/0844/O	Erection of 5 dwellings comprising 3 bungalows and 2 houses	Refused 24/09/2007
F/YR04/3481/O	Removal of Condition 02 of planning permission F/91/0711/F (Erection of a 3-bed bungalow with detached double garage) relating to 'The dwelling hereby approved shall only be occupied by persons solely or mainly employed in connection with the adjacent business'	Granted 23/12/2004
F/YR04/4070/F	Erection of 4 dwellings involving demolition of existing building	Granted 27/07/2004
F/98/0295/O	Erection of a dwelling in association with, existing workshop	Approved 23/04/1999
F/94/0147/F	Erection of an extension to existing vehicle body repair workshop	Granted 05/08/1994
F/91/0711/F	Erection of a 3-bed bungalow with detached double garage	Approved 12/02/1992
F/91/0584/F	Erection of a flank extension to existing workshop	Granted 16/12/1991
F/0137/88/F	Erection of a workshop and store	Granted 17/03/1988
F/0318/86/F	Additional use of motor vehicle workshop site for motor auctions	Granted 15/10/1986
F/0989/84/F	Erection of a spray booth for the painting of motor vehicles	Granted 02/01/1985
F/0001/83/F	Erection of a bungalow	Granted 17/02/1983
F/0775/80/F	Erection of a workshop for vehicle body	Granted

	repairs	29/10/1980
F/0892/79/F	Erection of a motor engineering workshop including vehicle sales	Granted 01/02/1980
F/0666/77/O	Erection of a garage for car sales and repairs	Granted 05/01/1978

5 CONSULTATIONS

March Town Council: Recommend approval.

FDC Scientific Officer (Land Contamination) 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 given the previous use of the building and the materials that may have been stored there (machinery, oil / diesel) the applicant has not demonstrated that the site is free from potential contamination and is suitable for use as a dwelling. As a minimum a robust desk study / phase 1 investigation is required to assess the potential for contamination to exist, either through the former usage or possible made ground at the site.

The site is adjacent to a light industrial unit / works and close to the railway, therefore there is a potential for noise disturbance, it is suggested that the applicants consider the effect of noise from the adjacent works and the railway and how this may impact upon the development. The sensitivity report is noted as are the current hours of use of the workshop, there is still a potential that complaints may be received from the new dwellings that will affect the current unit. The applicants need to adequately demonstrate that noise from both the railway and works unit will not have a significant impact upon the proposed dwellings.

Following previous comments the applicants have submitted a robust desk study / phase 1 investigation that assesses the potential for contamination to exist on the site. The conclusions of the study are that some further works are required to assess the site to ascertain if it is suitable for use or whether some remedial measures are required. The contaminated land condition is therefore required to ensure that the investigation takes place if permission is granted.

Environment Agency: No objections based on flood risk grounds. The site is situated within Flood Zone 3 of the Environment Agency's Flood Map. They have reviewed the Flood Risk Assessment (FRA) for tidal and main river flood risk sources only. The Drainage Board should be consulted with regards to flood risk associated with their watercourses and surface water drainage proposals. The FRA recommends raising the finished floor levels 300mm above existing ground level, and that there will be no ground flood sleeping accommodation provided, with safe refuge at first-floor level. Advice provided in respect of flood proofing measures, flood warning, flood plan and the NPPF Sequential and Exception Tests.

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

Cambridgeshire County Council Highways Authority: The footway to the west of the site on Creek road should be extended to include a dropped kerb crossover into the application site. Vehicle to vehicle visibility appears to be easily achieved

within the public highway however to remove any element of doubt this should be detailed along with pedestrian visibility splays at reserve matters stage. No highway objections subject to a suitable planning condition requiring full details of the layout of the site including parking and turning provision.

Cambridgeshire County Council Historic Environment Team: The site lies within an area of high archaeological potential. Do not object to development from proceeding in this location, however the site should be subject to a programme of archaeological investigation secured through planning condition.

Local Residents/Interested Parties: 1 email of concern regarding the details of the size of the dwellings and where windows will be.

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 32: Development should only be refused on transport grounds where the residual cumulative transport impacts are severe.

Paragraph 47: Supply of housing.

Paragraph 49: Applications for planning permission for housing are determined in accordance with the presumption in favour of sustainable development.

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.

Paragraph 123: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

Paragraph 128: Archaeological interests in a site.

Paragraphs 203-206: Planning conditions and obligations.

National Planning Policy Guidance (NPPG)

Flood Risk and Coastal Change

Flood Zone and Flood Risk Tables

Housing and economic land availability assessment

Noise

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

Delivering and Protecting High Quality Environments in Fenland SPD (July 2014)

7 KEY ISSUES

- **Principle of Development**
- **Flood Risk and Drainage**
- **Residential Amenity (including Noise)**
- **Highway Safety**
- **Health and wellbeing**
- **Economic Growth**

8 ASSESSMENT

Principle of Development

Local Plan Policy LP3 defines March as a Primary Market Town where the majority of the district's new housing, employment growth, retail growth and wider service provision should take place. Therefore, subject to compliance with other relevant policies in the Local Plan, the principle of development at the site may be acceptable.

Flood Risk and Drainage

The site lies within Flood Zone 3. A Flood Risk Assessment accompanies the application which has been accepted by the Environment Agency subject to appropriately raised floor levels which could be secured by planning condition.

However, as the site is located within Flood Zone 3 and the approach of the NPPF, NPPG and Policies LP2 and LP14 of the Local Plan is not to rely on mitigation measures in areas at high risk of flooding, but instead to make development safe and therefore direct new development away from such areas. For that reason the proposal is required to be subjected to the Sequential Test to establish whether there are reasonably available sites within Zone 1 (and Zone 2 if no land is available in Zone 1) and the guidance states that the developer should justify, with evidence, what area of search has been used.

The agent has submitted some information to cover the Sequential and Exception Test. Officers consider that the information is not sufficient and as such the Sequential Test has not been passed. The sequential test has only considered the Strategic Allocations and Broad Locations identified within the Local Plan for March. It concludes that those sites are not yet available for development and that it is likely that they will be developed by larger house builders. Whilst it is acknowledged that there are yet to be any significant housing schemes within those locations there is no evidence to suggest that the land will not be available to local house builders. Furthermore, the applicant has failed to consider other potential sites which could come forward on unallocated land.

More importantly the Council is able to demonstrate that it has a 5-year supply of housing and it is therefore in a position where it does not have to accept new housing within inappropriate locations as there is no overriding need to develop such sites. The sequential test was applied as part of the allocation of land within

the Local Plan and sufficient housing has been identified within acceptable locations. The scheme therefore is unable to pass the sequential test given the lack of any overriding need for these 4 dwellings.

On this basis (given that the sequential test is unable to be satisfied) there is no requirement for the site to be subject to the Exception Test. Accordingly the application is contrary to Policy LP14 in this regard.

Residential Amenity (including Noise)

The development of the proposed 4 dwellings would be capable (subject to an appropriate Reserved Matters submission) of not having any unacceptable impacts upon the amenity of the occupiers of existing properties nearby. This is mainly due to the distances between the existing and proposed buildings.

In terms of the potential future occupiers of the site this is of significant concern given the car repair workshop use immediately to the east of the site and the nearby railway line. The National Planning Practice Guidance (NPPG) provides that the potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. Policy LP2 states that high levels of residential amenity shall be provided as part of new development proposals. Policy LP16 of the Local Plan seeks high quality environments across the District and to this end criterion (o) expects that new development will not constrain or threaten the operation or viability of nearby businesses by placing 'sensitive' uses near them. Further advice is provided at Policy DM9 of the SPD Delivering and Protecting High Quality Environments in Fenland. The agent has submitted a 'Sensitivity Assessment' following concerns raised by Officers. The Assessment is of a subjective basis and does not benefit from any technical review of noise levels which would be necessary given the sensitivity of the site.

The Environmental Health Team has reviewed the assessment and confirms that there is still a potential that complaints may be received from the new dwellings that will affect the current unit. At present it is therefore not possible to determine whether or not the impacts would be unacceptable and therefore it is not possible to state whether or not the future occupiers of the site would benefit from a high level of amenity. It is also possible that complaints could arise from future occupiers which may jeopardise the operation of the car repairs workshop.

The applicants therefore need to adequately demonstrate that noise from both the railway and works unit will not have a significant detrimental impact upon the proposed dwellings. The NPPG acknowledges that as noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying the policy. This is likely to require a noise assessment to be carried out to establish existing noise levels.

Accordingly it is considered that there is insufficient assessment of the potential effect of noise from the existing business and railway line upon the living conditions of future occupiers of the proposed dwellings. Therefore the proposal is in conflict with Policies LP2 and LP16 criteria (o) of the Local Plan and to Policy DM9 of the SPD Delivering and Protecting High Quality Environments in Fenland.

Highway Safety

Whilst the site layout is indicative it does demonstrate an adequate parking and turning arrangement on site. The Local Highway Authority has no objections to the application, however have confirmed that the footpath along Creek road should be

extended from the west to include a dropped kerb crossover into the application site. They have also confirmed that the vehicle to vehicle and pedestrian visibility appear to be easily achieved within the public highway and is capable of being conditioned at reserved matters stage. Accordingly the application accords with Policy LP15 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. The scheme would deliver family housing in a market town location; however they would be located within high risk flooding area and there is insufficient information in regard to the level of amenity available to future living conditions owing to the business premises to the east. As such the proposal does not accord with Policy LP2.

Economic Growth

The proposal will boost the supply of housing as sought by Government through the NPPF. However as the Council can demonstrate a 5-year supply of housing this benefit can only carry minimal weight. The development would provide a degree of local employment during construction of a site which is a benefit. Against this though the proposal would see the loss of an existing business and there is not sufficient evidence to conclude that the development could not jeopardise the longevity of the car repair use to the east. Whilst there is no specific planning policy objection to the loss of the existing car repairs use (as it is not a high quality facility which Policy LP6 would seek to protect) the loss does off-set the economic benefits of the scheme. Overall therefore the scheme would provide very limited economic growth.

9 CONCLUSIONS

The proposed scheme is considered unacceptable for two reasons.

Firstly the site is located within Flood Zone 3 (high risk area). Officers consider that the information submitted in relation to the required Sequential Test is not sufficient and therefore has not been passed.

Secondly, the applicant has not adequately demonstrated that noise from both the railway and the car repair workshop to the east will not have a significant adverse effect upon the proposed dwellings. It is possible that complaints could arise from future occupiers which may jeopardise the operation of the car repairs workshop.

Accordingly the principle of residential development in this location would be unacceptable and contrary to Policies LP2, LP14 and LP16 of the Local Plan.

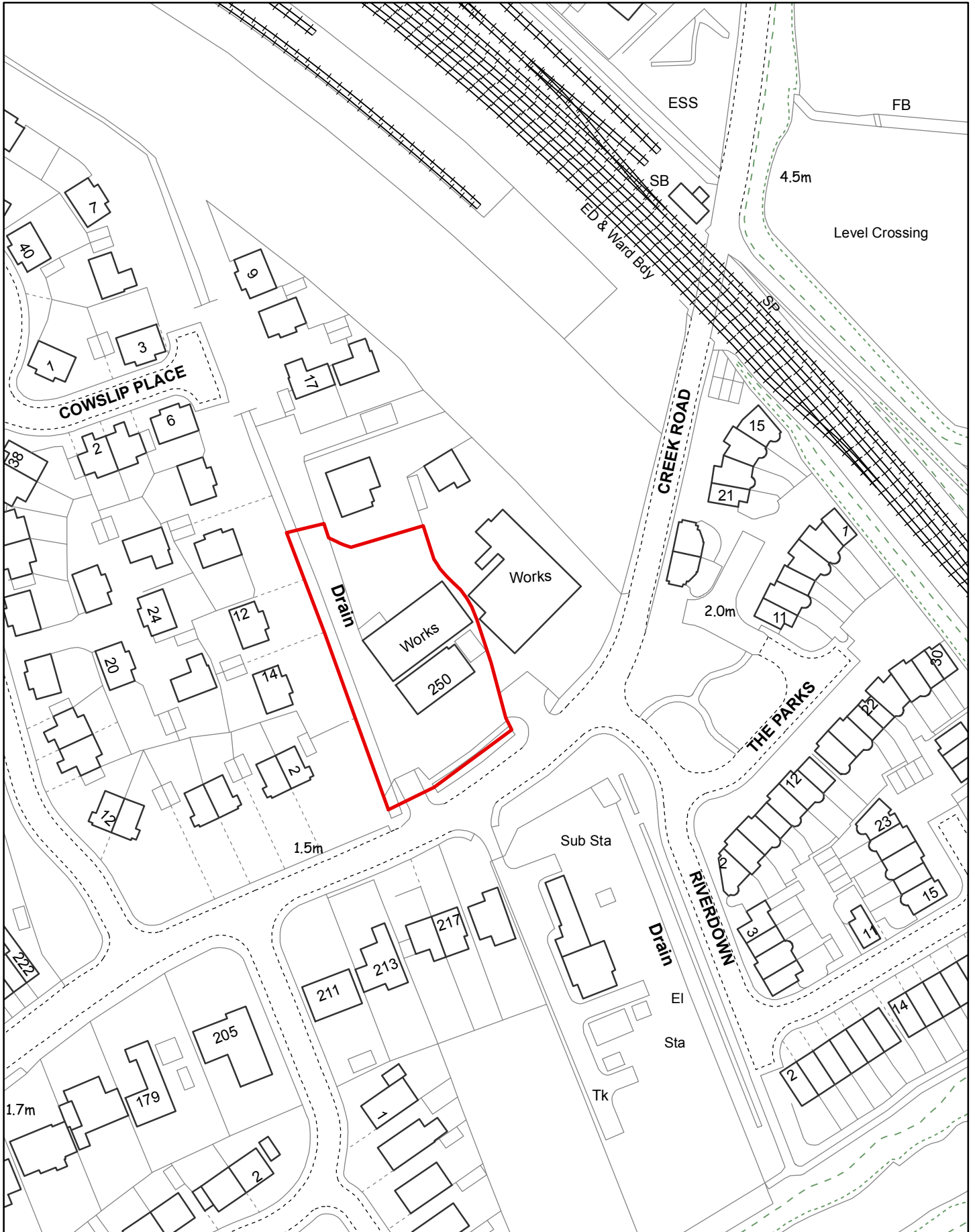
For the reasons given above it is recommended that the proposed development is refused.

10 RECOMMENDATION

Refuse

1.	Policy LP14 of the Fenland Local Plan (2014) and the National Planning Policy Framework seeks to direct new development to areas at the
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	<p>lowest flood risk to ensure the safety of people and property. This principle is further enforced by Policy LP2 of the Fenland Local Plan (2014). The application proposes residential development within Flood Zone 3 and does not include a sufficient sequential test to demonstrate that there is an overriding need for residential development in Flood Zone 3. As such the proposal is contrary to Policies LP2 and LP14 of the Fenland Local Plan and the guidance contained within the National Planning Policy Framework.</p>
2.	<p>Policy LP2 of the Fenland Local Plan (2014) requires development proposals to positively contribute to a healthy living environment and seeks to promote high levels of residential amenity. Policy LP16 criteria (o) seeks to direct sensitive developments away from existing nearby or adjoining businesses or employment sites. The application site adjoins a car repair workshop and is close to a railway line, therefore there is potential for noise disturbance. The proposal includes insufficient noise assessment and noise mitigation measures, therefore the proposal does not demonstrate that the proposed development would have a good standard of amenity and that the proposal would not constrain the operation of the existing adjacent business. As such the proposal does not accord with Policy LP2 and part (o) of Policy LP16 of the Fenland Local Plan 2014 nor Policy DM9 of the SPD Delivering and Protecting High Quality Environments in Fenland.</p>



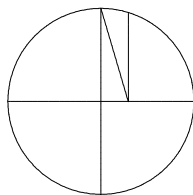
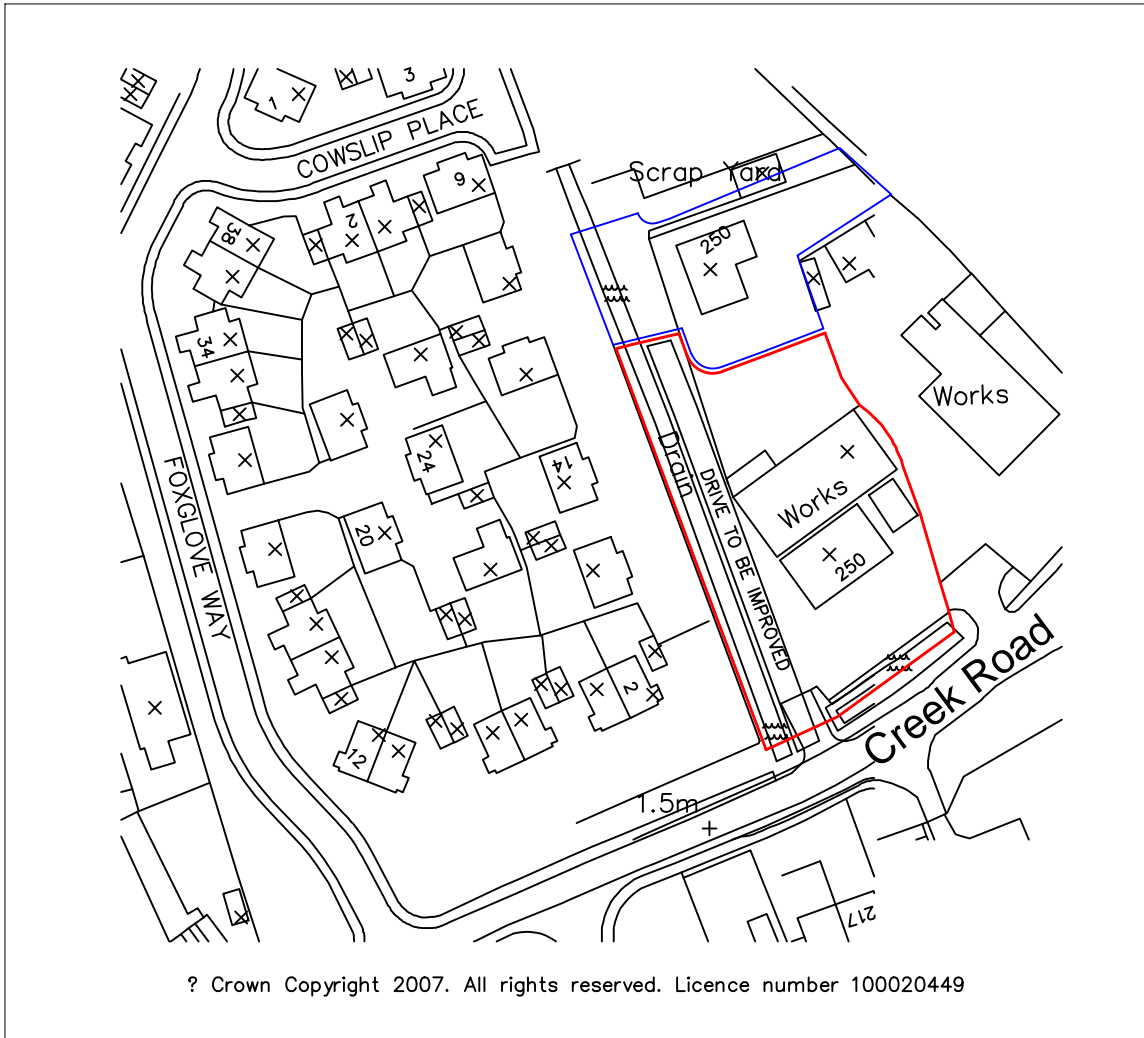
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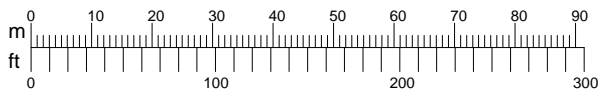
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Scale = 1:1,250





Scale 1:1250 - A4



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250 CREEK ROAD
MARCH

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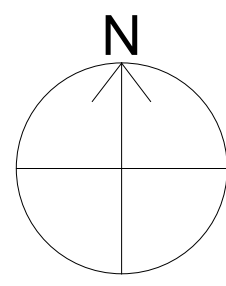
LOCATION PLAN

1:1250 : NEM : JUL.15

HARD.14 : L :

250
EXISTING BUNGALOW

EXISTING GARDEN



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PROPOSED DWELLINGS
250 CREEK ROAD
MARCH
MICK HARDIMAN
ILLUSTRATIVE SITE
PLAN
1:200 : NEM : APR.15
HARD.14: 1 : A

Existing boundary removed
New boundary fence

IDB MAINTAINENCE
ACCESS MIN
6.00m

BUNGALOW
23.3
TURNING BP
4m P

4 12.7

G

CHALET
27.1
P G
BP

3 9.4

BP

CHALET
27.4
P G

2 9.8

KERBS & REMOVABLE
BOLLARDS AT 2.6mcs
SUBJECT TO IDB
APPROVAL

EXISTING PRIVATE ROAD IMPROVED

SHED
P P P

BIN STORE

GRASS VERGE

HOUSE
1

DRAIN

SERVICE VERGE

IDB MAINTAINENCE
ACCESS MIN 6.00m

BOLLARD

WEEKLY BIN
COLLECTION POINT

TARMAC

5m

GRASS

DRAIN

GRASS VERGE

CREEK ROAD

EXISTING ACCESS
IMPROVED TO LHA
SPECIFICATION

KEY-

- G = Garage parking min 7m x 3m internal
- P = Parking space min 2.4m x 4.8m
- G = Gravel
- BP = Block paving
- (x) = Proposed trees

WORKS