

**F/YR15/1001/F**

**Applicant: Mr G Wilding**

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

**Land West Of, 126 - 128 Elliott Road, March, Cambridgeshire**

**Erection of 1 x 4-bed and 3 x 3-bed single-storey dwellings with garages**

**Reason for Committee:** The Officer's recommendation is contrary to that of March Town Council and the application is for more than 2 dwellings.

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## **1 EXECUTIVE SUMMARY**

The application seeks full planning permission for the erection of 4 detached single storey dwellings accessed via an existing private road.

The principle of residential development in this location is acceptable given the sustainable area in which is it located. In addition the scale and appearance of the proposed dwellings and associated garages would respect the existing built form in the locality.

However the development would result in an awkward layout to the detriment of residential amenity of future occupiers of the site contrary to the aims of policies LP2 and LP16 of the FLP.

In addition the application has failed to demonstrate that the development would not result in harm to protected Bat species or that the land is suitable for the residential use taking into account the possible contamination risks of the site contrary to policies LP19 and LP16 respectively.

The application is recommended for refusal.

## **2 SITE DESCRIPTION**

The site is an irregular shape piece of land and measures approximately 0.18Ha and which lies within an established residential area of March. The site is accessed via an existing private road which serves a total of 6 dwellings which leads off Elliott Road between No's 124 and 126.

The site appears relatively vacant having recently been cleared with the exception of an old barn (proposed for demolition) which still stands and is used for storage.

The site is bounded in all directions with a mixture of residential development. Immediately to the north the site adjoins a residential car park serving 2-storey dwellings at Peas Hill Road. To the east, the site backs onto rear gardens of single storey dwellings at 126 to 132 Elliott Road and to the west the site abuts the

curtilages of dwellings 199 and 201 West End. Directly opposite the site to the south are 2 recently completed detached bungalows.

Whilst the area comprises a mixture of residential development these are generally arranged in a uniform and linear fashion surrounding the application site.

The site lies in Flood Zone 1.

### 3 PROPOSAL

The application seeks planning permission for the erection of 4 detached single storey dwellings. The dwellings will be laid out around the perimeter of the site with an access point leading north from the existing private road serving each dwelling.

The dwellings will each have a single a garage and driveway to provide parking for 2 cars per dwelling. Plots 1, 2 and 3 will be of the same design but plots 2 and 3 will be mirrored and Plot 1 will include an integral garage. Plot 4 will be slightly larger and more individual in design. Plots 2 and 3 will have ridge heights of c6.3m and Plots 1 and 4 will have ridge heights of 5.9m and 5.3m respectively.

External materials have not been committed at this stage.

Landscaping comprise a 1.8m high close boarded fence to screen of each plot and a mixture of shrub planting at the frontage of each plot and adjacent to the access roads.

A bin collection point is proposed at the south west corner at the entrance to the site.

Each plot will incorporate an area of private amenity space a minimum of 33% of the overall plot area.

### 4 SITE PLANNING HISTORY

F/YR15/0263/F	Erection of 9 x 2-storey 2-bed dwellings involving demolition of existing outbuilding	Refused 27.07.2015
F/YR13/0943/F	Erection of 2 x single-storey 4-bed dwellings with detached single garages	Granted 12.02.2014
F/YR12/0587/F	Erection of 3 x 2-storey 3-bed dwellings with detached garages	Granted at Appeal 11.09.2013 Ref: APP/D0515/A/13/2193265
F/YR12/0267/F	Erection of 3 x single-storey 3-bed dwellings with detached garages	Refused 29.06.2012
F/YR03/0800/O	Erection of 2 bungalows	Granted 11.08.2003

## 5 CONSULTATIONS

### **Cambridgeshire County Council Highways Authority**

No objections subject to conditions securing completion of private road. Advises that the LPA need to be mindful of the number of dwellings served off a private drive.

### **March Town Council**

Recommend approval

### **FDC Scientific Officer (Land Contamination)**

No objections in principle. However advises that the past history of the site indicates that the land may have formed part of the adjacent dairy site and therefore potential for contamination. The applicant has not demonstrated that the land is free from contamination and therefore requests that a condition requiring contaminated land investigation is carried out.

Also provides advice in respect of demolition and pollution control.

### **CCC Archaeology**

Records indicate that the site lies in an area of high archaeological potential.

No objection to development proceeding but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a pre-commencement condition requiring a programme of archaeological work in accordance with a written scheme of investigation.

### **Local Residents/Interested Parties**

1 letter of objection raising concerns that there is insufficient space to park 2 cars for No. 201 West End.

2 letters of support received: considers the proposal a good use of the land and good design and will improve the area

## 6 POLICY FRAMEWORK

### **National Planning Policy Framework (NPPF):**

Paragraph 32: Transport impacts

Paragraph 121: Ground contamination

### **National Planning Policy Guidance (NPPG):**

Paragraph 007: Contamination

### **Fenland Local Plan 2014(FLP):**

LP1: Presumption in favour of sustainable development

LP2: Health and Wellbeing

LP3: Spatial Strategy and Settlement Hierarchy

LP15: Sustainable Transport networks

LP16: High Quality Environments

LP19: Natural Environment

## **7 KEY ISSUES**

- **Principle of Development**
- **Access and Layout**
- **Scale and appearance**
- **Contamination**
- **Biodiversity**
- **Economic Growth**

## **8 BACKGROUND**

- 8.1 The site was previously considered for residential development for 9No. 2-bedroom dwellings in 2015 under F/YR15/0263/F. The application however was refused on 2 grounds;
1. That the applicant did not enter into a s106 agreement to secure affordable units or undertake a viability assessment to determine that affordable contributions could not be made contrary to policy LP5 of the FLP.
  2. That the applicant failed to submit an appropriate biodiversity study and as such the Local Planning Authority was unable to assess any impacts of the proposal in this regard [in respect of Bats] contrary to criteria (b) of Policy LP16 and Policy LP19 of the Fenland Local Plan 2014.
- 8.2 The previous application proposed to access the site from the north between existing dwellings fronting Peas Hill Road. This application is materially different in that the access is now proposed off an existing private access leading off of Elliott Road.

## **9 ASSESSMENT**

### **9.1 Principle of Development**

- 9.1.1 Policy LP3 identifies the 4 main Market Towns, including March as a sustainable area for growth and seeks to steer residential development to this area. Therefore the principle of development in this area is acceptable subject to compliance with other policies of the Fenland Local Plan.

### **9.2 Scale and Appearance**

- 9.2.1 Policy LP16(d) of the FLP aims to deliver high quality environments, seeking to ensure that development responds to and improves the character of the local built environment and does not adversely impact either in design or scale terms on the streetscene.
- 9.2.2 The dwellings are of a scale and design commensurate to the single storey dwellings in the area and subject to agreement on external materials could appear sympathetic to the established built form in the locality.

### 9.3 Access and Layout

- 9.3.1 Policies LP2 and LP16 seek to secure good design to provide a high quality environments and high levels of residential amenity. Policy LP16(d) requires that development makes a positive contribution to the local distinctiveness and character of the area and does not adversely impact on the settlement pattern of the area. Policy LP15 aims to ensure that development provides well designed safe and convenient access.
- 9.3.2 The LHA have raised no objection to the proposed scheme subject to conditions securing the delivery of the private road to an acceptable standard. The details in respect of the private access road were secured under F/YR13/0943/F for 2No. bungalows opposite the application site, which has been lawfully implemented meaning that the conditions securing the delivery of the road are now enforceable. This is considered sufficient in ensuring the main access road could be delivered to an acceptable standard and a condition of this nature is therefore considered unnecessary.
- 9.3.3 Notwithstanding this, the LHA have raised the matter of private roads and the number of dwellings these would serve. Current guidance recommends (Manual for Streets) that no more than 5 dwellings should be accessed via a private road. The proposal would lead to 10 dwellings being served by this road.
- 9.3.4 Whilst this is a material consideration, the previous Planning Inspectorate's decision of F/YR12/0587/F determined that as there are alternative mechanisms for maintenance of roads that are not adopted, he found no reason to conclude that the application should be refused solely on the grounds that the road would be unadopted.
- 9.3.5 Paragraph 32 of the NPPF states that;

*“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

It is therefore concluded that given the LHA have raised no objections to the proposal in respect of adverse highway impacts and in view of the planning inspectorate's previous assessment of the access it would be unreasonable to refuse the application on the basis that the private access which has been adequately designed would serve more than the recommended number of dwellings.

- 9.3.6 The objections received from the neighbouring resident have been considered. However it appears that the neighbour would be aggrieved that the development would result in less land for them to park on when in fact this land is not within their control. As such no weight can be given to their objection.
- 9.3.7 Whilst the principle of utilising the private access is acceptable, the site access road and how this functions in relation to the proposed dwellings has raised issues.
- 9.3.8 The proposed tight layout of the site would encourage residents to perform multiple maneuvers to access and egress the site in unacceptably close proximity to dwellings potentially compromising the residential amenity of future occupiers. This is particularly notable with the north east corner of Plot 2 and the south east corner of Plot 3 which project prominently into the access area thereby having

potential for cars to pass in close proximity causing noise and vibration harm to future occupiers.

- 9.3.9 It is therefore concluded that the layout and access would fail to provide high levels of residential amenity contrary to policies LP2 and LP16(l) of the FLP

#### **9.4 Contamination**

- 9.4.1 Policy LP16(l) requires development proposals for new development to identify, manage and mitigate against existing or proposed risks from sources of pollution and contamination.

- 9.4.2 Paragraph 007 of the NPPG (in-line with para. 121 of the NPPF) provides guidance on the approach to establishing the suitability of sites for specific development. It states that;

*“If there is a reason to believe contamination could be an issue, developers should provide proportionate but sufficient site investigation information (a risk assessment) to determine the existence or otherwise of contamination”.*

- 9.4.3 The Council’s Environmental Health Team (EHO) have provided comments in respect of previous uses and the possible presence of contamination on the site and as such would require evidence to assess the potential sources, pathways and receptors and evaluate the risks. As such they have requested a condition to address this aspect. At this stage the applicant has not demonstrated that the site is free from potential contamination and is suitable for use as residential land.

- 9.4.4 Paragraph 007 of the NPPG goes on to state that;

*“Unless this initial assessment clearly demonstrates that the risk from contamination can be satisfactorily reduced to an acceptable level, further site investigations and risk assessment will be needed before the application can be determined.”*

- 9.4.5 It is noted that the comments from the EHO are the same as that with the previous submission under F/YR15/0263/F in that they have requested a condition to address the contamination risks. However, paragraph 007 clearly states that that unless the presence and implications of contamination can be understood, a (positive) determination as to the acceptability of the use of the site cannot be made.

- 9.4.6 Whilst it is noted that the LPA’s previous determination did not identify a lack of contaminated land risk assessment in advance of determining the application and as such the LPA did not refuse the application on this basis, the NPPG clearly explains that a site survey or assessment must be provided in advance of any determination. The LPA cannot ignore national guidance.

- 9.4.6 Officers have advised the applicant of the requirement to provide this detail in advance of determining the application. Whilst it is likely that the applicant could demonstrate that the land is or could be made suitable for its intended use, the applicant has not provided this information.

- 9.4.7 Therefore, in following national guidance it is concluded that the applicant has failed to demonstrate that the site is suitable for the proposed use and would not

result in harm to future occupiers through contamination which is contrary to Policy LP16(l) of the FLP.

## **9.5 Biodiversity**

9.5.1 Policy LP16 (b) and Policy LP19 of the Fenland Local Plan 2014 requires development to protect and enhance biodiversity on and surrounding the site.

9.5.2 It is noted that a previous application for development of this site (F/YR15/0263/F) was refused on the grounds that the applicant had not undertaken a study to assess the presence of Bats and possible impacts the development may have on this species.

9.5.3 The site contains an established barn which incorporates exposed rafters and openings. The latest guidance on Bats<sup>1</sup> provides advice where surveys should be undertaken taking into account structure types and proximity to key biodiversity areas. The table provided advises that where demolition of a building which is built of traditional brick with exposed beams is proposed, that a Bat survey should be requested. Notwithstanding the previous refusal on this site, this matter has been brought to the attention of the applicant. However, no such survey has been provided.

9.5.4 It is concluded therefore that the proposal fails to demonstrate that development in this location would not result in harm to protected Bat species or what mitigation measures may be required in order to prevent this and therefore does not accord with policies LP16(b) and LP19 of the Fenland Local Plan (2014).

## **9.6 Economic Growth**

9.6.1 The development would result in the introduction of 4 family size homes which would provide economic benefits to the local community through the use of local services and commerce. Additionally, the construction of the dwellings would provide temporary employment during the build.

## **10 CONCLUSIONS**

10.1 The proposal has been assessed against policies contained within the Fenland Local Plan and requirements of the NPPF and associated planning guidance (NPPG).

The principle of residential development in this location is acceptable given the sustainable area in which it is located. However the development would result in a contrived layout to the detriment of the character of the area and for the residential amenity of future occupiers of the site contrary to the aims of policies LP2 and LP16 of the FLP. In addition the application has failed to demonstrate that the development would not result in harm to protected Bat species or that the land is suitable for the residential use taking into account the possible contamination risks of the site contrary to policies LP19 and LP16 respectively.

## 11 RECOMMENDATION – Refuse for the following reasons;

- R1 Policy LP2 and LP16 seek to secure good design to provide high quality environments and high levels of residential amenity.

The application proposes 4 dwellings accessed via an established private road to form a cul-de sac of 4 units. The proposed tight layout of the site would lead to residents performing multiple maneuvers to access and egress the site in unacceptably close proximity to dwellings thereby potentially compromising the residential amenity of future occupiers. This is particularly notable with the north east corner of Plot 2 and the south east corner of Plot 3 which project prominently into the access area thereby having potential for cars to pass in close proximity causing noise and vibration harm to future occupiers. The development would therefore fail to provide a high quality environment through harm to residential amenity contrary to policies LP2 and LP16(l) of the Fenland Local Plan (adopted May 2014).

- R2 Policy LP16(l) requires development proposals for new development to identify, manage and mitigate against existing or proposed risks from sources of pollution and contamination.

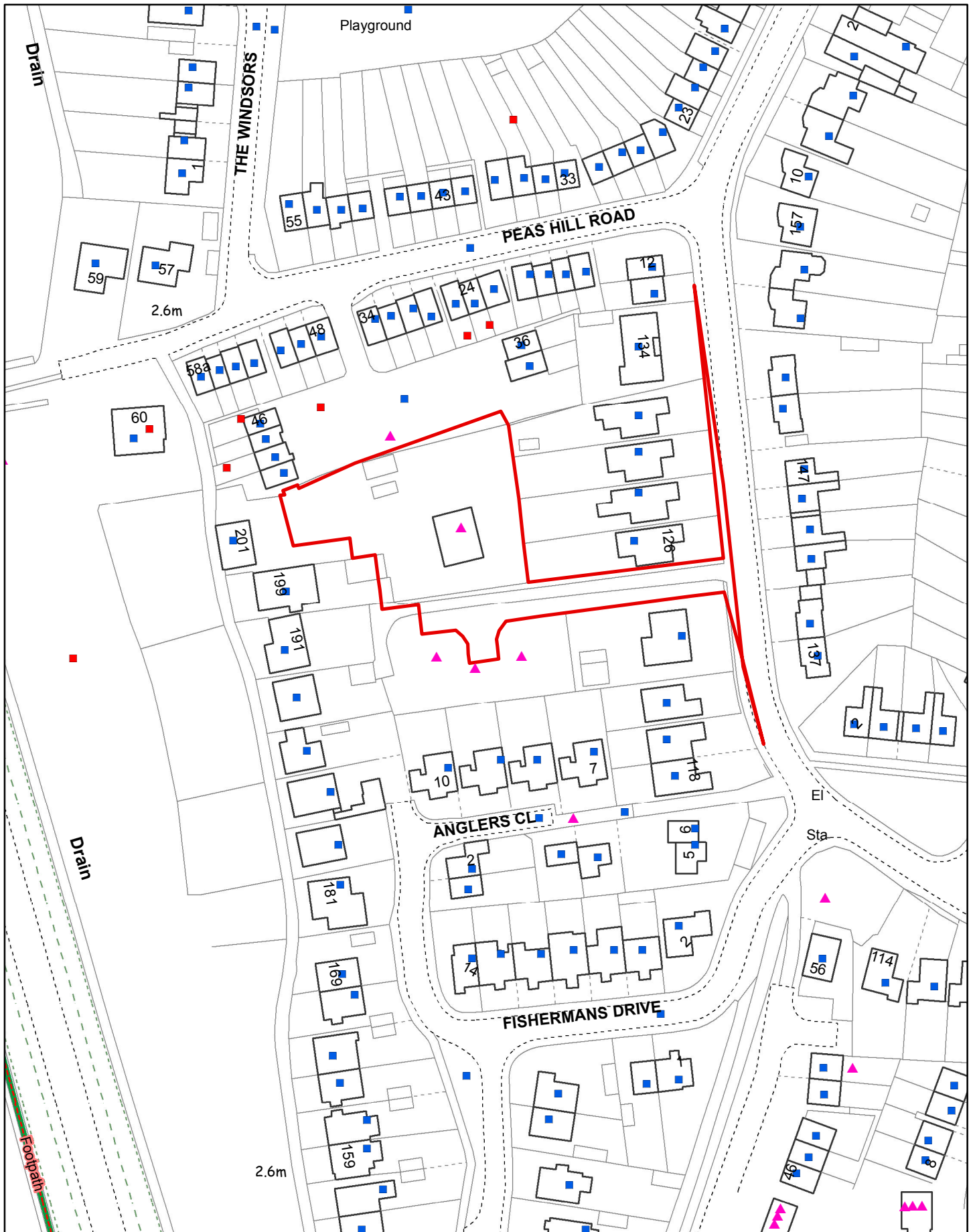
The application has not provided any assessment of risks from potential contamination of the site and as such has failed to demonstrate that the site is suitable or can be made suitable for the proposed residential use contrary to policy LP16(l) of the Fenland Local Plan (adopted May 2014).

- R3 Policy LP16 (b) and Policy LP19 of the Fenland Local Plan 2014 requires development to protect and enhance biodiversity on and surrounding the site.

The proposal fails to demonstrate that development in this location would not result in harm to protected bat species or what mitigation measures may be required in order to prevent this and therefore does not accord with policies LP16(b) and LP19 of the Fenland Local Plan (2014).

<sup>1</sup> – Bat Surveys – Good Practice Guide. Bat Conservation Trust, 2012. Page 9





Created on: 12/11/2015

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**F/YR15/1001/F**

Scale = 1:1,250



**LANDSCAPING**

**SHRUB PLANTING (EQUALLY MIXED) (S/P)**

PLANTED AT 900mm CENTRES, 60/90cm CONTAINER GROWN

LONICERA PILEATA  
SPREAE GOLD PLAME  
FRUNSI LA ROCHEAISIS  
STRINGA VILGARS

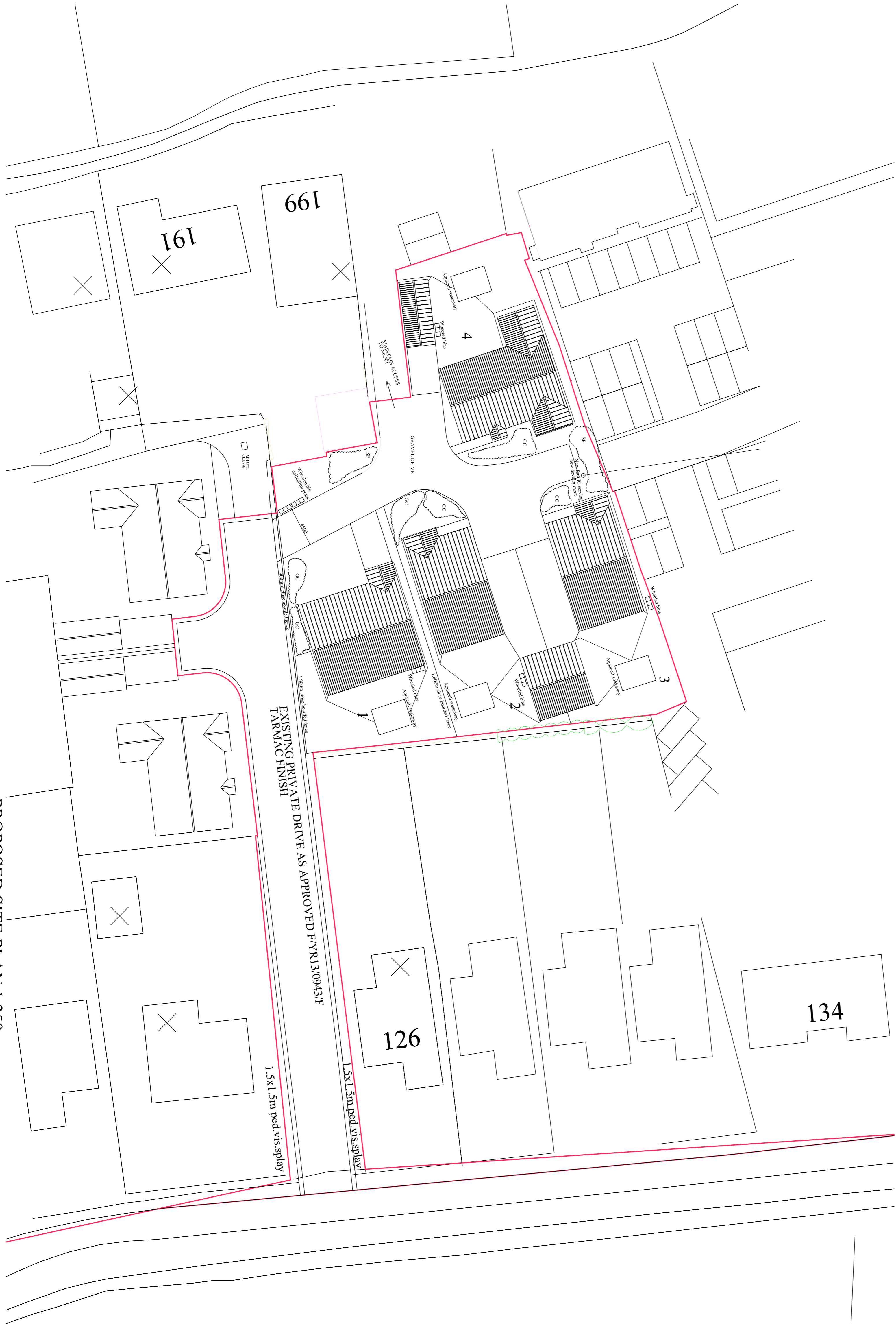
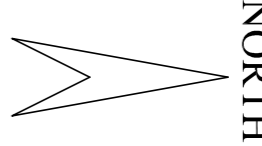
**GROUND COVER PLANTS (G/C)**

CONTONEASTER HORIZONTALIS  
HEDERA HELIX  
LAVANDULA SPICA

**CALLUNA VILGARS**

ALL PLANTING, SEEDING OR TURNING COMPRISED IN APPROVED DETAILS OF LANDSCAPING SHALL BE CARRIED OUT IN THE FIRST PLANTING AND SEEDING SEASONS FOLLOWING THE OCCUPATION OF THE BUILDINGS OR THE COMPLETION OF THE DEVELOPMENT, WHICHEVER IS THE SOONER, AND ANY TREE OR PLANT WHICH WITHIN A PERIOD OF 5 YEARS FROM THE COMPLETION OR DISASSEMB, SHALL BE OR ARE REMOVED, OR BECOME SERIOUSLY DAMAGED OR DISEASED, SHALL BE REPLACED IN THE NEXT PLANTING SEASON WITH OTHERS OF SIMILAR SIZE AND SPECIES, UNLESS THE LOCAL PLANNING AUTHORITY GIVES WRITTEN CONSENT TO ANY VARIATION.

NORTH



PROPOSED SITE PLAN 1:250



LOCATION PLAN 1:1250

notes

- Contractors are responsible for checking dimensions, tolerances and references. Any discrepancy to be verified with Peter Humphrey Associates Limited before proceeding with the works.
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MARCH  
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CLIENT  
MR. WILDING

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SEPT 2015	AS SHOWN	
JOB NO. 51524/14/8		REVISION

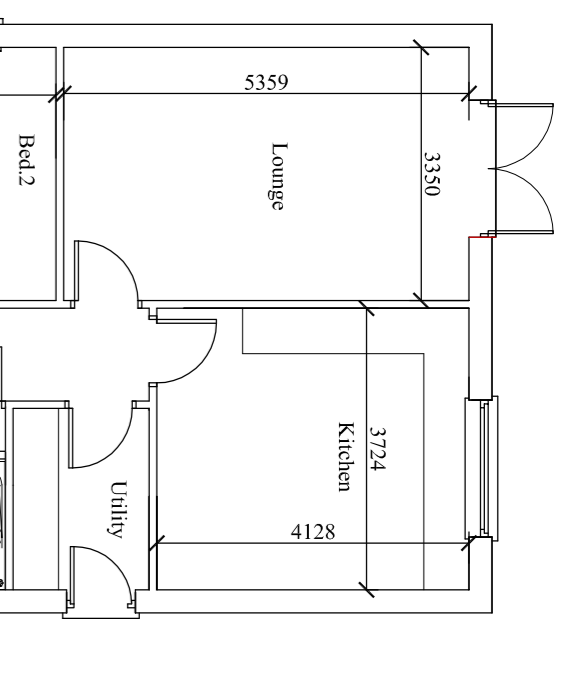
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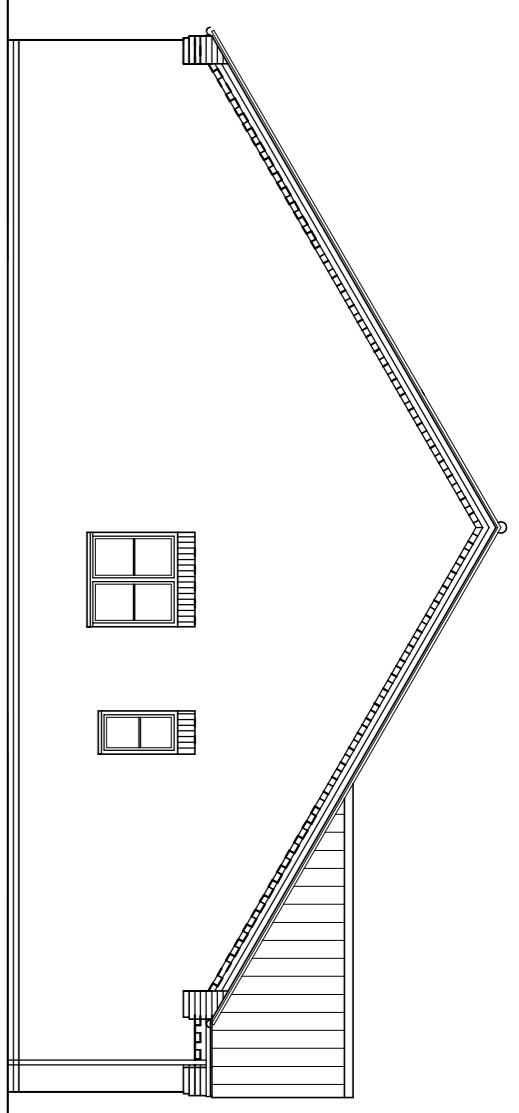
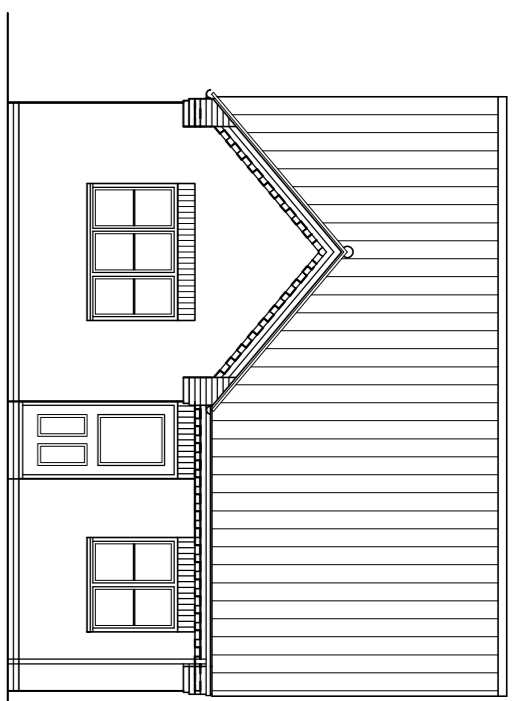
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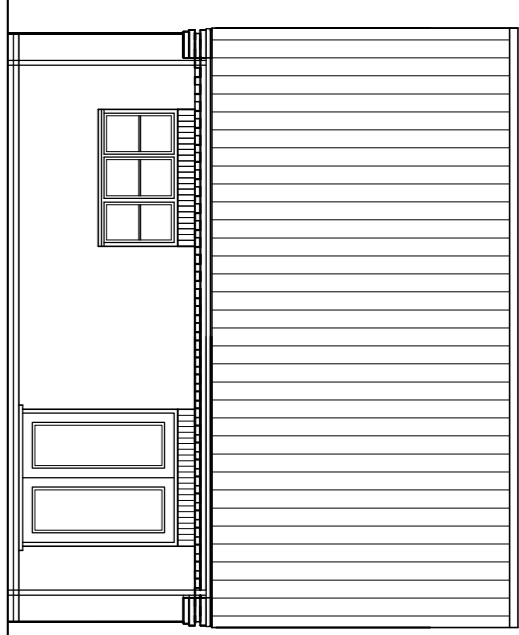
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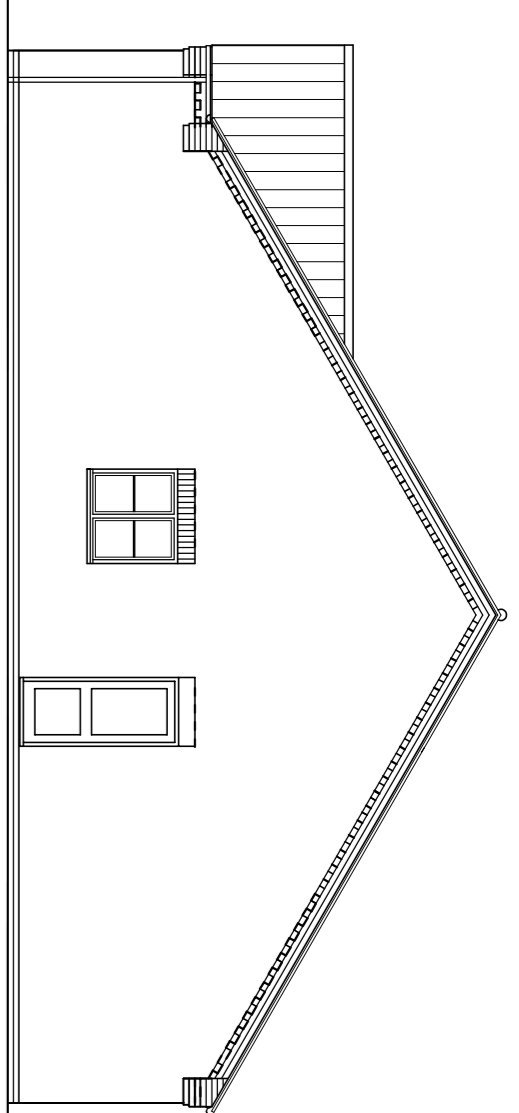
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Side Elevation  
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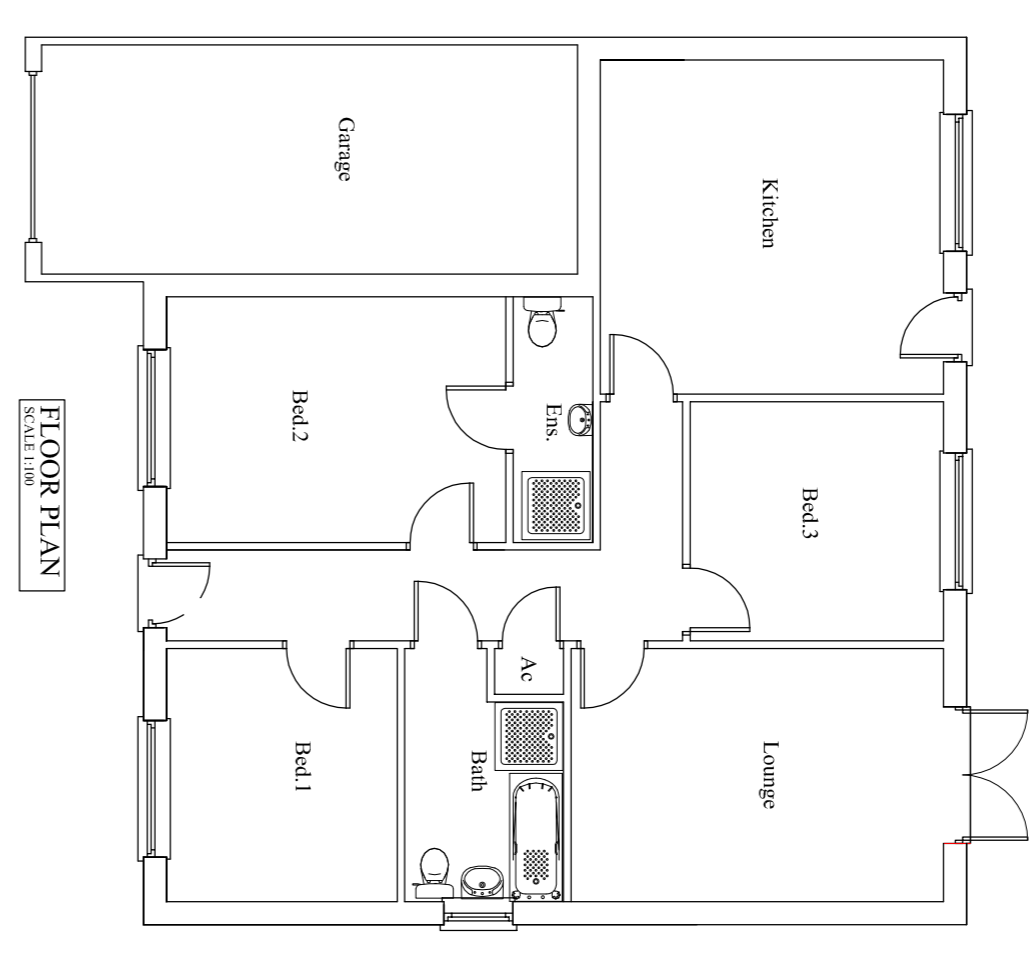


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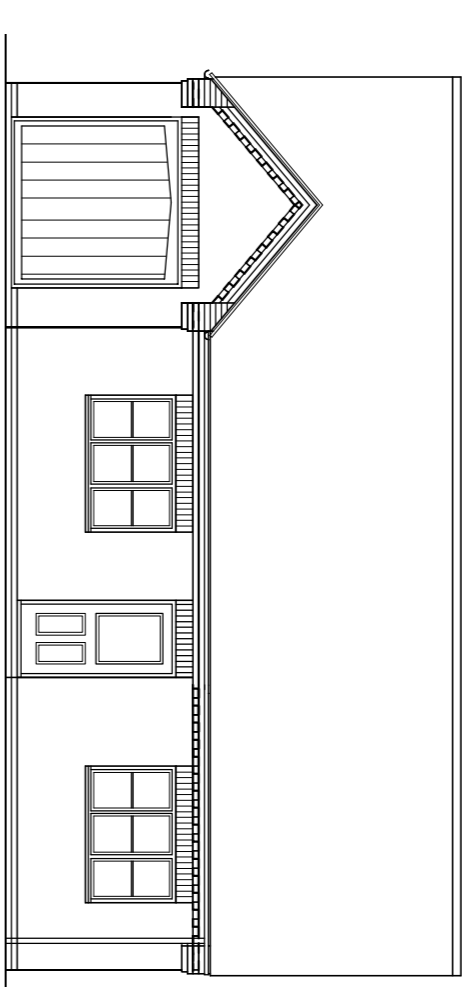
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**PLOTS 2,3**

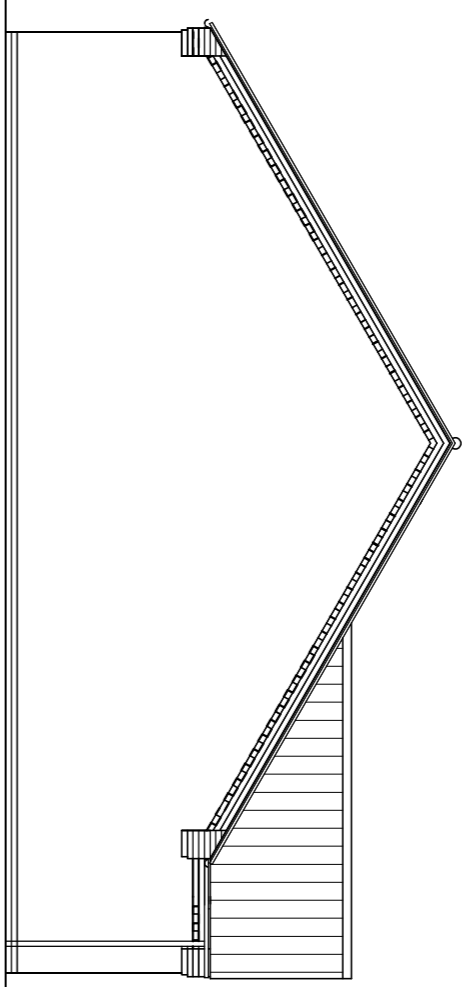


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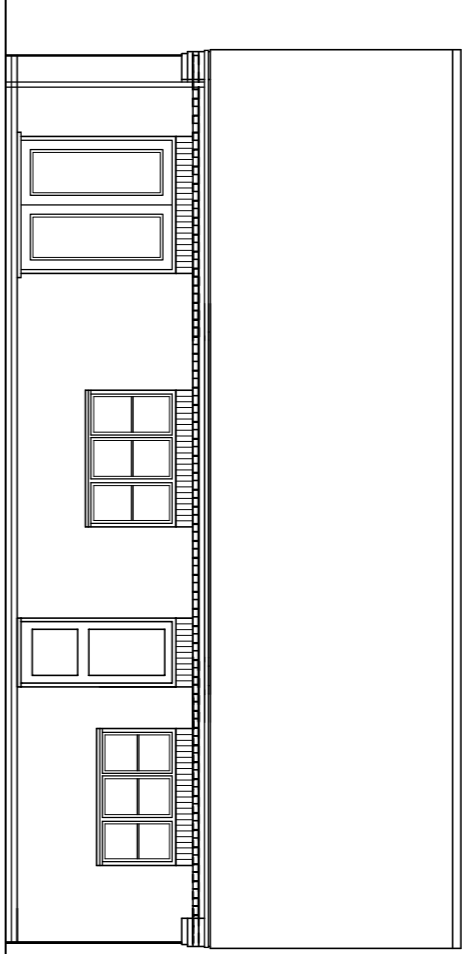
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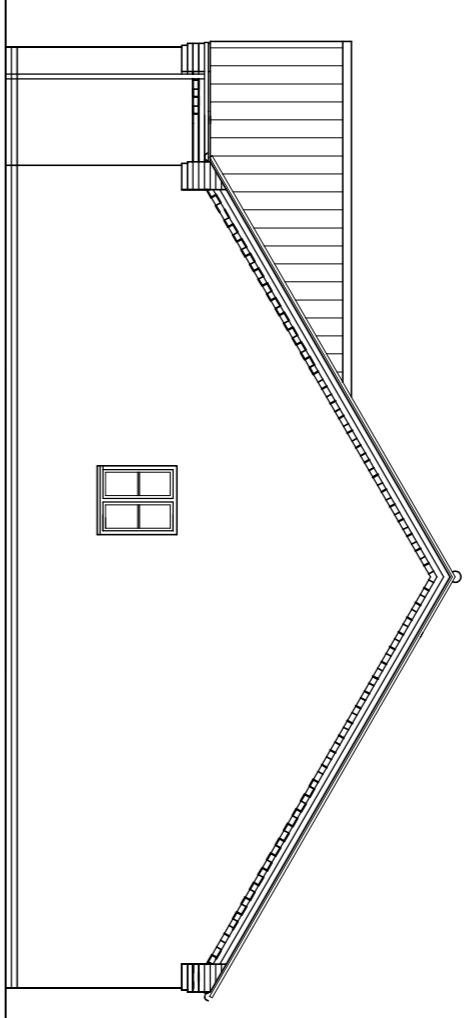
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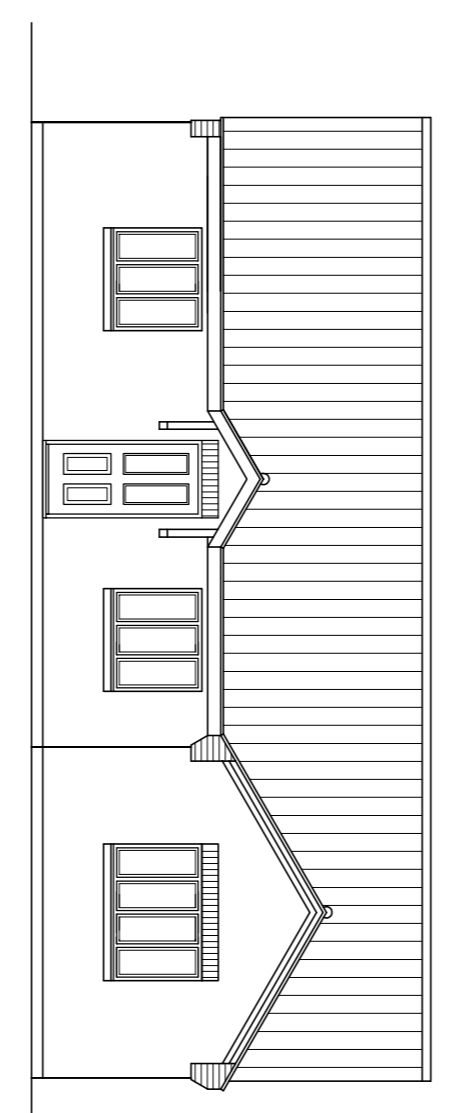
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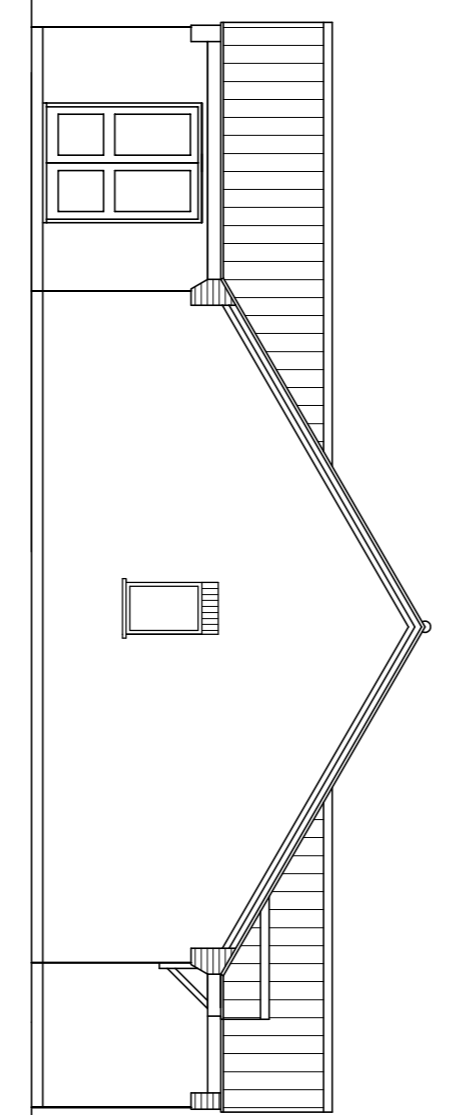
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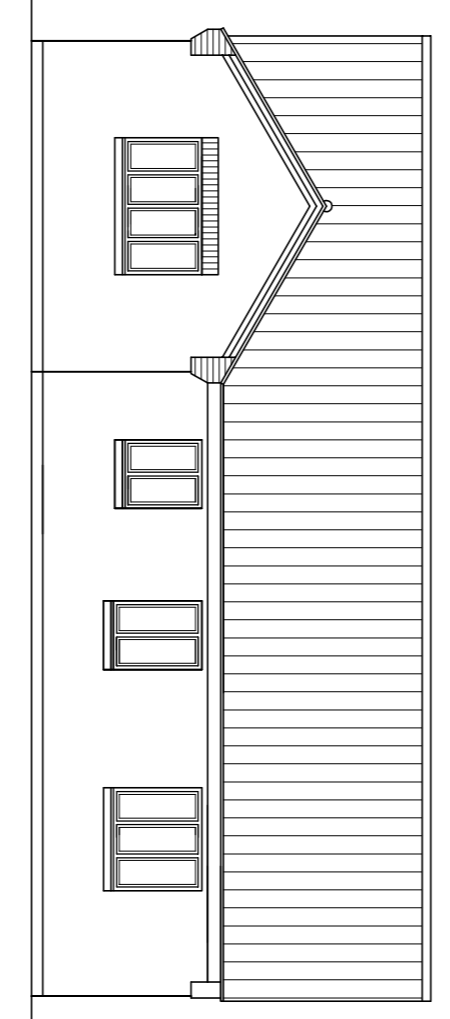
**PLOT 1**



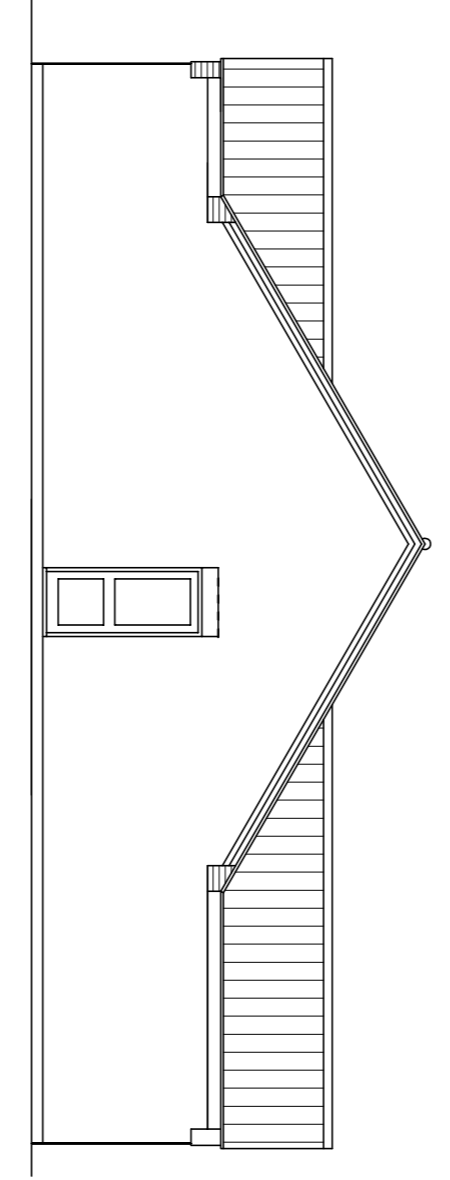
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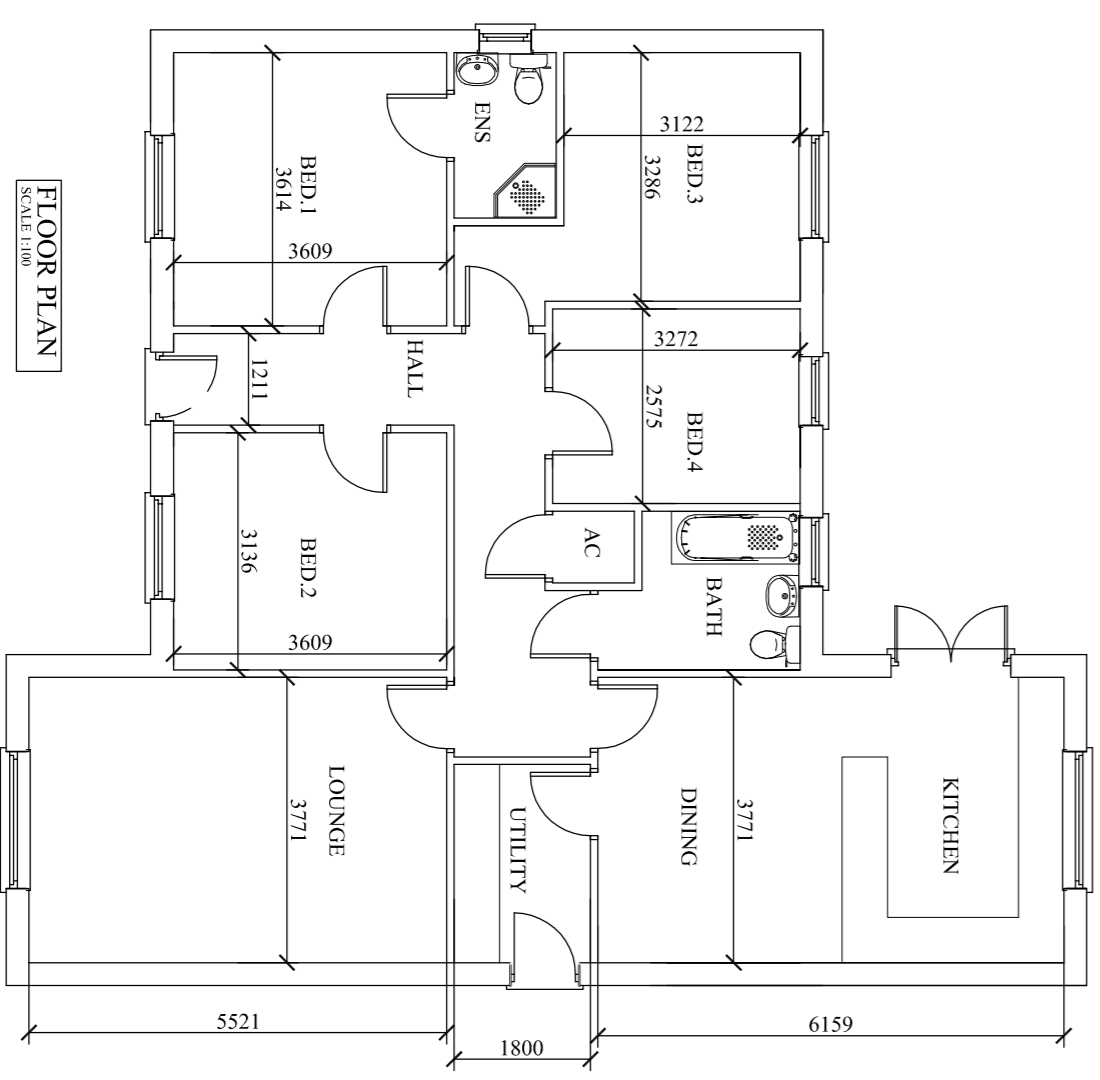
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REAR ELEVATION  
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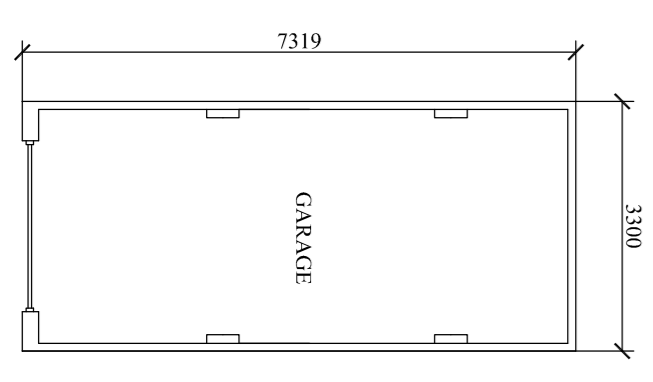


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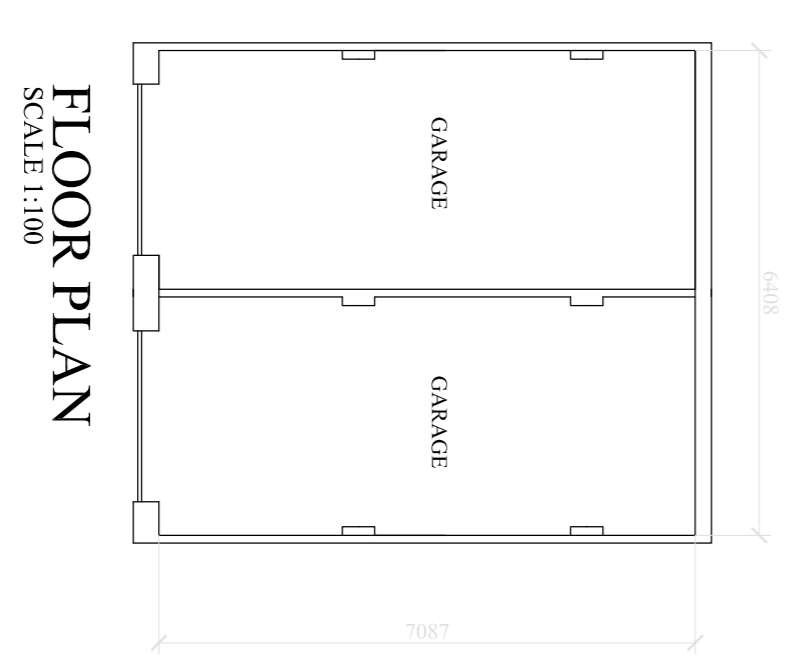


FLOOR PLAN  
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**PLOTS 4**



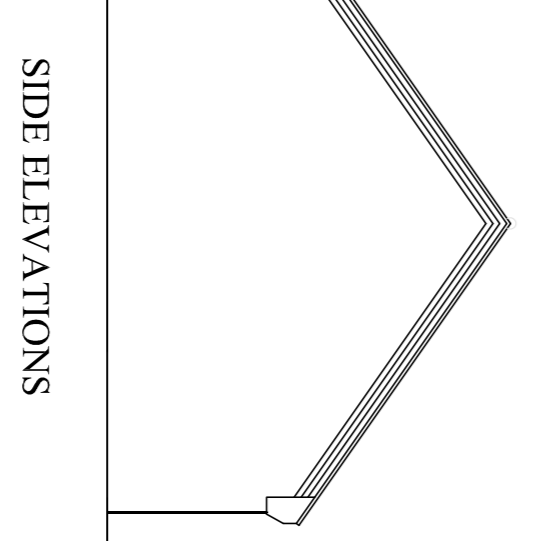
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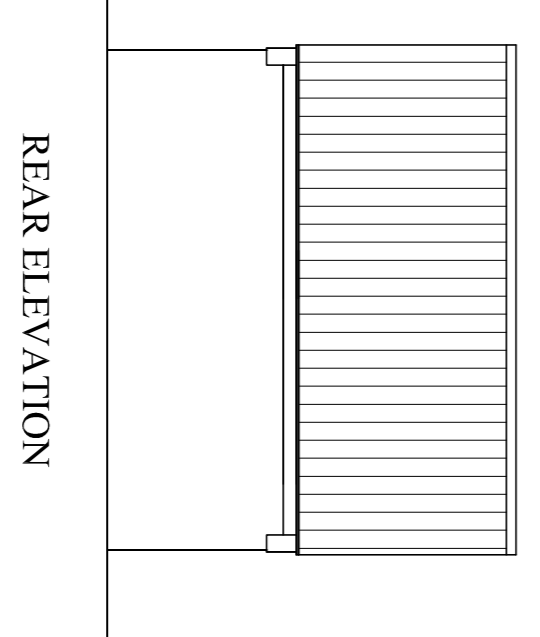
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FRONT ELEVATION  
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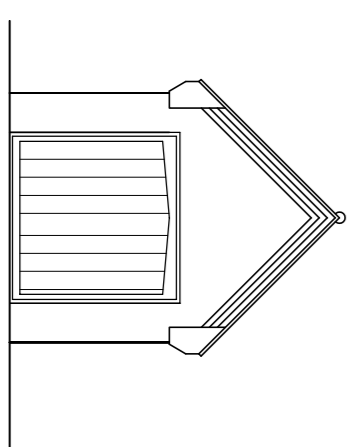


SIDE ELEVATIONS

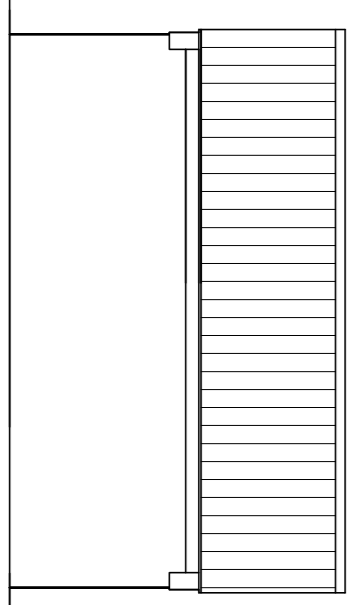


REAR ELEVATION

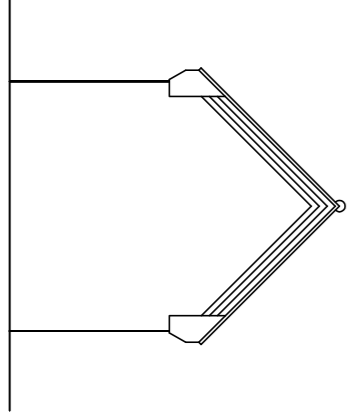
**PLOTS 2 and 3**



FRONT ELEVATION



SIDE ELEVATIONS



REAR ELEVATION

**PLOT 4**

notes

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