

F/YR16/0332/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) and the erection of a 3 metre high barrier fence along the eastern boundary of the site**

**This application is a minor application.**

**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, includes a noise assessment which identifies that a 3 metre high fence is required in order to attenuate the noise to an acceptable level within the outdoor amenity areas. Double glazed windows are also identified as being necessary in order to provide an acceptable level of amenity within the properties. There are no details submitted in order to identify whether appropriate ventilation for the properties is available (given that the windows would need to be constantly shut in order to attenuate the noise). This would create an unacceptable impact on the living conditions of the future occupiers. 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

- 2.1 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

- 3.1 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)
- Background Noise Assessment (March 2016)
- Flood Risk Sequential and Exception Tests Revision A (April 2016)
- Planning Statement (April 2016)

- 3.2 Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=O5ZRI1HE08000>

## 4 SITE PLANNING HISTORY

F/YR15/0770/O	Erection of 4 dwellings involving demolition of existing buildings (Outline application with all matters reserved)	Withdrawn 05/02/2016
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 repairs	Granted 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

**5.1 March Town Council:** Recommend approval.

**5.2 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. No highway objections subject to the following conditions/ recommendations; an amended plans that details the footway extension and access crossover should be submitted as part of this application or an appropriately worded condition should be imposed that secures details to be submitted at a later stage.

**5.3 Environment Agency:** No objections based on flood risk grounds. 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.

**5.4 Middle Level Commissioners:** No comments received.

**5.5 FDC Environmental Health Team:** Air Quality: Note and accept the submitted information and have no objections to the principle of the proposed development, as it is unlikely to have a detrimental effect on local air quality.

Noise: The layout of the property is noted and so is the inclusion of a fence, however, the description, dimensions and type of fence showing the sound barrier qualities will need to be shown. The fence should reduce the noise from the rail track and road to acceptable levels in the dwelling gardens. The desk study also shows that the applicants propose to fit Pilkington double glazing windows and we would require these windows specified in the desk study to be installed and proof that this has been done be submitted to discharge the condition.

Ground Contamination: Desk study / phase 1 investigation has concluded that some further investigation is needed, due to the change in sensitivity of site use and its former land use. Further investigation is required to demonstrate that the site is suitable for use; the contaminated land condition is therefore required.

**5.6 CCC Archaeology:** The site lies in an area of archaeological potential. Do not object to development from proceeding in this location; however the site should be subject to the programme of archaeological investigation secured through planning condition.

**5.7 Local Residents/Interested Parties:** None received.

## **6 POLICY FRAMEWORK**

### **6.1 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.

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

Flood Risk and Coastal Change

Flood Zone and Flood Risk Tables

Housing and economic land availability assessment

Noise

### **6.3 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)**
- **Design and Impact upon the Character and Appearance of the Area**
- **Highway Safety**
- **Health and wellbeing**
- **Economic Growth**

## **8 BACKGROUND**

- 8.1 Members will recall that this site was the subject of an application which was due to be heard by the Planning Committee but was withdrawn by the agent in February 2016. This scheme seeks to address these concerns. Principally the agent has submitted a Noise Assessment and included some additional information with regard to the sequential and exception tests in relation to flood risk.

## **9 ASSESSMENT**

### **Principle of Development**

- 9.1 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**

- 9.2 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.
- 9.3 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.

- 9.4 The agent has submitted some information to cover the Sequential and Exception Test. Officers consider that the information is not sufficient, as it lacks any detailed assessment of flood zone 1 land, 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 and some individual developments. In relation to those individual sites no evidence with regard to their availability, suitability or viability has been provided. The analysis is limited to sites that are seemingly for sale on 'Rightmove'. In general the assessment concludes that those sites are not yet available for development and that it is likely that the larger sites will be developed by volume house builders. Whilst it is acknowledged that there are yet to be any significant housing schemes within the strategic or broad locations for growth there is no evidence to suggest that the land will not be available to local house builders. Importantly the applicant has failed to consider other potential sites which could come forward on unallocated land.
- 9.5 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 proposed 4 dwellings.
- 9.6 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)**

- 9.7 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.
- 9.8 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 Noise Assessment which includes results of a background noise survey.
- 9.9 The Noise Assessment requires the following mitigation in order for the scheme to provide an appropriate level of amenity for the future occupiers of the proposed dwellings: double glazed windows seemingly across all of the development (i.e. all windows) and a 3 metre high fence (or combination of earth bund and fence) along the eastern boundary of the site.

- 9.10 The Environmental Health Team has reviewed the assessment and confirms that the mitigation proposed would satisfy their technical requirements. However there are two key factors which require consideration here.
- 9.11 Firstly the boundary treatment needs to be at least 3 metres in height in order to attenuate the noise. The impact visually upon the character and appearance of the area is considered below. It is though considered that, having regard to residential amenity, a 3 metre high fence is inappropriate having regard to the resulting impact (including the hemming in) which would result. These conditions are unsuitable to residential occupation.
- 9.12 Secondly the noise assessment requires that double glazing is employed in order to provide an acceptable level of amenity within the properties. However no regard is then given to ventilation or the need to open windows within the properties at certain times of the day. It would appear from the report that, in order to achieve the mitigation, the windows would need to be permanently shut. It is unreasonable for the Local Planning Authority to expect future occupants to have to live in such conditions. In addition if the site was occupied in this manner then the propensity to open windows may lead to complaints being received due to the noise generated from the adjoining business.
- 9.13 Accordingly it is considered that the requirements for the mitigation from the effects of noise from the existing business, road and railway line would create unacceptable impacts 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**

- 9.14 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.

#### **Design and Impact upon the Character and Appearance of the Area**

- 9.15 As the application is in Outline form, with no details of the houses committed, it is not necessary to consider this matter in any detail here (as it would be a Reserved Matter). However it is necessary to consider the mitigation impacts outlined in the noise assessment here. The proposed 3 metre high fence would be required along the eastern boundary of the site. This boundary faces the adjoining car repair business. The presence of a 3 metre high fence, notwithstanding that the road is higher than the site would result in a visually prominent and alien feature which would be seen in glimpses from the Creek Road frontage from both directions.
- 9.16 Whilst this would not create significant harm to the character and appearance of the area it is a further indication that the proposed residential development in this location is not considered acceptable.

### **Health and wellbeing**

- 9.17 In accordance with Policy LP2 of the Local Plan development proposals should positively contribute to creating a healthy, safe and equitable living environment.
- 9.18 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 on a brownfield site within a market town location; however they would be located within high risk flooding area and there would be sub-standard levels of amenity available to future living conditions owing to the noise attenuation features required. As such the proposal does not accord with Policy LP2.

### **Economic Growth**

- 9.19 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.

## **10 CONCLUSIONS**

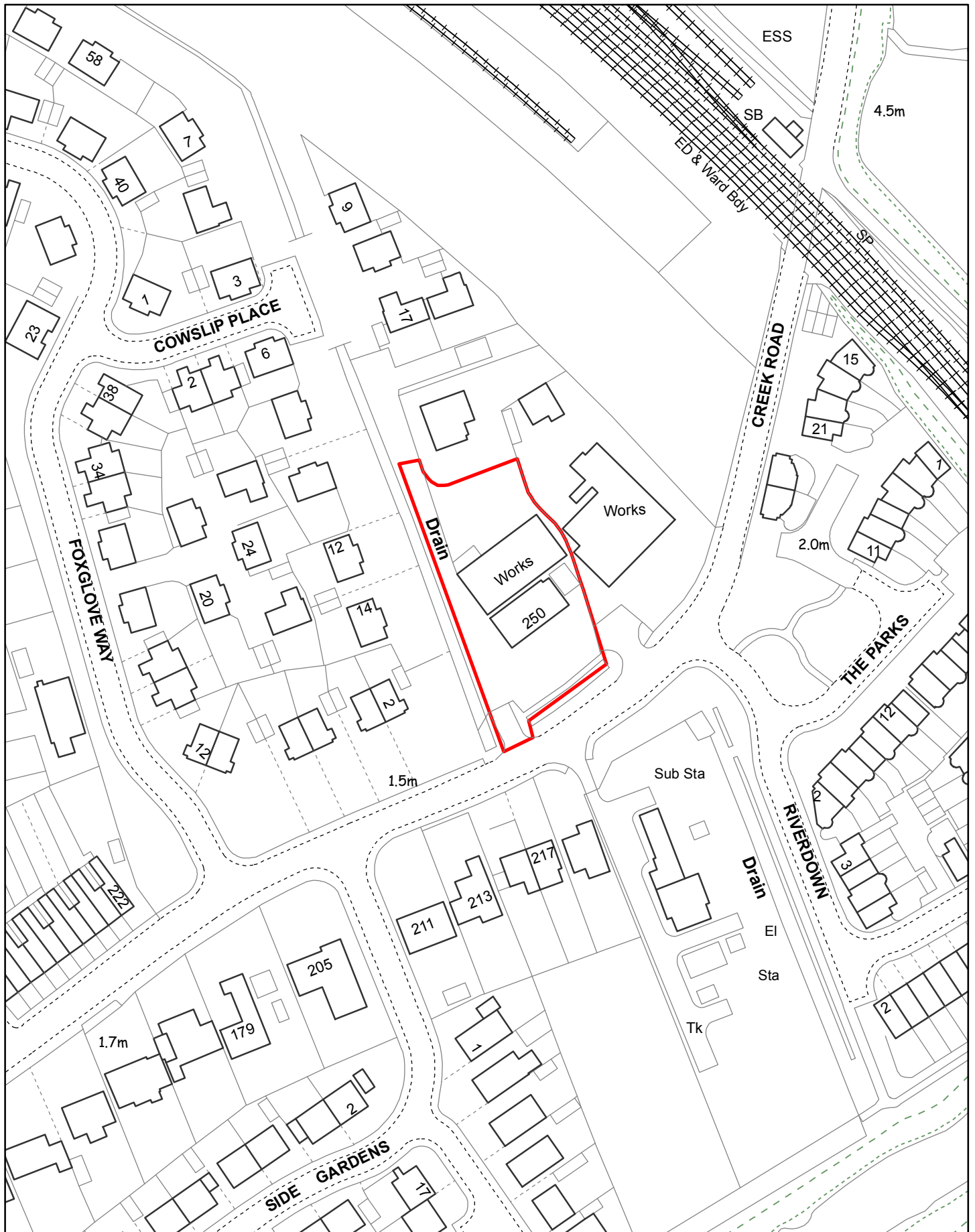
- 10.1 The proposed scheme is considered unacceptable for two reasons.
- 10.2 Firstly the site is located within Flood Zone 3 (high risk area). Officers consider that the information submitted in relation to the required Sequential Test is not sufficient and therefore has not been passed.
- 10.3 Secondly, the impacts of the mitigation which is required in order to attenuate noise impacts to an acceptable level would create unacceptable living conditions for the future occupiers of the site owing to the need for 3 metre high fencing, the requirement for windows to be constantly closed and the lack of any details regarding ventilation of the properties.
- 10.4 Accordingly the principle of residential development in this location would be unacceptable and contrary to Policies LP2, LP14 and LP16 of the Local Plan.
- 10.5 For the reasons given above it is recommended that the proposed development is refused.



## 11 RECOMMENDATION

### Refuse

1.	<p>Policy LP14 (Part B) of the Fenland Local Plan (2014) requires development proposals in high flood risk areas to undergo a sequential test to demonstrate through evidence that the proposal cannot be delivered elsewhere in the settlement at lower risk of flooding. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within Flood Zone 3 which is a high risk flood area. The applicant has failed to demonstrate that the development could not be delivered in an area of lower flood risk thereby failing LP14 (Part B). Consequently, the proposal also fails to satisfy policy LP2 of the Fenland Local Plan as it fails to deliver a high quality environment and unjustifiably puts future occupants and property at a higher risk of flooding.</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 adjoining businesses or employment sites. The application site adjoins a car repair workshop, road and is close to a railway line. The proposed mitigation in order to attenuate noise impacts to an acceptable level would require the development to include a 3 metre high boundary treatment (to the eastern and southern boundaries) and double glazed windows (which could not be opened in order to maintain the required level of attenuation). Insufficient details are provided with regard to the ventilation of the windows. The impacts of the mitigation would create an unacceptable and substandard level of residential amenity to the future occupiers. As such the proposed development would not provide a good standard of residential amenity. The proposal is therefore contrary to Policy LP2 and part (o) of Policy LP16 of the Fenland Local Plan (2014) and Policy DM9 of the SPD Delivering and Protecting High Quality Environments in Fenland.</p>



Created on: 18/05/2016

© Crown Copyright and database rights 2016 Ordnance Survey 10023778

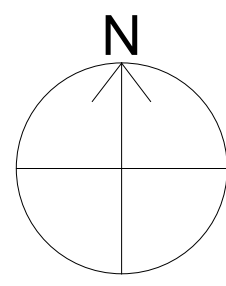
**F/YR16/0332/O**

Scale = 1:1,250



250  
EXISTING BUNGALOW

EXISTING GARDEN



**ba**  
**brand**  
associates  
architects  
2A Dartford Road  
March PE15 8AB  
tel [01354] 653 818  
fax [01354] 651 951  
mail@brand-associates.net

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

REVISIONS  
C - 06.07.16 - Acoustic fence added

WORKS

A to B:  
New acoustic barrier  
fence as specified in  
clover acoustics  
report no 3461-R1

KERBS & REMOVABLE  
BOLLARDS AT 2.6mcs  
SUBJECT TO IDB  
APPROVAL

BIN STORE

WEEKLY BIN  
COLLECTION POINT

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

