

F/YR16/0355/F

**Applicant: Mr L Brownlow
Solar Savings 4 U Ltd**

**Agent : Swann Edwards
Architecture Limited**

Land West Of Kinloss, St Johns Chase, March, Cambridgeshire

Erection of 6 x dwellings comprising of: 1 x block of 4 x 2-bed flats, 1 x single storey 1-bed dwelling, 1 x 2-storey 3-bed dwelling and a cycle shelter and bin store involving the demolition of existing dwelling

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

1 EXECUTIVE SUMMARY

This application seeks full planning permission for the erection of 6 dwellings on land west of Kinloss, St Johns Chase, March.

The proposed scheme is considered unacceptable for reasons relating to the effect of the proposal in relation to the character and appearance of the area, living conditions of future occupiers of the proposed dwellings, impact on residential amenity and also biodiversity. The proposed development would lead to a number of contrived impacts owing to the scale and density of the development which is sought.

Accordingly the proposal, in its current form would be unacceptable and clearly contrary to Policies LP2 and LP16 of the Fenland Local Plan. The application is therefore recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The site is bounded on all sides with residential development, albeit the Church located to the south of the site. There is a mix of dwelling types within the immediate area and the site lies within an area of the private rear garden areas of these dwellings. The site lies within Flood Zone 1.

3 PROPOSAL

- 3.1 The proposal seeks full planning permission for the erection of 6 dwellings comprising of: 1 x block of 4 x 2-bed flats, 1 x single-storey 1-bed dwelling, 1 x 2-storey 3-bed dwelling, cycle shelter and bin store involving the demolition of the existing dwelling known as Kinloss.
- 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=O6AC2EHE06P00>

4 SITE PLANNING HISTORY

16/0018/PREAPP	Erection of 4 x 2-bed flats, 1 bungalow and replacement dwelling	Not supported 29.02.16
F/YR14/1026/O	Erection of a dwelling	Refused 17.02.15

5 CONSULTATIONS

5.1 March Town Council: Recommend approval.

5.2 Cambridgeshire County Council Highways Authority: No objections subject to planning conditions relating to on-site parking and turning, details of construction of vehicular access and temporary facilities.

5.3 Anglian Water Services Ltd: No comments to make.

5.4 Housing Strategy (FDC): On this application which is for 6 dwellings, I would expect an affordable housing contribution equivalent to one dwelling and a further 0.2 of one dwelling in accordance with the Local Plan policy. It has been decided that the affordable housing planning requirement on sites submitted for planning between 1st April 2016 and 31st March 2017 can be discharged by way of a financial contribution rather than on site provision. This will apply to all applications which are for 37 dwellings or fewer. If the applicant chooses to provide a financial contribution rather than seek an RP partner to deliver the on site affordable housing, the affordable housing financial contribution will be calculated in accordance with the mechanism provided in the Local Plan policy and as follows:

-The applicant should submit the necessary open market values of homes which would otherwise have been affordable housing to FDC.

-FDC will assume that RPs would usually pay 55% of OMV for a rented dwelling and 65% of OMV for a shared ownership dwelling.

-FDC will assume that 70% of all affordable homes will be rented tenure and 30% will be shared ownership tenure.

5.5 FDC Scientific Officer (Land Contamination): Note and accept the submitted information and have no objections to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate. Although this development involves the demolition of an existing structure this is not on the building foot print or amenity area therefore contamination is not considered likely.

5.6 PCC Ecologist: Objects – an Ecological Appraisal/Phase 1 Habitat Survey should be carried out and a report should be provided in advance of determination of this application.

5.7 Police Architectural Liaison Officer: Objects – there have been 36 crimes recorded in the last two years along St Johns Chase. Concerns with access and parking layouts, lack of surveillance leading to the flats and for the proposed bungalow. No natural surveillance over the parking spaces for the flats and the

position of cycle shelter and bin store may form a climbing aid to the rear garden of the new 2-storey dwelling and/or the existing dwelling – The House.

5.8 Local Residents/Interested Parties: 7 objections have been received from owners/tenants/landlords of properties on St Johns Road (2) and St Johns Chase (5). The objections may be summarised as follows:

- Inaccuracies to the plan – the fence line shown to the rear of ‘The House’ is inaccurate;
- Expect a new fence to be erected the full length of southern side and western rear boundaries of ‘The House’ immediately north of the site;
- The proposal is overdevelopment of the site and is an unacceptable density;
- On a number of occasions there has been localised flooding on the site – once built on may result in future localised flooding affecting properties;
- The type of development (flats) is not appropriate;
- The proposal will be over-bearing and out of character with existing properties;
- Increase with on road parking and road usage, particularly given recently built properties in St Johns Road;
- Increase usage of the existing sewerage system;
- There is a risk of obscurity of the proposed properties to the rear of the site which could result in potential criminal activity;
- The location of the refuse bin storage area should be re-positioned as there will be odours during summer months into adjacent neighbours garden;
- The proposed bungalow is not appropriate in its location and should be considered as garden land only;
- There are windows shown the northern side elevation of the proposed replacement dwelling which may hinder the possibility of future extensions to ‘The House’;
- The proposed block of flats are too close to neighbouring properties which will cause overlooking and overshadowing as well as create additional noise;
- The proposed gravel driveway and parking area will cause excessive noise;
- The parking space for the proposed bungalow is tight which means in order to get a car parking a number of turning movements would be required on the gravel driveway in close proximity to neighbouring properties;
- There is no tree on the boundary of 10 St Johns Road as shown on the submitted site layout plan;
- The existing trees on the site inhabit bird species including woodpeckers and owls – the proposal would take this away;
- The proposal is high density and is overdevelopment – the proposed bungalow and flats are being squeezed into too tight a space with little walking access around the site;
- Little thought has been given to the wildlife habitat that exists;
- Potential for criminal activity and also light pollution; and
- Devaluation of adjacent properties.

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)

RECAP Waste Management Design Guide (February 2012)

7 KEY ISSUES

- **Principle of Development**
- **Impact on the character and appearance of the area**
- **Impact on residential amenity (including future occupiers)**
- **Access and Parking**
- **Refuse collection**
- **Biodiversity**
- **Health and wellbeing**
- **Economic Growth**
- **Other Considerations**

8 BACKGROUND

- 8.1 Planning permission has been refused in February last year for 1 dwelling on this site. In addition a pre-application submission was received earlier this year for the same proposal as that proposed under this application where advice was given that it was unlikely that the scheme would receive Officer's support.

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.

Character and Appearance

- 9.2 The site lies within an area of private rear gardens of a number of frontage properties along St John's Chase, St John's Road and Station Road. The proposed replacement dwelling is considered to be appropriate in terms of its scale and form. Whilst it would result in the replacement of a bungalow with a two-storey house this is considered to be acceptable owing to the presence of two storey properties to either side. The replacement dwelling would have parking to the front of the property which is undesirable. A less dense development (see comments below regarding the remainder of the proposal) could address this by accommodating parking to the side or rear of any new dwelling.
- 9.3 The proposed building block occupying the 4 x 2-bed flats would stand apart from the existing buildings, behind the roadside development when viewed from St John's Chase and it would unacceptably intrude into the largely undeveloped garden areas. Its position would also be inconsistent with the existing pattern of development in the immediate locality. A similar, albeit less harmful owing to the presence of the dwelling known at 10 St Johns Road, position would occur with the proposed bungalow which would be sandwiched in-between the existing houses at 10 St Johns Road and Palmward House St Johns Chase.
- 9.4 While the backland proposals would be set back from the surrounding streets, it would be visible to some extent. This harm is amplified by the density of the development and the lack of any meaningful space between the proposed buildings and the surrounding features. Such effects are out of character with the local area given, on the whole, that the local area includes houses within large plots.
- 9.5 This concern is heightened by the two-storey nature and scale (15 metres depth) of the proposed block occupying the 4 x 2-bed flats, which would be unsympathetic to the clearly established pattern of development. Accordingly the proposal would be detrimental to the character and appearance of the area, in conflict with national and local plan policy, with particular regard to criteria (d) of Policy LP16 of the Local Plan.

Impact on Residential Amenity (including future occupiers)

- 9.6 The proposed replacement dwelling would not introduce any unacceptable impacts in terms of overlooking or overbearing impacts upon the neighbouring

properties. It would also provide an acceptable level of private amenity space for the future occupiers of the proposed replacement dwelling.

- 9.7 The proposed bungalow would provide a reduced level of private amenity space but, on balance, this is considered to be appropriate. It is noted that the car parking space allocated to this property is extremely close to the front door, that the car would need to be moved in order to move refuse bins out for collection and that the bedroom may be prone to noise owing to its location relative to the access which would lead to the proposed flats to the west.
- 9.8 With regard to the impact of the proposed bungalow upon the residential amenity of the existing properties this is considered to be acceptable with regard to the relationship of the development to the property to the west (10 St Johns Road) given the siting of the respective dwellings. However the relationship with the property to the east (Palmward House) is considered to be unacceptable owing to the siting of the respective dwellings and the bulk of the upper part of the bungalow (including the roof) which would stretch 10.5 metres at a distance of 6.8 metres from the main part of Palmward House. This relationship would create a feeling of being hemmed in within the rear amenity space of Palmward House and this impact would create an unacceptable impact.
- 9.9 The proposed two storey building which includes the four 2-bed flats would provide an unacceptable level of amenity owing to the small size (approximately 48 square metres) of the shared amenity space. The flats all provide 2-bed accommodation and therefore it is very possible that children would live within the development. There also appears to be insufficient space for washing lines to be provided. The amenity space would also be shaded by virtue of the proposed building and an existing tree. In addition the proximity of the parking for Flat 1 would be compromised by the need to enter the flat in that location (i.e. when leaving the front door you would need to walk straight onto the parking space). The gates into the shared amenity space can also only be used when cars are not parked in the parking spaces. As a result the future occupiers of the site would have an unacceptable level of residential amenity.
- 9.10 The proposed building (four x 2-bed flats) would have acceptable impacts to the south (owing to the building being a Church). It would have unacceptable impacts to the north in relation to the property known as Levante. This would be caused by a combination of the overlooking from the first floor windows (which would serve two lounges facing north and a kitchen window facing east)) and the scale and bulk of the building. Whilst it is acknowledged that these impacts would mainly be upon the secondary amenity space of the property (i.e. not immediately adjacent to the rear of the dwelling) the resulting impacts would unacceptably compromise the private amenity of Levante.
- 9.11 The proposal also raises concerns in respect of crime risk and anti-social behaviour which is mainly derived at by the isolated location and position of the site from public surveillance from St John's Chase. As a result the development would lack creditable surveillance and would greatly increase the crime risk for future residents in particular that of burglary and distraction burglary.
- 9.12 In terms of the proposed layout there would be no natural surveillance over the parking spaces for any of the proposed flats and proposed bungalow which would increase the future occupiers' vulnerability to crime. The position of the cycle shelter and bin store is such that they are likely to form climbing aids to the rear

garden of the proposed 2-storey dwelling and/or the existing dwelling known as The House.

- 9.13 Overall the proposal would provide a sub-standard, unsafe environment and unacceptable level of amenity having regard to that which should be provided for the future occupiers of the site and some of the nearby residents. This underlines the contention that the development is out of character with the area and lacks sufficient space to enable circulation. Accordingly the proposal would conflict with criteria (e) (h) and (j) of Policy LP16, criteria (c) and (h) of Policy LP17 and Policy LP2 of the Local Plan.

Access and Parking

- 9.14 The proposed development offers 2 spaces per unit with the exception of the proposed 1-bed bungalow where the parking provision would be 1 space. This level of parking would generally accord with the parking standards set out in Appendix A of the Local Plan.
- 9.15 The parking layout takes up much of the space available and, as stated above, it is questionable whether or not the future occupiers of Flat 1 could access their dwelling given the parking space position. This highlights that the proposal would result in an overdevelopment and that it would create a poor living environment.
- 9.16 The Highway Authority have raised no objection to the proposal subject to planning conditions relating to the permanent space for parking and turning, full details of the access construction and details of temporary facilities during the construction period. Accordingly the proposal would comply with Policy LP15 of the Local Plan in this regard.

Refuse collection

- 9.17 The proposed access to the site would be private; therefore the Council refuse vehicles would not enter the drive due to its ownership and construction. As a consequence waste collection arrangements should be provided at the roadside. Although not shown on the proposed layout plan the addition of up to 12 bins on the access point would result in a loss of amenity in the area, albeit of a temporary nature (i.e. once a week).
- 9.18 The bin storage area shown for the proposed flats is around 30 metres from the road, the carry distance in paragraph 5.6 of the RECAP design guide is slightly exceeded to allow bins to be stored at the roadside.
- 9.19 The alternative is a private collection; however it is unclear whether the proposed access road could take the weight of a refuse vehicle, particularly in the interests of the size of the site. Whilst other opportunities may exist for the collection of waste from the development proposed, this has not been explored on this occasion given the fundamental concerns referred to in this report. Notwithstanding this, it is a further indication that the proposed development in this form is not considered acceptable.

Biodiversity

- 9.20 The Biodiversity Checklist completed by the applicant confirms that there have been no site surveys for bats or breeding birds and any other protected species, except for an Initial Biodiversity Report which confirms a number of walk overs by the agent have taken place— although there is no expert evidence to support statements in that report that no protect species or habitats would be affected. The site is also heavily overgrown with brambles with trees within and 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. Without detailed survey evidence the 'precautionary principle' should apply to safeguard the objectives of policies LP16 (b) and LP19 of the Local Plan.

- 9.21 The Council's Ecologist also concurs with this view and objects to the proposal as it is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development is established before planning permission is granted.

Health and wellbeing

- 9.22 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. Whilst the scheme would deliver some family housing in a market town location, the proposal would not promote high levels of residential amenity for future occupiers and would as have adverse impacts on neighbouring dwellings. As such the proposal does not accord with Policy LP2.

Economic Growth

- 9.23 The proposal would provide additional housing stock for Fenland which would promote economic growth in accordance with Policy LP6 of the Local Plan, however this does not outweigh the fundamental conflict with other policies of the Local Plan.

Other Considerations

9.24 *Planning Obligation Requirements*

The proposed scale of the development engages the requirement for a planning obligation to address affordable housing. This would take the form of a financial contribution. The lack of such an obligation therefore means that the proposal is contrary to Policy LP5 of the Local Plan.

9.25 *Loss of property value*

Case Law has determined that this is not a material planning consideration and therefore no weight should be given to this point.

10 CONCLUSION

- 10.1 This proposal would result in the creation of six residential units following the demolition of a bungalow. The proposal two-storey dwelling on the frontage to St Johns Chase would have an acceptable impact. However the remainder of the proposal would result in a number of unacceptable impacts which are mainly derived from the density of the development which is sought. The proposal would unacceptably impact the character and appearance of the area owing to the location of the proposed buildings and the lack of harmony with the character of the area. For example the proposed bungalow and two-storey flat development have insufficient space around the buildings in order to enable them to complement the relatively spacious character of the area.
- 10.2 There are a number of unacceptable impacts upon the residential amenity of the future occupiers of some of the site buildings and also upon some of the neighbouring dwellings. These mainly result owing to the proximity and density of

the development. The development would fail to provide an acceptable level of residential amenity.

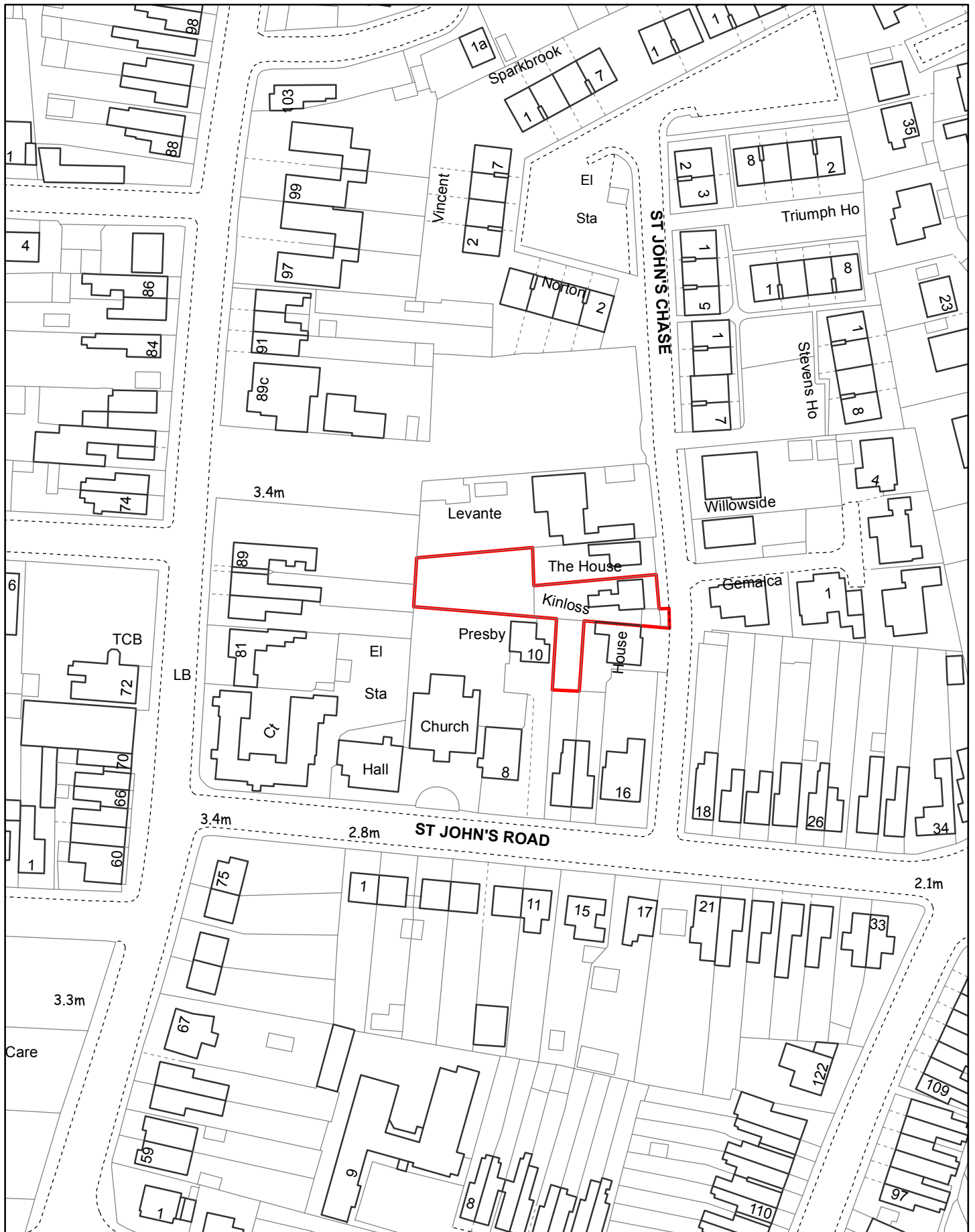
- 10.3 The development also includes insufficient information with regard to biodiversity matters. There is also no planning obligation to secure an affordable housing contribution and therefore the development is also unacceptable in this regard.

11 RECOMMENDATION

Refuse

1.	Policy LP16 (d) requires all new development to make a positive contribution to the local distinctiveness and character of the area and responds to and improves the character of the built environment. The proposed bungalow and two storey flat development would be located in a detached position unrelated to existing road frontage development on St John's Chase and as a result would appear incongruous when viewed in the context of the existing built form and be harmful to the character and appearance of the area. The development would also appear to be contrived owing to the extent of the built form located upon the site such that it would appear to be an overdevelopment of the site. As such, the proposal is contrary to criteria (d) of Policy LP16 of the Fenland Local Plan 2014 which states that development will only be permitted which would make a positive contribution to the local distinctiveness and character of the area and responds to and improves the character of the built environment.
2.	Policies LP2 and LP16 (e and h) seek to deliver high quality living environments with high levels of residential amenity. The proposed bungalow and two storey flat development would result in an unacceptable impact upon residential amenity having regard to the location and proximity to adjoining residential properties. This would create unacceptable impacts in relation to overlooking and overbearing effects. As such the proposed bungalow and two storey flat development would create unacceptable harm to the living conditions of the occupants of the neighbouring properties surrounding the site and also would provide a substandard level of amenity to the future occupiers of the two storey flat development. Accordingly the proposal would be contrary to criteria (e) and (h) of Policy LP16 and Policy LP2 of the Fenland Local Plan 2014.
3.	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.
4.	In accordance with criteria (j) of Policy LP16 and to criteria (c) and (h) of Policy LP17 of the Local Plan developments should provide a safe environment and incorporate security measures to deter crime. The proposed development would be located in a remote location away from public surveillance and vehicles associated with the proposed flats and proposed bungalow would be unable to park with direct surveillance from the future occupiers. In addition the position of the proposed cycle shelter and bin store area is such that they may

	<p>form climbing aids to the rear garden areas of the proposed 2-storey dwelling and the existing property known as The House. As such the risk and fear of crime for future occupiers of the site and existing occupiers of adjoining properties would be increased and therefore be detrimental to their amenities. Accordingly the proposed development is contrary to Policy LP16 and to criteria (c) and (h) of Policy LP17 of the Fenland Local Plan 2014.</p>
5.	<p>Policies LP5 requires housing developments on sites between 5-9 dwellings to provide 20% of dwellings to be affordable housing. The applicant has failed to enter into an obligation that would provide affordable housing provision. For this reason the proposed development is contrary to Policy LP5 of the Fenland Local Plan 2014.</p>



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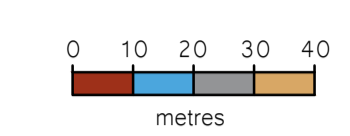
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General Notes
 1. This drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in 'mm' unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 5. Any discrepancies are to be brought to the designers attention.

Location Plan

Scale: 1:1250



SITE PLAN KEY

	Indicates neighboring properties (from ordinance survey location plan)		Indicates proposed parking spaces
	Indicates proposed new buildings		Indicates proposed concrete patio slabs
	Indicates existing unsurveyed trees		Indicates existing structure to be removed
	Indicates proposed planting		Indicates proposed 1.8m high close boarded timber fence
	Indicates existing surveyed trees		
	Indicates existing site access (to be widened)		
	Indicates proposed gravel		
	Indicates proposed block paving		
	Indicates proposed grassed areas		
	Indicates proposed tarmac area		
	Indicates proposed lockable timber gate		

Revisions	
A	April 2016 Planning query amendments
B	May 2016 Further planning amendments

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Job Title	Date	Scale
Proposed Dwellings Land Rear of Kinloss Chase, March, Cambs For: Mr L. Brownlow	April 2016	Various Sheet Size A1
Drawing Title	Job No.	Drawn by
Proposed Site Layout and Location Plan	SE-554	SH
	Dwg No.	Revision
	30	B

Site Plan

Scale: 1:200

