F/YR16/0264/F

Applicant: Mr G Wilding Agent : Mr Nigel Lowe Peter Humphrey Associates Ltd

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

Erection of 9 x 2-storey 2-bed dwellings

Reason for Committee: The Town Council's views are in conflict with the Officer recommendation and due to the level of objection received from local residents.

1 EXECUTIVE SUMMARY

The application seeks full planning permission for the erection of 9 x 2-bed dwellings on land west of 126-132 Elliott Road, accessed from Peas Hill Road, March. A previous identical application was refused permission owing to the lack of any planning obligation and insufficient evidence regarding biodiversity.

The layout plan is considered to provide sufficient detail in order to demonstrate that the scheme would not have any unacceptable impacts with regard to the relationship with adjoining residential properties.

The application has demonstrated that technical considerations, such as flood risk, drainage and highway impacts, have all been considered to the satisfaction of the relevant consultees. Subject to a number of conditions the impacts here are again considered to be acceptable.

Biodiversity considerations have been negated as a result of the demolition of the site building. It is not now reasonable to require further survey work from the applicant.

The proposal requires affordable housing provision, by providing 1 dwelling on site and a commuted sum which has been accepted by the applicant. Unlike the previous application the proposal complies with Policy LP5 in this respect subject to the completion of a Section 106 Agreement.

Overall the development is therefore considered to be acceptable subject to planning conditions and a Section 106 Agreement.

2 SITE DESCRIPTION

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

between Nos 126 and 128 Elliott Road. There are a number of trees on the site affected by the development however these are modest in scale and of poor form visually.

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

3 PROPOSAL

- 3.1 The proposal is for 9 x 2-bed properties laid out in 3 terraces of 3 dwellings. No details of building materials have been included. Access to No 201 will be maintained via a driveway to the south of the development. 15 parking spaces will be provided within a parking court mainly along the eastern boundary of the site.
- 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=O5BB1VHE01U00

4 SITE PLANNING HISTORY

F/YR15/1001/F	Erection of 1 x 4-bed and 3 x 3-bed single-storey dwellings with garages	Withdrawn 25/02/2016
F/YR15/0263/F	Erection of 9 x 2-storey 2-bed dwellings involving demolition of existing outbuilding	Refused 24/07/2015
F/YR08/1092/F	Erection of 12 x 2 bed terraced houses involving demolition of existing outbuildings on land west of 126-132 Elliott Road.	Withdrawn 26/02/2009
F/YR04/4132/RM	Erection of 26 houses comprising 20 x 2 bed terraced, 2 x 3 bed terraced, 2 x 3 bed semi-detached with associated parking. Baxters Dairy and Land south of Peas Hill Road March – development to the north of this site.	Approved 29/06/2005
F/YR03/0800/O	Erection of two bungalows. Land West Of 126 - 128 Elliott Road March.	Approved 11/08/2003
F/YR02/0683/O	Residential development (0.428ha). Baxters Dairy and Land south of Peas Hill Road March	Approved 17/10/2003.

5 CONSULTATIONS

- **5.1 March Town Council**: Recommend refusal due to overdevelopment, flooding and traffic issues.
- **5.2 Police Architectural Liaison Officer:** No objections and no comments on the proposed design other than request for a lighting plan to ensure car park areas have sufficient spread of light.
- **FDC Housing Officer:** As this is a site of 9 dwellings the Affordable Housing requirement is for one dwelling plus a financial contribution of 0.8 towards a further dwelling. It is noted that the developer wants to provide on-site affordable housing and has agreed in principle a policy compliant scheme.
- 5.4 FDC Scientific Officer (Land Contamination): No objection. Note and accept the submitted information. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. A Phase 1 / desk study has been submitted, this is noted and accepted by Environmental Health, the study suggests that due to the historical land use that there is the potential for pollutant linkages to exist and therefore an intrusive (phase 2) investigation is needed. The contamination condition is therefore required if permission is granted although the desk study element has been carried out.
- 5.5 CCC Highways Authority: No highway objection. The number of dwellings proposed exceeds the acceptable quantum that should be served by a private drive. Given the restricted width of the access the applicant is unlikely to be able to construct the access to an adoptable standard and therefore the road will have to remain private. FDC should be mindful of approving developments of this scale that are served off a private drive. FDC must consider the long-term implications of permitting such development in terms of construction, future maintenance, lighting and surface water drainage of the access road(s) together with refuse collection.
- **5.6 CCC Archaeology:** No objections, however records indicate that the site lies in an area of high archaeological potential therefore the site should be subject to a programme of archaeological investigation secured through the inclusion of a planning condition.
- **5.7 Middle Level Commissioners:** No comments received.
- **5.8 Anglian Water:** No comments received.
- 5.9 Local Residents/Interested Parties: A total of 8 objections have been received from 8 properties; 2 properties on West End and 6 on Elliott Road. The objections may be summarised as follows:
 - Loss of privacy and overlooking of garden areas;
 - Loss of light to the rear of property;
 - Loss of value to property;
 - Increase in the amount of traffic using the access increasing danger to children;
 - The car park and turning area is going to be gravel causing noise at all hours
 - Impact from noise, dirt and dust during construction
 - Two-storey development is unacceptable
 - Existing drainage problems and concerns with the proposed development adding to the flooding of gardens; and
 - Overdevelopment of the site and impact on the character and appearance of the area.

• There is no fence on the southern boundary of the site – could the lane be used for all construction traffic?

1 letter of representation received from 1 property on Peas Hill Road questioning whether they can still park their vehicle in the space behind their property.

6 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

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

Paragraph 14: Presumption in favour of sustainable development.

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

Paragraph 47: Supply of housing

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Paragraphs 100-104: Development and flood risk.

Paragraph 109: Minimising impacts on biodiversity

Paragraphs 203-206: Planning conditions and obligations.

National Planning Policy Guidance (NPPG)

Determining a planning application

Planning Obligations

Flood Risk and Coastal Change

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 - Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 - Housing

LP5 - Meeting Housing Need

LP9 - March

LP13 – Supporting and Mitigating the Impact of a Growing District

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

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

LP16 - Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

RECAP Waste Management Design Guide SPD (February 2012)

Resource Use and Renewable Energy SPD (July 2014)

Delivering and Protecting High Quality Environments in Fenland SPD (July 2014) Developer Contributions SPD (February 2015)

7 KEY ISSUES

- Principle of Development
- Character and appearance (Layout, Density and Design)
- Residential Amenity
- Access
- Refuse Collection

- Flood Risk and Drainage
- Archaeology
- Biodiversity
- S106 Planning Obligations Affordable Housing
- Health and wellbeing
- Economic Growth
- Other Matters

8 BACKGROUND

8.1 This application follows a same scheme presented to Members at Planning Committee last year. That application was refused solely on the basis that the applicant, at that time, was unwilling to provide sufficient and necessary affordable housing as part of the development and failed to submit an appropriate biodiversity study.

9 ASSESSMENT

9.1 Principle of Development

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

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

9.3 Character and Appearance (Layout, Density and Design)

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

- 9.4 The density of the scheme equates to 41 dwellings per hectare which is consistent with the density of the majority of housing in the area, particularly to that north of the site. Whilst it is recognised that the scheme is relatively high in density, the proposal is not considered to represent an overdevelopment of the site. Indeed the proposal allows for adequate garden space for each property, in line with Policy LP16 and the indicative landscaping scheme will aid the overall design of the development.
- 9.5 The external finishes for the development have not been included within the submission, but could be safeguarded by planning condition.
- 9.6 The Police Architectural Liaison Officer has reviewed the proposal and confirmed that, subject to the approval of a lighting scheme for the car park, the proposal is acceptable. Accordingly in terms of the design and layout of the proposal, there are no objections on the grounds of crime and disorder and proposal therefore accords with Policy LP17 in this respect.

9.7 Residential Amenity

The majority of the boundaries comprise of various height close boarded fencing and given the overall separation distance which is provided it is considered there would be no undue impact in terms of overlooking or overshadowing of adjoining residential properties. Local residents have raised concerns over the noise emanating from cars moving on the proposed graveled access. There is the potential for additional noise (over and above that created by the use of vehicles on the existing graveled car park to the east and west of the site access). A condition requiring details of an amended surface can secure a more suitable scheme.

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

9.9 Access

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

- 9.10 There are two parking spaces provided for each dwelling which would accord with the parking standards set out in Appendix A of the Local Plan.
- 9.11 The development would be accessed from a private drive which currently provides car parking which appears capable of accommodating 44 vehicles. Given the amount of existing vehicular movements which could be accommodated it is not considered that the addition of nine 2-bed dwellings (with 18 car parking spaces) would lead to an amount of additional vehicular movements which would create severe impacts upon the highway network. The County Council also confirms that the access would be fit for purpose (and thus safe).
- 9.12 Some local residents have raised concerns over the potential for construction vehicles using the access which serves the two recently built dwellings to the rear of 124 Elliott Road. This is a civil matter as the applicant has no control over that land. Details of the construction management techniques and strategy can be secured via a condition to ensure that appropriate respect is given to highway safety and local amenity. A boundary treatments condition can also prevent this area being used as a thoroughfare the boundary treatment would effectively block the route.
- 9.13 Overall, the Highway Authority raises no objection to the proposal subject to suitable planning conditions detailing the visibility splays, access and construction details, parking and turning provision. Officers concur with this view and so there are no highway grounds to resist the proposal.

9.14 Refuse Collection

As the access would be private the Council's refuse vehicles would not enter the site. If an area for a bin collection point is delivered at the access junction with Peas Hill Road is secured to enable the Council to collect the waste it will mean that the future occupiers of the dwellings would have to move the required bin(s) in excess of the 30 metres to the storage area to enable it to be accessible by refuse vehicles – this is far greater than that set out in the RECAP Waste Management Design Guide and Policy DM4 of the Delivering and Protecting High Quality Developments in Fenland SPD (2014) which recommends that waste should not have to be moved more than 30 metres. The alternative would be that a private management company would take on the responsibility of waste, either option can be secured by a suitably worded planning condition and in light of this the

proposed development would be able to make satisfactory provision for waste facilities and consequently accord with Policy LP16(f) of the Local Plan.

9.15 Flood Risk and Drainage

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

- 9.16 In accordance with the NPPF a Flood Risk Assessment is not required as the site is less than 1 hectare in size and lies within Flood Zone 1. Notwithstanding this an Investigation and Report on the Suitability of Infiltration Drainage has been submitted with the application.
- 9.17 The application indicates that the surface water is likely to be discharged via soakaways. The results of the infiltration testing which has been carried out on the site suggest that the use of soakaways should be appropriate for surface water disposal. The precise drainage design would need to comply with Building Regulations. Similarly foul drainage has been indicated to be disposed of via mains sewer and Anglian Water consent will be required for this.
- 9.18 There are no requirements for flood resistant or resilient construction methods and minimum floor levels do not need to be set. Accordingly there is no flood risk or drainage related grounds in the context of the Local Plan and to the NPPF on which to object to the proposed development.

9.19 Archaeology

Cambridgeshire County Council (CCC) has confirmed that the site lies in an area of high archaeological potential. Whilst CCC does not object to development from proceeding in this location they consider that the site should be subject to a programme of archaeological investigation secured by planning condition.

9.20 Biodiversity

Since the previous refusal of planning permission the building on site has been demolished. This has removed the potential for any biodiversity interest to be present at the site. The demolition would have been undertaken in accordance with relevant legislation which safeguards protected species. It would not therefore be reasonable for the LPA to insist on any further biodiversity surveys to be undertaken as part of this application. The proposal can therefore be considered to not conflict with Local Plan Policy LP19.

9.21 S106 Planning Obligations - Affordable Housing

The proposed development, in accordance with Policy LP5 of the Local Plan would require the provision of 1 affordable home (tenure to be affordable rented unless the Council agrees at a later stage that it can be an alternative tenure) to be provided on site plus a contribution equivalent to 0.8 of an affordable dwelling to enable housing need to be met elsewhere.

9.22 The agent has agreed in principle to enter into a S106 planning agreement to secure the affordable housing provision. Subject to the completion of this the proposal complies with Policy LP5 in this regard.

9.23 Health and wellbeing

In accordance with Policy LP2 of the Local Plan development proposals should positively contribute to creating a healthy, safe and equitable living environment. In doing so development proposals, amongst other things, should create sufficient and the right mix of homes to meet people's needs, and in the right location. It is

considered that this location represents a sustainable location where residents will be able to easily access local services and facilities without dependence on a private motor vehicle. The scheme will provide smaller 2-bedroom units and secure affordable housing provision.

9.23 Economic growth

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

9.24 Other Matters

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

10 CONCLUSIONS

10.1 The proposed development is considered to constitute sustainable development. The development is therefore considered to be acceptable subject to planning conditions and a Section 106 Agreement.

11 RECOMMENDATION

GRANT subject to:

i) Completion of s106 agreement. Should the applicant be unwilling or unable to complete the s.106 agreement within 4 months from the date of committee approval then delegated powers to be given to Officers to refuse the application.

ii) Conditions as set out below

1.	The development permitted shall be begun before the expiration of 3
	years from the date of this permission.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. A satisfactory scheme of external finishes shall be submitted to and approved in writing by the Local Planning Authority before any development commences on the site, and the work executed in accordance with the approved scheme.

Reason - To safeguard the visual amenities of the area and in accordance with Policy LP16 of the Fenland Local Plan 2014.

3. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.

Reason - To secure the provision of the investigation and recording of archaeological remains and the reporting and dissemination of the

results in accordance with Policy LP19 of the Fenland Local Plan Adopted May 2014.

4. Prior to the commencement of development, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.

Reason - In order to ensure adequate safety and security on site and in accordance with Policies LP16 and LP17 of the Fenland Local Plan Adopted May 2014.

5. Prior to commencement of development details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.

Reason - To ensure that the precise height of the development can be considered in relation to adjoining dwellings and to reduce the risk of flooding to the proposed development and future occupants and in accordance with Policies LP14 and LP16 of the Local Plan 2014.

6. No development shall commence on site until such time as details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason - To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy LP15 of the Fenland Local Plan, 2014.

- 7. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the Local Planning Authority (LPA) and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.
 - (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
 - (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
 - (c) A site investigation report detailing all investigative works and

sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

- (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
- (e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- (f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

Reason - To control pollution of land or water in the interests of the environment and public safety in accordance with Policy LP16 of the Fenland Local Plan 2014.

8. Prior to the commencement of the development (and notwithstanding the approved plans) full details of the proposed on-site parking and turning areas including details of how they shall be laid out, levelled, surfaced, demarcated and drained shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully executed on the site and retained in perpetuity for that specific use.

Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

- 9. No development shall take place including any works of demolition until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - Parking of vehicle of site operatives and visitors
 - routes for construction traffic
 - hours of operation
 - method of prevention of mud being carried onto highway
 - pedestrian and cyclist protection

- any proposed temporary traffic restrictions and proposals for associated safety
- Signage

Reason - To prevent harm being caused to the amenity of the area in accordance with the provisions of Policies LP2 and LP16 of the Fenland Local Plan (Adopted May 2014).

- 10. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:
 - i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);
 - ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D):
 - iii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);
 - iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C).

Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings and in order to control future development and to prevent the site becoming overdeveloped in accordance with Policy LP16 of the Fenland Local Plan, 2014.

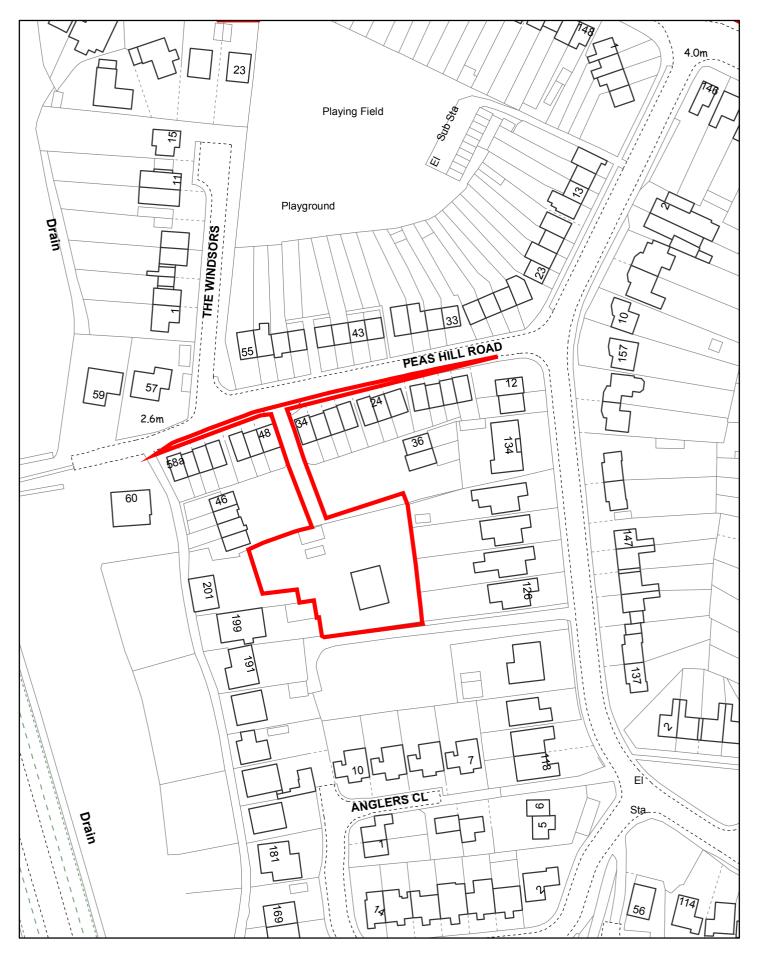
11. Prior to the commencement of the development hereby approved, details of the location, height, design and materials of all screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority and all such works shall be erected concurrently with the erection of the dwelling(s) and retained in perpetuity thereafter.

Reason - To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area, and to ensure that the private areas of the development are afforded an acceptable measure of privacy in accordance with Policy LP16 of the Fenland Local Plan, 2014.

12. Prior to commencement of development a refuse collection strategy including the full details of any bin collection areas shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection shall accord with the agreed details and thereafter be retained in perpetuity unless otherwise agreed in writing.

Reason - To ensure a satisfactory form of refuse collection and in accordance with Policy LP16 of the Fenland Local Plan 2014.

13. Approved Plans.



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