F/YR16/0770/F

Applicant: Mrs P Young Agent: Mr D J Pearce

Dean Jay Pearce Architectural Design &

Planning Ltd

7 Gas Road, March, Cambridgeshire, PE15 9LU

Erection of a 2-storey 3-bed dwelling and a 2-storey 2-bed dwelling with detached garage involving the demolition of existing buildings

Reason for Committee: the number of local objections to the proposal

1 EXECUTIVE SUMMARY

This application is very similar to one that was refused and dismissed at appeal in 2015. The proposal is for 2 x detached 2-storey dwellings. Previously the main issues were with Plot 1. The Inspector supported the conclusion of the Council that the height and proximity of Plot 1 in relation to No 16 Causeway Gardens would have a detrimental impact on the amenity of the occupiers of this bungalow.

The applicant has redesigned Plot 1. Although the siting of the proposed dwelling is similar to the previous application, the part located closest to the boundary with No 16 is to be single storey with a hipped roof.

Whilst the neighbours have maintained their objections, it is considered that the proposal is now acceptable. Although permission was granted previously for a single storey dwelling, it is considered that the applicant has now successfully demonstrated that 2 x 2-storey dwellings can be accommodated on the site. The recommendation is therefore for approval with conditions.

2 SITE DESCRIPTION

The site was previously a builders yard. A single storey storage building and hardstanding areas remain on site. It is surrounded by mixed use development within the town centre and just outside the Conservation Area. The site measures 0.052ha but is constrained by a mains sewer which runs through the centre of the site.

The southern site boundary consists of the northern elevation of No 9 Gas Lane. This is a blank wall without any openings or windows. The western boundary consists of the 2m high rear boundary fences to No 15 and 16 Causeway Gardens. Within the garden of No 15 is a Robina tree which overhangs the site. It is located behind a single storey building which is to be demolished.

Causeway Gardens is a development of bungalows. Nos 14, 15, 16 and 17 are in the immediate vicinity of the proposal site. The northern boundary consists of a stand- alone Sycamore tree, a group of tall Leyland Cypress trees, and a group of Sycamore trees. These screen the site from the north/ north- west. A vacant piece of land is immediately to the north.

The site is accessed from the existing access in the south eastern corner off a private access road which serves Nos 9 and 11 Gas Road in addition to a number of ad-hoc driveways and outbuildings and rear access points to properties on the High Street including the King William IV Public House. The eastern boundary adjacent to the access road consists of corrugated metal sheeting and a large Sycamore tree.

Permission was granted for a single storey dwelling on the site in 2007. This was renewed in 2010 but has since expired. The site is within Flood Zone 1

3 PROPOSAL

This application seeks full planning permission for the erection of 2×2 - storey detached dwellings, utilizing the existing access into the site, and involving the demolition of the existing single storey storage building. All the trees within the site will be removed.

Plot 1 will have 3 bedrooms and Plot 2 two bedrooms. The ridge height will be 6.5m for both. Four parking spaces are proposed in total. Plot 2 will include a garage. The design and siting of Plot 2 has not changed.

Plot 1 has been redesigned. Originally it was very similar to Plot 2, but the property now consists of a single storey wing immediately adjacent to the boundary with 16 Causeway Gardens. The two storey element is set 7.5m away from the boundary and 13m away from the rear elevation of No 16.

To control vehicle speeds entering the private drive and to improve pedestrian/ access/pedestrian/cyclist visibility at the access intersection, a dropped kerb arrangement has been added plus the footway now continues across the private access to maintain pedestrian priority along Gas Road. This was agreed with the highways officer as part of the appeal scheme.

Proposed materials are: clay pantiles; red facing brick with buff brick detailing; and wooden windows and doors.

Full plans and associated documents for this application can be found at: https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&kevVal=OCVUGYHE06P00

4 SITE PLANNING HISTORY

F/YR15/0826/F Erection of a 2-storey 3-bed dwelling and a 2- storey 2-bed dwelling with detached garage involving the demolition of existing buildings Refused 12/01/2016. Dismissed at appeal.

F/YR10/0116/EXT Erection of a dwelling involving demolition of existing buildings (renewal of planning permission F/YR07/1345/O). Granted 07/04/2010

F/YR07/1345/O Erection of a dwelling involving demolition of existing buildings Granted 04/02/2008.

F/0196/89/F Continuation of use of land for storage of reclaimed building materials. Granted 11/05/1989. North Of 9 Gas Road March.

F/0391/85/F Change of use from part old scrap yard to storage area for reclaimed building materials Granted 13/06/1985. Gas Road March

5 CONSULTATIONS

March Town Council

Recommend approval.

Cambridgeshire County Council Highways Authority

Footway details can be secured by condition and therefore there are no highway objections subject to appropriate conditions.

FDC Scientific Officer (Land Contamination)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development in principle, as it is unlikely to have a detrimental effect on local air quality or the noise climate.

However given the previous usage (Haulage Depot) there is a potential for ground contamination to exist.

A Phase 1 / desk study has been submitted, this is noted and accepted by Environmental Health, the study suggests that due to the surrounding historical land use that there is the potential for pollutant linkages to exist. An intrusive investigation is needed to characterise the site and ensure that it is suitable for use. At this stage the applicant has not demonstrated that the site is free from potential contamination and is suitable for use as residential land, therefore the contaminated land condition needs to be added if permission is granted.

Tree Officer

Comments for this application remain the same as for the previous scheme (F/YR15/0826/F). I agree with the findings of the submitted Arboricultural Impact Assessment by Heritage Tree Specialists Ltd with regard to the grading of the trees. None of the trees present merit a TPO although they do contribute to the amenity of the area when considered as a group.

To mitigate the loss of the trees to facilitate the proposed development, replacements can be included in the landscape proposal as part of Conditions.

FDC Conservation Officer

No objection- subject to a condition regarding materials.

Biodiversity Officer

No objection to the granting of planning permission subject to strict adherence to the ecological recommendations set out in the Biodiversity Report.

Local Residents/Interested Parties

Six letters of objection have been received. Concerns include:

Overlooking, loss of light from south, overshadowing to No 14;

Object to Plot 1 due to overlooking, loss of privacy, over shadowing, loss of privacy to No 17;

2 storey dwellings are inappropriate, previous permission stated single storey only; Loss of light to the rear garden which would impact on garden plants; rear outlook would be spoiled; devaluation of property to No 16;

Light pollution, noise, out of character/not in keep with area, proximity to property, shadowing/loss of light to No 15 (tenants);

Plot 1 is extremely close to my property (owner of No 15) and its two storey nature means that it would dominate my property and cut out a huge amount of light into both my back garden and my bungalow. Although the applicant has lowered the height of a small amount of the property in the area nearest the fence, the majority of the proposed property is still two-storey. Considering that the sun rises in the east (behind the two-storey part) and the proposed building (particularly the single storey with pitched roof) is extremely close to my back fence (and that of my neighbours), the proposed property will significantly reduce the amount of light that is able to enter my property. The lounge areas of the bungalows are quite dark. Reducing light reduces quality of life and ability to enjoy being in their home. As well as the light issue, the proposed plot 1 dwelling would overlook/dominate both my property and that of my neighbours, all of whom live in bungalows; and Access and the number of vehicles in a small area is a concern. My drive may be obstructed by people parking when visiting (No 97 High Street).

6 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Fenland Local Plan 2014: LP1, LP2, LP3, LP12, LP14, LP15, LP16, LP18, LP19

7 KEY ISSUES

- Principle of Development
- Design Layout Heritage
- Amenity
- Biodiversity
- Highways
- Contamination
- Bin collection

8 ASSESSMENT

Principle of Development

The site is within the built framework of the primary market town of March. Policy LP3 states that the majority of development should take place at the market town

and therefore the principle of development is acceptable, subject to compliance with relevant Local Plan policies.

Planning permission was previously approved in 2007 and extended in 2010 for a single storey dwelling on the site. The key issue is whether this amended proposal for 2 x 2-storey dwellings meets the requirements of the Local Plan.

Design, Layout, Heritage

Policy LP16 seeks to achieve high quality environments by protecting and enhancing heritage assets and their settings (a) and providing a positive contribution to local character (d). Policy LP18 seeks to protect the historic environment.

Gas Road sits behind High Street. There is a mix of development along its length with some housing and community buildings, along with the garages and rear boundaries of High Street properties. The street is not clearly noted from High Street although there are views through to the site in question across the car park of the King William IV Public House and in this respect development of this site has the potential to impact on the Conservation Area and setting of listed buildings in the wider vicinity of the site. It is considered that the development will sit well with the Conservation Area and not dominate views from and through the area looking across the car park of the King William IV Public House. The Conservation Officer has concluded that the adjacent Conservation Area would not be affected by the proposal, subject to a condition regarding materials. The proposal is therefore considered consistent with Policy LP16 and Policy LP18.

Amenity

Policy LP16 (e) seeks to protect amenity and Policy LP2 requires development to promote high levels of residential amenity. The neighbours' comments are noted. However, the appeal decision is a material consideration in the determination of this amended proposal The Inspector for the appeal agreed with the Council on some matters but disagreed on others.

With the appeal proposal, the (full height) blank gable end of Plot 1 was to be sited between 1-2m from the western boundary which separates the site from the properties along Causeway Gardens. The nearest property is No 16 Causeway Gardens. The bungalows have relatively short rear gardens. The Inspector considered that at this proximity, the height and form of Plot 1 would intrude significantly and directly into the outlook from the rear windows of No 16 Causeway Gardens. The effect would be compounded by the existence of a good sized conservatory, which also provides habitable sitting space from which the occupiers can enjoy the back garden. The Inspector concluded that the Plot 1 would be unduly intrusive in this outlook, and detract materially from the quality of living conditions of the occupiers of this property.

The Inspector also concluded that there would be no material loss of outlook to No 15 and No 17 Causeway Gardens by the appeal proposal.

With regard to overshadowing, Plot 1 and 2 would be to the east of No 16. Looking at the orientation of the two properties, the Inspector considered that there would be some overshadowing at the rear of No 16 from early to mid- morning, the effect being longest in summer when, however, the angle of the sun is highest. There

would be some overshadowing in the rear garden of No 15, from early morning to midday. The effect here would be intercepted in large part by the Robinia tree located in the rear garden of No 15, especially during summer. There would only be a very limited effect to the rear of No 17, and then only early on summer mornings. On this basis, the Inspector find that the proposal would not give rise to material harm with respect to overshadowing to the extent that planning permission should be withheld for this reason.

Taking all the above into account, the main issue is whether this proposal overcomes the identified harm to the outlook from No 16. Plot 1 has been redesigned. Originally it was very similar to Plot 2, but the property now consists of a single storey wing immediately adjacent to the boundary with No 16. The two storey element is set 7.5m away from the boundary and 13m away from the rear elevation of No 16. It is considered that the perceived harm has been reduced to such a level that the proposal is now acceptable and in accordance with Policies LP16 and LP2.

Biodiversity

A Phase 1 Habitat Survey has been prepared. No evidence of protected species were identified. However, impact avoidance precautionary measures for birds and bats are recommended by the Wildlife Officer. Biodiversity enhancement methods are also suggested. The proposal therefore complies with LP19 subject to appropriate conditions. Suggested conditions are: prevention of clearance of the site during the nesting season; and the installation of a range of bird boxes. Furthermore, external lighting should be designed to avoid impact on bats and a range of bat roosting features should be installed.

Invasive Plants: Cotoneaster horizontalis has been found growing within the application site boundary. It is an invasive non-native species, listed on Schedule 9 of the Wildlife & Countryside Act, and it is an offence to cause it to spread. Therefore as stated in the Ecology Report, this plant should be carefully removed and disposed of in advance of commencement of construction works. Relevant information can be sought from the Environment Agency regarding statutory obligations on its disposal. The applicant can be reminded of his responsibilities via an informative.

Highways

No objection has been raised subject to conditions. To control vehicle speeds entering the private drive and to improve pedestrian/ access/pedestrian/cyclist visibility at the access intersection, a dropped kerb arrangement has been added plus the footway now continues across the private access to maintain pedestrian priority along Gas Road. This was agreed as part of the refused scheme. The level of parking provision is acceptable and there are no highway objections to the additional use of the highway which serves a number of properties.

Contamination

A Phase 1 / desk study has been submitted and this is accepted by Environmental Health. The study suggests that due to the surrounding historical land use that there is the potential for pollutant linkages to exist. An intrusive investigation is needed to characterise the site and ensure that it is suitable for use. This can be achieved by a prior to commencement planning condition.

Bin collection

The illustrative layout for the proposed dwellings shows them to be laid out in a linear format from the private road way. A communal bin presentation point is shown at the junction of the shared driveway to the proposed dwellings and the private road. This would result in the bin collection point being over 40 metres from the adopted highway (Gas Road). As a result, the travel distance from the development would be greater than that set out in the RECAP Waste Management Design Guide Supplementary Planning Document (2012) which recommends that waste should not have to be moved more than 30m, and storage location should not be more than 25m from the collection point. However the previous application was not refused on this reason and the Inspector did not raise the matter when determining the subsequent appeal. Consequently it is not considered reasonable to now rely on this as a reason for refusal.

In addition the site was previously used as a builder's yard, and could therefore be used for similar purposes in the future. Such use could potentially be detrimental to adjoining residential uses and consequently it is considered that the benefits of the removal of this non-conforming use outweigh the less than adequate refuse arrangements.

9 CONCLUSIONS

The new dwellings would be just outside the March Conservation Area. The mass design and appearance would be generally in keeping with the area with no harm to the setting of the conservation area. It is considered that the impact on outlook from the west, particularly from No 16 has been addressed by the amended design and planning permission should now be granted.

10 RECOMMENDATION

The recommendation is for approval subject to the following conditions:

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. Prior to the commencement of works details to include (i) brick sample and (ii) roof tile sample, (iii) product information for windows & doors and (iv) product information for rainwater goods shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason- in order to control the visual impact of the development and to protect the character of the area in accordance with the requirements of Policies LP16 and LP18 of Fenland Local Plan 2014.

- 3. No development, other than that required to be carried out as part of an approved scheme of remediation, shall not commence until clauses a) to e) have been complied with:
- a) Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be

designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

- b) Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
- c) Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- d) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
- e) Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason- To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in the NPPF and Policies LP2, LP16 and LP19 of the Fenland Local Plan 2014.

4. All vegetation clearance at the site shall only take place outside the bird breeding season of March to August inclusive. If this is not possible, a nesting bird survey must be undertaken by an experienced ecologist 24-48 hours prior to clearance and the report submitted to the Local Planning Authority.

Reason - To ensure compliance with Section 1 of the Wildlife and Countryside Act with respect to nesting birds and to provide biodiversity mitigation in line with the aims of the National Planning Policy Framework.

5. Notwithstanding the submitted details, prior to the commencement of development, details of a 1.8m wide footway linking Causeway Gardens footway to the Gas Road footway across the private road shall be submitted to and approved in writing by the Local Planning Authority. Submitted details shall include, levels, drainage and methods of construction. The footway shall then be constructed in accordance with the approved details and retained in perpetuity.

Reason- In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014

6. Prior to the commencement of development hereby approved full details to include levels, drainage, kerbing type and construction details shall be submitted to and approved in writing by the local planning authority for the access from the private road into the site. Details shall then be implemented in accordance with the approved plans prior to occupation of the development and retained thereafter.

Reason- In the interests of the provision of a safe access to the site and in accordance with Policy LP15 of the Fenland Local Plan 2014.

7. Prior to the commencement of the development hereby approved adequate temporary facilities (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.

Reason -To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2015.

8. Prior to the first occupation of the development hereby permitted the proposed on-site parking /turning areas shall be laid out in accordance with the approved plan and thereafter retained for that specific use.

Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, (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 E);
- 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 dwelling house (as detailed in Schedule 2, Part 1, Class C);
- v) the erection of any walls, fences or other means of enclosure (as detailed in Schedule 2, Part 2, Class A).

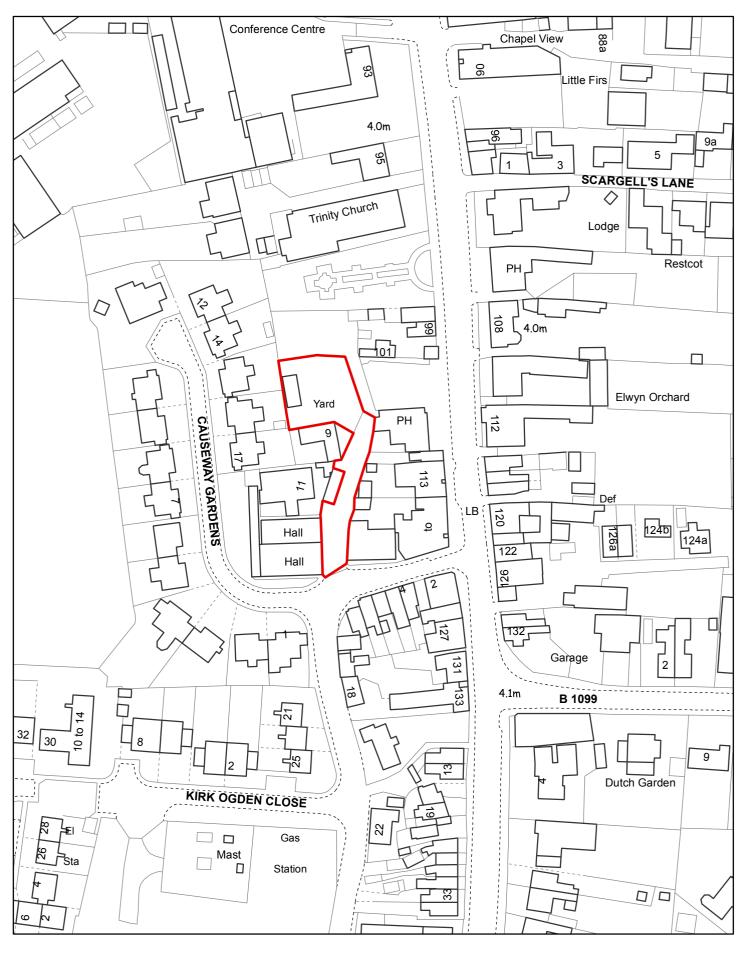
Reasons-

- 1. To ensure that the Local Planning Authority retains control over the future extension, alteration and enclosure of the development, in the interests of protecting visual amenity and the character of this part of the area in which it is set.
- 2. To prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity.
- 3. To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings
- 4. In order to control future development and to prevent the site becoming overdeveloped. In accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.
- 10. Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
- a) proposed finished levels
- b) means of enclosure
- c) hard surfacing, other hard landscape features and materials
- d) existing trees, hedges or other soft features to be retained
- e) planting plans, including specifications of species, sizes, planting centres number and percentage mix

Reason - The landscaping of this site is required to reduce the visual and environmental impacts of the development in accordance with policies LP16 and LP19 of the Fenland Local Plan (adopted May 2014).

11. Prior to the commencement of the development hereby approved, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of features including: the timing and schedule for the removal of the trees and hedges on site which avoids harm to nesting birds; details regarding exact numbers, design and locations of the bird nest boxes to be installed as recommended in Section 5.2.2 of the Ecology Report; and details of any external lighting so as to avoid impacts to bats, as set out in Section 5.1.1 of the Ecology Report and details and locations of a range of bat roosting features to be installed site, shall be submitted to and approved in writing by the Local Planning Authority. The works so approved, shall be carried out in accordance with the approved programme of implementation and retained on site thereafter.

Reason- To enhance biodiversity in accordance with Policies LP16 and LP19 of the Fenland Local Plan 2014.



Created on: 08/09/2016

F/YR16/0770/F

© Crown Copyright and database rights 2016 Ordnance Survey 10023778

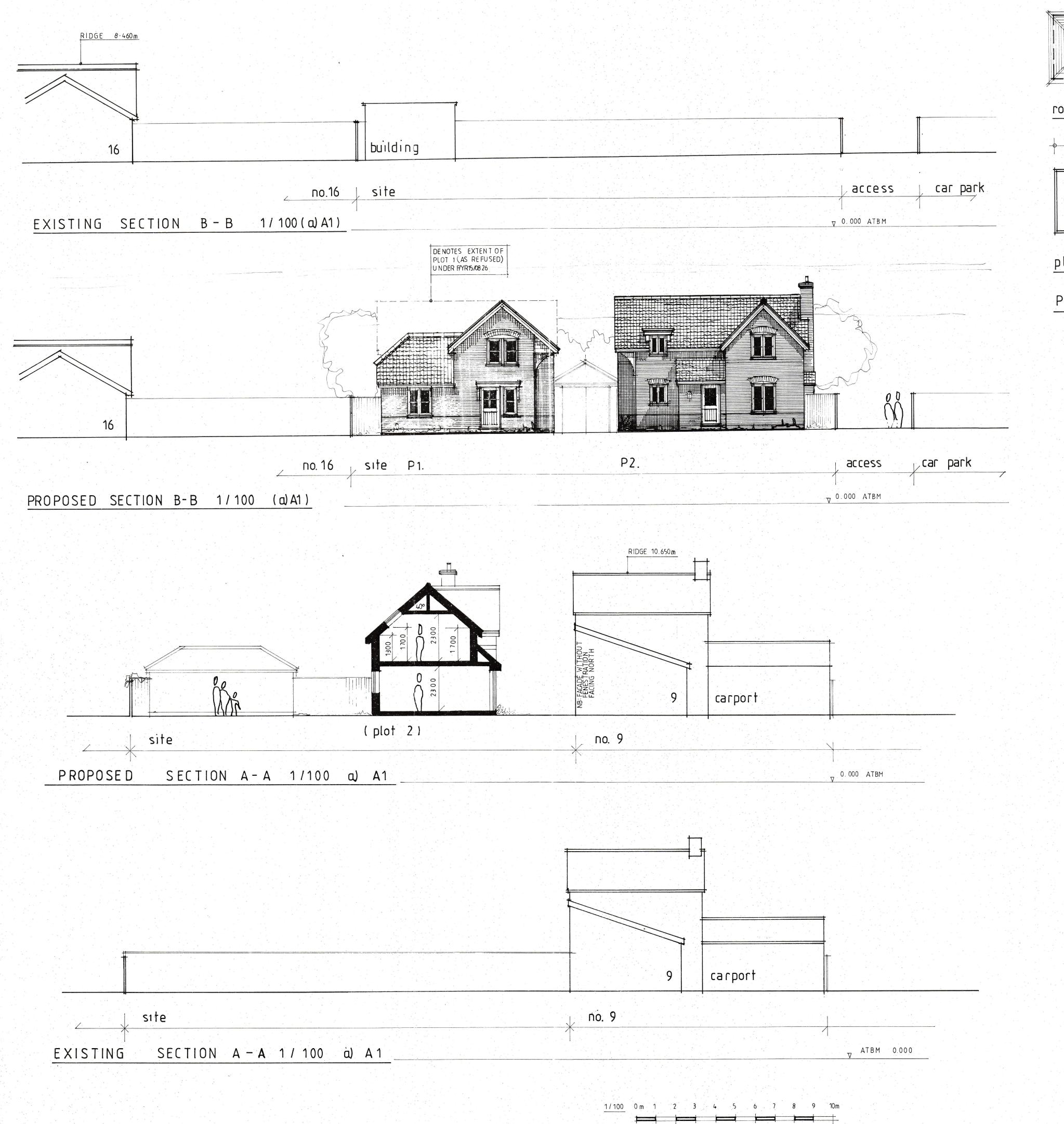
F/YR16/0770/F

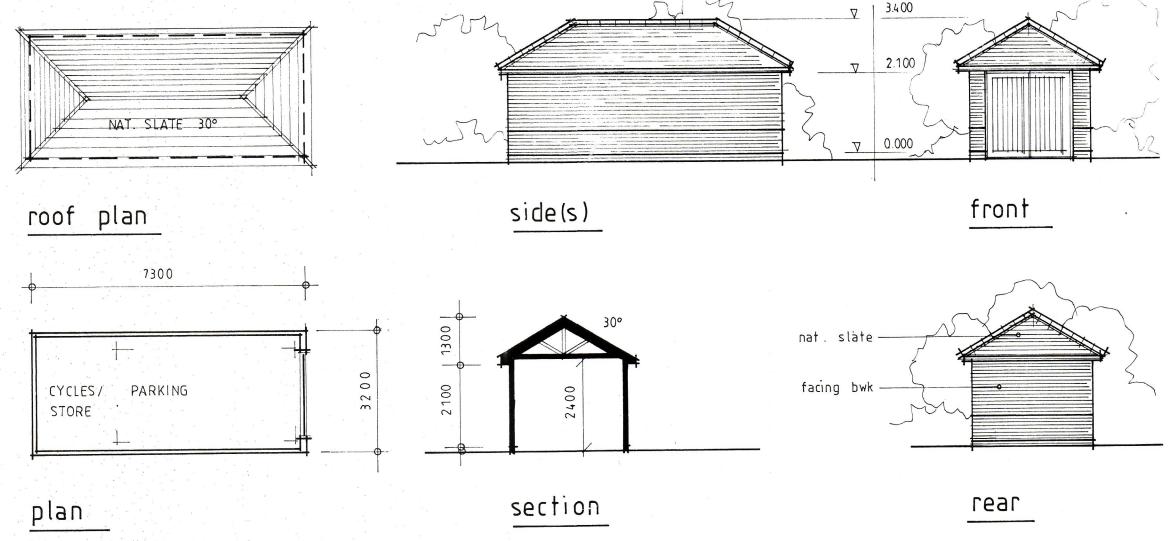
Scale = 1:1,250

N

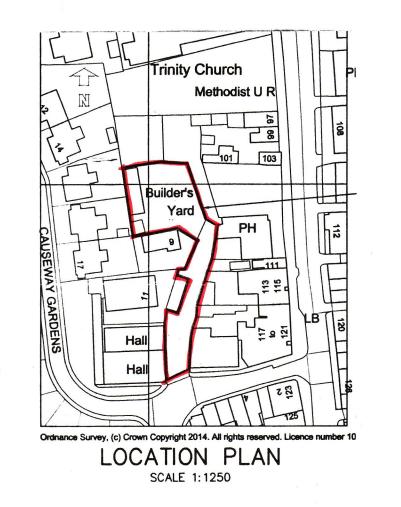
Fenland

Fenland District Council





PLOT 2 OUT - BUILDING 1/100 a) A1



dean jay pearce architectural design & planning ltd 2 / 3 Milestone, Hall Street, Long Melford Sudbury, Suffolk, CO10 9HZ T: 01787-378797 E: dean.pearce@live.co.uk

Project:

Proposed Residential Development (following demolition of existing buildings).

Site Address:

7 Gas Road, March, Cambs, PE15 9LU

Applicant:

Mrs P Young

Drawing title:

Existing & Proposed Site Sections (Plot 2) Garage details

scale:	1/100
date:	08/201
drawn:	djp
checked:	

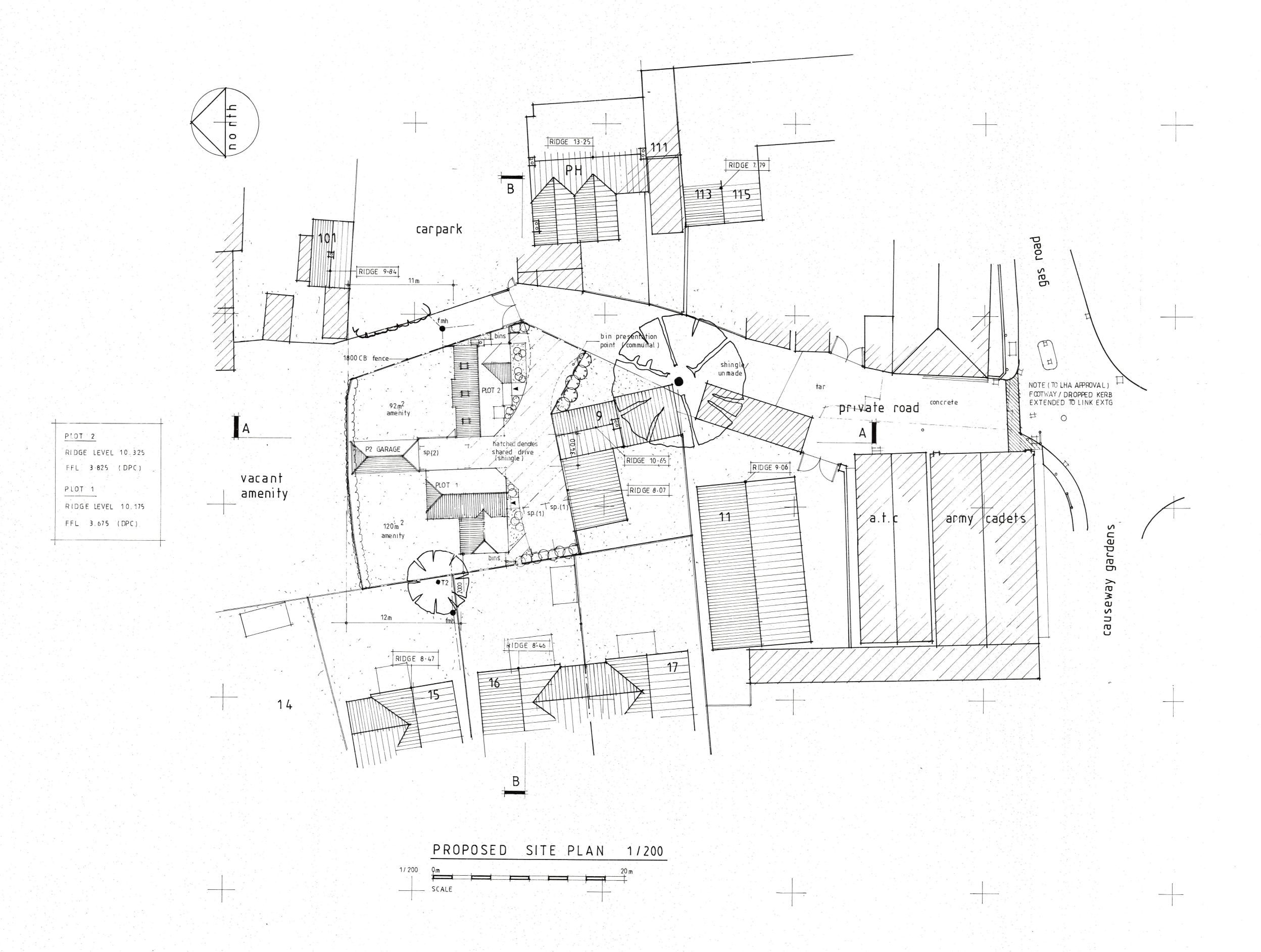
drg no: 16/23/04

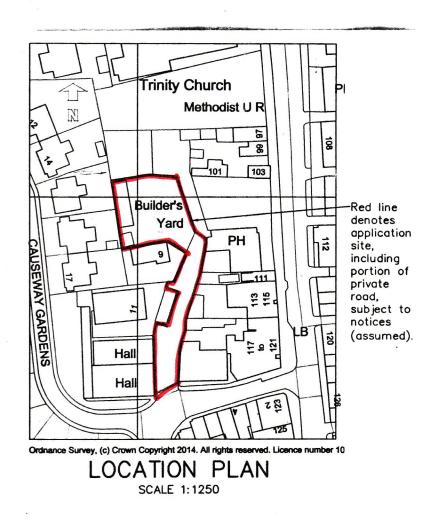
Do not scale this drawing. Use figured dimensions only. Contractor to set out all of the works prior to commencement and report any omissions / discrepancies immediately. Scales shown on this drawing are at A1 sheet size.

This drawing & information are Copyright.

(

rev:





dean jay pearce
architectural design & planning ltd
2 / 3 Milestone, Hall Street, Long Melford
Sudbury, Suffolk, CO10 9HZ
T: 01787-378797 E: dean.pearce@live.co.uk

Proposed Residential Development (following demolition of existing buildings).

Site Address:

7 Gas Road, March, Cambs, PE15 9LU

Applicant:

Mrs P Young

Drawing title:

Proposed Site Plan & Location Plan

scale: 1/200 & 1:1250 date: 08 / 2016 drawn: djp checked:

rev: 16/23/02

Do not scale this drawing. Use figured dimensions only. Contractor to set out all of the works prior to commencement and report any omissions / discrepancies immediately. Scales shown on this drawing are at A1 sheet size.

This drawing & information are Copyright.

