

F/YR17/0563/O

**Applicant: The Executors Of The Late
W Feary**

**Agent : Mr Ted Brand
Brand Associates**

Land South Of, 85 - 89 Upwell Road, March, Cambridgeshire

Erection of up to 4 x dwellings involving the formation of a new access (Outline application with all matters reserved)

The application has been brought before you as the Town Council have no objection and the number of units proposed triggers the requirement for Committee as refusal is recommended.

1 EXECUTIVE SUMMARY

This is an outline application for the erection of up to 4 dwellings. As all matters are reserved the application will judge the principle of development on this parcel of land and loom to the illustrative layout submitted by the applicant in order to assess the suitability of the layout and the impact of such a scheme on the visual and residential amenity of the locality

The application has been considered against the relevant local and national planning policies. It is considered that the development in this location is not acceptable as it is not contiguous with the main built form of March and produces a development at odds with the established character of the area and it has not been demonstrated in the application that the development could be accommodated safely in terms of highway safety as demonstrated by the Consultation response from Cambridgeshire County Council.

2 SITE DESCRIPTION

- 2.1 The application site consists of a roughly rectangular parcel of grassed land accessed off Upwell Road by a gap in an otherwise built up frontage between 87 and the new build property adjacent to 99 Upwell Road.
- 2.2 The site is adjoined to the south, west and east by existing farm land with residential to the fore (north). The topography remains level with tree planting and hedgerow marking the western and eastern boundaries.

3 PROPOSAL

- 3.1 The applicant has applied for outline consent with all matters reserved. The applicant has submitted an illustrative layout as part of the submission and this shows four units, with two additional access roads leading to further phases of

development shown on a revised location plan. The plans can be view by clicking the link below:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=OSD6U0HE06P00>

4 SITE PLANNING HISTORY

None.

5 CONSULTATIONS

5.1 Scientific Officer Env Health – No objections.

5.2 Town Council – No objection.

5.3 Middle Level Commissioners – No comment rec'd to date.

5.4 Fenland Highways Division – The application is an outline application with all matters for the erection of 4 dwellings and the formation of a new access.

Whilst I appreciate that this is an outline application with all matters reserved I still have to consider the suitability of the access at this stage.

The application is proposing additional development to the East and West of the application site. The proposed access in its current state could not be constructed to an adoptable standard and would therefore not be suitable to serve a development of a greater scale than 5 units unless FDC are happy for the road to remain private.

If further development is anticipated then I recommend that this comes forward as an application so that the suitability of the access infrastructure can be fully considered.

If the applicant would like the four proposed units to be determined upon its own merits then it would be better that they remove annotations/details to links to further development from the plan.

5.5 Objectors

Five letters of objection received from three households on the grounds of the development is not compliant with policy and its impact upon highways, character of the area, and local wildlife/ecology.

6 STATUTORY DUTY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

- 7.1 National Planning Policy Framework (NPPF)
Paragraphs 2 & 11: Planning law requires that applications for planning permission must be determined in accordance with the development plan.
- 7.1 Paragraph 14: Presumption in favour of sustainable development.
- 7.3 Paragraph 17(3): Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs. Economic development aspirations expanded in Paragraphs 18-21.
- 7.4 Paragraph 17(4): Seek to ensure high quality design and a good standard of amenity for all existing and future occupants (repeated and expanded on in paragraphs 56 to 56).
- 7.5 Paragraph 17 (5): Take into account the different roles and characters of different areas.
- 7.6 Paragraph 17 (9): Promote mixed use development
- 7.7 Paragraph 17 (10): Actively manage patterns of growth
- 7.8 Paragraph 29: Promoting sustainable transport
- 7.9 Paragraph 30: LPA's should support a pattern of development, which, where reasonable to do so, facilitates the use of sustainable modes of transport.
- 7.10 Paragraph 32: Decisions should take account that a safe and suitable access to the site can be achieved for all people.
- 7.11 Paragraph 47: Delivering a wide choice of high quality homes including sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Identifying a supply of specific deliverable sites or broad locations for growth.
- 7.12 Paragraph 50: Plan for a mix of housing and set policies to deliver affordable housing where required
- 7.13 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 and the way it functions.
- 7.14 Paragraph 100 -103: Development and Flood Risk
- 7.15 Paragraph 109: conserving and enhancing the natural environment - the planning system should contribute to and enhance the natural and local environment by:
Minimising impacts on biodiversity and providing net gains where possible.
- 7.16 Paragraph 117: Biodiversity and geodiversity
- 7.17 **National Planning Policy Guidance (NPPG)**
Flood Risk

7.18 **Fenland Local Plan 2014**
LP1, LP2, LP3, LP5, LP6, LP9, LP14, LP15, LP16, LP19

7.19 **March Neighbourhood Plan** was subject to a referendum on 7 September 2017 with the vote being in favour of this being used by FDC to determine planning applications. While still awaiting formal adoption by FDC, given its progress to date through the statutory neighbourhood plan process the March NP should be afforded significant weight when making a decision on this planning application.

Policies of relevance are:

Policy H2 – Windfall Development

7.19 Delivering and Protecting High Quality Environments in Fenland
Supplementary Planning

8 **KEY ISSUES**

- **Principle of Development**
- **Flood Risk**
- **Health and wellbeing**
- **Economic Growth**
- **Other (delete as appropriate)**

9 **ASSESSMENT**

Principle of Development.

9.1 This site lies within close proximity to the main settlement of March. The principle of development in March itself is acceptable in terms of the settlement hierarchy which identifies that March should be a main focus for housing growth, given that it is a sustainable location which offers good access to services.

9.2 However given the position of the development outside of what can be considered the main built form of March the proposal will represent urban sprawl into open countryside contrary to the provisions of Local Plan Policy LP16 which seeks to ensure the delivery of high quality environments.

Design and Character.

9.3 The principle of introducing dwellings within the back land area of 85-89 Upwell Road would be unacceptable when viewed in the context of Policy LP16. This view is taken given that the area is characterised by its uniform linear layout, which clearly addresses the road. In order to accommodate the dwelling it is necessary to locate it to the rear of No's 85 and 89 which would be contrary to the existing settlement pattern. The proliferation of units into the open countryside at this sensitive location represents urban sprawl at odds with the established pattern of development and thus contrary to both LP16 of the FLP.

Flood risk and drainage.

9.4 The application site lies within flood zones 1. For developments (other than changes of use) less than 1 hectare in Flood Zone 1, the main flood risk

issue to consider is usually the management of surface water run-off. Drainage from new development must not increase flood risk either on-site or elsewhere. The applicant has stated that they will use soakaways as a means of disposal and this matter remains for consideration at the building control stage were permission to be granted. No reason to withhold consent exists in this respect.

Ecology

- 9.6 The Wildlife and Countryside Act 1981 is the primary mechanism for wildlife protection. The legislation requires (1) wildlife protection, including protection of wild birds, their eggs and nests, protection of other animals and the protection of plant, (2) Nature Conservation, Countryside and National Parks, including Sites of Special Scientific Interest, (3) Public Rights of Way and (4) Miscellaneous provisions. The Wildlife and Countryside Act is statutory legislation which must be adhered to.
- 9.7 Paragraph 118 of the National Planning Policy Framework stipulates that local planning authorities should aim to conserve and enhance biodiversity. Where proposed development on land within or outside of a Site of Special Scientific Interest (SSSI) is likely to have an adverse effect on the SSSI should not normally be permitted.
- 9.8 Policy LP19 of the Fenland Local Plan 2014 requires the protection and enhancement of sites which have been designated for their international, national or local importance and to refuse planning permission for development which would cause demonstrable harm to a protected habitat or species. In addition opportunities should be taken to incorporate features for biodiversity in new developments and, where possible, to create new habitats.
- 9.9 Although the land has been identified as being within a SSI impact zone no consultation was required following Natural England's standing advice, and as the application has not been deemed to be acceptable in principle an ecological survey has not been required to assess the impact upon mature vegetation or ecological assets on site. However if planning permission is granted then prior to the commencement of any development an ecological study will need to be undertaken and consulted upon.

Highways.

- 9.10 In view of the comments received from CCC Highways it is considered that the application is unacceptable in its original form due to the annotation on the plans of roads that would serve further phases of development. The access proposed was not deemed suitable to serve more than five units, and with the "roads serving further phases of development" the suitability of the access was not deemed suitable. This block plan has now been superseded without the reference to further phases of development and although a revised location makes references to "further phases of development" on adjoining land the use of a private drive to serve four units is not contrary to the provisions of Policy LP15 as long as visibility splays and access and egress is acceptable. These details still main a matter for a reserved matters application as all matters are reserved. The Council do not accept the revised location plan and references to further development as a part of any decision or a binding part of any decision reached.

Layout

- 9.12 The layout shown on the indicative plan shows a cramped form of development at odds with the spacious suburban character of the locality. The proposal does not therefore comply with the provisions of LP16 as a high quality environment will not be achieved and the development will not make a positive contribution to local distinctiveness.
- 9.13 The applicants also show the provision of access to further development as shown on their location plan and to allow for this application would set a dangerous precedent and see the proliferation of further piecemeal development outside of the main built form of March contrary to the notion of “sustainable” development, and a process that can only prejudice the delivery of strategic housing allocations shown in Adopted Local Plan.

Scale

- 9.13 As all matters are reserved this remains a consideration for a reserved matters application.

Appearance

- 9.14 As above.

Landscaping

- 9.15 As above.

Residential amenities

- 9.16 The layout of the proposed dwellings, their height, and their relationship with existing dwellings remains a matter for a reserved matters application and at this outline stage no reason to withhold consent exists in this respect. Whilst not a direct reason for refusal the distance for residents to transfer household waste to a collection point will be well in excess of the 30 metres recommended by the RECAP Waste Guidance which highlights the back land nature of the proposal and the negative impact this will have on the amenity of future residents in terms of refuse collection.

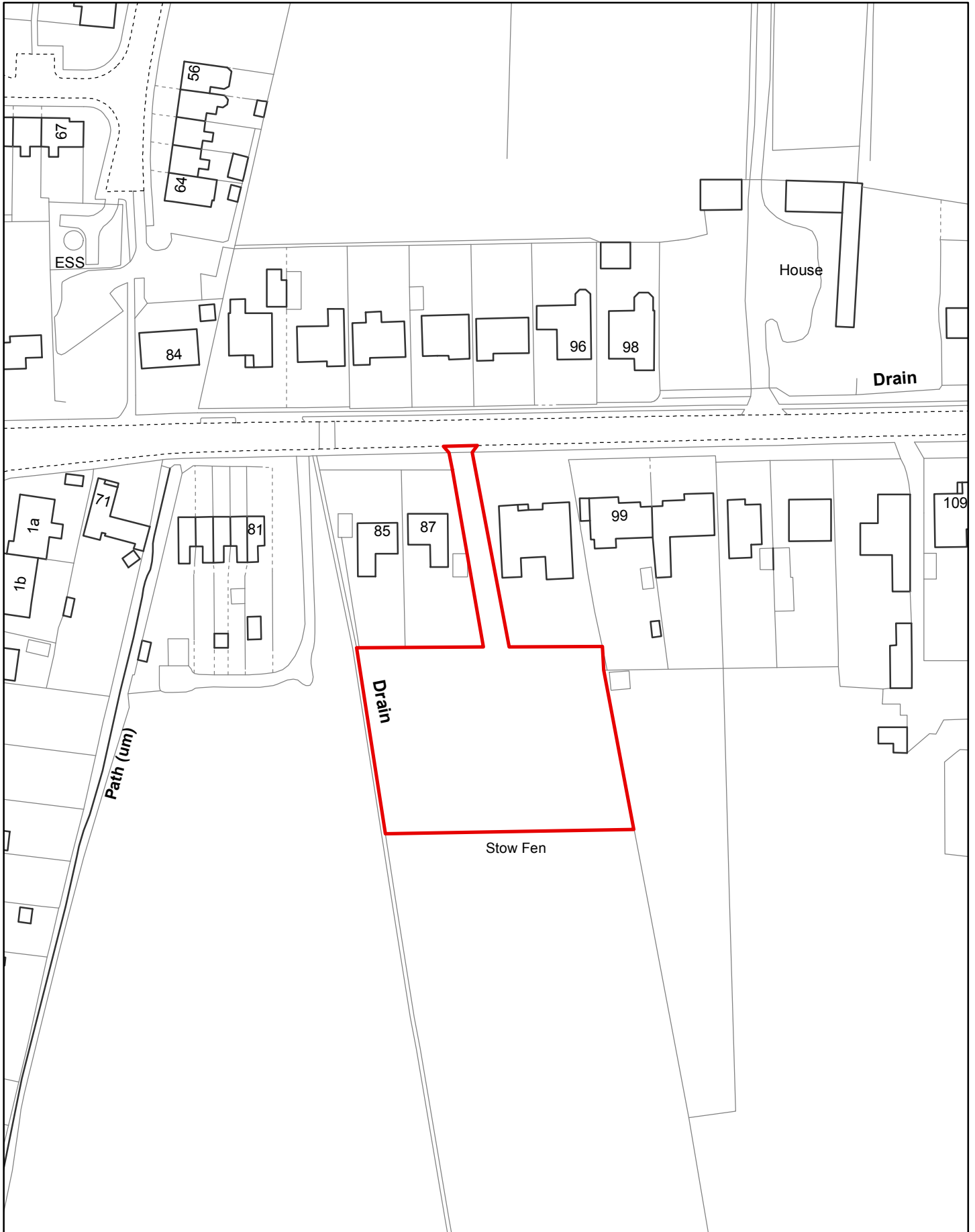
CONCLUSIONS

- 10.1 The application submitted does not represent sustainable development in that it will represent urban sprawl into the open countryside and does not respect the form and character of the existing area. Access into the site is via a private drive and the dwellings are located a distance from the public highway resulting in future occupiers having to move their bins more than 30 m to a bin collection point resulting in a poor residential amenity for future occupiers.
- 10.2 The proposed development will require the removal of mature vegetation which will require the submission of a full ecology study which to date has not been undertaken due to the principle of development in this area not being supported.

11 RECOMMENDATION

1. Policy LP16 of the Fenland Local Plan, adopted May 2014 requires that

proposals for new development should deliver and protect high quality environments which respond to and improve the character of the local built form and respond to the street scene and existing settlement patterns. The proposed development is shown to occupy a secondary position within the street scene which does not respond to the existing linear settlement pattern and therefore represents urban sprawl into the open countryside, contrary to Policy LP16 of the Fenland Local Plan adopted May 2014.



Created on: 05/07/2017

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Scale = 1:1,250



TRAFFIC CALMING
MEASURE - SPEED
BUMP

EXISTING ACCESS
UPGRADED TO LHA
SPECIFICATION

U P W E L L R O A D

PATH

Visibility splay - exceeds 110m

Visibility splay - 2.4 x 91m

GRASS VERGE

5m

PRIVATE DRIVE

LANDSCAPING
AND SERVICE
STRIP

1

4

COURTYARD
PARKING
TURNING
AND
LANDSCAPING

2


3

Garden Storage

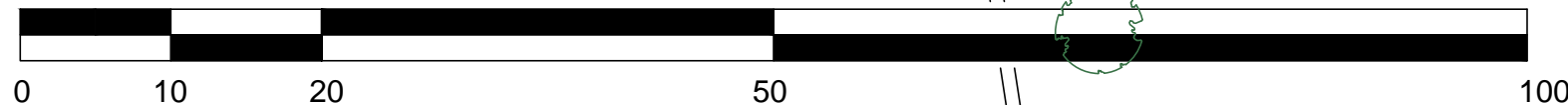
Stow Fen

NORTH

KEY

- G - Garage parking space
3.5m x 8m
- P - Parking space
2.5m x 5m
-  - Proposed planting
-  - Proposed trees
-  - Existing trees

SCALE BAR A3 - 1:500



Revisions
 A - 03.07.17 - Red Line Amended
 B - 26.07.17 - Site Layout Altered
 C - 27.09.17 - Site Layout Altered

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FOUR DWELLINGS SOUTH
 OF 85 TO 89 UPWELL ROAD
 MARCH
 PE15 0DA

EXECUTORS OF THE LATE W. FEARY

ILLUSTRATIVE SITE PLAN

1:500 :AHS :MAR.17
 FEA.EX17: 1 :C