

F/YR17/1116/F

Applicant: Mr G Patrick

**Agent : Mrs Alexandra Patrick
Alexandra Design**

Land South Of 218 - 222, Main Road, Church End, Parson Drove

Erection of 5 x 2-storey 3-bed dwellings with garages involving demolition existing sheds

Reason for Committee: Officer recommendation at variance to that of the Parish Council

1 EXECUTIVE SUMMARY

This scheme is clearly contrary to Policy LP3 of the Fenland Local Plan which relates to 'settlement hierarchy' as it is not single dwelling frontage infill development within a designated 'other village'.

Whilst the lack of a 5-year land supply must be given weight it does not 'tilt the balance' to such an extent that the sustainability credentials of individual sites are no longer a consideration.

Church End has limited services and any residents of the intended development will have to travel elsewhere to access services and employment, this is clearly at odds with Paragraph 7 of the NPPF which identifies such access as one of the key threads of sustainable development. Accessibility issues are compounded by the limited public transport services that operate within the locality which render householders almost entirely reliant on private modes of transport.

Against this backdrop there can be no other recommendation than one of refusal given that the scheme is contrary to both local and national policies.

2 SITE DESCRIPTION

- 2.1 The site is a 0.24ha plot of agricultural land located in Church End on the southern side of Main Road. The site is bordered by residential development to the north and east, by a site comprising of large agricultural sheds to the west and open agricultural fields to the south. The site itself comprises of three large sheds that are all derelict and dilapidated. Access will be via a continuation of the existing access road for the newly built residential site to the north.

3 PROPOSAL

- 3.1 The application details the erection of 5 detached dwellings each with their own single garage. They will represent a continuation of Patricks Way in terms of scale and design with three of the dwellings addressing a hammer head at the end of the cul-de-sac and the other two dwellings addressing the main access (facing each other across the roadway).

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

4 SITE PLANNING HISTORY

F/YR17/0773/F	Erection of 4 x 2-storey 3-bed dwellings with garages involving demolition existing sheds	Refused 17/10/2017
F/YR17/0411/F	Erection of 4 x 2-storey 3-bed dwellings with garages involving demolition existing sheds	Withdrawn 14/07/2017
F/YR06/0169/F	Erection of 6 houses comprising; 2 x 2-bed semi-detached, 2 x 3-bed semi-detached, 2 x 3-bed detached with garages	Granted 28/04/2006
F/YR05/0236/F	Erection of 6 x 3-bed semi-detached houses with associated parking involving demolition of existing dwelling	Appeal dismissed 19/09/2005
F/YR04/4247/F	Erection of 4 x 3-bed semi-detached houses and 4 x 3-bed terraced houses with associated parking involving demolition of existing dwelling	Refused 15/12/2004
F/92/0343/F	Erection of 29 elderly persons flats	Refused 11/10/1994

5 CONSULTATIONS

- 5.1 **Parish Council:** The Parish Council support this application as this development will improve and enhance the visual impact of the site and provide much needed housing for the village. The Parish Council recommend that approval is granted subject to a Section 106 agreement for Parson Drove Parish Council to receive a community contribution of £6000 for improvements to the village to be used for highways and amenity projects.
- 5.2 **Cambridgeshire County Council Highways Authority:** A previous application was submitted and refused under application number F/YR17/0773/F. Please note that application number F/YR17/0773/F wasn't refused for highways reasons. There does not appear to be any highways difference between this application and that under application number F/YR17/0773/F. However, the red line was amended after highways comments under application number F/YR17/0773/F and the applicant should provide the updated drawing (drawing number P.site/22/PL/rev a) so that it can be uploaded to the public access system. Once the revised drawing has been submitted I will be happy to provide condition recommendations if the LPA is minded to grant consent . The revised

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plan has been submitted as per this request and CCC Highways have confirmed that they have no highways objections subject to conditions.

5.3 FDC Scientific Officer (Land Contamination)

The applicants have not provided sufficient information with regards to the likelihood of contamination from the sites former usage. As a minimum the applicants need to submit a full phase 1 ground contamination study that includes a robust conceptual site model. No discussion has been provided to any machinery, chemicals or fuel that may have been stored at the site, nor the potential for made ground or asbestos containing materials, as such they are unable to demonstrate that the site is suitable for its intended end use. Some results have been provided but they are not discussed in any way, there is no information on who took the sample or where they were from, or if the British Standard for site investigation was followed.

5.4 Environment Agency: No objection to the proposed development but makes comments regarding the sequential test and recommend that the mitigation measures proposed in the FRA are adhered to.

5.5 Local Residents/Interested Parties: The application was accompanied by 6 letters/emails of support (from 3 households) which may be summarised as follows:

- Live in Patricks Way and consider that the development closes off the development to finish the road which allows an adoptable road and will add value to the properties which have just been built along Patricks Way
- Old buildings are an eyesore and attract vandalism and theft, also pose a risk to property if they collapsed
- Area is too small to be used as agricultural fields and do not want to see agricultural buildings there
- One of the buildings was formerly a butchers shop and they don't want shops to be opened again
- The scheme will give more couples the opportunity to build their future

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)

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

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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.

7.2 National Planning Policy Guidance (NPPG)

Determining a planning application

Flood Risk and Coastal Change

7.3 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP5 – Meeting Housing Need

LP12- Rural Areas Development

LP14 – Managing the risk of Flooding in Fenland

LP15 – Facilitating a more Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

8 KEY ISSUES

- **Principle of Development**
- **Five Year Housing Land Supply**
- **Character and Appearance**
- **Residential Amenity**
- **Flood risk and the sequential test**
- **Contamination**
- **Highway Safety**
- **Economic Growth**
- **Sustainability**
- **Planning Balance**

9 BACKGROUND

- 9.1 A scheme for 4 dwellings on the same site was considered by committee in October 2017 and Members endorsed the recommendation officers made on the basis of Policy LP3 given that Church End was classified as an 'Other Village' under Policy LP3 of the Fenland Local Plan 2014 where residential development would normally be restricted to single dwelling infill sites situated within an otherwise built up frontage. The proposed four dwellings were not considered to meet the intended form of development, *i.e. not single dwelling frontage infill*, and would therefore create unsustainable growth within the village. As such, the proposal was considered contrary to Policy LP3 of the Fenland Local Plan 2014. Whilst it was acknowledged that the community consultation undertaken in respect of LP12 had generated support, noting that Church End has exceeded its village threshold, this did not overcome the fundamental issues with regard to the sustainability of the site and the form of development.

10 ASSESSMENT

Principle of Development

- 10.1 The main policy documents which are relevant to the consideration of this application are Fenland Local Plan 2014, and the National Planning Policy Framework. The weight that should be attributed to these policies and documents are considered below. In terms of the FLP the scheme would not accord with Policy LP3 given that Church End is an 'other village' where development would be considered on its merits but would normally be limited in scale to single dwelling infill sites situated within an otherwise built up frontage; with this scheme comprising neither infill or frontage development. The NPPF position would be similar as the locational disadvantages of the site in terms of the lack of facilities within Church End are such that the site could not be deemed a sustainable location.

Five Year Housing Land Supply

- 10.2 Under the NPPF, Local Planning Authorities are required to have and to be able to demonstrate a five year supply of housing. The Council's five year land supply was recently tested on appeal in relation to a proposal for 6 dwellings on land south west of Syringa House, Upwell Road, Christchurch (reference No.F/YR16/0399/O). The Inspector in upholding this appeal and granting planning permission concluded, on the basis of the evidence presented to him, that the Council is currently unable to robustly demonstrate a five year land supply (the supply available is approximately 4.93 years).
- 10.3 The Inspector concluded that applications must be determined in accordance with the National Planning Policy Framework (NPPF). Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing. Paragraph 14 states that for the purposes of determining planning applications, this means that applications for housing can only be resisted where the adverse impacts of approving a scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. In considering which policies are 'relevant policies' for the supply of housing, regard needs to be had to the outcome of the decision in Richborough Estates Partnership LLP v Cheshire East Council and Suffolk Coastal DC v Hopkins Homes Limited (2017) which was considered in the Supreme Court.
- 10.4 In summary this decision concluded that only those local plan policies relating to housing distribution and numbers are out of date and all other local plan policies remain relevant.
- 10.5 Whilst initially in response to this appeal decision the LPA took the view that Policies LP3, LP4 and LP12 were policies that influenced the supply of housing, and as such were rendered out of date, this view has been revisited given the outcome of an appeal decision which comes after the Syringa House decision. This most recent decision in respect of 2 no dwellings at land north-east of Golden View, North Brink, Wisbech (reference No. F/YR16/1014/F) clearly highlights that whilst LP3 and LP12 may have an effect on the supply of housing they are primarily concerned with directing most forms of development, including

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housing, to the most sustainable locations and limited development in the countryside for its protection and on this basis neither is a policy for the supply of housing.

Based on the above, there are no relevant policies which influence the supply of housing in this case

Character and Appearance

- 10.6 With regards the effect of the proposal on the pattern of development in the village it is acknowledged that there is limited 'at depth' development within the settlement of Church End.
- 10.7 The development makes use of the natural boundaries of the site, but the rear boundary extends beyond the built form of the existing agricultural sheds from Cella Farm, therefore extending the built form into the countryside. It is deemed that this encroachment into the countryside is minimal, is not easily viewable from public roads or footpaths and would appear against a backdrop of development. However this additional residential encroachment into the countryside extends well beyond the existing residential built form and therefore does not respect the core shape of Church End

Residential Amenity

- 10.8 Policy LP16 paragraph (e) seeks to ensure that development does not adversely impact upon residential amenity. The layout of the development will not give rise to any amenity issues with existing or proposed dwellings. The agricultural sheds on Cella Farm to the west of the site will not give rise to poor outlook, noise or odours, given the distances to the dwellings, which is a minimum of 30m, the natural screening between the sites, which include thick trees and shrubs, and the activity on the Cella Farm site not being of an intensive or obtrusive nature. Each dwelling will have a sizable rear garden that exceeds the minimum standard of a third of the plot curtilage, as stated in Policy LP16 paragraph (h). The proposal is therefore deemed to meet the requirements of paragraph (e) and (h) of Policy LP16 of the Fenland Local Plan 2014. Based on this evaluation there are no matters that require reconciling in respect of Policy LP16.

Flood risk and the sequential test

- 10.9 The site is located within both Flood Zones 2 and 3. A Flood Risk Assessment (FRA) has been carried out, as part of this application. The Environment Agency has not raised an objection to the proposal, subject to the applicant undertaking the mitigation measures outlined in section 7 of the FRA. The North Level Internal Drainage Board also raised no objection, but stated that capacity of the riparian drainage network needs to be ascertained before a final decision is made regarding the surface water disposal method. This shall be conditioned for in any given approval.
- 10.10 Policy LP14 states that development in areas known to be at risk from any form of flooding will only be permitted following a successful sequential test and exception test. Evaluation of the earlier application concluded that the sequential test was considered to be passed, as there are no suitable and available sites in Church End that are within Flood Zone 1. The exception test

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was also considered to be passed, as the applicant has provided a site specific Flood Risk Assessment that demonstrates that the development will be safe from all sources of flood risk and has agreed to enter into an agreement with the Parish for a Council Community Contribution of £5,000 towards highway and amenity projects/improvements, which is considered to provide wider sustainability benefits, as required by the Cambridgeshire Flood and Water SPD. This contribution would be secured via a S106 agreement, should the Committee see fit to overturn the recommendation.

Contamination

- 10.11 Insufficient information has been provided with regards to the likelihood of contamination from the sites former usage and this has been highlighted by the FDC Environmental Protection team who note that as a minimum the applicants need to submit a full phase 1 ground contamination study that includes a robust conceptual site model. It is noted that the earlier refused scheme Environmental Health identified that the requested information could be obtained via a pre-commencement condition and as such the absence of this data was not taken forward as a reason for refusal; against this backdrop a similar view is taken with regard to the current submission.

Highway Safety

- 10.12 The Local Plan's parking standards seek a minimum of two parking spaces for three bed dwellings. The garage internal dimensions are required to measure a minimum of 3m x 7m to count as a parking space. Whilst the garages serving the individual plots meet the width requirement they have a shortfall in length; that said they are still of sufficient dimension to accommodate family sized car (5.8 metres internal dimension) and as such it is not considered that a refusal could be sustained on these grounds. The red line has been amended in light of the comments of CCC Highways to include two parking spaces for no. 222 so that these can be retained in perpetuity by condition, which will minimise the need for cars to park on the access road.

The access road includes a hammer head turning area for fire appliances and FDC refuse vehicles and a footpath along the eastern edge of the access road. As such, the proposal will not adversely impact upon the local highway network.

Sustainability

- 10.13 For the sake of completeness the scheme has also been assessed against Paragraph 7 of the NPPF. Paragraph 7 states:

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

● **an economic role** – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

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● **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

● **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

10.14 In respect of this proposal the development of this site will further the sustainability objectives as follows:

Economic: The provision of housing, especially in light of the current deficiency in supply will contribute to the economic success of the District. It is recognised that the construction of the development would provide some employment for the duration of the work contributing to a strong responsive and competitive economy. Whilst it could also be argued that there may be some potential for increased expenditure with regard to local facilities the limited facilities on offer are such that this does not render the site location as sustainable. A reliance on private modes of transport and the lack of services within the location serve to illustrate that the scheme does not accord with the sustainability objectives of the NPPF.

Social Role: There will be limited opportunities for community cohesion in the wider locality of the settlement given the relationship of the site to the main village. The proposal has a benefit of 5 houses towards the 5 year supply offering the opportunity for residents to settle in the locality however they will be at some distance from the limited services and facilities within Parson Drove and Church End which could provide opportunities for community cohesion.

Environmental: It is considered that any environmental impacts of the scheme in terms of its visual presence would not be so significant as to render the scheme unacceptable in terms of how it would relate to its surroundings and neighbouring dwellings. However as indicated above the intended occupants of the dwellings will be reliant on private modes of transport and as such the scheme fails to represent sustainable development in this regard. There will be significant adverse impacts therefore accruing in terms of the schemes sustainability in locational terms. The agent for the scheme contends that there are 3 bus services serving the location together the dial-a-ride and dial-a-car schemes and a car scheme associated with the Parson Drove surgery. However on closer inspection it is noted that

- The Parson Drove Surgery Car scheme is for patients registered at the surgery and is for medical appointments only
- Dial-a-ride and Dial-a-car are criteria based membership schemes
- Bus route 390 only operates from Parson Drove to Peterborough on a Wednesday
- Bus route 46 appears to only operate on Thursdays
- Bus route 49A (the return service for 46 just goes back to The Bank) and again appears only to operate on a Thursday

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- The combined 46/49 service enables you to get to Wisbech between 10:30 and 12:45; however you are only able to get to Sutton St James for 2pm and there is no return service

Planning Balance

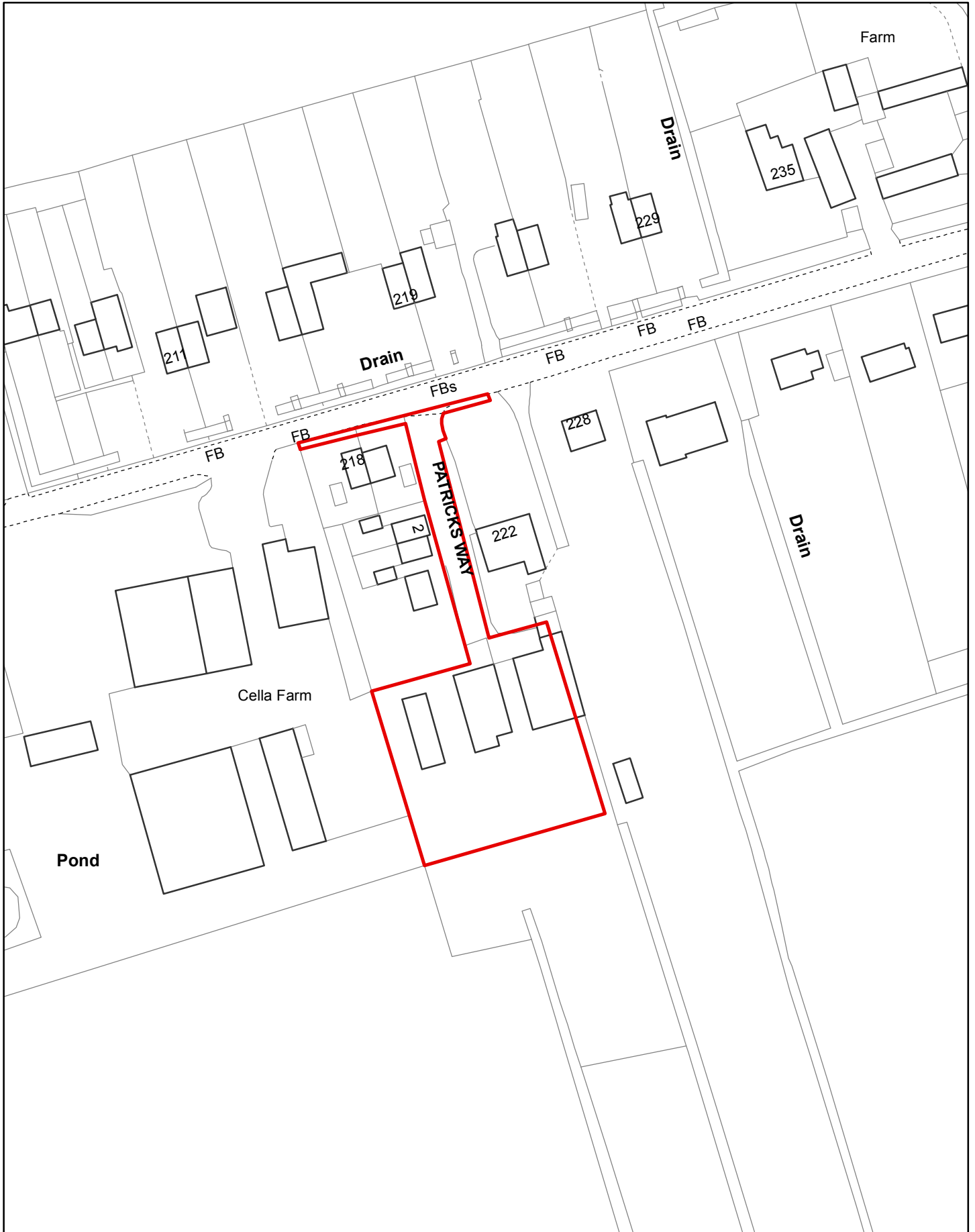
- 10.15 As indicated above the scheme has no sustainability credentials over and above a limited economic benefit during the construction phase in terms of goods and services. Its social and environmental credentials are neutral at best in terms of the opportunities the development will afford future residents and the character of the streetscene. However there are clear indications that to allow growth of this scale within Church End is unsustainable.
- 10.16 There is a direct correlation between the aims of the FLP and a clear planning argument to resist this development as unsustainable.
- 10.17 Whilst the scheme will deliver 5 additional dwellings and will therefore contribute in part to addressing the 5-year land supply deficit the weight which can be given to this is not so convincing as to override the environmental sustainability shortcomings of the proposal.

11 CONCLUSIONS:

- 11.1 The development is not considered to adversely impact upon residential amenity, the open countryside or the highway network. The application has clear support from both local residents and the Parish Council and has passed both the sequential and exceptions tests with the Environment Agency raising no objection to the scheme. Its location however creates an issue, which is that the amount of development proposed is regarded as unsustainable growth for an 'Other Village' under Policy LP3. The proposal does not meet the intended form of development for the village and is therefore recommended for refusal. The proposal remains contrary to the Council's Spatial Strategy failing to be a small or infill site and the National Planning Policy Framework.

12 RECOMMENDATION: Refuse for the following reason

- 1 The proposed development would result in 5 additional dwellings within an 'other village' as designated in the settlement hierarchy outlined in Policy LP3. Given the limited local services and employment opportunities and the limited access to public transport within the locality the households would largely have to rely on private modes of transport to access goods and services. Therefore the proposal is considered unsustainable development contrary to the aims and objectives of LP1, and LP3 of the Fenland Local Plan, adopted May 2013 and the NPPF.



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Scale = 1:1,250



Additional Notes:
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Access road to be built in accordance with Highway specification to be adopted under section 38 agreement if the site is approved.

Block paving in the form of precast concrete rectangular blocks of dimensions 200mm x 100mm x 80mm laid on a laying course may be considered as a substitute for the normal Binder and Surface course layers only as Clause 12.06.8 of the Housing Estate Road Construction Specification.

Where herringbone pattern at 45 degrees is permitted, laying should be to the requirements of BS 7533 Part 3 2005 + A1:2009 utilising "mitre head" starter units and inboard cutting techniques as appropriate. Blocks to be cut using approved block cutting N quillline to no less than 1/4 (one quarter) of the original plan size. drained way from camrageaway for 5m

Revisions:

Reference:	Pages:
PRO SITE/22/PL	4 of 5

Scale:
1:250

Project:
Erection of 5x 2-storey 3-Bed Dwellings with attached garages involving demolition existing sheds

Site Address:
Land South 218-222 Main Road
Parson Drive
Wisbech

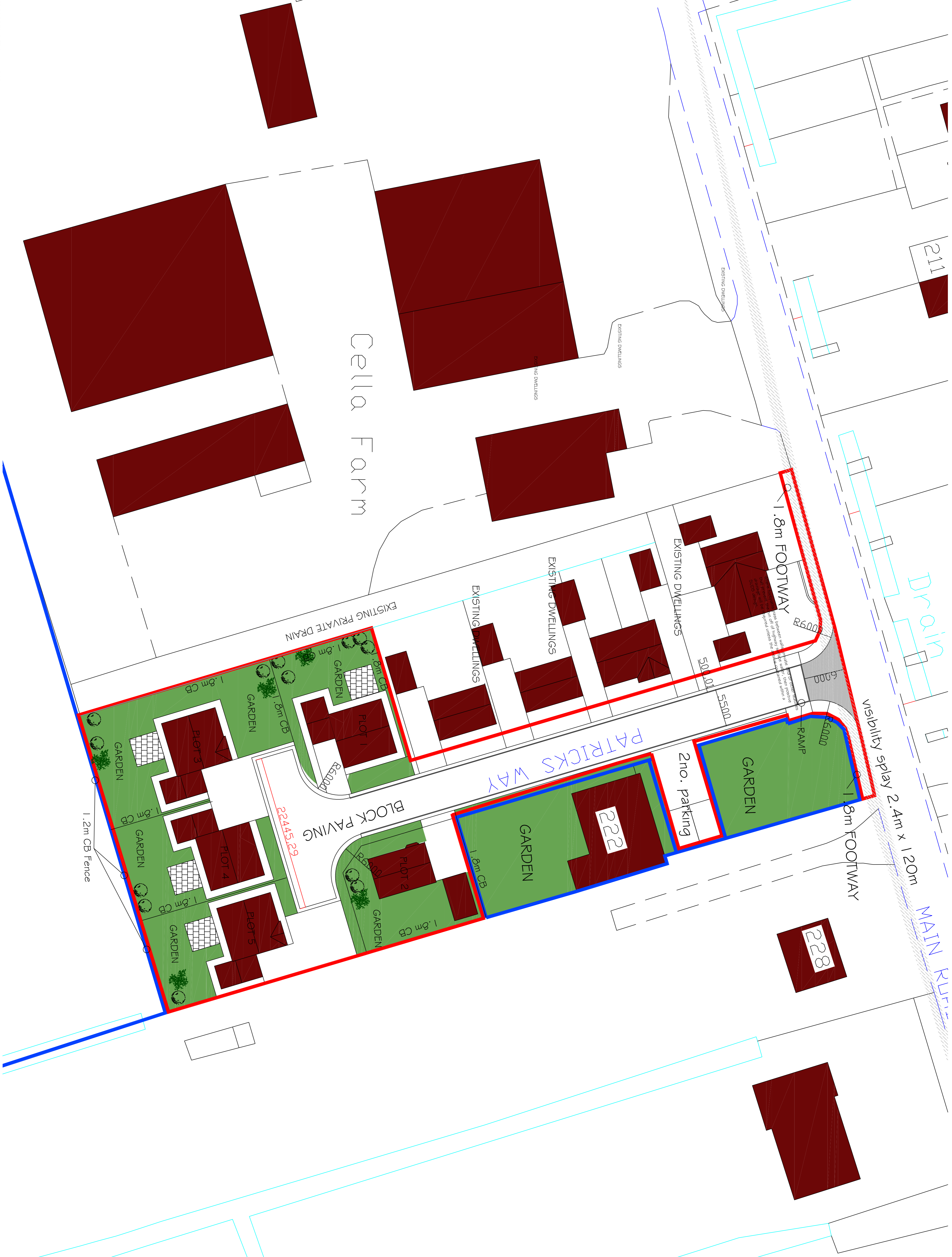
Client:
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Revisions:

Reference: FLOOR | 24/22/PL | 2 of 5

Scale: 1:50

Project: Erection of 5x 2-storey 3-Bed
Dwellings with attached garages
involving demolition existing sheds

Site Address: Land South 2 | 8-222 Main Road
Parson Drive
Wisbech

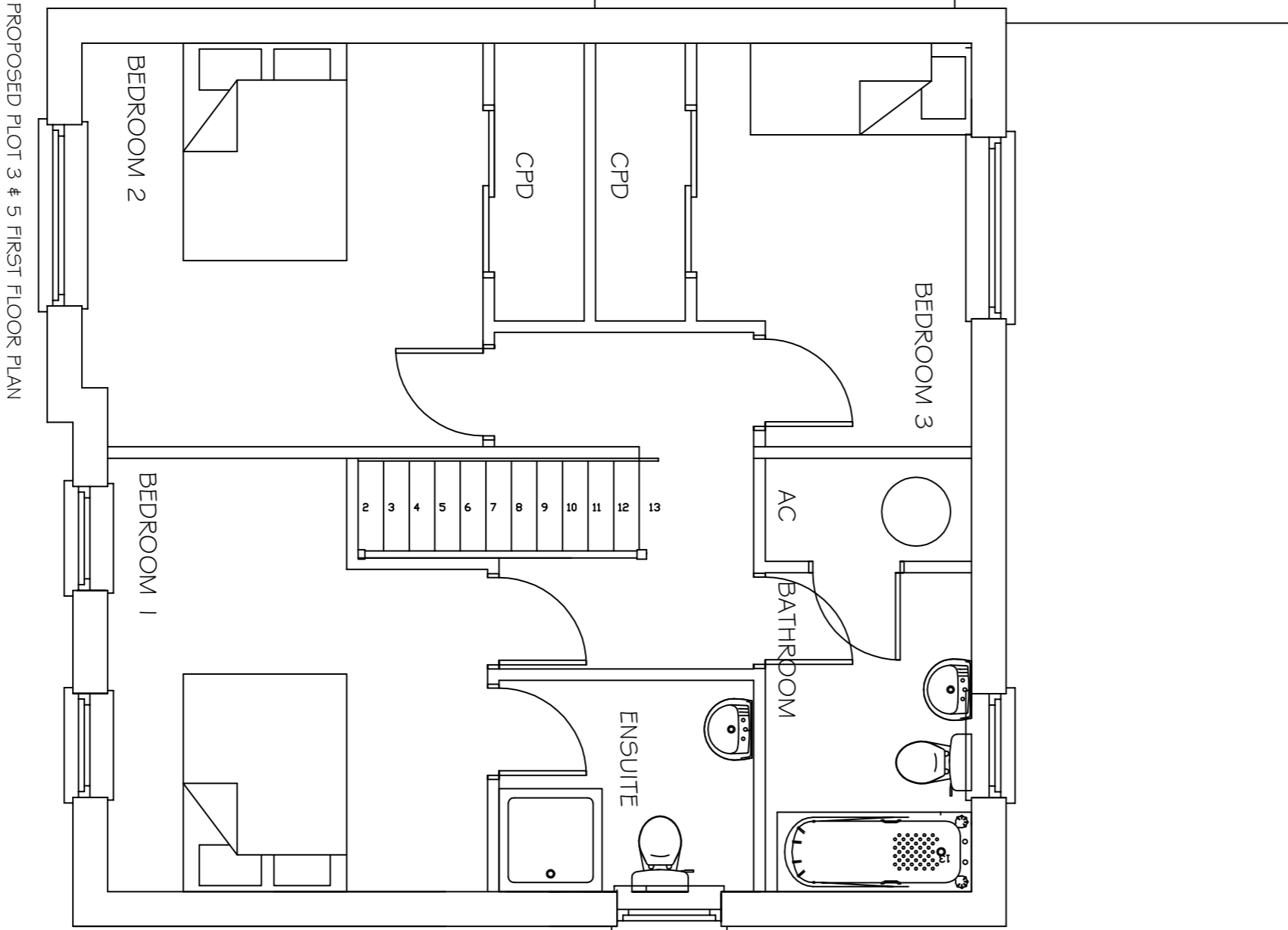
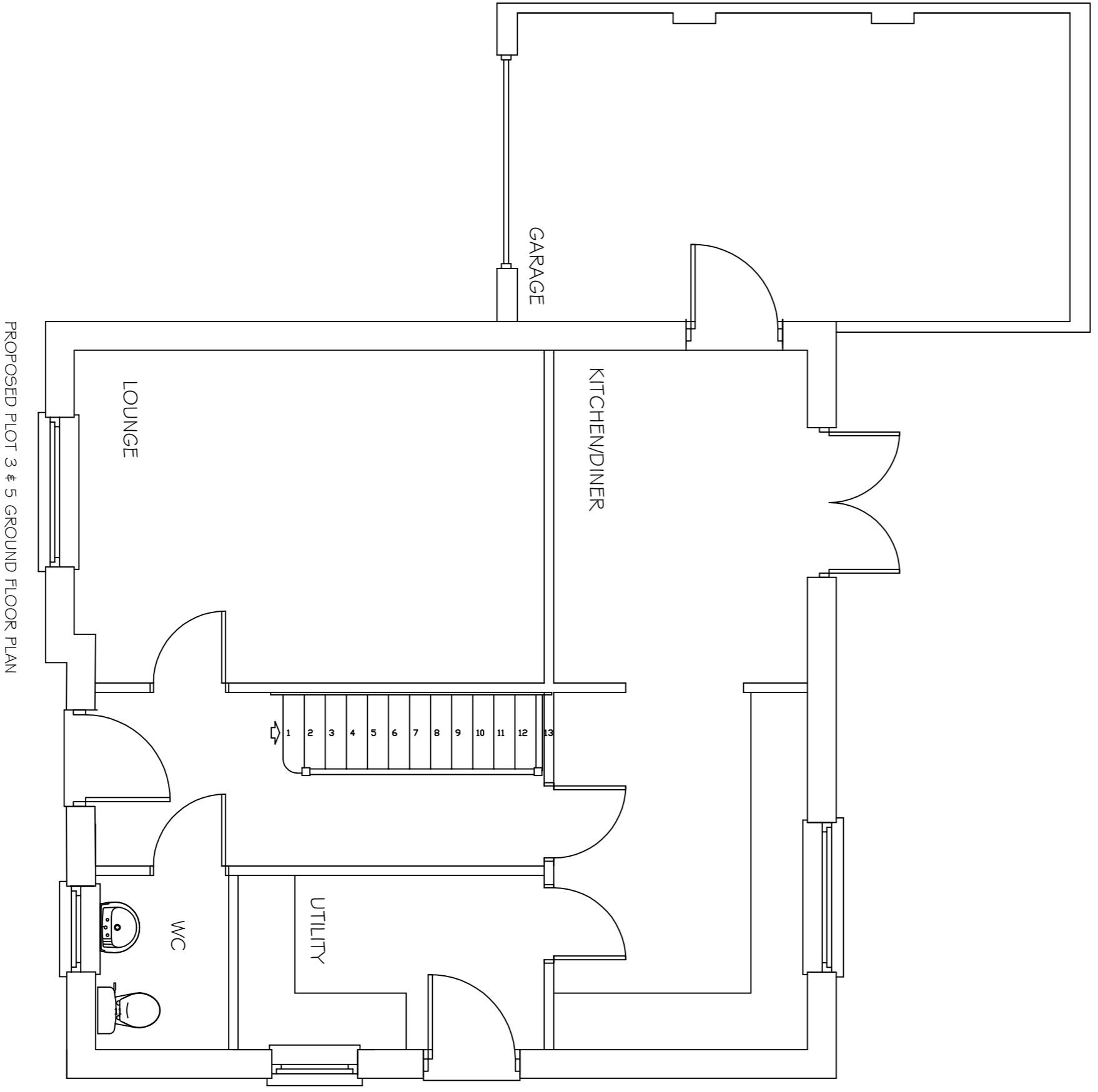
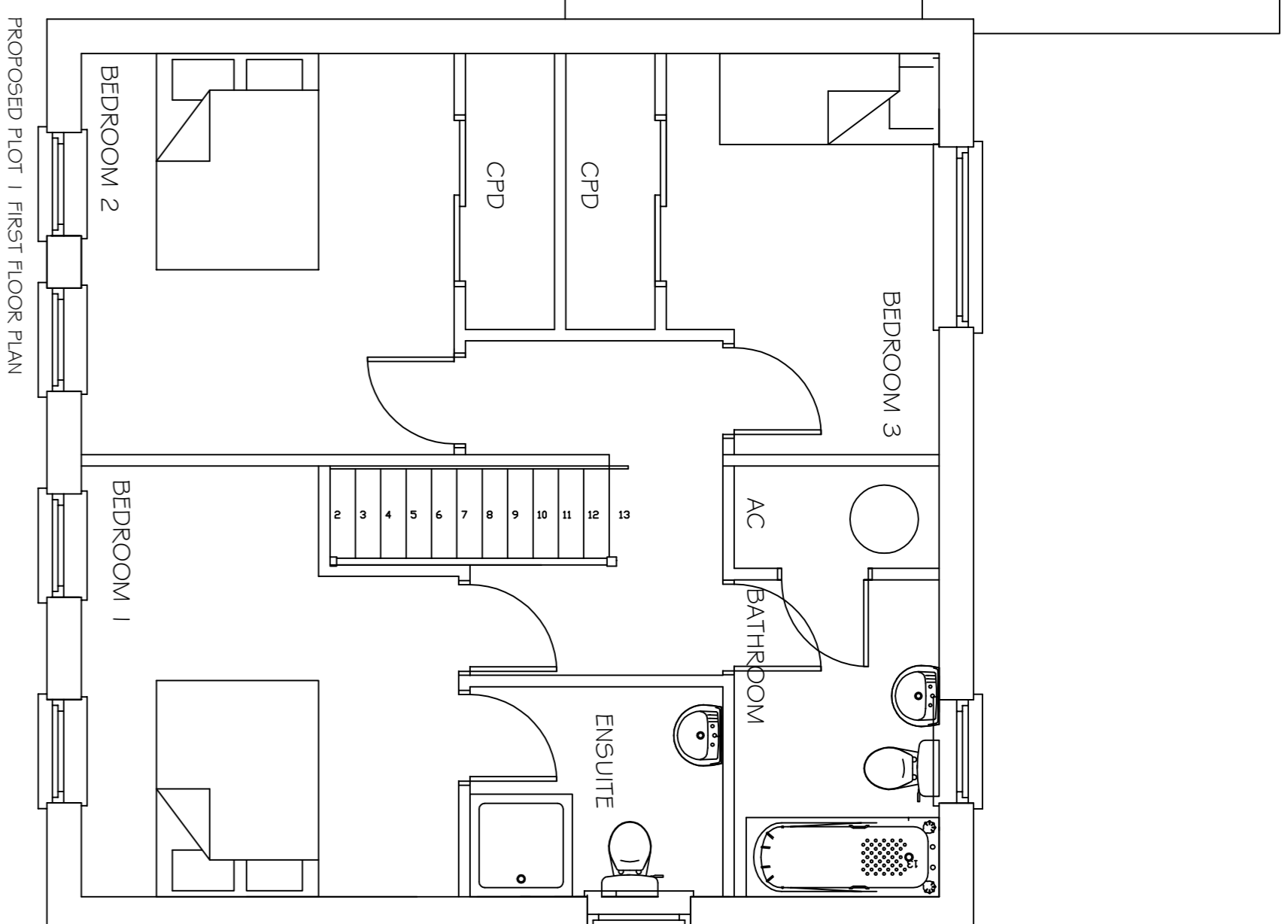
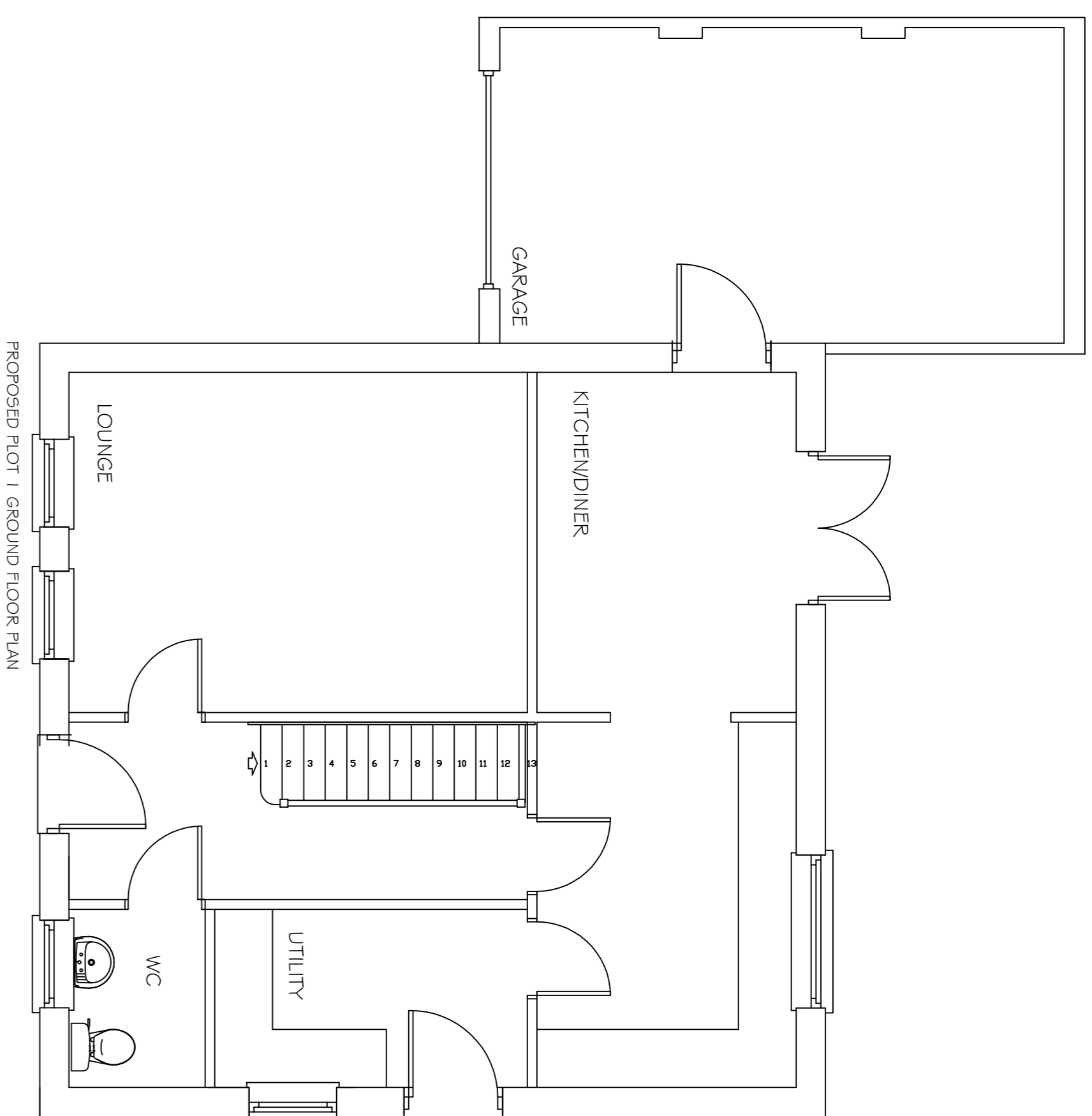
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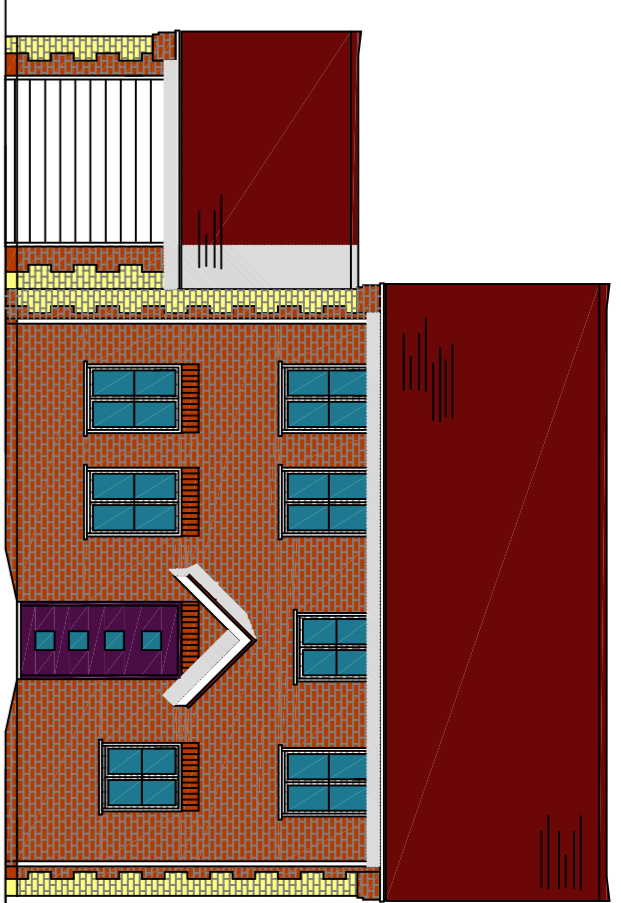


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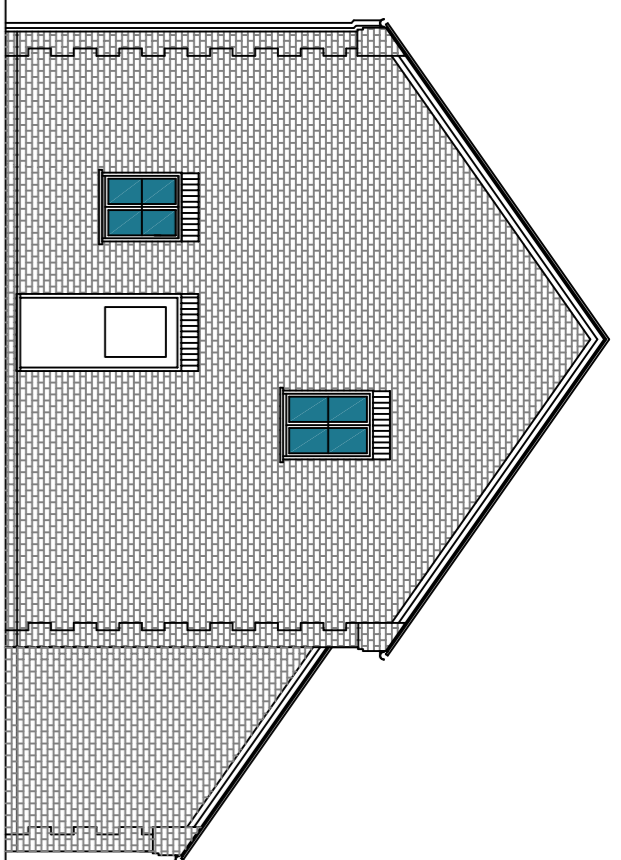
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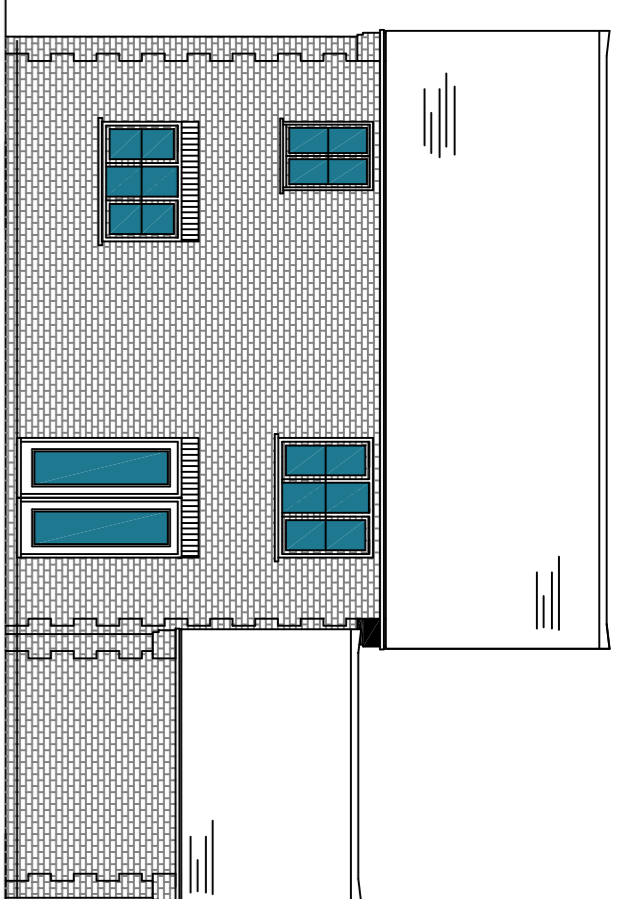




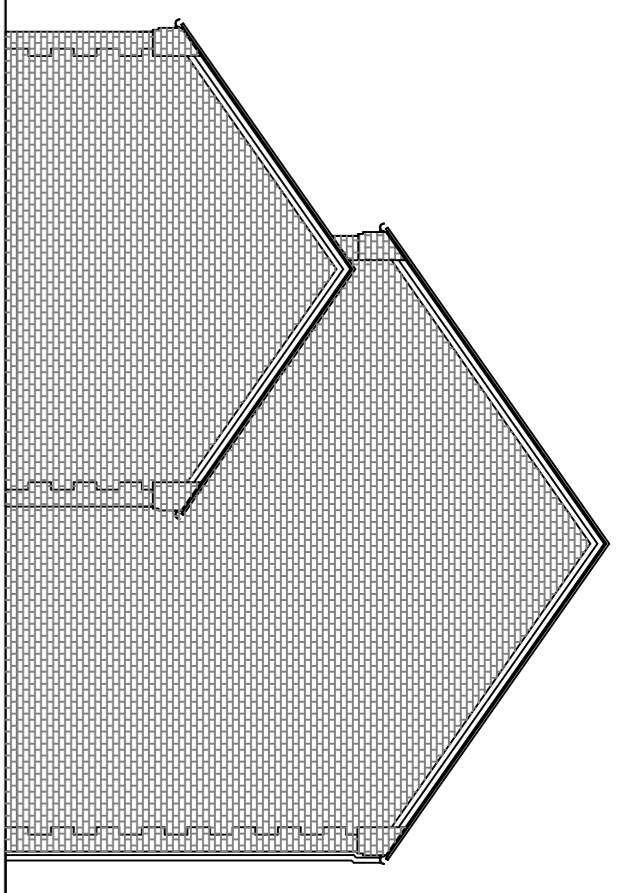
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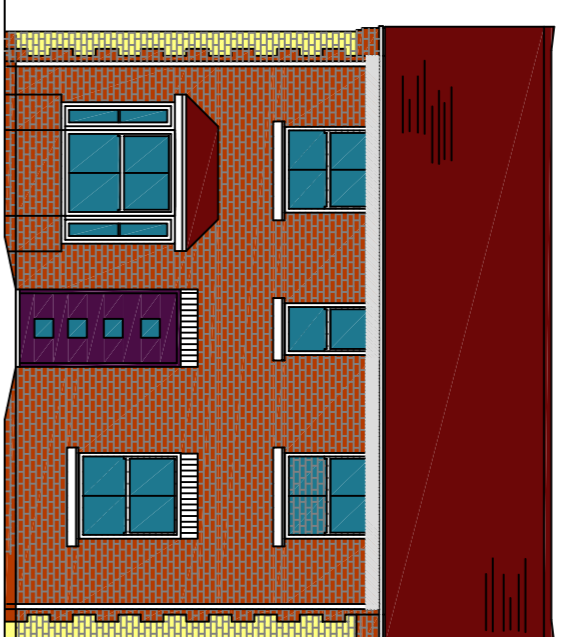
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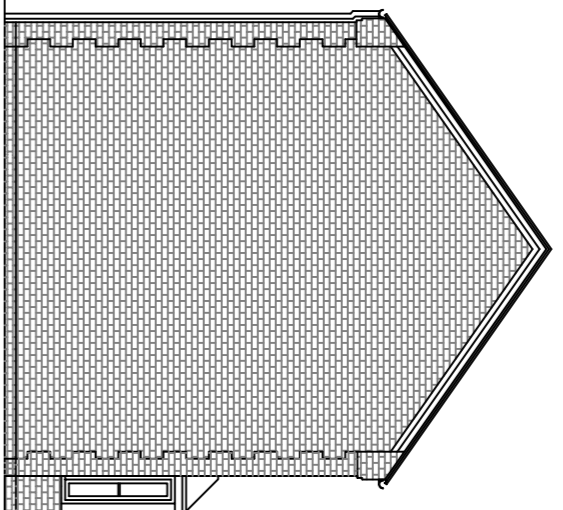
PROPOSED REAR ELEVATION



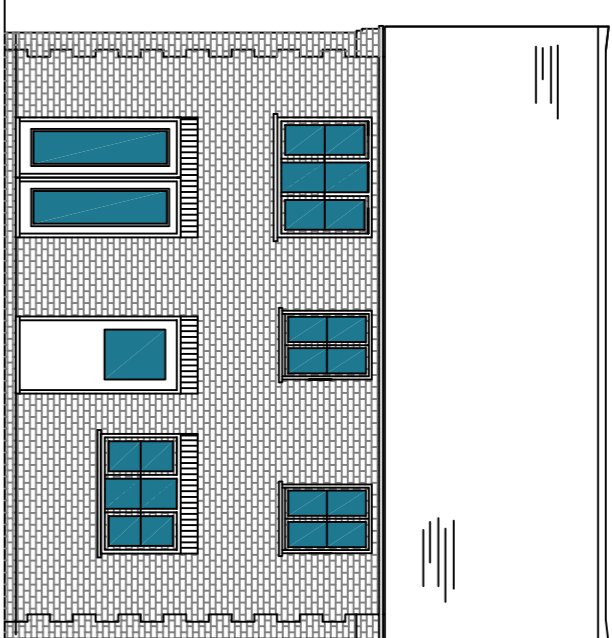
PROPOSED SIDE ELEVATION



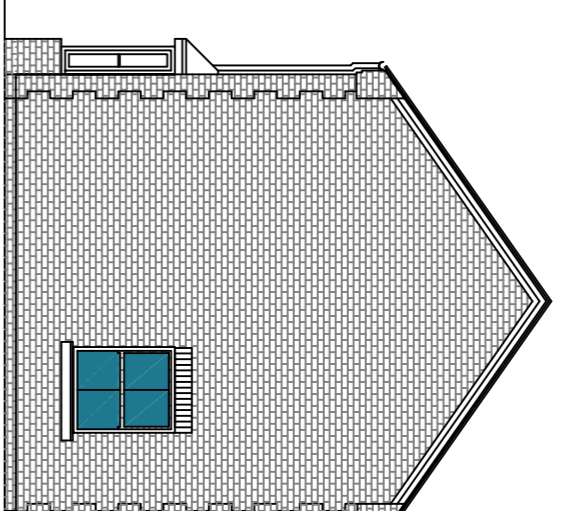
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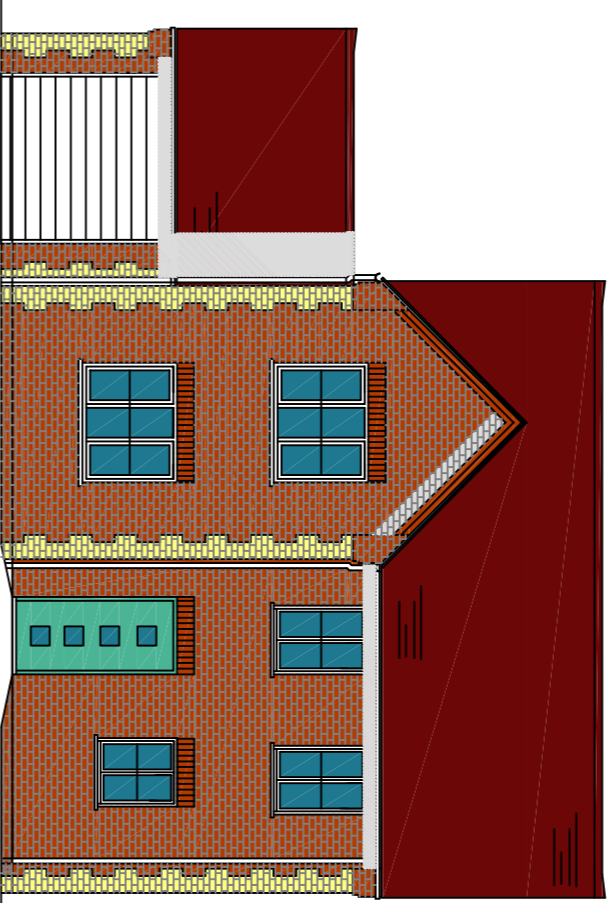
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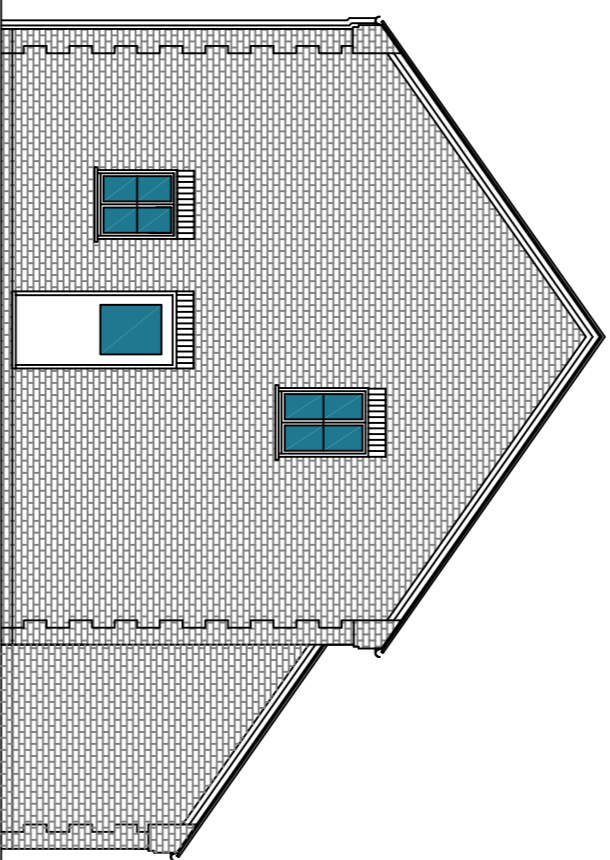
PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION



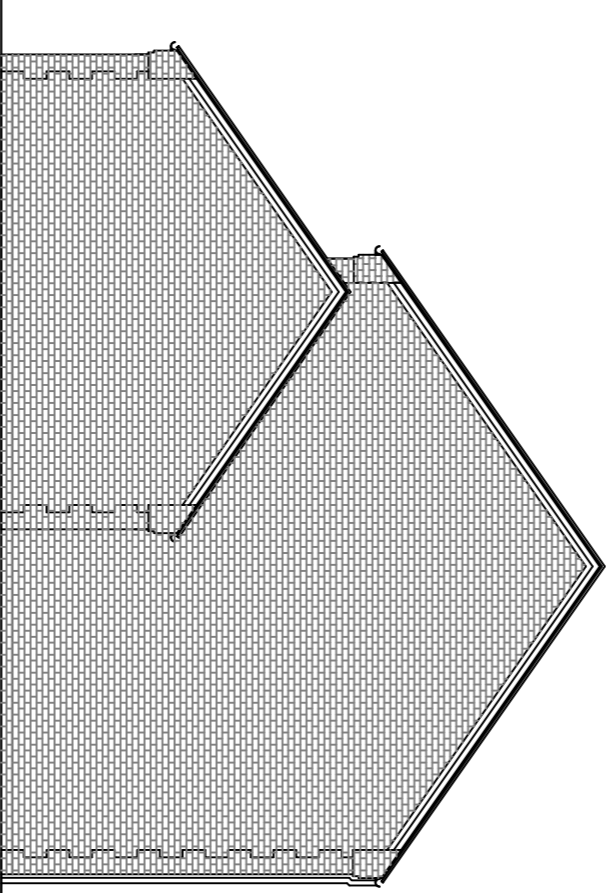
PROPOSED PLOT 3 & 5 FRONT ELEVATION



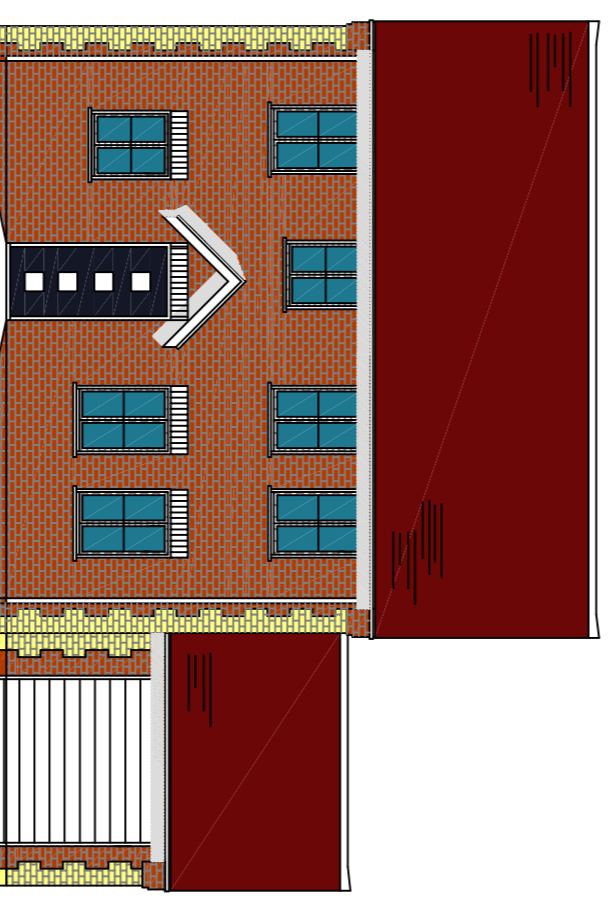
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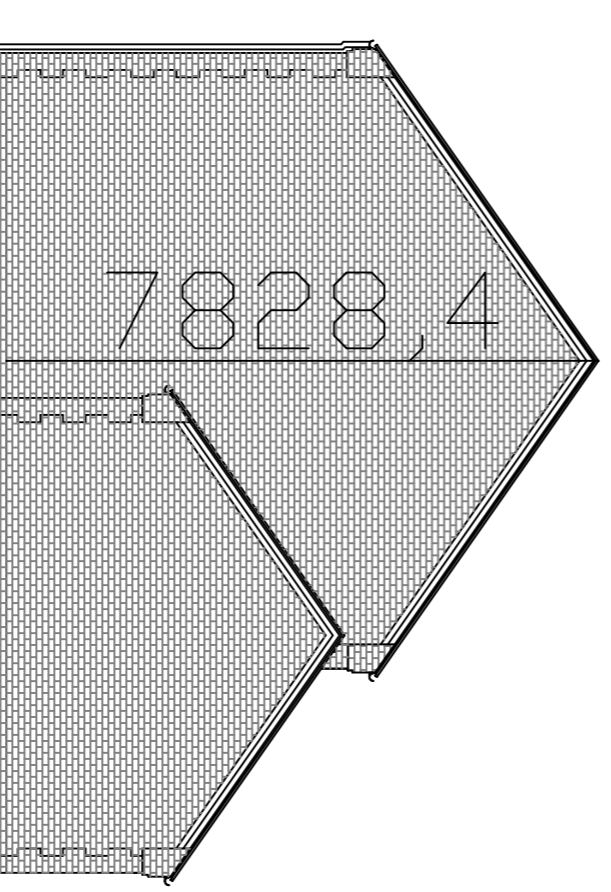
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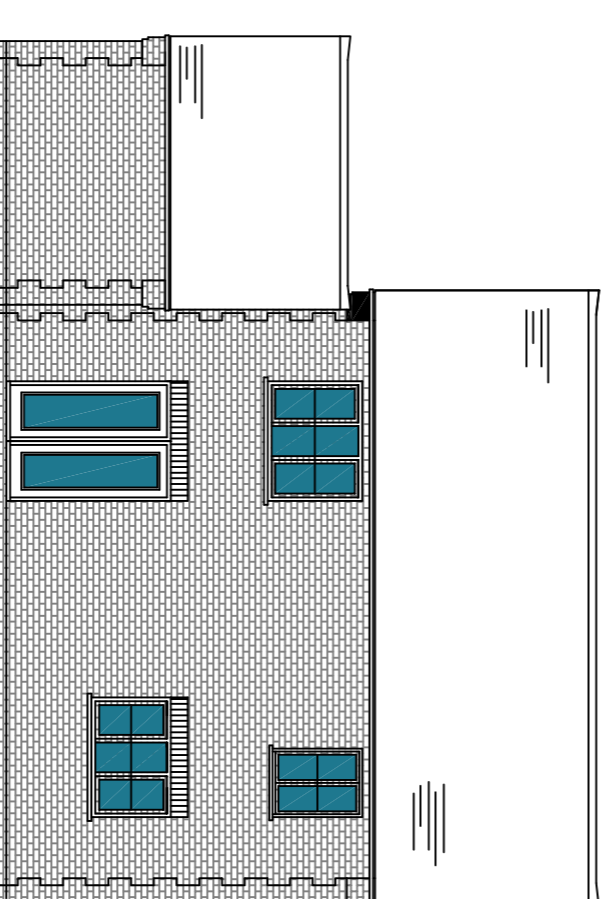
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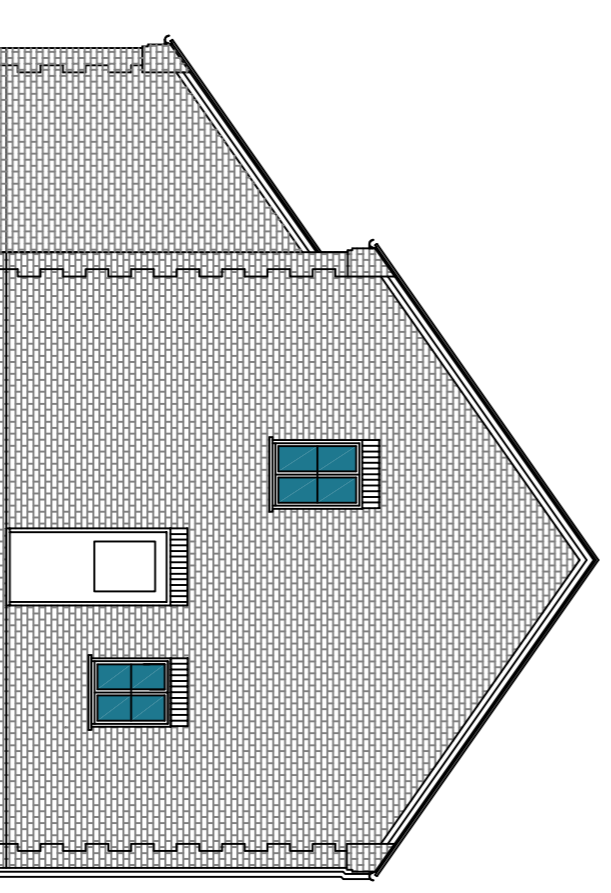
PROPOSED PLOT 4 FRONT ELEVATION



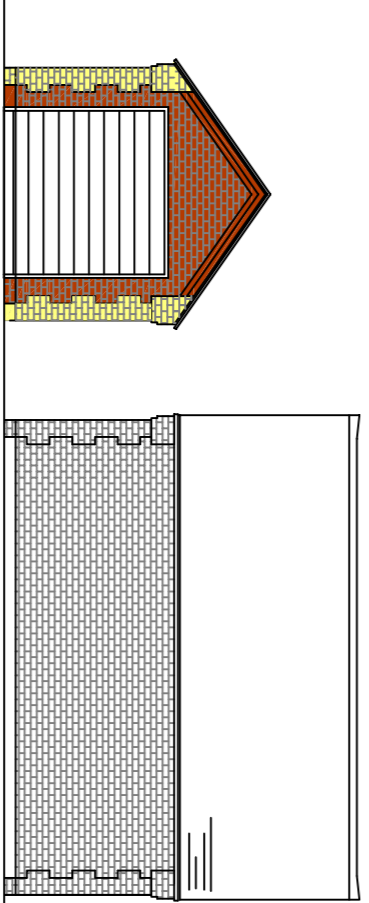
PROPOSED SIDE ELEVATION



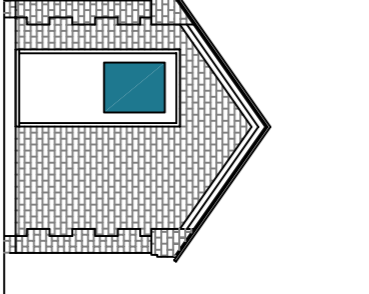
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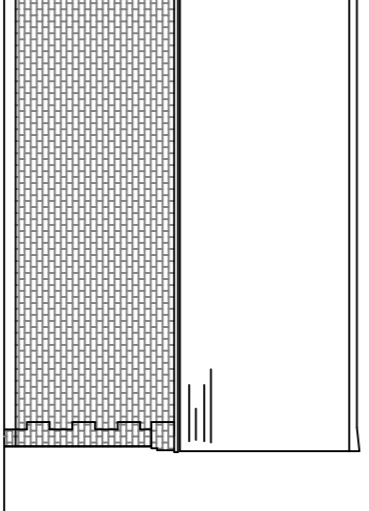
PROPOSED SIDE ELEVATION



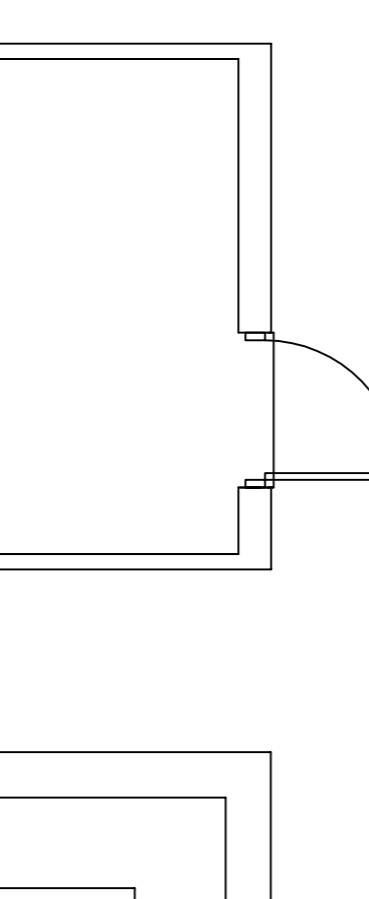
PROPOSED PLOT 2 GARAGE



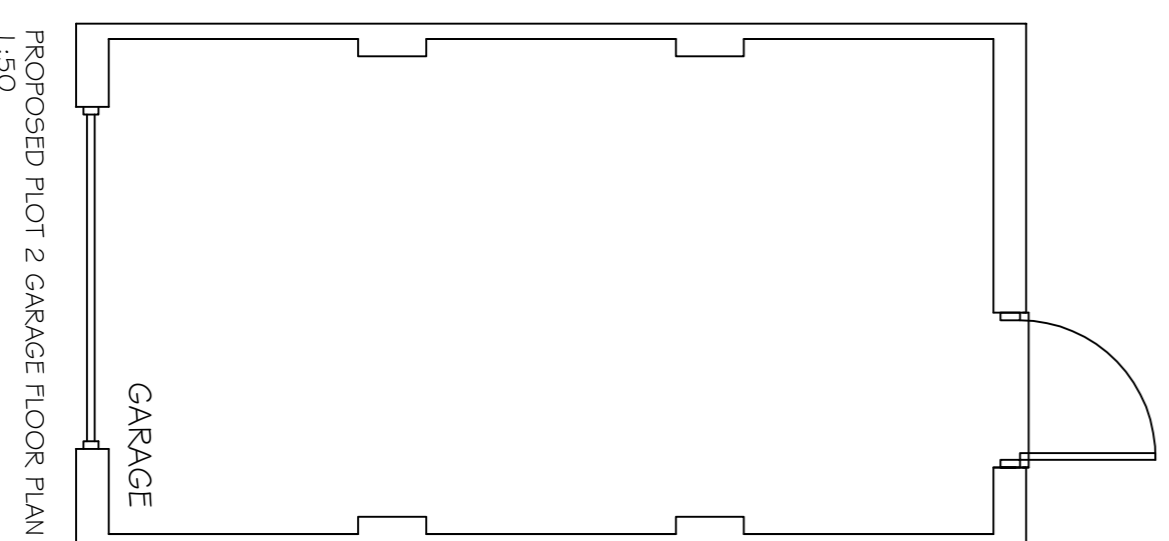
PROPOSED SIDE ELEVATION



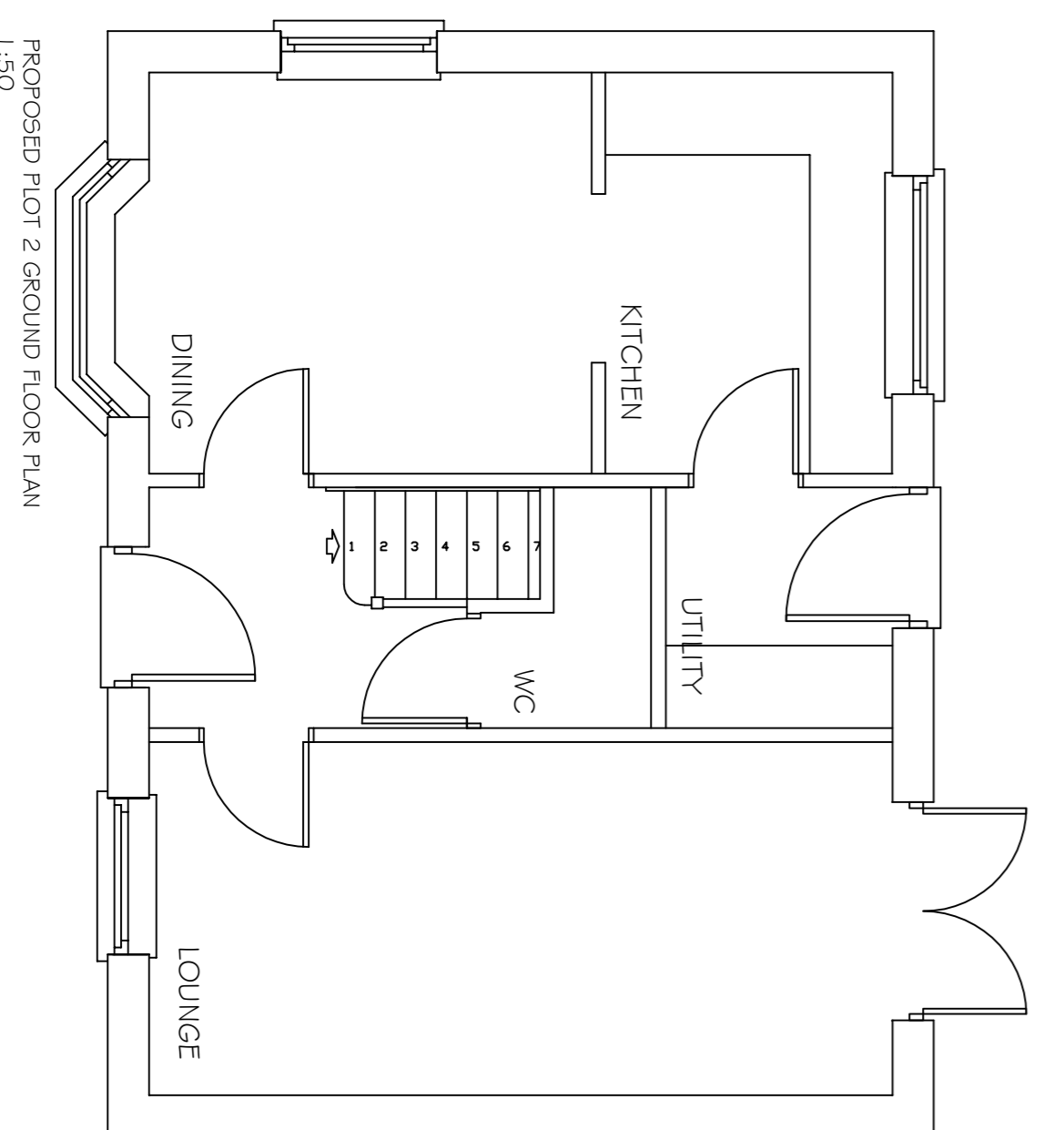
PROPOSED REAR ELEVATION



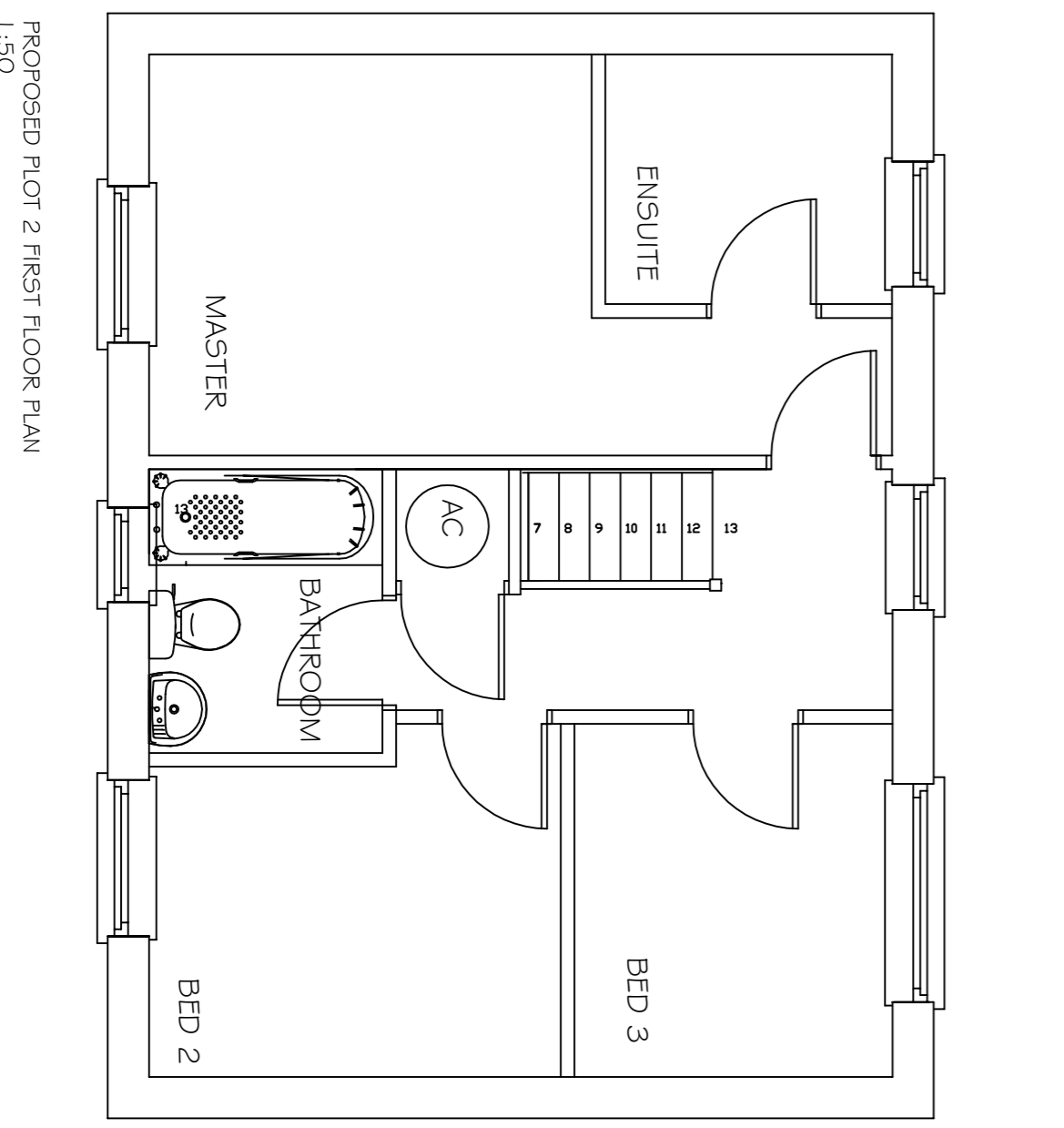
PROPOSED SIDE ELEVATION



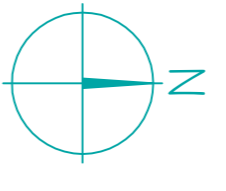
PROPOSED PLOT 2 GARAGE FLOOR PLAN
1:50



PROPOSED PLOT 2 GROUND FLOOR PLAN
1:50



PROPOSED PLOT 2 FIRST FLOOR PLAN
1:50



Revisions:

Reference: ELVS/22/PL
Scale: 1:100
Page: 1 of 5

Project:
Erection of 5x 2-storey 3-Bed
Dwellings with attached garages
involving demolition existing sheds

Site Address:
Land South 21 8-222 Man Road
Parson Drive
Wisbech

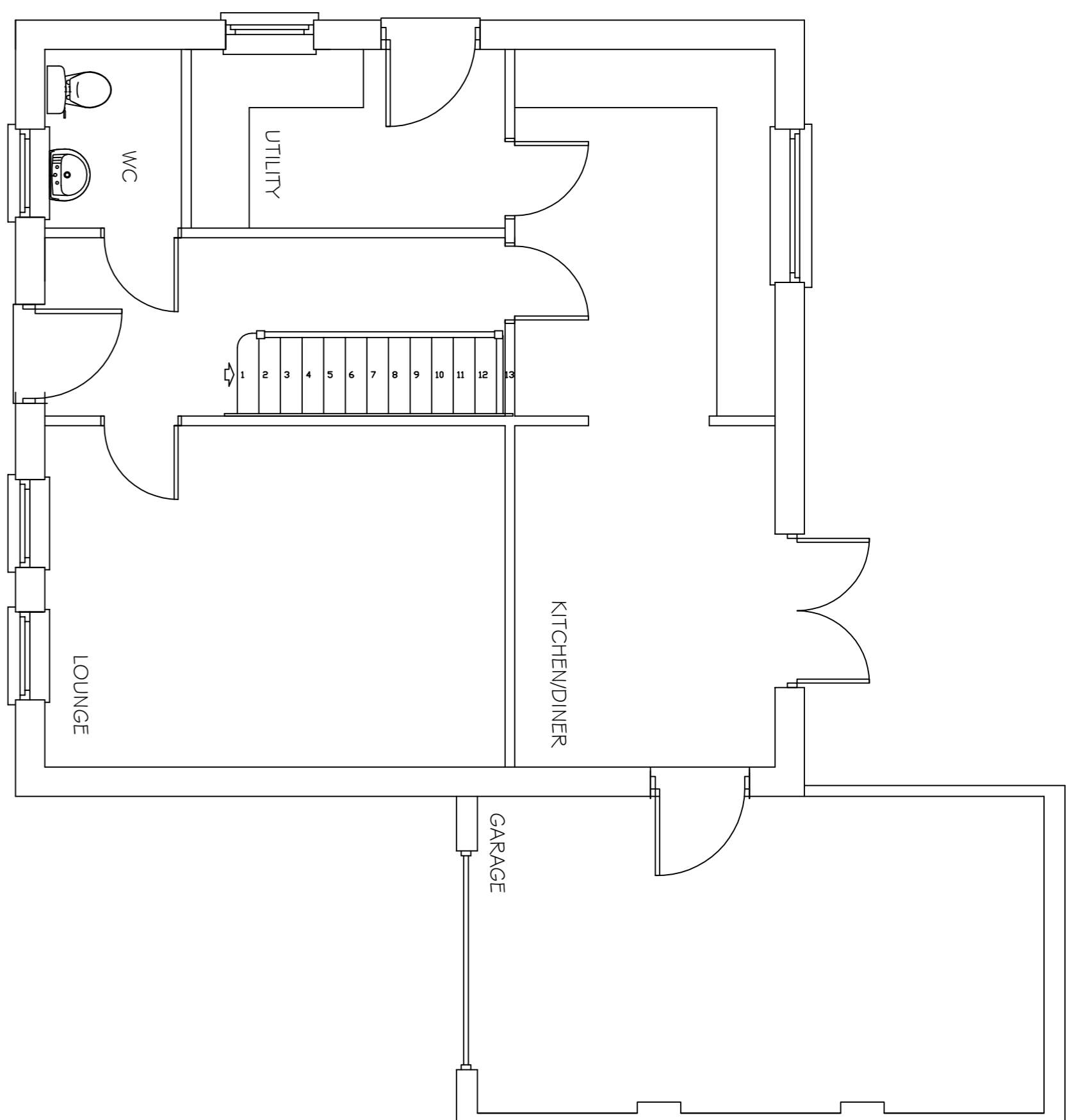
Client:
G Patrick and Sons Ltd
Seadyke Bank
Murryow
Cambs



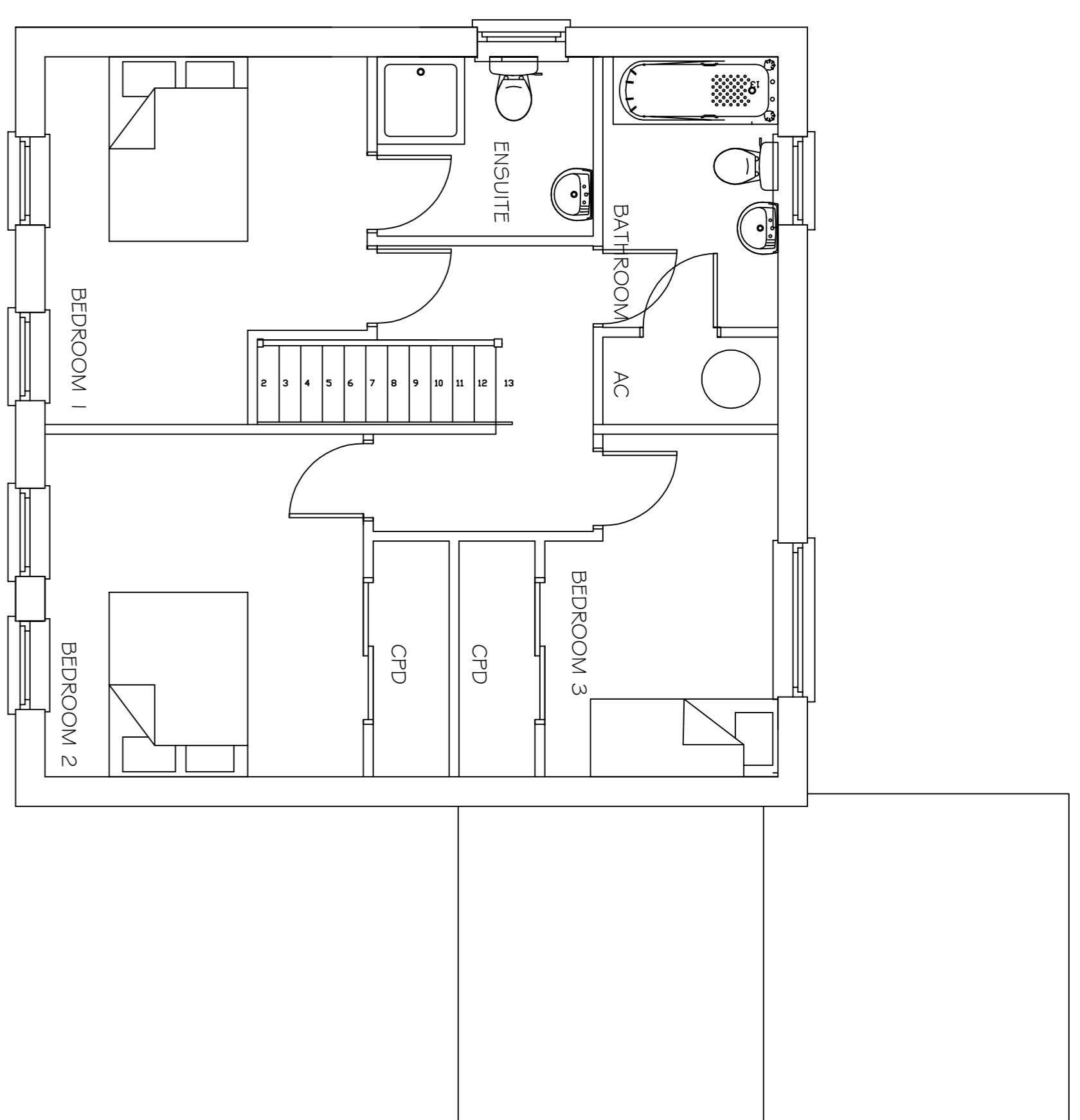
Architect Technician Design Service

Southfork Farm
Seadyke Bank
Murryow
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PROPOSED PLOT 4 GROUND FLOOR PLAN



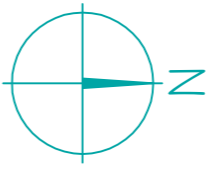
PROPOSED PLOT 4 FIRST FLOOR PLAN



EXISTING LOCATION PLAN 1:1250



PROPOSED LOCATION PLAN 1:1250



Revisions:

Reference:	Pages:
FLOOR3/22/PL	3 of 5

Scale:
1:50

Project:
Erection of 5x 2-storey 3-Bed
Dwellings with attached garages
involving demolition existing sheds

Site Address:
Land South 21 8-222 Main Road
Parson Drive
Wisbech

Client:
G Patrick and Sons Ltd
Seadyke Bank
Murrow
Cams



Architect Technician Design Service

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100x100x110mm granite setts, bedded in and on 150mm S172 concrete, OR
min. three quarters of a sett to be bedded, max. joint width 10mm,
painted with class 1 cement mortar

200 x 100 x 80mm Concrete block paving to
Clause 12.06 in a contrasting colour to the
access way at the direction of the Engineer's
Representative.

1125mm

200x200x200mm Marble Speedblock
reversible unit in contrasting colour

115mm
kerb face

Half ballbed kerb

Transition kerb

Ballbed kerb

25mm kerb face

Concrete grade S11 to BS5328 bed and
hauling

100mm

200mm

250mm

300mm

500mm

140mm Asphalt Concrete base (20mm non,
size aggregate) laid in two layers.

Type 1 or Cambs. HER

300mm

25mm

DETAIL FROM HOUSING ESTATE ROAD CONSTRUCTION SPECIFICATION