

F/YR17/1230/F

Applicant: Mr D Upton

**Agent : Mr Gareth Edwards
Swann Edwards Architecture Limited**

The Piggeries, Flaggrass Hill Road, March, Cambridgeshire

Erection of 2 x 2-storey 4-bed dwellings with attached double garages involving demolition of existing outbuildings

Reason for Committee: The application has been called to the planning committee by Councillor S Court for reasons of the land needing to be clearing, and issues of health.

1 EXECUTIVE SUMMARY

The site is located in the open countryside, set behind a small group of bungalows fronting Flaggrass Hill Road and Creek Fen.

The proposal seeks full planning permission for the erection of 2 large 2-storey 4-bed detached houses with attached double garages. The proposal would involve the demolition of the buildings at the site.

This application is effectively a resubmission of a proposal that was refused on 21 Dec 2016. (F/YR16/0999/F refers).

The principle of residential development on this site is not supported by Policy LP3 of the Local Plan in that the site is located in the open countryside. The proposal would also unacceptably impact the character and appearance of the area owing to the location and scale of the proposed dwellings. In addition the development also includes insufficient information with regard to biodiversity matters.

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.

2 SITE DESCRIPTION

- 2.1 The site is located in the open countryside, set behind a small group of bungalows fronting Flaggrass Hill Road and Creek Fen. The site is accessed in-between two bungalows (Wood Paddock and The Willows) via a lane and is currently overgrown with derelict buildings which have previously been used as a piggery. The site lies within Flood Zone 1.

3 PROPOSAL

- 3.1 The proposal seeks full planning permission for the erection of 2 large 2-storey 4-bed detached houses with attached double garages. The proposal would involve the demolition of the buildings at the site.
- 3.2 This application is effectively a resubmission of a proposal that was refused on 21 Dec 2016. (F/YR16/0999/F refers)

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

<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

- 4.1 F/YR16/0999/F Erection of 2no x 2-storey, 4-bed dwellings with attached double garages involving demolition of existing outbuildings. Refused 21 Dec 2016 for the following three reasons:
1. The proposed development is located in an unsustainable location outside the settlement limits of March where residential development is not normally supported unless justified. Development in this location would introduce additional development into an area that is currently open and has a strong relationship with the adjoining countryside. The proposal is therefore contrary to Local Plan Policy LP3 of the Fenland Local Plan 2014 and to the guidance contained in the National Planning Policy Framework.
 2. In accordance with Policy LP16 (b) and Policy LP19 of the Fenland Local Plan 2014 the proposed development should protect and enhance biodiversity on and surrounding the site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites. The application has failed to submit an appropriate biodiversity study and as such the Local Planning Authority is unable to assess any impacts of the proposal in this regard. As a result the proposal is contrary to criteria (b) of Policy LP16 and Policy LP19 of the Fenland Local Plan 2014.
 3. Policy LP16 (d) requires all new development to make a positive contribution to the local distinctiveness and character of the area and responds to and improves the character of the built environment. The proposed two storey dwellings would be located in a detached position behind single-storey dwellings unrelated to existing road frontage development on Flaggrass Hill Road and as a result would appear incongruous when viewed in the context of the existing built form. Furthermore it would unnecessarily extend built development into the open countryside which would unacceptably harm the rural character of the area. As such, the proposal is contrary to criteria (d) of Policy LP16 of the Fenland Local Plan 2014 which states that development will only be permitted which would make a positive contribution to the local distinctiveness and character of the area and responds to and improves the character of the built environment.

5 CONSULTATIONS

5.1 March Town Council

Recommend approval

5.2 Councillor Court

The land is in a sorry state and something needs to be done with it.. On the planning committee I have made several site visits and if it was a site inspection this would be the worst I have made . The area certainly needs cleaning up as it's a potential health hazard.

5.3 FDC Environmental Health Officer

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. However given the demolition of former buildings the following condition should be imposed.

UNSUSPECTED CONTAMINATION

CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

5.4 Senior Archaeologist (CCC)

The site lies in an area of high archaeological potential, situated in the Flaggrass Hill Road area of March, to the north-east of the historic settlement and north of the Rive Nene. The site is positioned on the edge of March island where the sands and gravels give way to Tidal Flat Deposits and Fenland peats. The proposed development area is crossed by the Fen Causeway, an important Roman road in an area exceptionally rich in archaeological. In the immediate vicinity, are the remains of a known Romano-British settlement, represented by cropmarks of enclosures, field systems and a water course. Known archaeology in the vicinity includes the remains of the Causeway itself and the ditches of the associated Roman field system (CHER 08974).

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a condition.

No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:

- the statement of significance and research objectives;
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of

the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

5.5 Cambridgeshire County Council Highways Authority

The access should have 2m x 2m sealed splays on each side of the access. The access should be drained away from the highway boundary 5m wide for the first 10m from the edge of the carriageway.

Each plot should come forward with a minimum of 3 parking spaces. For a garage to count towards the parking allocation it should have internal dimensions of 6m x 7m (double).

5.6 Ecology Officer

The site contains habitats and features which may support protected species such as, but not limited to, bats, barn owls, breeding birds, reptiles, badgers and water voles. Whilst I note that the application is accompanied by an "Initial Biodiversity Report", it has not been completed by a suitably qualified ecologist and I consider that the application site has not been adequately assessed for the presence of protected species.

I would therefore recommend that a Preliminary Ecological Appraisal/ Phase 1 Habitat Survey is carried out. Such an appraisal should establish whether further survey work is required; any further survey work which is recommended should be carried out and a report provided (including details of measures to mitigate any impacts on biodiversity). The Ecological Appraisal should be carried out in accordance with BS 42020:2013 (Biodiversity Code of Practice for Planning & Development). The survey should be carried out and a report provided in advance of determination of this application.

Please note the presence of a protected species is a material consideration when a planning authority is considering a development proposal (para 98, ODPM circular 06/2005). It is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

I would advise that prior to determination the LPA requests that an Ecological Appraisal be carried out as set out above. I therefore **object** to the granting of planning permission at this moment in time with regard to this application.

The LPA has a duty under s.40 of the Natural Environment & Rural Communities (NERC) Act 2006 to have regard to biodiversity, including the above species as listed under s.41 of the NERC Act and as stated in the Council's Core Strategy (Policy CS19 The Natural Environment) and I consider that the Council is not currently in a position to be confident that this duty has been adequately discharged.

5.7 Local Residents/Interested Parties

One letter of objection has been received, raising the following matters:

All of the properties that surround this site are single storey dwellings and as such it would be impossible for this development not to overlook several of the surrounding homes including my own. It would also seriously affect the skyline as seen from the rear of my property which is at present a lovely view of trees and sky. This is also a very quiet neighbourhood with mostly older residents over 50 years of age and large dwellings of the type applied for are likely to have a very negative effect on the views and the peace and quiet currently enjoyed by the residents of this area! Small bungalows would be much more suitable for the plot

Design/Appearance

- Loss of view/Outlook
- Noise
- Out of character/not in keep with area
- Overlooking/loss of privacy
- Wildlife Concerns
- Would set a precedent

Five letters of support have been received raising the following matters:

- The site is derelict, overrun with weeds and brambles and is an eyesore
- Concerns regarding rats on the site
- The site attracts children who cause a nuisance
- A small scale development would be an improvement to the area and of little impact to local amenities or traffic
- Would be a visual improvement to the street scene.

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 32: Development should only be refused on transport grounds where the residual cumulative transport impacts are severe.

Paragraph 47: Supply of housing.

Paragraph 49: Applications for planning permission for housing are determined in accordance with the presumption in favour of sustainable development.

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

Paragraphs 100-104: Development and flood risk.

Paragraph 109: Minimising impacts on biodiversity.

Paragraphs 203-206: Planning conditions and obligations.

7.2 National Planning Practice Guidance (NPPG)

Determining Planning Applications
Flood Risk and Coastal Change

7.3 Fenland Local Plan 2014:

LP1: Presumption in Favour of Sustainable Development;
LP2: Facilitating Health and Wellbeing of Fenland Residents;
LP3: Spatial strategy, the Settlement Hierarchy and the Countryside;
LP6: Employment, Tourism, Community Facilities and Retail;
LP12: Rural Areas Development Policy;
LP14: Responding to climate change and managing the risk of flooding in Fenland;
LP16: Delivering and Protecting High Quality Environments across the District;
LP19: The Natural Environment

7.4 March Neighbourhood Plan 2017

Policy H2 f – Windfall Development (design)

8 KEY ISSUES

- **Principle of Development**
- **Five Year Land Supply**
- **Impact on the Character and Appearance of the area**
- **Ecological considerations**
- **Access and Highway Safety**
- **Health and wellbeing**
- **Economic Growth**
- **Planning Balance**
- **Other considerations**

9 BACKGROUND

- 9.1 F/YR16/0999/F Erection of 2no x 2-storey, 4-bed dwellings with attached double garages involving demolition of existing outbuildings. Refused 21 Dec 2016 for the three reasons set out above. This application is effectively a resubmission of that proposal.

10 ASSESSMENT

Principle of Development

- 10.1 The site falls within the open countryside, and therefore the principle of residential development in this location would not be consistent with Policy LP3 of the Fenland Local Plan May 2014 and indeed national planning policy guidance which steers new development in built up areas that offer the best access to services and facilities.
- 10.2 In accordance with Policy LP3 of the Local Plan (May 2014) the site is identified as 'Elsewhere' i.e. in an area not falling into one of the other categories within Policy LP3 where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation etc. Any such development would be subject to a restrictive occupancy condition. From the information submitted the proposed houses would not be related to any of the above.

Five Year Land Supply

- 10.3 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).
- 10.4 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.
- 10.5 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.
- 10.6 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 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

Impact on Character and Appearance of the area

- 10.7 For the reasons that have been set out above (in relation to Policy LP3) the proposed development would be an unnecessary intrusion in the countryside, which would unacceptably harm the rural character and appearance of the area.
- 10.8 The proposed dwellings would be located behind two bungalows fronting Flaggrass Hill Road. Although they would be positioned sufficient distance away as to not cause any undue overlooking or overshadowing concerns to any

neighbouring dwellings, the scale and height (at 8.6 metres to ridge) of the dwellings would be visually dominate and incongruous in the context of the area.

- 10.9 The small group of dwellings neighbouring the site are all low-lying single-storey properties, as a result of the height and scale of the proposed dwellings their visual presence along the roads of Flaggrass Hill Road and Creek Fen would be highly noticeable between gaps and above the existing bungalows – they would be incongruous when viewed from these roads. Accordingly the proposal would conflict with Policy LP16 (d) of the Local Plan.

Ecological considerations

- 10.10 The Biodiversity Checklist completed by the applicant confirms that there have been no site surveys undertaken by suitably qualified experts for bats, breeding birds and any other protected species, except for an Initial Biodiversity Report which confirms a number of walk overs by the agent have taken place– although there is no expert evidence to support statements in that report that no protect species or habitats would be affected. The site is also heavily overgrown with brambles and trees within and bordering the site as well as a number of dilapidated buildings. There is no evidence to suggest that a suitably qualified ecologist has surveyed the site, and therefore the potential impact of the development cannot be properly assessed. Without detailed survey evidence the ‘precautionary principle’ should apply to safeguard the objectives of policies LP16 (b) and LP19 of the Local Plan.
- 10.11 The Council’s Ecologist also concurs with this view and objects to the proposal as it is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development is established before planning permission is granted.

Access and Highway Safety

- 10.12 The Highway Authority has not objected to the proposal but has requested details of visibility splays and queried the parking dimensions to the proposed scheme. There are no footpaths or street lighting available along the road which would mean that pedestrians from the development could have their safety jeopardised by unsighted vehicles along Flaggrass Hill Road. There are no mitigation measures proposed as part of the application but these could be potentially secured by condition should the development be permitted.
- 10.13 As well as the visibility splays not being shown on the plan (requested to be 2.4m by 43m) there are also concerns with the dimensions of the proposed garaging, however the dimensions only fall slightly short of the required measurements set out in Appendix A of the Local Plan and would be able to accommodate parked vehicles. In any case there is sufficient space within the driveways to cater for parking appropriate to the size of the proposed dwellings.
- 10.14 Overall whilst the proposal, subject to the imposition of a number of conditions, would be capable of complying with Policy LP15 of the Local Plan the measures proposed would add additional harm to the character of the area (in that the construction of a footpath would have an urbanising and engineered effect on the appearance of the area).

Health and wellbeing

- 10.15 In accordance with Policy LP2 of the Local Plan development proposals should positively contribute to creating a healthy, safe and equitable living environment. In doing so development proposals, amongst other things, should create sufficient and the right mix of homes to meet people's needs, and in the right location. Whilst the scheme could potentially deliver some family housing it would not be in a sustainable location where there would be access to services and facilities.

Economic Growth

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

Planning Balance

- 10.17 The proposal would provide moderate social benefits in helping to meet the supply of housing in an unacceptable location with poor access to local facilities. Furthermore there will be harm to the character of the open countryside at this location. Consequently, the development would not be appropriate for this location.
- 10.18 Furthermore there are environmental consequences which would again be contrary to the aims of the NPPF and no benefits would accrue to the households in terms of community cohesion. There is a direct correlation between the aims of the FLP and the NPPF in these respects and even when rendering the housing supply policies of the FLP out-of-date there is still a clear planning argument to resist this development as unsustainable.
- 10.19 Whilst the scheme would deliver additional dwellings and would 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 and sustainability shortcomings of the proposal.
- 10.20 In addition the applicant has failed to address matters of biodiversity that have been raised previously on this site as a result of the earlier decision on this land.

Other Considerations

- 10.21 The concerns raised by the local resident have been duly noted.
- 10.22 The issue of the land being derelict has been reported to the Planning Enforcement Team for investigation. The matter of the potential for rats on the site has been reported to the Environmental Health Section for investigation.

11 CONCLUSIONS

- 11.1 The principle of residential development on this site is not supported by Policy LP3 of the Local Plan in that the site is located in the open countryside. The proposal would also unacceptably impact the character and appearance of the area owing to the location and scale of the proposed dwellings. In addition the

development also includes insufficient information with regard to biodiversity matters. Accordingly it is recommended that the application is refused.

12 RECOMMENDATION

Refuse

1. The proposed development is located in an unsustainable location outside the settlement limits of March where residential development is not normally supported unless justified. Development in this location would introduce additional development into an area that is currently open and has a strong relationship with the adjoining countryside. The proposal is therefore contrary to Local Plan Policy LP3 of the Fenland Local Plan 2014 and to the guidance contained in the National Planning Policy Framework.
2. In accordance with Policy LP16 (b) and Policy LP19 of the Fenland Local Plan 2014 the proposed development should protect and enhance biodiversity on and surrounding the site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites. The application has failed to submit an appropriate biodiversity study and as such the Local Planning Authority is unable to assess any impacts of the proposal in this regard. As a result the proposal is contrary to criteria (b) of Policy LP16 and Policy LP19 of the Fenland Local Plan 2014.
3. Policy LP16 (d) requires all new development to make a positive contribution to the local distinctiveness and character of the area and responds to and improves the character of the built environment. The proposed two storey dwellings would be located in a detached position behind single-storey dwellings unrelated to existing road frontage development on Flaggrass Hill Road and as a result would appear incongruous when viewed in the context of the existing built form. Furthermore it would unnecessarily extend built development into the open countryside which would unacceptably harm the rural character of the area. As such, the proposal is contrary to criteria (d) of Policy LP16 of the Fenland Local Plan 2014 which states that development will only be permitted which would make a positive contribution to the local distinctiveness and character of the area and responds to and improves the character of the built environment.



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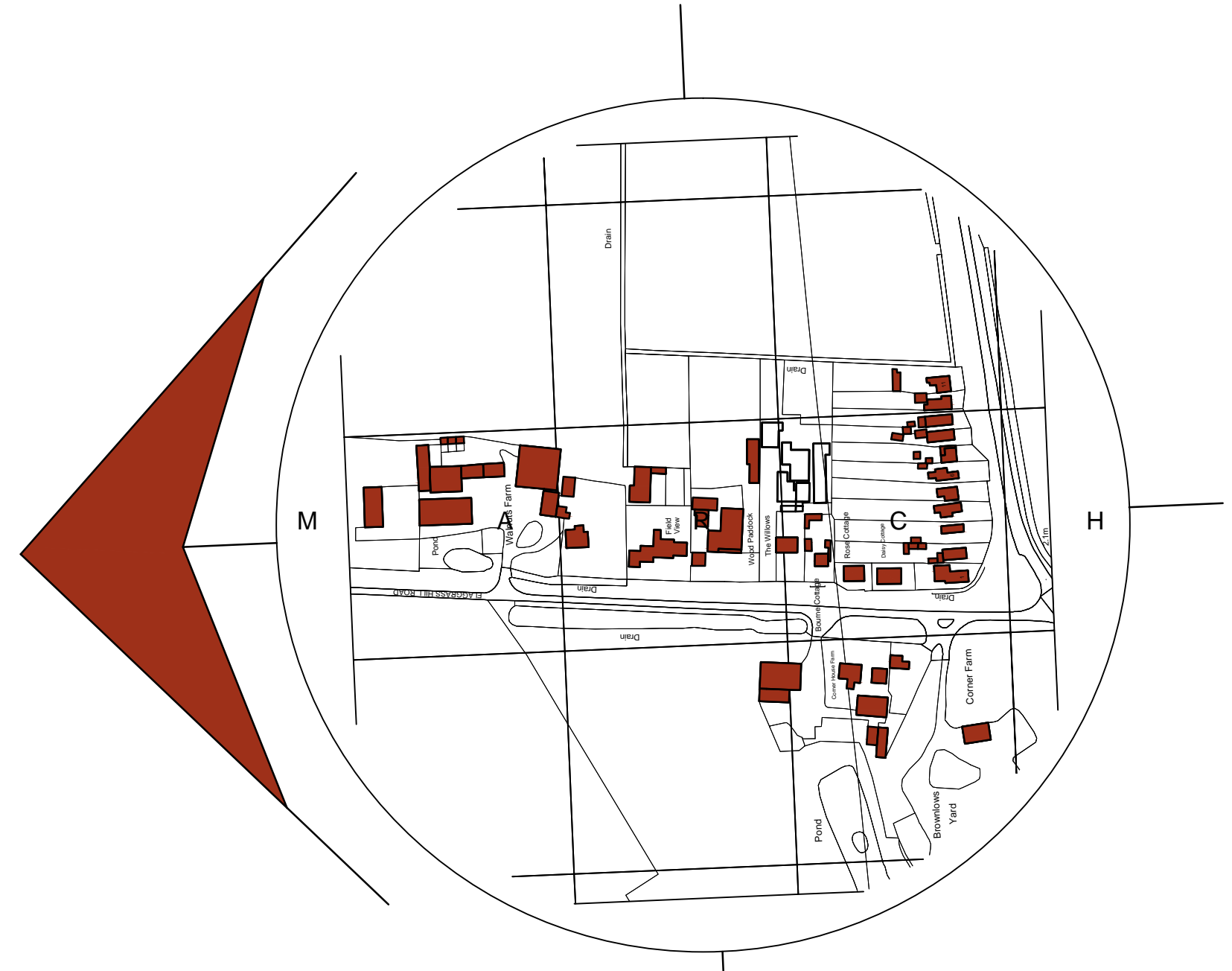
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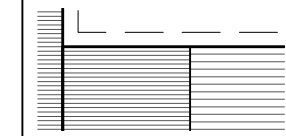
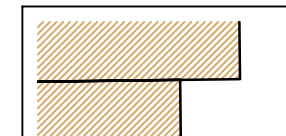
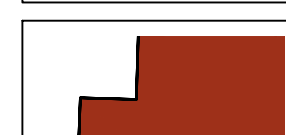

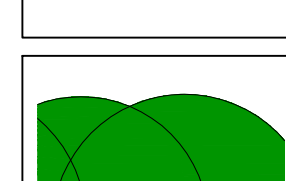
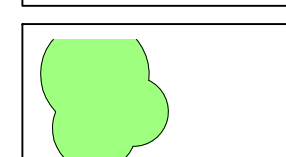
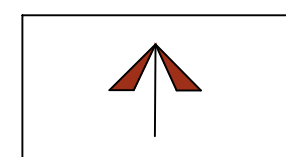


Site Plan
Scale: 1:250



Location Plan
Scale: 1:2500

SITE PLAN KEY

-  Indicates existing buildings surveyed on site
-  Indicates existing buildings un-surveyed on site
-  Indicates neighboring properties (from ordinance survey location plan)
-  Indicates existing drain
-  Indicates surveyed trees and hedging
-  Indicates un-surveyed trees and hedging (positions are approximate)
-  Indicates existing site access

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

SWANN EDWARDS
ARCHITECTURE

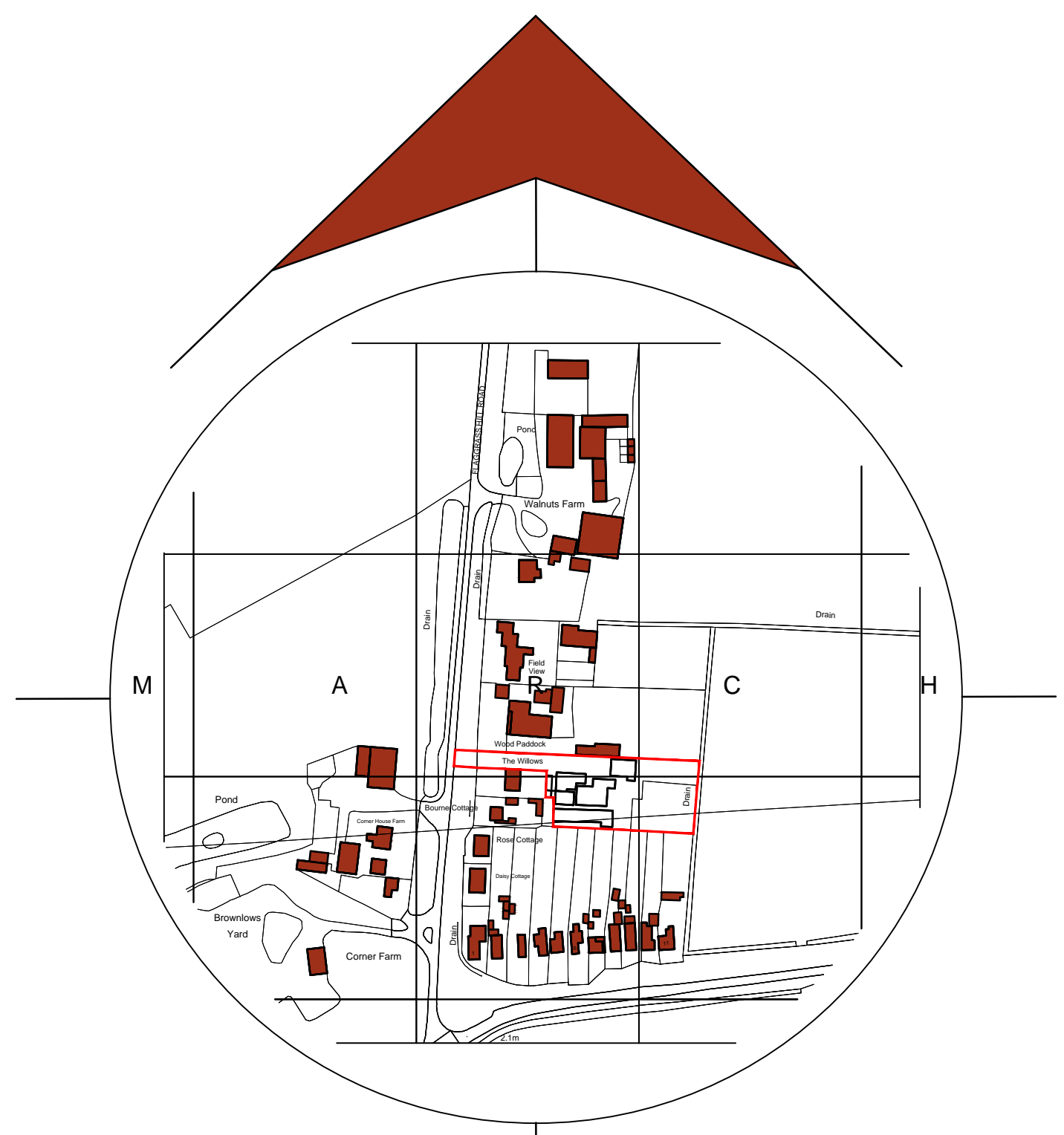
Swann Edwards Architecture Limited, Fen Road,
Guyhirn, Wisbech, Cambs. PE13 4AA
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

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| Job Title Proposed Dwellings, The Piggeries Flaggrass Hill Road, March for Mr D Upton | Date June 2016 | Scale As Shown Sheet Size A1 |
| Drawing Title Survey Drawing | Job No. SE-394 | Drawn by SHe |
| | Dwg No. 01 | Revision |



F L A G G R A S S H I L L R O A D

Site Plan
Scale: 1:200
0 2 4 6 8 metres



Location Plan
Scale: 1:2500
0 20 40 60 80 metres

General Notes
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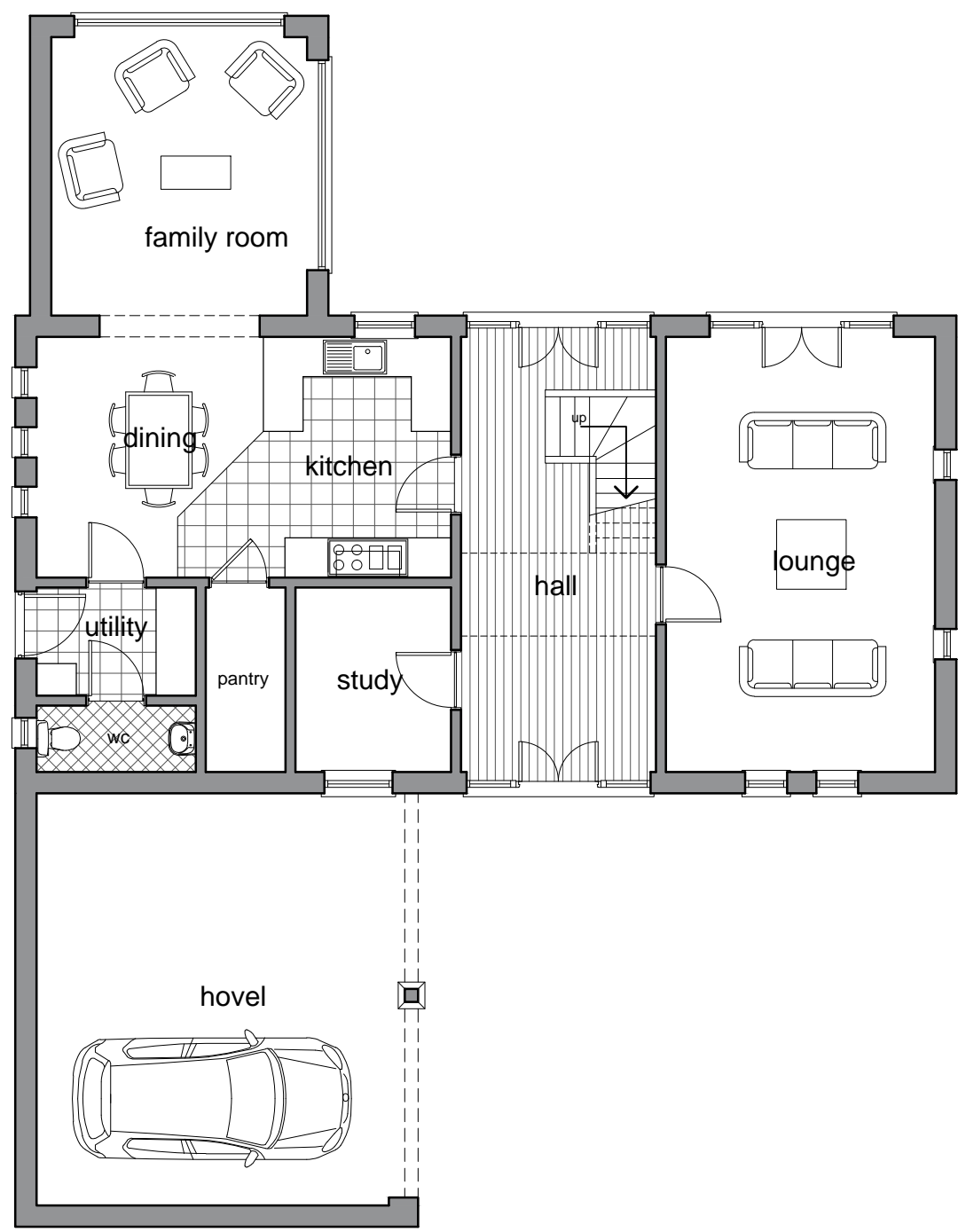
SITE PLAN KEY

| | |
|--|--|
| | Indicates positions of proposed buildings |
| | Hatch indicates new tarmaced driveway |
| | Hatch indicates new block paved parking areas |
| | Hatch indicates new grassed areas |
| | Indicates proposed specimen trees |
| | Indicates existing trees and hedges |
| | Indicates existing un-surveyed trees and hedges |
| | Indicates positions of existing buildings taken from OS map |
| | Hatch indicates new bound pea gravel driveway |
| | Hatch indicates new pea gravel driveway |
| | Indicates site access points |
| | Indicates positions of existing buildings, trees and hedges to be demolished |
| | Indicates site boundary line |
| | Indicates lockable gate |
| | Indicates bin collection point |

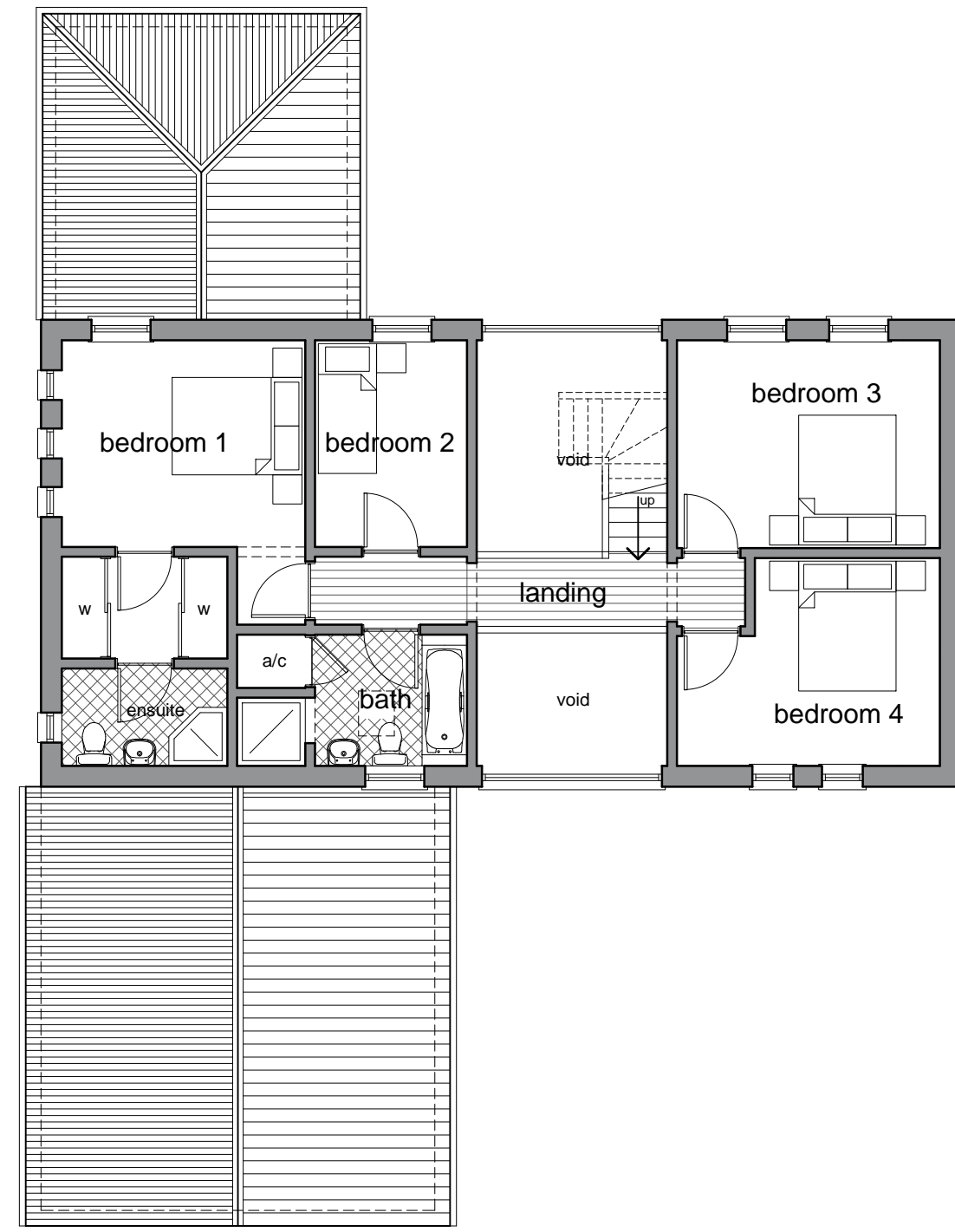
Status
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 ARCHITECTURE
 Swann Edwards Architecture Limited, Fen Road,
 Guyhirn, Wisbech, Cambs. PE13 4AA
 t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

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| Proposed New Dwellings The Piggeries, Flagg Grass Hill Road, March For : Mr D Upton | Job Title Date December 2017 | Scale Sheet Size Various A1 |
| Planning Drawing Site and Location Plans | Job No. SE-394 Dwg No. 10 | Drawn by G.E. Revision |



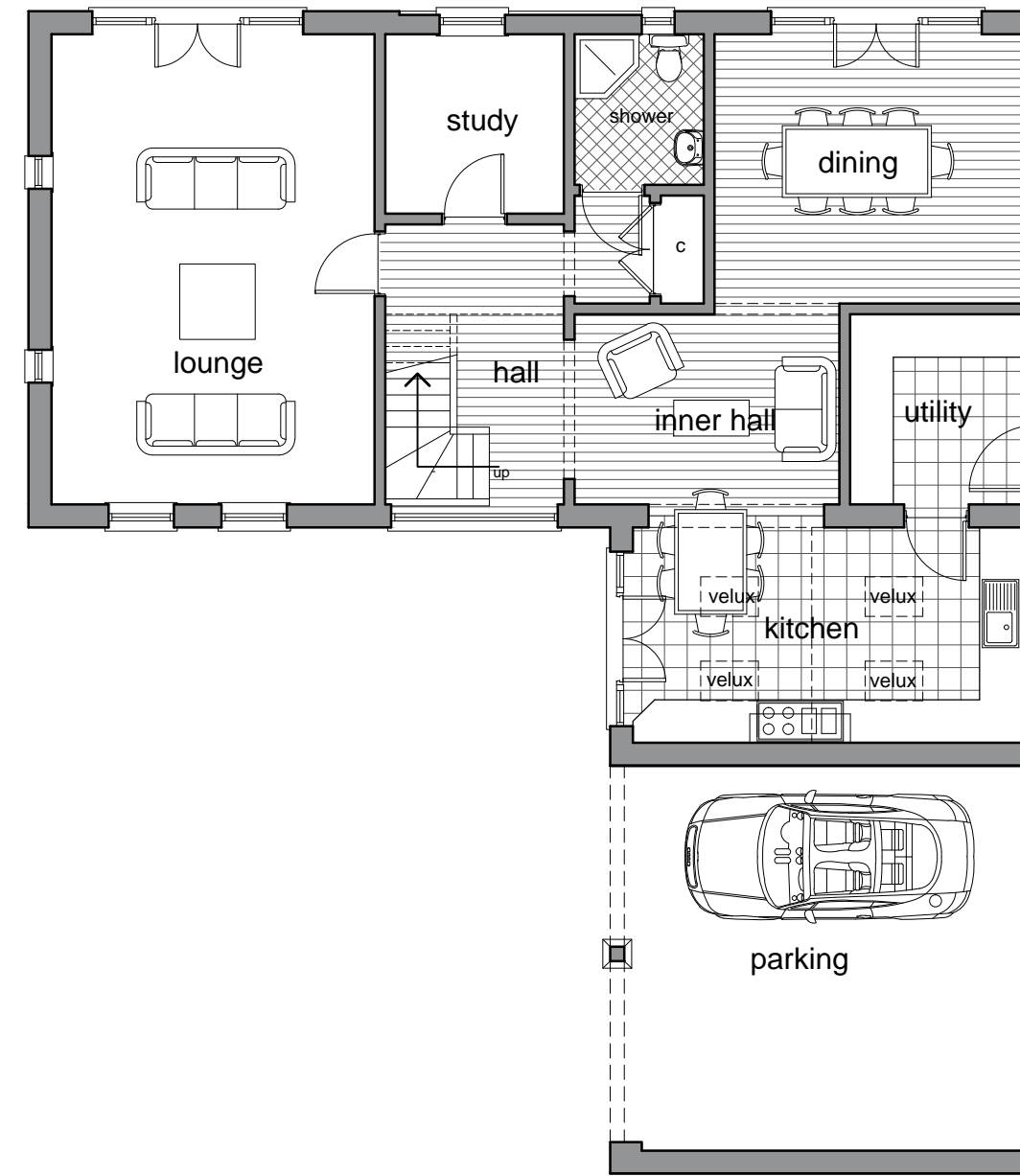
Ground Floor Plan
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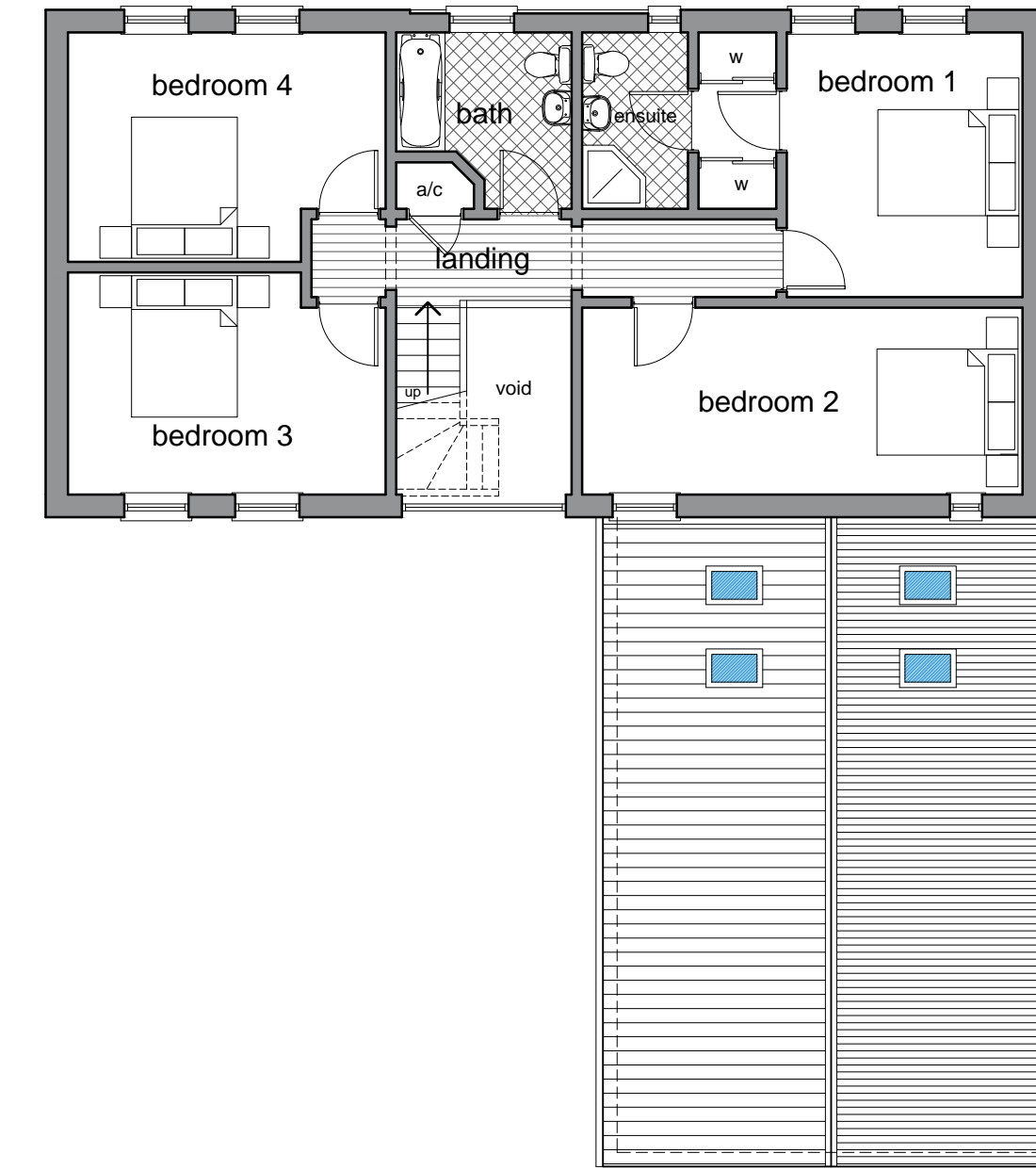
First Floor Plan
Scale: 1:100

PLOT 1

PLOT 2



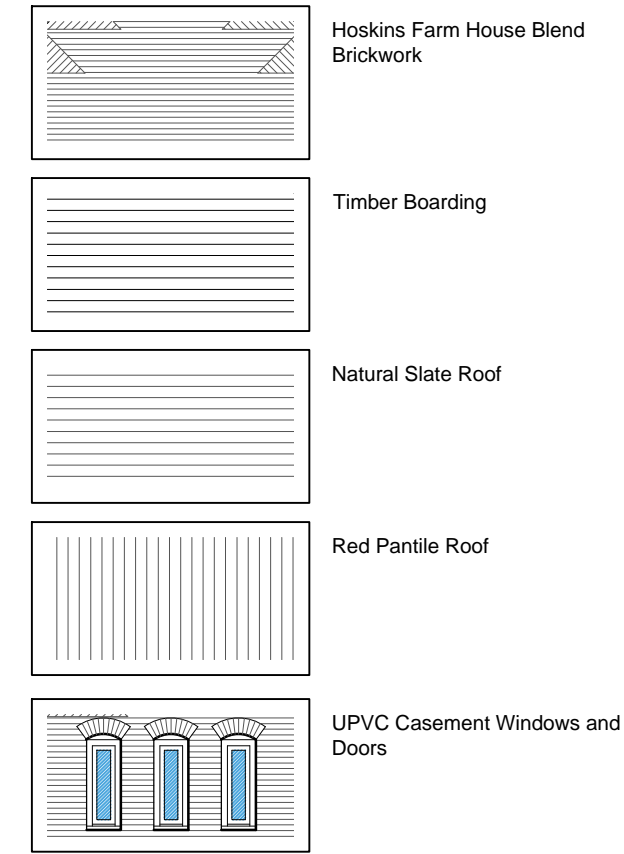
Ground Floor Plan
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First Floor Plan
Scale: 1:100

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ELEVATION KEY



Rainwater goods - black half round gutters and black round downpipes



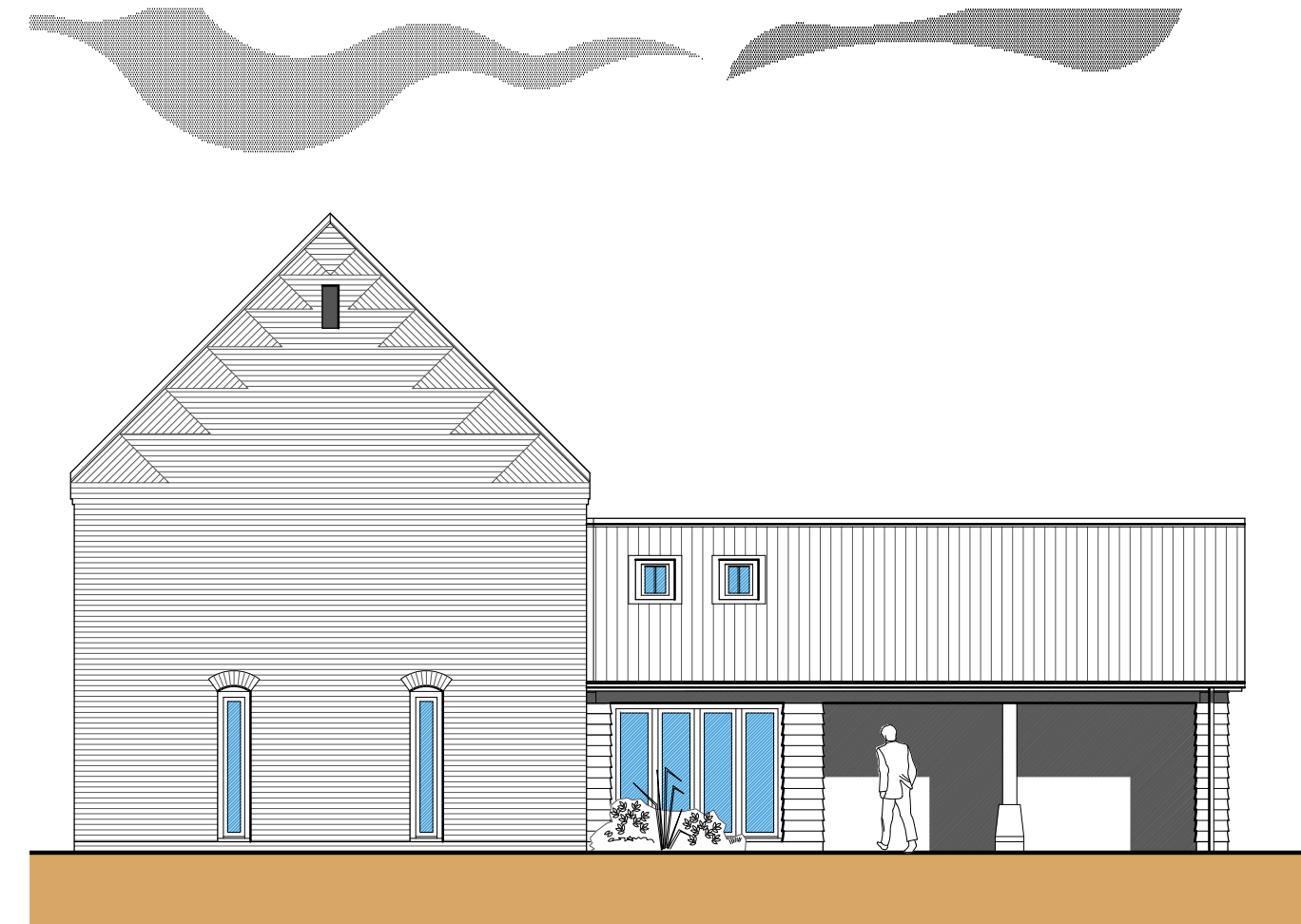
Front (W) Elevation
Scale: 1:100



Side (N) Elevation
Scale: 1:100



Front (W) Elevation
Scale: 1:100



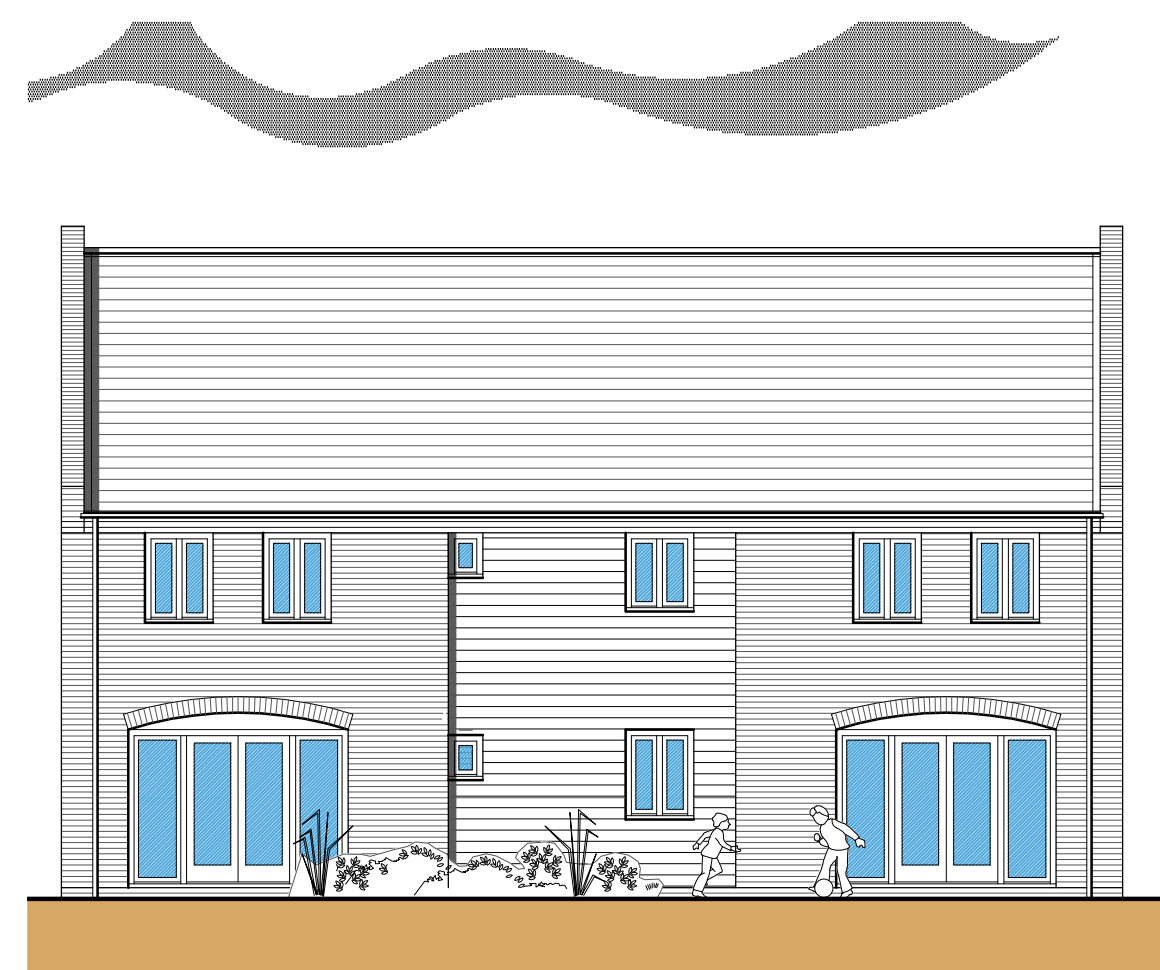
Side (N) Elevation
Scale: 1:100



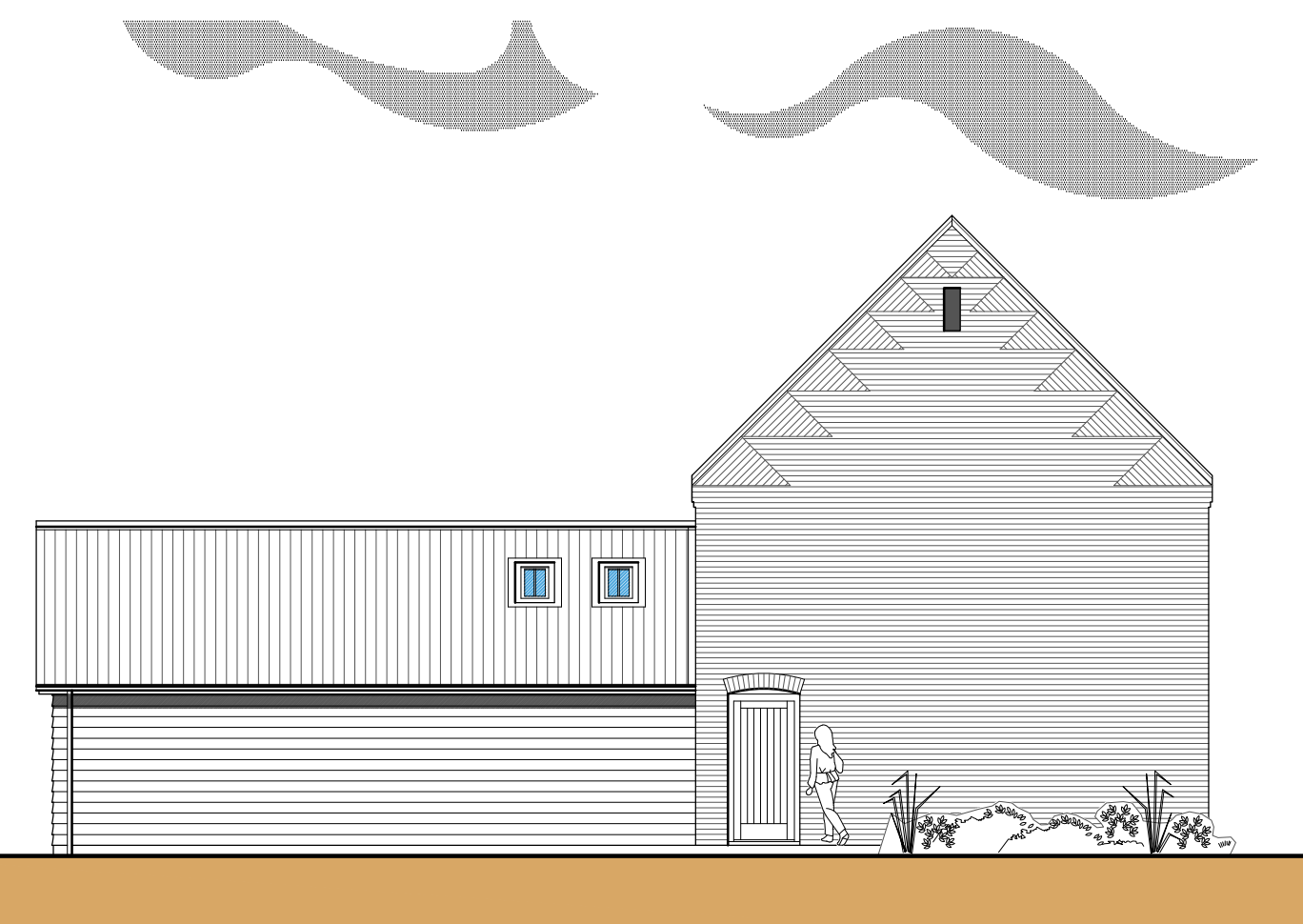
Rear (E) Elevation
Scale: 1:100



Side (S) Elevation
Scale: 1:100



Rear (E) Elevation
Scale: 1:100



Side (S) Elevation
Scale: 1:100

Status
FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE
Swann Edwards Architecture Limited, Fen Road,
Guyhirn, Wisbech, Cambs. PE13 4AA
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

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|--|------------------------------------|--------------------------------------|
| Proposed New Dwellings The Piggeries, Flagg Grass Hill Road, March For : Mr D Upton | Job Title Date December 2017 | Scale Various Sheet Size A1 |
| Planning Drawing Floor Plans and Elevations | Job No. SE-394 Dwg No. 11 | Drawn by G.E. Revision |