

F/YR17/1067/O

Applicant: Mr L Fox

**Agent : Mr Ken Elener
KL Elener Architectural Design**

Land South Of 92, Elliott Road, March, Cambridgeshire

Erection of up to 2no dwellings (outline application with matters committed in respect of access)

Reason for Committee: Called in by Councillor French who objects to the proposal and as more than 6 letters of objection have been received contrary to the recommendation.

1 EXECUTIVE SUMMARY

This application is in Outline form for two dwellings with the proposed access for consideration only.

The site is within March a Market Town location as identified under Fenland Local Plan Policy LP3. The proposal accords with Policy LP3 and is a sustainable location when assessed against Paragraph 7 of the NPPF.

Although a backland form of development the proposal is considered capable of accommodating two small bungalows without significantly harming the character of the settlement pattern or the immediate area. A suitably designed layout (not for current determination) would be capable of safeguarding neighbouring amenity capable of according with adopted policy LP16.

A small section of the site is within Flood Zone 2 however, providing no dwelling is located in this area the proposed development would comply with Policy LP14 regarding Flood Risk. A preventative condition is attached.

There is not a significant or demonstrable reason to refuse this application.

2 SITE DESCRIPTION

- 2.1 This application relates to a 0.12 hectares site with a large bungalow located on the southern side of Elliot Road within March. The Bungalow has a large rectangular rear garden and a detached garaged at the side. The garden is on slightly lower ground level. All properties adjacent to the site are bungalows.
- 2.2 The site is predominantly within Flood Zone 1 but with an element within flood zone 2. No Flood risk assessment has been included.

3 PROPOSAL

3.1 The application is in outline form and seeks the principle of up to two dwellings and an access road to run on the existing drive and to replace the existing garage which would be demolished. The applicant has submitted an amended indicative layout which now provides the following:

- Retrained parking for 3 vehicles for No 92,
- Policy compliant retained private garden space for No 92.
- two bungalows with 5 metre separation from the nearest rear fencing,
- private amenity space above the 1/3 required by Policy LP16(h)
- tandem parking for two vehicles for each property,
- access through the position of the existing garage.
- New boundary fencing to protect the amenity of the occupier of No 94.

4 SITE PLANNING HISTORY None

5 CONSULTATIONS

5.1 **CCC Highways** No objection subject to conditions.

5.2 **FDC Environmental Health** No objection

5.3 **March Town Council March Town Council** does not object.

5.4 Local Residents/Interested Parties

5.5 Objections received from 7 residents referring to the following:

- Surface water drainage concerns with photos submitted of flooding of the rear gardens with 4 properties being served from a single sewer, any additional burden may overload capacity,
- Construction vehicle will have access problems to such a narrow site;
- Noise and vibration nuisance during construction;
- It is alleged that the site is within flood zone two;
- It will result in a change to the settlement pattern,
- Likely to lead to overlooking and loss of privacy;
- Insufficient space for two bungalows;

5.6 The applicant has the following further comments regarding concerns of drainage:

- As an outline development this scheme will require submission of details and apart from a further application to FDC, it will also require sign off from Middle Level Commissioners, Anglian Water and Cambridgeshire County Council,
- The drainage authorities will be required to consider detailed submissions,
- The development of the site will bring drainage systems to what is currently largely undrained land, Underground storage and attenuation will release surface water into the system in a controlled manner therefore enhancing matters,
- The provision and maintenance of appropriate drainage is the responsibility of the Anglian Water Services. Problems currently suffered and relevant to the proposal are a matter for the drainage authority and should not form a planning reason on which to determine this application.
- The developers have a right to attach to the existing system which then becomes a responsibility for Anglian Water to maintain.

The applicant submitted a revised indicative layout as an attempt to demonstrate that two bungalows could be accommodated in an acceptable manner.

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 7 of the NPPF identifies 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,
- 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;
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 14: Presumption in favour of sustainable development. Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or – specific policies in the Framework indicate development should be restricted.

Paragraph 17: Identifies core principles which recognising the intrinsic character and beauty of the countryside, encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

Paragraph 49. 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 deliverable housing sites.

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

Paragraph 111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
National Planning Practice Guidance (NPPG)

7.2 Fenland Local Plan 2014

Policy LP1 Presumption in favour of Sustainable development
Policy LP2 Health and Well Being
Policy LP3 Spatial Strategy, the Settlement Hierarchy
Policy LP4 Housing
Policy LP9 March
Policy LP14 Responding to Climate Change
Policy LP15 Sustainable Transport Network
Policy LP16 High Quality Environments

7.3 March Neighbourhood Plan 2017

7.4 Policy H2 – Windfall Sites

Proposals for residential development will be supported subject to the following criteria amongst other things includes:

- a) It is not unacceptable on light, privacy and private amenity space, as assessed by Fenland Local Plan Policy LP16;
 - c) The site is at low risk of flooding;
 - d) It includes safe access;
- It is a high standard of design.

8 KEY ISSUES

- **Principle of Development**
- **Sustainability**
- **Health and wellbeing**
- **Economic Growth**
- **The Character of the Area**
- **Flood Risk**

9 ASSESSMENT

9.1 Principle of Development

9.2 To ensure a comprehensive assessment against the development Plan the application will be assessed against both the NPPF in accordance with the aims of Paragraph 49.

9.3 Policy LP3 considers the site to be within the market Town of March where the majority of Fenlands development could be accommodated. The principle of housing is considered to accord with Policy LP3 of the adopted Local Plan.

9.4 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).

9.5 The Inspector concluded 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.

9.6 The key points from the Supreme Court's decision were:

- The "policies for the supply of housing" deemed to be out-of-date in the absence of a five year supply of deliverable sites for housing are (only) those dealing with the numbers and distribution of housing – not policies dealing generally with the disposition or restriction of new development in an area.
- But the lack of a five-year supply is really just a trigger for the operation of paragraph 14 of the NPPF.

9.7 A subsequent appeal decision (Golden Bank) reference No. F/YR16/1014/F) clearly highlights that whilst LP3 may have an effect on the supply of housing, it is primarily concerned with directing most forms of development, including housing, to the most sustainable locations and limited development in the countryside for its protection. On this basis it was concluded LP3 is not a policy for the supply of housing. Based on the above Policies LP3 remain an up-to date policy.

9.8 Nevertheless to ensure a comprehensive assessment against the development Plan the application will be assessed against both the NPPF in accordance with the aims of Paragraph 49, but also Policy LP3.

9.9 Sustainability

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;
- **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.*

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

Economic: It will add minor economic benefit during construction. The location is close to the employment sites having reasonable access to employment opportunities.

Social Role: The proposal has only a minor benefit of 2 houses towards the 5 year supply. The development has good access to all services and facilities and would not depend upon use of the private motor vehicle. It is capable of having minimal impact on the occupiers of immediately adjacent dwellings. The proposal results in positive social impact.

Environmental: The proposal will result in the loss of a rear garden and represents backland development. However, it is predominantly in an area at least risk of flooding. It is not considered out of character of the area with bungalows sited closely together with small plots. Overall the proposal will result in a neutral impact in environmental terms.

9.11 Overall it is considered that the development when assessed against Paragraph 7 of the NPPF, the proposal represents sustainable development. The following is an assessment against other relevant policies of the Fenland Local Plan

9.12 **Health and wellbeing**

Policy LP2 and Lp16(e) and considers the impact of development on residential amenity. This application is for up to two dwellings and includes an indicative drawing illustrating the positions of two detached bungalows. Whilst the layout is not for determination it is considered capable of demonstrating that no significant harm would occur for the occupiers of immediate neighbours in terms of separation, privacy and outlook. Therefore a reserved matters scheme could be submitted that could comply with policy LP16(e).

9.13 **March Neighbourhood Plan**

The proposal is considered to accord with the relevant sections of the March Neighbourhood Plan.

9.14 **Economic Growth**

There will be some minor benefit during the construction of the property considered to accord with Policies LP2.

9.15 **The Character of the Area.**

Policy LP16(d) considers the impact of developments on the character of the area. This proposal represents a backland form of development which is not the predominant format of housing in this part of Elliot Road, although examples of backland development clearly exist in the vicinity. The development is of only two small single-storey dwellings with appropriate garden space and separation

between properties are likely to be in keeping with properties abutting the site and are unlikely to result in significant harm to the overall character of this area.

9.16 Flood Risk

Policy LP14 addresses flood risk. A small part of the site is in flood zone 2. No sequential test has been submitted. However, providing no building takes place within Flood Zone 2 this does not conflict with Policy LP14. If a layout included gardens in Flood zone 2 this would be accepted as this replicates the current position. A suitable planning condition is attached requiring the submission of detailed plans exclude development in flood Zone 2.

Neighbours' concerns regarding drainage and access to existing sewers are noted but this can be dealt with via planning condition enabling drainage authorities to endorse appropriate connections. It is considered the proposal accords with Policy LP14 and para's 100-104 of the NPPF and the Cambridgeshire County Council SPD and therefore is not considered a reason on which to refuse a planning application.

9.17 Planning Balance

The proposal is considered to represent sustainable development and there are no significant or demonstrable reasons to outweigh the resulting benefit.

10 CONCLUSIONS

This application is considered to represent sustainable development and accords with paragraph 7 of the NPPF where a presumption in favour of sustainable development exists. Whilst of compact and backland in nature it is considered that a small scale well designed layout that respects the amenity of neighbouring occupiers is considered capable of according with the relevant policies within the Fenland Local Plan. Having viewed all aspects of the scheme, there are not considered to be any significant or demonstrable impacts arising from the development of this site which would outweigh the benefits.

11 RECOMMENDATION

Grant

- 1 Approval of the details of:
 - i. the layout of the site
 - ii. the scale of the building(s);
 - iii. the external appearance of the building(s);
 - iv. the landscaping

(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).

Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.

- 2 Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

- 4 The submitted details shall include a 2 metre high wall on the western boundary for a minimum 10 metre length measured from the rear facade of No 94 with No 94 Elliot Road, stepped down in line with existing ground levels.

Reason: To provide a robust boundary in the interests of protection of the amenity of the occupier of No 94 from the disturbance of passing vehicles.

- 5 The submission of detailed layout shall not include any dwelling within land considered by the Environment Flood Zone 2.

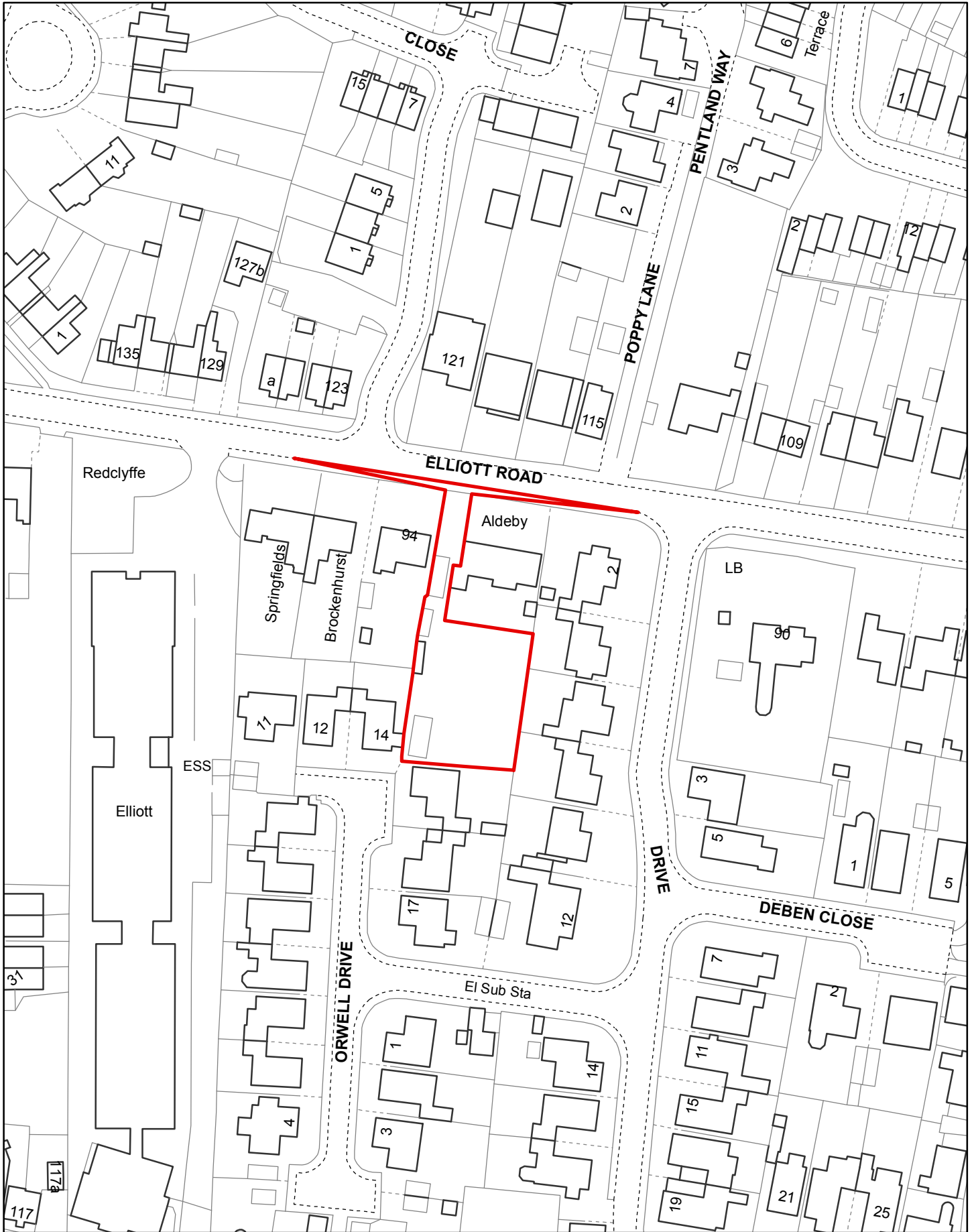
Reason: In the interests of reduction of flood risk and to accord with Policy LP14 of the Fenland Local Plan (2014) and Para of the NPPF and the Cambridgeshire Flood and Water SPD.

- 6 The proposed submission of reserved matters shall include provision for surface water and foul water drainage for the two proposed dwellings.

Reason: To ensure satisfactory drainage takes place and in accordance with Policies LP14, and LP16(m) of the Fenland Local Plan adopted 2014.

- 7 The submission of reserved matters shall include dwellings of single-storey height only with low pitched roofs.

Reason: To safeguard the residential amenity of the occupiers of nearby properties and to safeguard the character of the area which is predominantly single-storey dwellings in accordance with policies LP16(d and e) of the Fenland Local Plan adopted 2014.



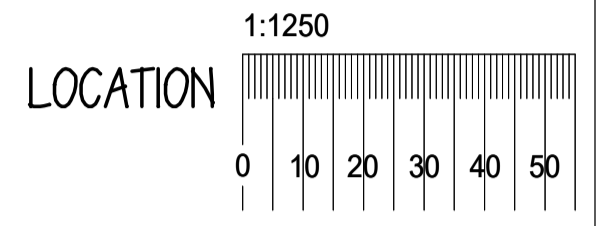
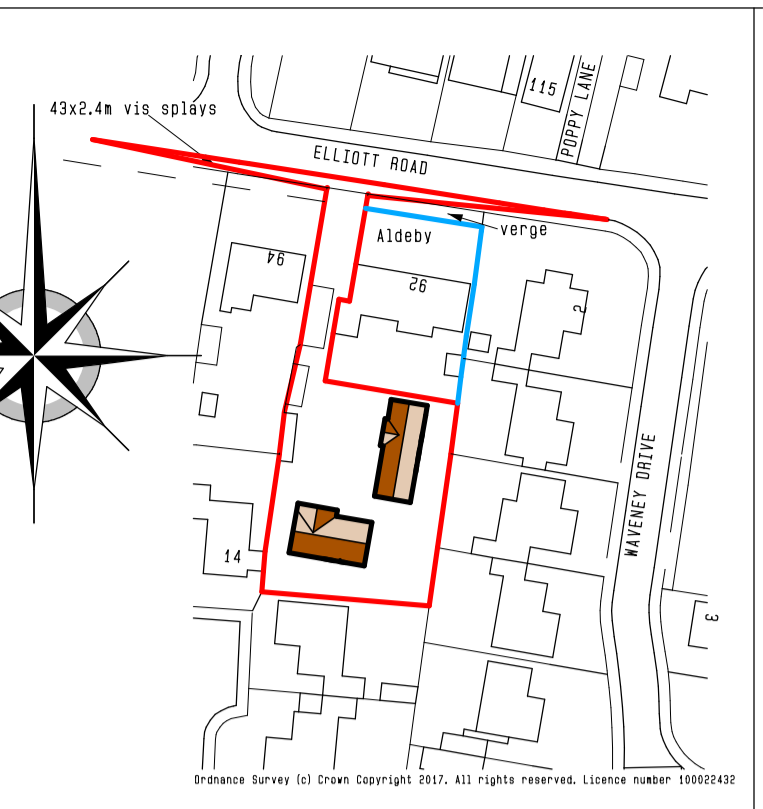
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Scale = 1:1,250





- Existing Private Garden
- Existing Block Paved Drive
- Existing Dwellings
- Proposed Tarmac Shared Access
- Proposed Dwellings
- Proposed Private Gardens
- Private Paths
- Private Drives

THE PRINCIPAL CONTRACTOR IS TO CHECK ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK AND REPORT ANY DISCREPANCIES TO THE DESIGNER. ALL SETTING OUT DIMENSIONS SHOULD BE CHECKED AGAINST THE CORRESPONDING FLOOR PLAN

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Rev.E	x	x
Rev.D	x	x
Rev.C	x	x
Rev.B	x	x
Rev.A	18.1.18	layout revised

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Project
TWO DETACHED BUNGALOWS
SOUTH OF "ALDEBY"
92 ELLIOTT ROAD
MARCH
PE15 8BU

Client
MR L FOX

Title
LOCATION PLAN &
INDICATIVE SITE PLAN

Ref
F3455-1

Rev A
Sheet A1
Scale: 1:200, 1250
Date: SEPT 2017

INDICATIVE SITE PLAN 1:200