

F/YR18/0070/F

**Applicant: Mr M Cooper
James Development Co Ltd**

Agent :

20 Deerfield Road, March, Cambridgeshire, PE15 9AH

Erection of 4 x 2-storey 1-bed dwellings involving the demolition of existing dwelling and outbuildings

Reason for Committee: Recommendation contrary to Town Council comments

1. EXECUTIVE SUMMARY

The application is for the replacement of a single-storey dwelling with a two-storey quad house with off-street parking and separate amenity space.

The proposed dwellings are set back from the street to allow for the proposed off-street parking in front of the units, which is contrary to the character of the traditional properties along the road. The location of the building further back into the site and its two-storey nature would also have a detrimental amenity impact on the neighbouring dwellings.

These matters need to be balanced against the new housing provided by the scheme, its contribution to housing supply, and the removal of the existing unsightly dwelling from the street scene.

The scheme is in a sustainable location, however the particular impacts from the detailed plan are such that the proposal would have an unacceptable impact on the character and appearance of the street scene, and on neighbouring residential amenity. Whilst the lack of a 5-year land supply must be given weight, it does not 'tilt the balance' to such an extent that these impacts are no longer relevant.

2. SITE DESCRIPTION

- 2.1. The application site is currently host to one single-storey dwelling and the amenity land within its curtilage. The existing property is dilapidated, and unsympathetic to its surroundings, with a prefabricated type construction.**
- 2.2. To the south west, the site adjoins a pair of traditional semi-detached dwellings, two storey in height and of brick construction with their main access to the side elevation, one of which therefore faces the site. These properties benefit from a series of traditionally designed outbuildings extending from the main part of the property to the North West, first at two-storey height and then single storey further**

to the north. To the north east lies another traditional pair of semi-detached dwellings, although this pair has been significantly extended, in particular through the addition of a south east facing entrance porch to the elevation facing the application site. Between this property and the application site lies Britannia View, a private driveway granting access to a back land development site and serving several dwellings. Immediately to the north west of the site is a further back land development (Ashbeach Road) with a single-storey dwelling and its garden located immediately to the rear of the application site.

3. PROPOSAL

- 3.1. The proposal is for the demolition of the existing dwelling and its replacement with a two-storey quad house style development (a single building containing four dwellings, each making up one quarter of its layout), incorporating off-street parking in front of the property and individual garden areas for the dwellings clustered to the north of the new building. Cycle provision and bin storage would be incorporated into the development, with the rear gardens enclosed by 1.8 metre high close board fencing, bin storage by 1.2 metre close board fencing and front gardens with 1 metre close board fencing.
- 3.2. The properties would be constructed from stock brick with a pantile roof and block paving for the parking area in front of the dwellings.
- 3.3. 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. No relevant history

5. CONSULTATIONS

- 5.1 **March Town Council:** Recommend approval.
- 5.2 **Cambridgeshire County Council Highways Authority:** No objections, conditions requested.
- 5.3 **Environmental Health:** No objections, asbestos material must be removed by an appropriately licensed contractor, and a condition should be applied relating to discovery of any unsuspected contamination
- 5.4 **Local Residents/Interested Parties:** No comments received

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).
- 6.2.

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, and encourage the effective use of land
- Paragraph 34: Locating development to minimise need to travel
- Paragraph 47: Supply of housing
- Paragraph 49: Housing to be considered in the context of presumption in favour of sustainable development
- Paragraphs 56-57: Good and inclusive design
- Paragraph 60: Reinforcing local distinctiveness
- Paragraph 64: Permission should be refused for development of poor design

7.2. **National Planning Practice Guidance (NPPG)**

- Determining a planning application

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
- LP9 – March
- LP16 – Delivering and Protecting High Quality Environments across the District

7.4. **March Neighbourhood Plan 2017**

- H2 – Windfall Development

8. **KEY ISSUES**

- **Principle of Development**
- **Five Year Housing Land Supply**
- **Access and Highway Safety**
- **Amenity impact**
- **Visual Impact and character**
- **Sustainability**

9. **BACKGROUND**

- 9.1. No pre-application contact has been made with the Local Planning Authority with respect to the proposal.
- 9.2. Correspondence has been exchanged between the applicant's agent and the Local Planning Authority in respect of the proposal, relating to a reduction of the number of dwellings proposed on the site to allow a more traditional form of development to be incorporated. Discussions also involved the relocation of the building on the site to bring its frontage more in line with the strong, consistent approach of the existing traditional dwellings along the north western side of Deerfield Road, an important part of its character and a contrast to the more irregular nature of development to the south east of the road.

- 9.3. Following these discussions, the bin storage for the properties has been increased, and the whole building brought closer to the road by 0.9m, however it still lies significantly further back than the majority of development on this side of Deerfield Road. The assessment of visual impact and amenity address these matters later in the report.

10. ASSESSMENT

Principle of Development

- 10.1. The application site is located close to the centre of the town of March (approximately 500 metres), and is host to an existing dwelling, albeit one that is currently incapable of occupation. The site is also located within flood zone 1, indicating the lowest flood risk and a location towards which development would be directed in terms of the sequential test in relation to flood risk. March itself is identified as one of the 4 market towns within Fenland and as such is a location where new housing is considered to be most sustainable.
- 10.2. In a site-specific context, the neighbouring uses to the application site are all residential in nature, with the only non-residential use in the immediate vicinity being the social club opposite. There would be no change in the character of usage of the site from the proposal.

Five Year Housing 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.
- 10.7. Based on the above, there are no relevant policies which influence the supply of housing in this case.

Access and Highway Safety

- 10.8. The existing property on the site gains access directly from Deerfield Road by means of a dropped kerb, although the proposal would result in the intensification of traffic accessing the site from Deerfield Road. The proposal would make provision for off-street parking (on the basis of one space per property) directly accessed from Deerfield Road, and as noted above, the County Highways authority has no objections to such access. Parking provision would be 1-2 spaces below the standards indicated in the Fenland Local Plan, however it is acknowledged in the Plan that locations with good transport links, such as in the central area of a market town, may negotiate a reduction in parking provision. The site in question would be likely to justify a reduction as indicated.
- 10.9. Discussions have taken place with the agent regarding access to the site from the adjacent private road Britannia View, however the agent has confirmed that an agreement for access from this point has not been investigated and may affect the viability of the proposal.

Amenity impact

- 10.10. The application site is located in and amongst existing residential properties and as a single-storey dwelling to be replaced with several two-storey properties, there is significant potential for adverse amenity impacts on neighbouring properties and their environs.
- 10.11. In particular, the setting back of the building from Deerfield Road results in the side elevation of the dwelling projecting approximately 6.4 metres beyond the rear elevation of the neighbouring property, with an associated overbearing impact on the land immediately to its rear and the centre of its main garden space approximately 8 metres from the nearest point of the proposed dwellings. The agent has identified that the windows on the neighbouring dwelling facing out onto the application site do not belong to habitable rooms and therefore any loss of light is less significant, however the scale of the proposed dwelling would still result in loss of light to those windows and the neighbouring garden in the mornings. Similarly, the proposed distance to the north western boundary of the site with the dwelling to the rear is approximately 11.4 metres, which would result in a detrimental impact upon the residential amenity of that property, albeit one that is likely to be considered acceptable. The layout of the proposed dwellings is such that the upper floor bedroom and study windows of the two rearmost units

would look out directly over the garden of this property resulting in a total lack of any privacy within its garden area from these windows. Whilst it is acknowledged that the close-knit nature of development within urban areas leads to more scope for overlooking of garden areas, the close proximity of the proposed development and the comprehensive nature of the resultant overlooking is such that this must still be considered a significant factor. Policy LP16(e) of the Fenland Local Plan (2014) in particular references this point with regard to the delivery of high quality environments across the district, stating that development will only be permitted if it can be demonstrated that the proposal does not adversely impact on the amenity of neighbouring uses including loss of privacy. Paragraphs 56 and 57 of the National Planning Policy Framework reinforce this point, noting that good design is indivisible from good planning, and should contribute to making places better for people. It goes on to state that positive planning to achieve high quality and inclusive design including private spaces is an important factor, and that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

- 10.12. A recent appeal decision received by the Local Planning Authority in relation to a property further along Deerfield Road concluded that the provision of parking spaces associated with a separate dwelling in close proximity (4 metres) to the front windows of that dwelling would result in unsatisfactory living conditions for the future occupants of that dwelling. In this instance, the proposed scheme includes a similar arrangement, albeit with only a single space per dwelling, but with a much closer relationship with the front windows of the proposed dwellings (approximately 2 metres). On that basis, the arrangement of the parking spaces at the front of the site is likely to result in an unacceptable impact on privacy and living conditions of the future occupants of the two dwellings located at the front of the building.

Visual Impact and character

- 10.13. Deerfield Road is a traditional part of the town of March with a distinctive pattern to the development along it, in particular the development along the north west side of the road. It is characterised predominantly by 2-storey properties of a traditional design sited in close proximity to the road with modest front gardens, and often with boundary walls or hedges to separate the dwellings from the road. These characteristics are further emphasised by the lack of any such consistent approach to the south eastern side of the road, in particular the United Services Club opposite the site breaks up any traditional form on this side of the road, making the consistency of the form and character to the north more apparent. It is accepted that the existing dwelling on the site breaks this form, however information is not available as to why a property of this nature was constructed on the site rather than continuing the form of development apparent to either side. Further to the east, the form of development changes but remains consistent, with block of 4 terraced properties to either side of the road, with greater set-back from the street allowing parking in front of those properties. Individual modern developments have also been undertaken elsewhere that are at odds with the character of the street, and the agent has identified 2 Deerfield Road as being an example of this. 2 Deerfield Road however illustrates the negative impact that unsympathetic development can have on the contribution made by the visual distinctiveness of an area and its traditional forms of development. Paragraph 60 of the National Planning Policy Framework notes that whilst planning decisions should not seek to impose particular architectural styles on development, it is proper to seek to promote or reinforce local distinctiveness. In this instance, the

proximity of development to the street is a contributory factor to that local distinctiveness.

10.14. There are many areas where the proposed dwellings could reinforce the distinctiveness of the area, including use of chimneys (even if they are not connected to an internal fireplace), bay windows, roof pitches, entrance archways and use of materials, however these factors are all secondary to the location of the dwellings within the site and could largely be controlled through minor revisions to plans or by condition should the dwellings be considered acceptable.

Sustainability

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

10.16. *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.*

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

Economic

10.18. The proposal would result in a small contribution to employment during the construction period, and would thereafter make a modest contribution to the economic prosperity of the settlement. Such a contribution would have limited weight however due to the overall scale of the contribution.

Social

10.19. The proposal would support the existing community present in the area, and would result in an improvement in the quality of the built environment in this location. Such an improvement however would not be significant and would not be sufficient to materially affect the outcome of the application.

Environmental

10.20. The proposal would make a small environmental contribution to the area, both in terms of the improvement of the site, and the removal of the existing structure, which is constructed from asbestos. Such a contribution however would not

outweigh the other factors in relation to the consideration of the application and would not constitute a material consideration justifying departure from the policies of the development plan.

10.21. The site is located within one of the four market towns identified in the Fenland Local Plan (2014), which are considered to be the most sustainable locations for growth within the district. The application site in particular is located in relatively close proximity to the town centre, and would allow for a 500 metre walk into the heart of the town. It is located in amongst substantial amounts of other residential development and would contribute to the social community in the area, and would be supported, and support in its turn, the social facilities available within the town centre. On this basis, the site is considered to be a sustainable location for development, provided that development is of the right scale and character in relation to its surroundings.

11. CONCLUSIONS

11.1. The location of the development and the existing residential use on the site make it clear that the principle of redevelopment for residential purposes is acceptable.

11.2. The nature of the development surrounding the site would also likely allow for the intensification of use of the site, increasing the number of dwellings available in this location. The particular details of the proposal however are such that the impacts of the development on the distinctive characteristics of development in this particular location and the amenity of the neighbouring properties would be contrary to the relevant policies of the development plan, and would also be contrary to the aims of significant sections of the National Planning Policy Framework. On that basis, whilst the principle of the development of the site for residential purposes is considered to be acceptable, the specific impacts of the proposed development are not, and are contrary to the development plan whilst there are no material considerations that indicate development should be approved contrary to that document.

11.3. It should be noted that discussions were undertaken with the agent with a view to amending the proposals to achieve a form of development that was likely to be acceptable, however these negotiations were unsuccessful in making a significant alteration to the scheme sufficient to recommend approval.

12. RECOMMENDATION

Refuse, for the following reasons

1. The proposal would have a detrimental impact on the character and local distinctiveness of the area due to the position of the dwellings within the site, and the formal parking provision and amenity facilities between the dwellings and the street. These features are alien to the area, which is distinctive because of the proximity of the properties on the north western side of Deerfield road to the highway and the provision of the majority of off-street parking alongside the existing properties rather than in front of them. These impacts would be contrary to policy LP16 (d) of the Fenland Local Plan (2014), and also paragraphs 56, 57 and 60 of the National Planning Policy Framework (2012).
2. The proposal would have a detrimental impact on the amenity of the neighbouring properties, in particular through an overbearing impact on the

amenity space associated with 18 Deerfield Road to the south west, and a loss of privacy to 11 Ashbeach Road to the north west of the site. These impacts would be contrary to the provisions of policy LP16 (e) of the Fenland Local Plan (2014) and paragraph 57 of the National Planning policy Framework.

3. The proposed car parking provision associated with the scheme would result in a poor standard of privacy and outlook for the future occupants of the two dwellings at the front of the building and would therefore be contrary to the provisions of policies LP2 and LP16 of the Fenland Local Plan (2014).



Location Plan (1:1000)

Existing Block Plan (1:500)



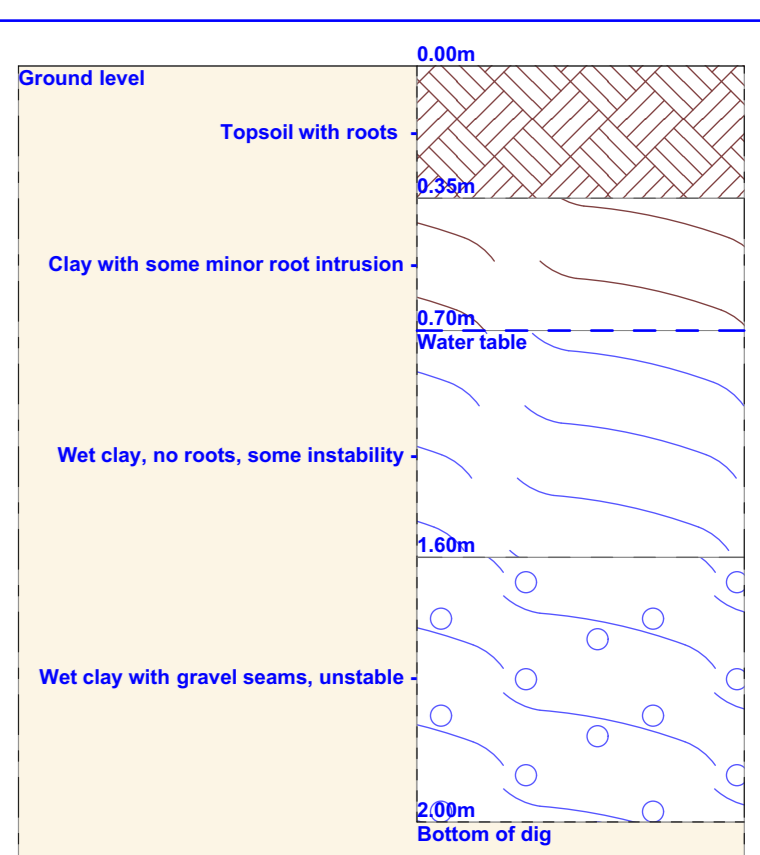
Existing Foul Connection



Existing Surface Water Connection

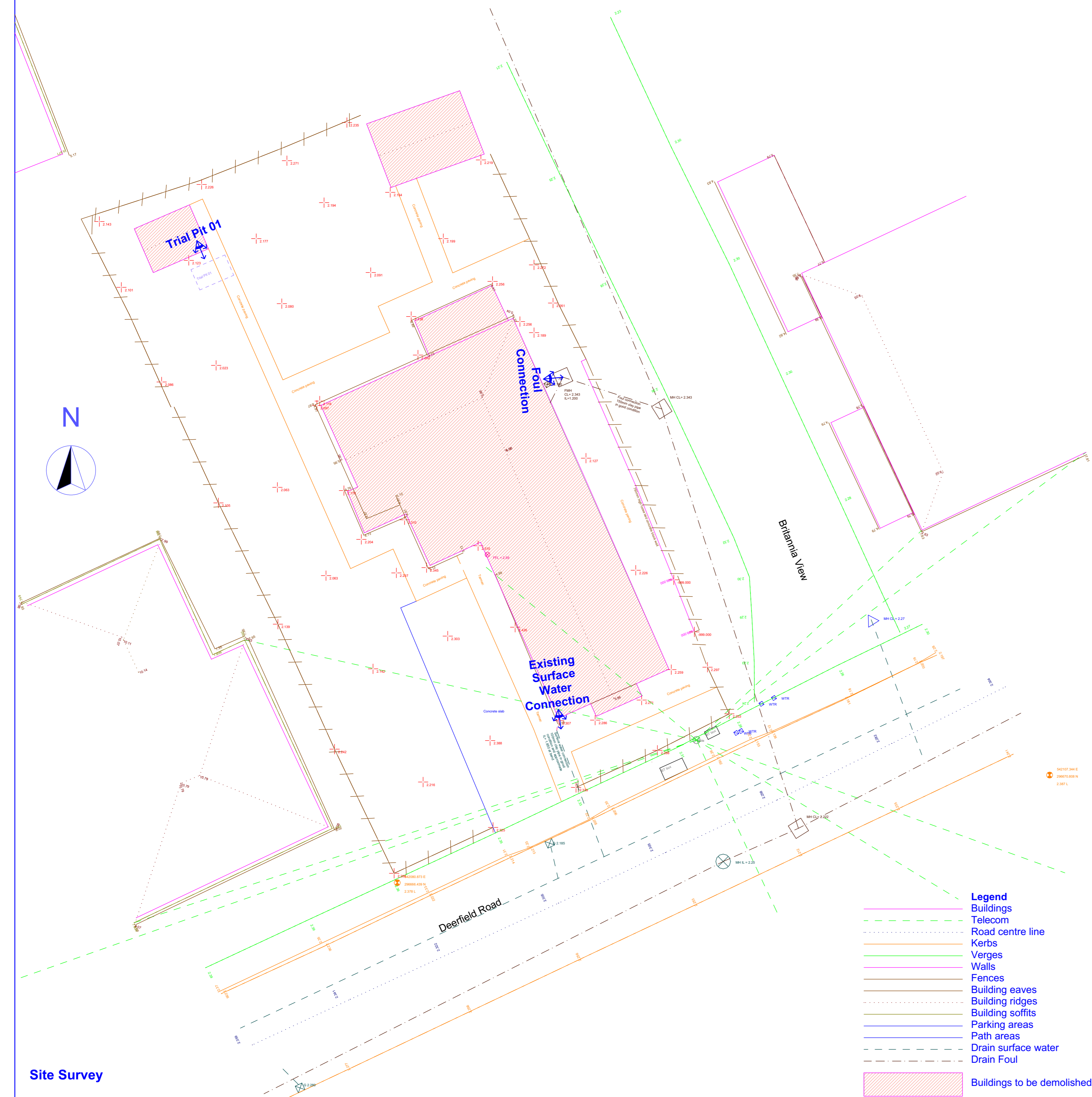


Trial Pit 01



Note:
 1) No evidence of fill or contamination found
 2) Ground water not encountered until 1.6m depth of dig, but porous pipe left in when pit refilled and remeasured after a week when water level had risen to 0.7m
 3) Side instability encountered at 1.0m depth

Trial Pit 01 - Log



Site Survey

Revision:	Drawing Number:	Scale:	Date:
-	1093-05	1:100	02-01-18
Drawing:			
Site Survey			
Project:			
Fallow Court 20 Deerfield Road March Cambridgeshire PE15 9AH			
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Street Elevation (1:100)



Existing Street Scene 01



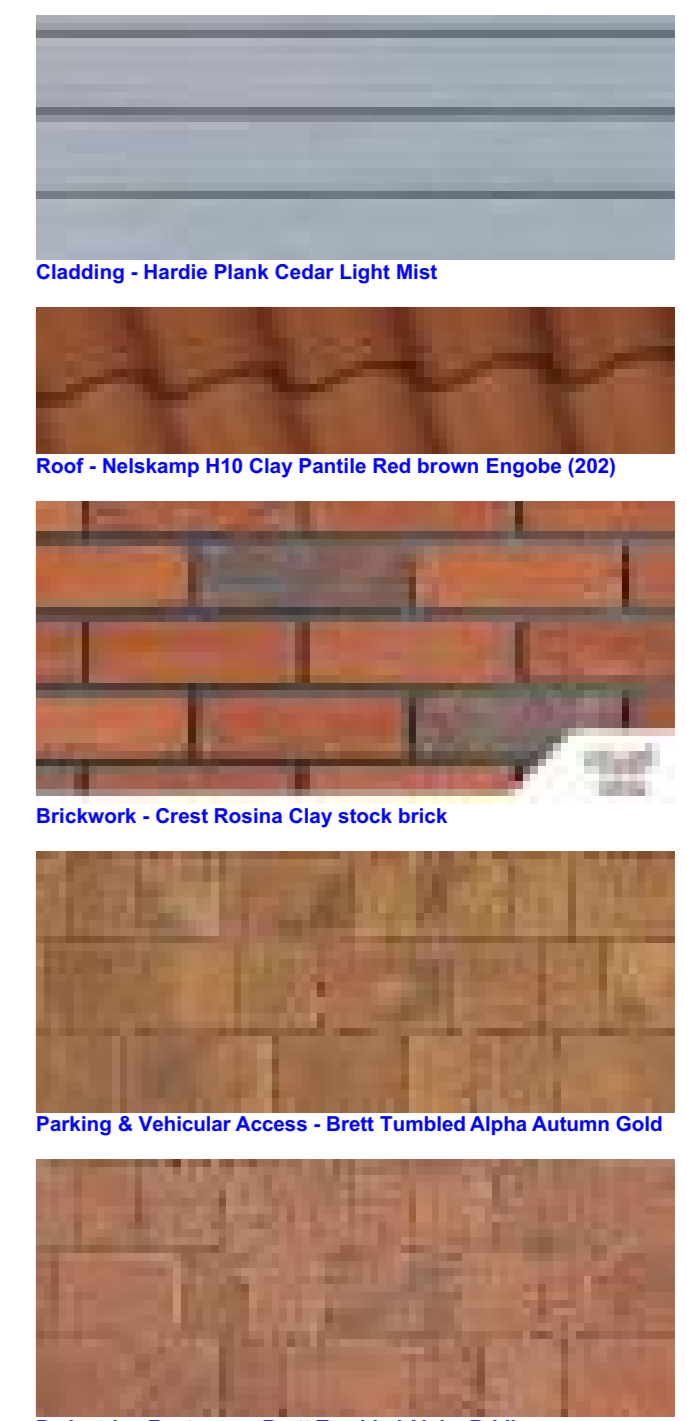
Existing Street Scene 02



Perspective 01



Perspective 02



Fascia & Soffits - White UPVC
 Windows, doors and frames - White UPVC
 Gutters & Downpipes - White UPVC
 West - Repair and replace existing with similar as necessary
 North - Retain existing new close boarded 2m fence on concrete posts.
 East Boundary - Remove and replace existing fence with brown stained timber close boarded fencing of height 1.8m to rear garden areas and 1.0m elsewhere
 Bin Stores - Brown stained timber close boarded fencing of height 1.2m
 NB All close boarded fencing to have 75mm holes at 1m c/c in gravel board to allow passage of wildlife.

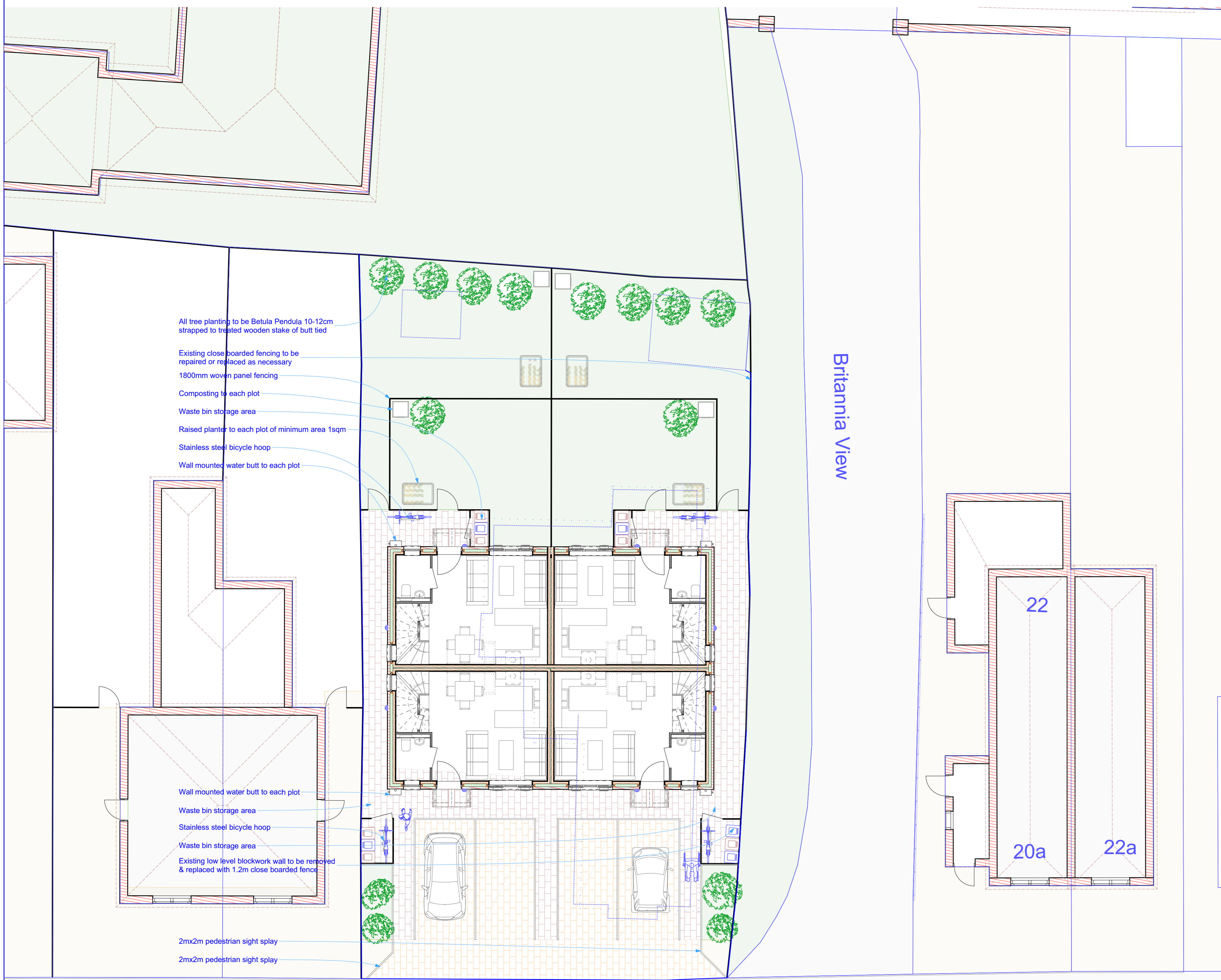
Material Palette

Revision:	Drawing Number:	Scale:	Date:
A	1093-04	1:100	30-10-17

Drawing: **Site Layout**

Project: **Fallow Court
20 Deerfield Road
March
Cambridgeshire PE15 9AH**

James Development Co Ltd
123 Victoria Road
Romford
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Deerfield Road

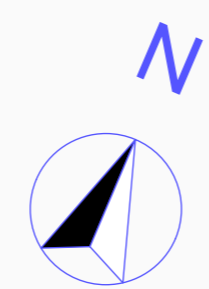
Site Layout (1:100)

Perspective 02

Street Scene 02

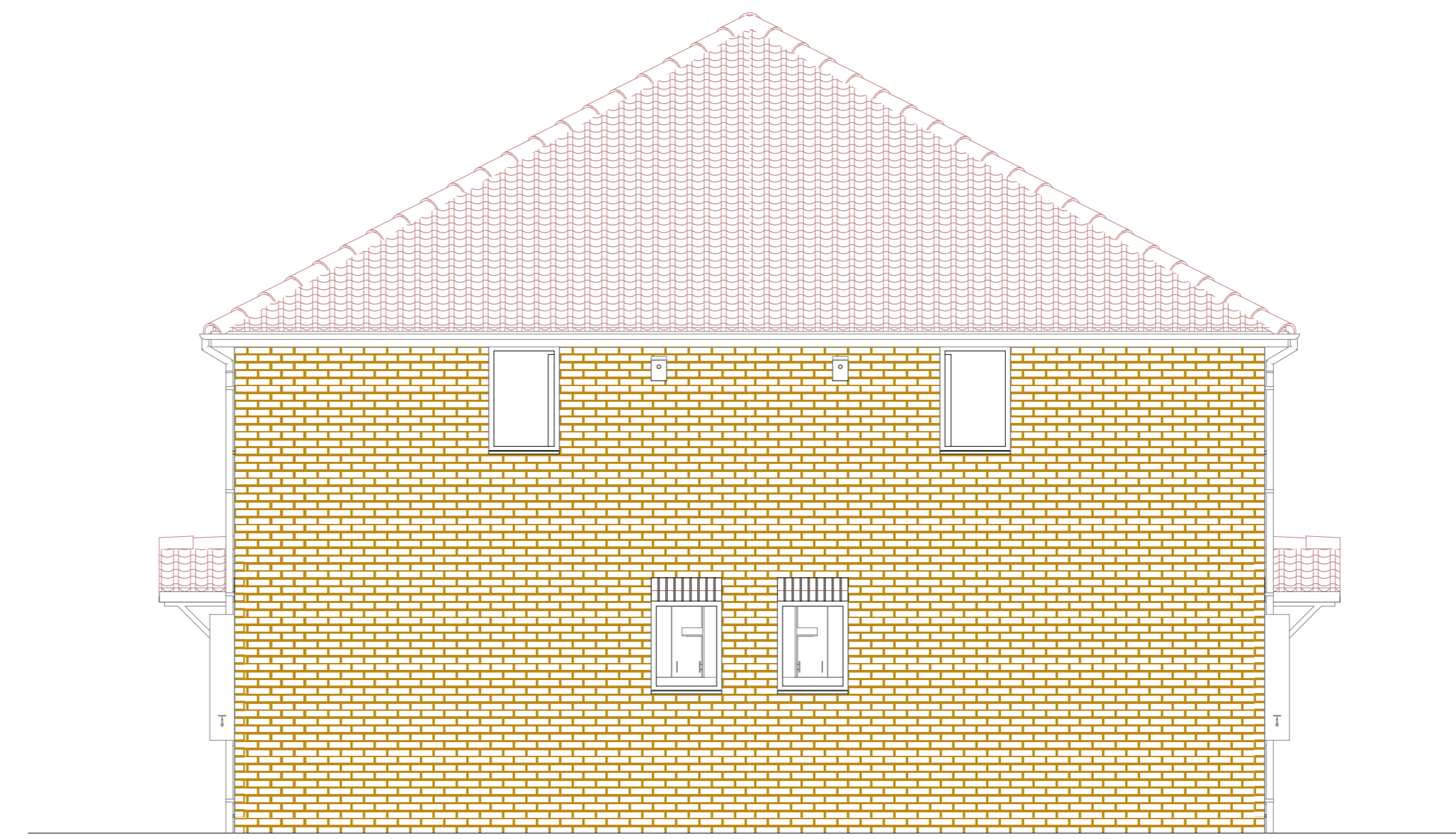
Perspective 01

Street Scene 01

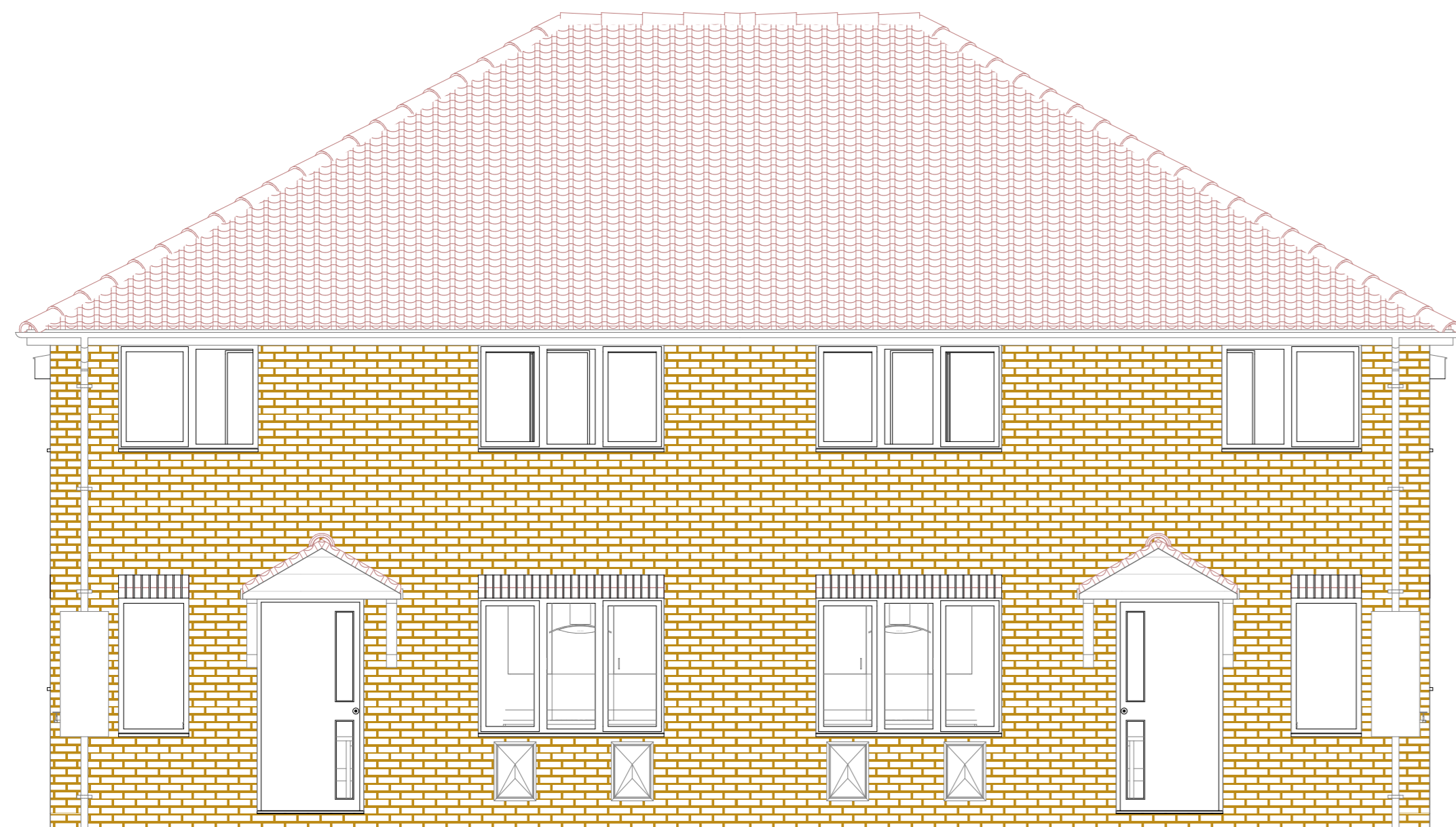




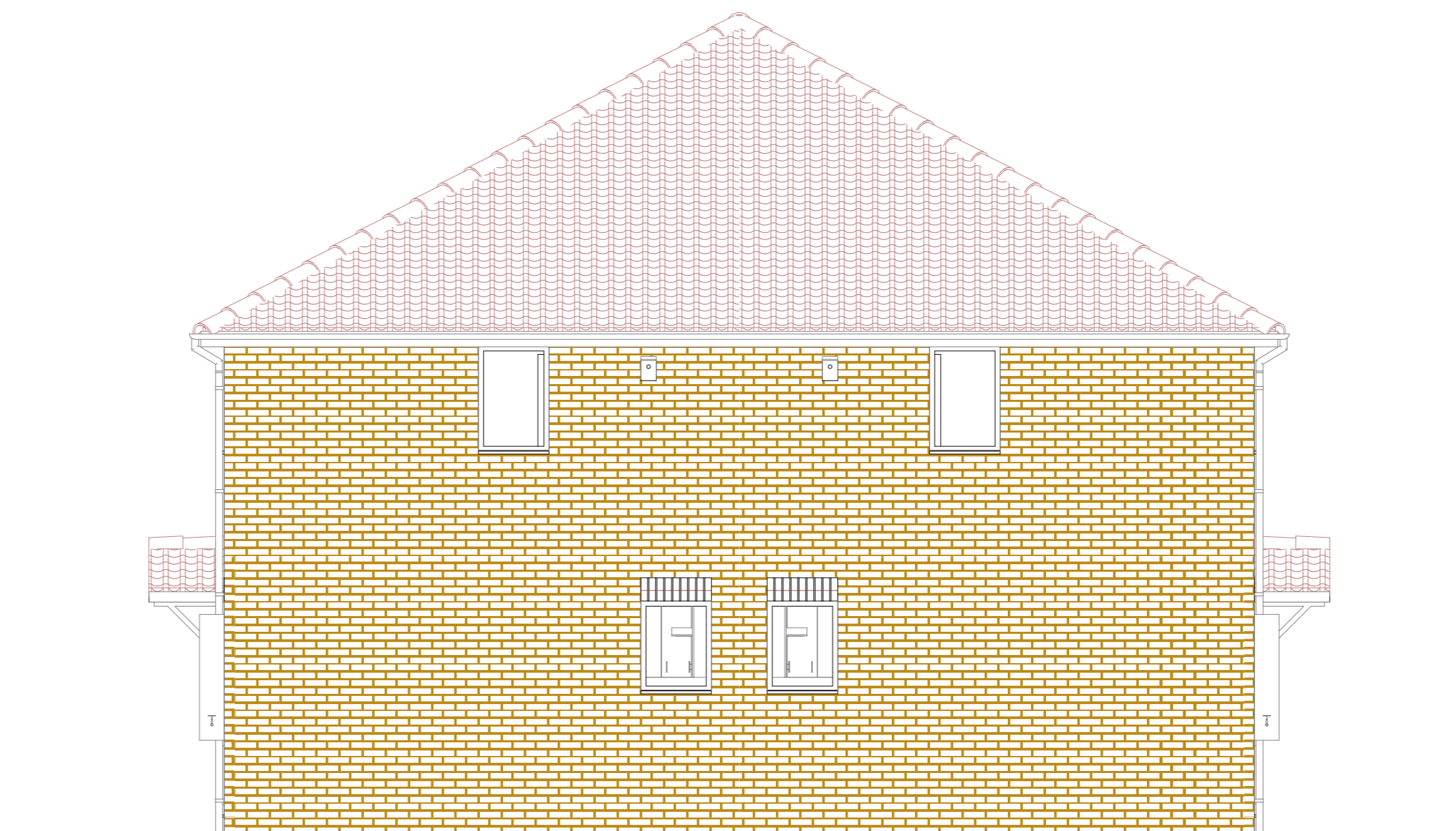
Front Elevation - South



Side Elevation - East



Rear Elevation - North



Side Elevation - West



Front Perspective - South



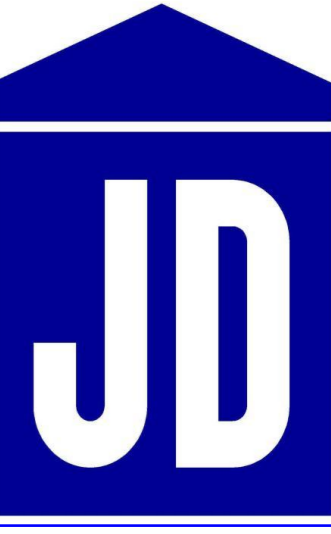
Side Perspective - West

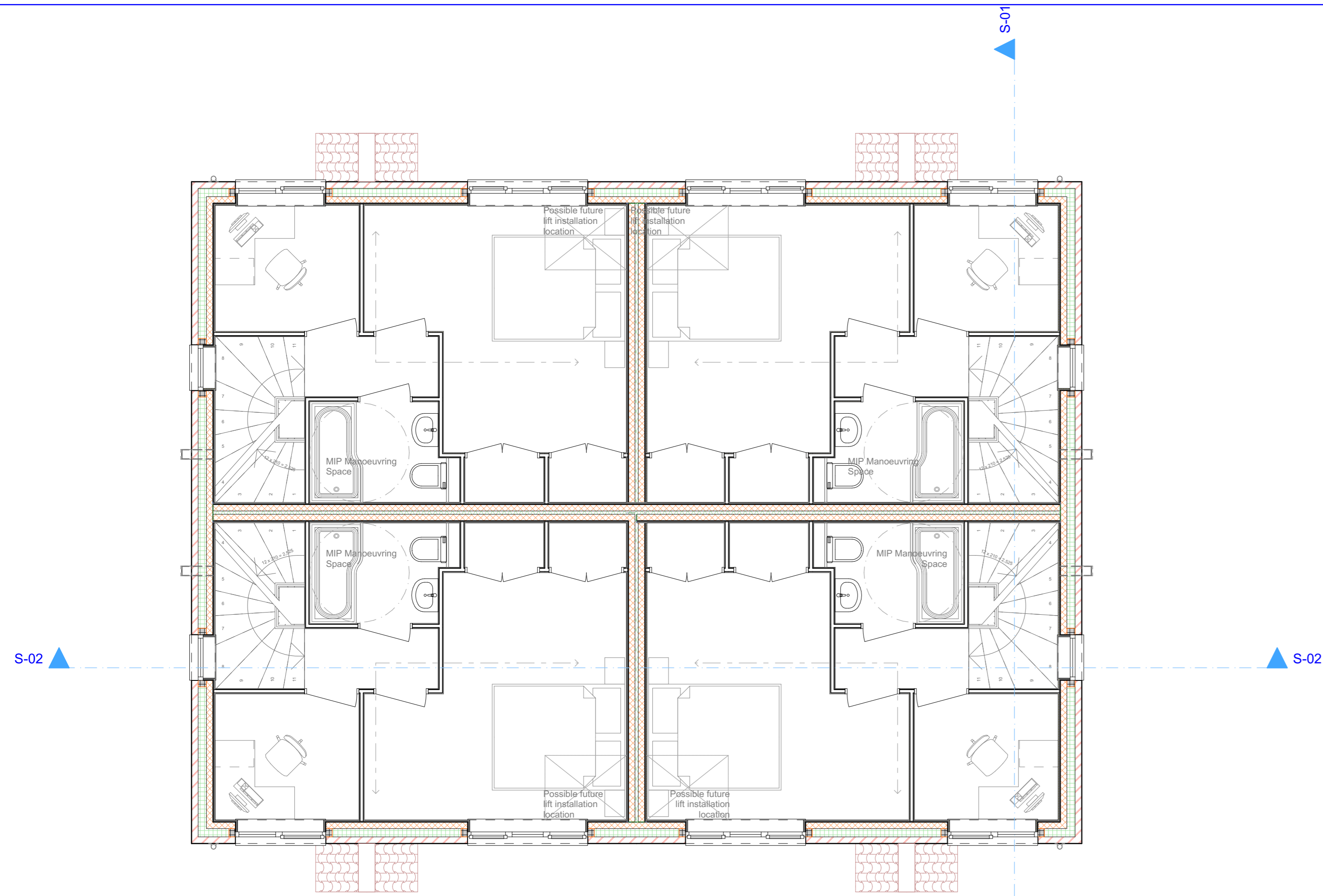
Revision:	Drawing Number:	Scale:	Date:
-	1093-02	1:50	15-09-17

Drawing:
House Type Qs
Elevations & Perspectives

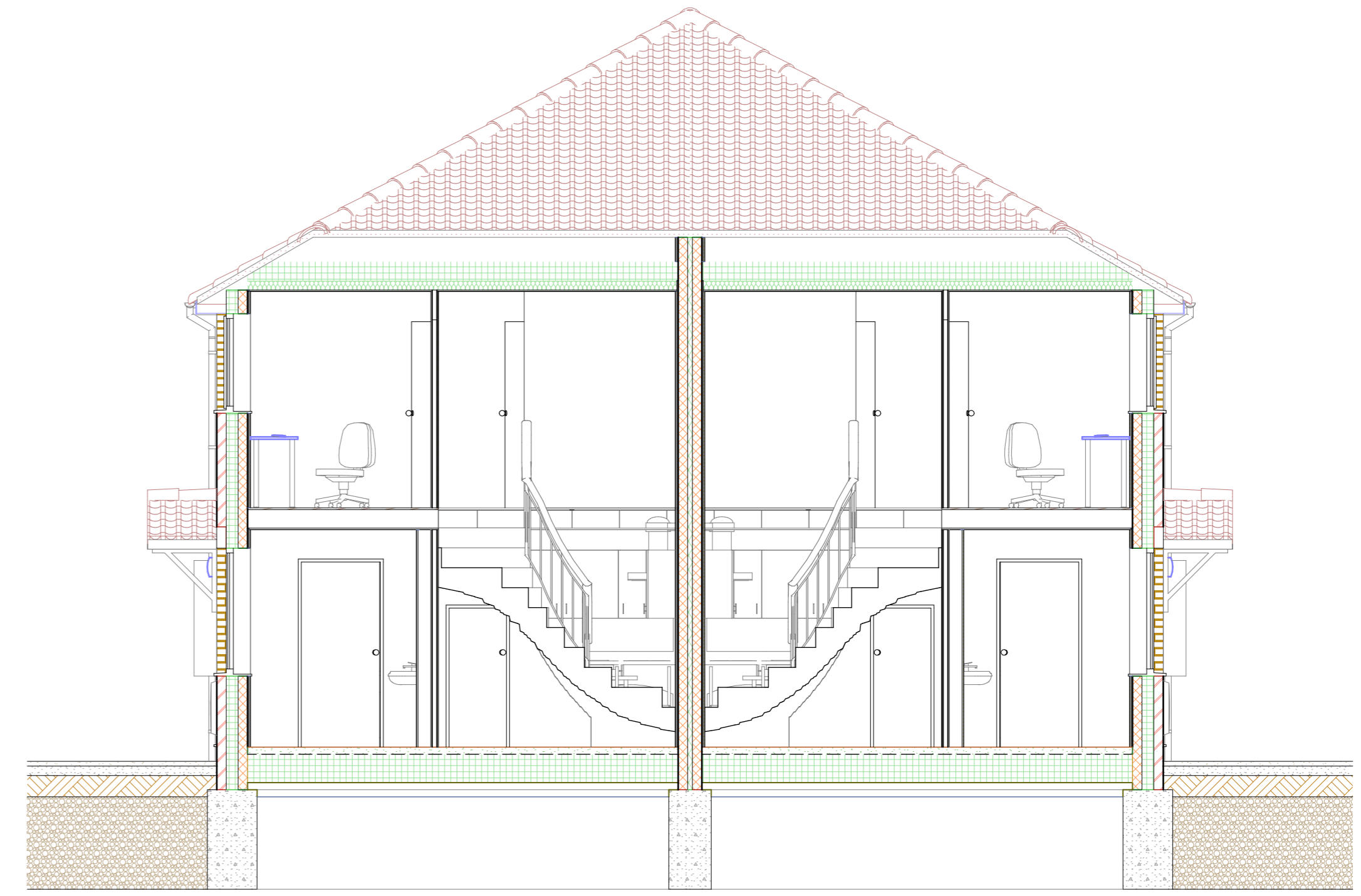
Project:
Fallow Court
20 Deerfield Road
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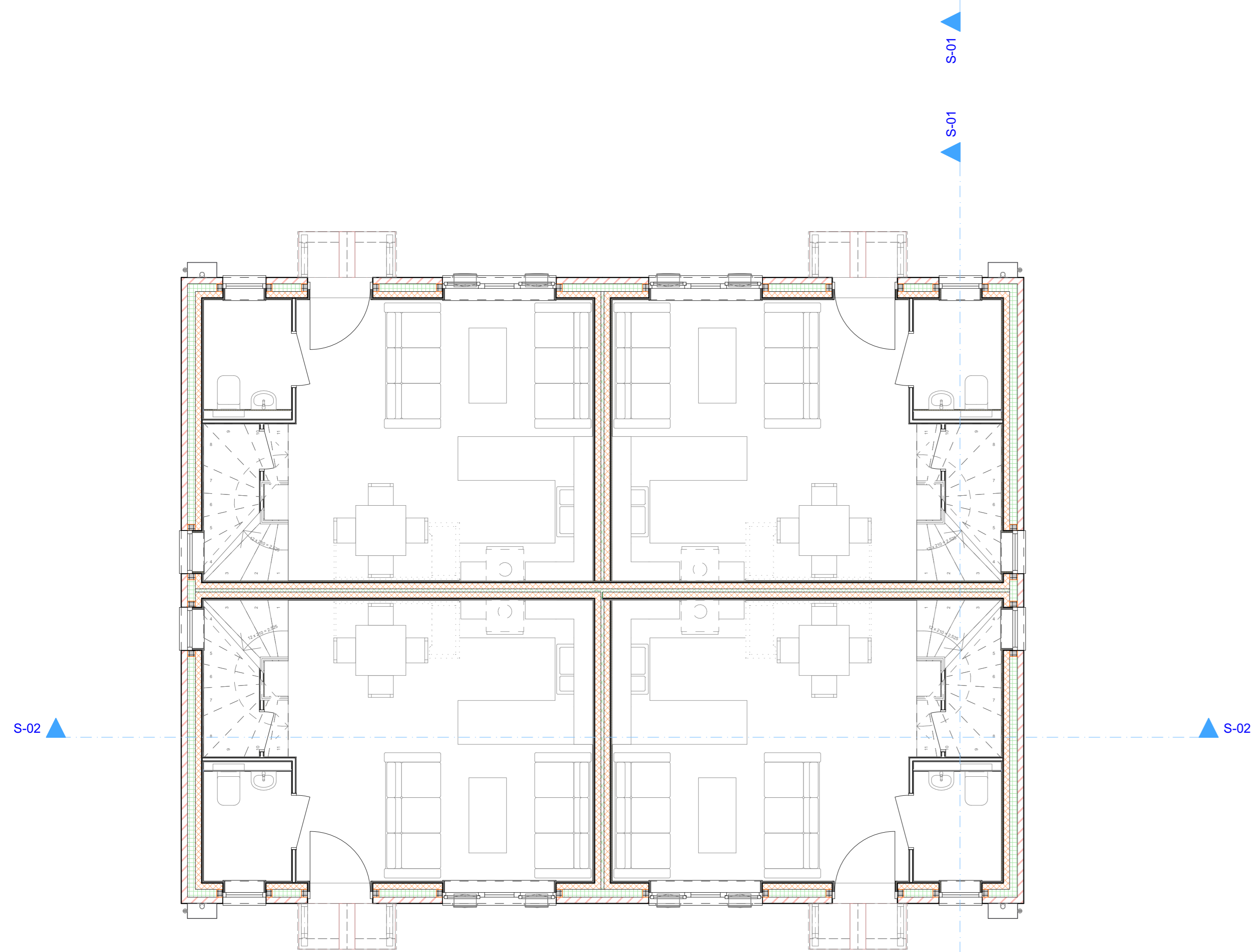




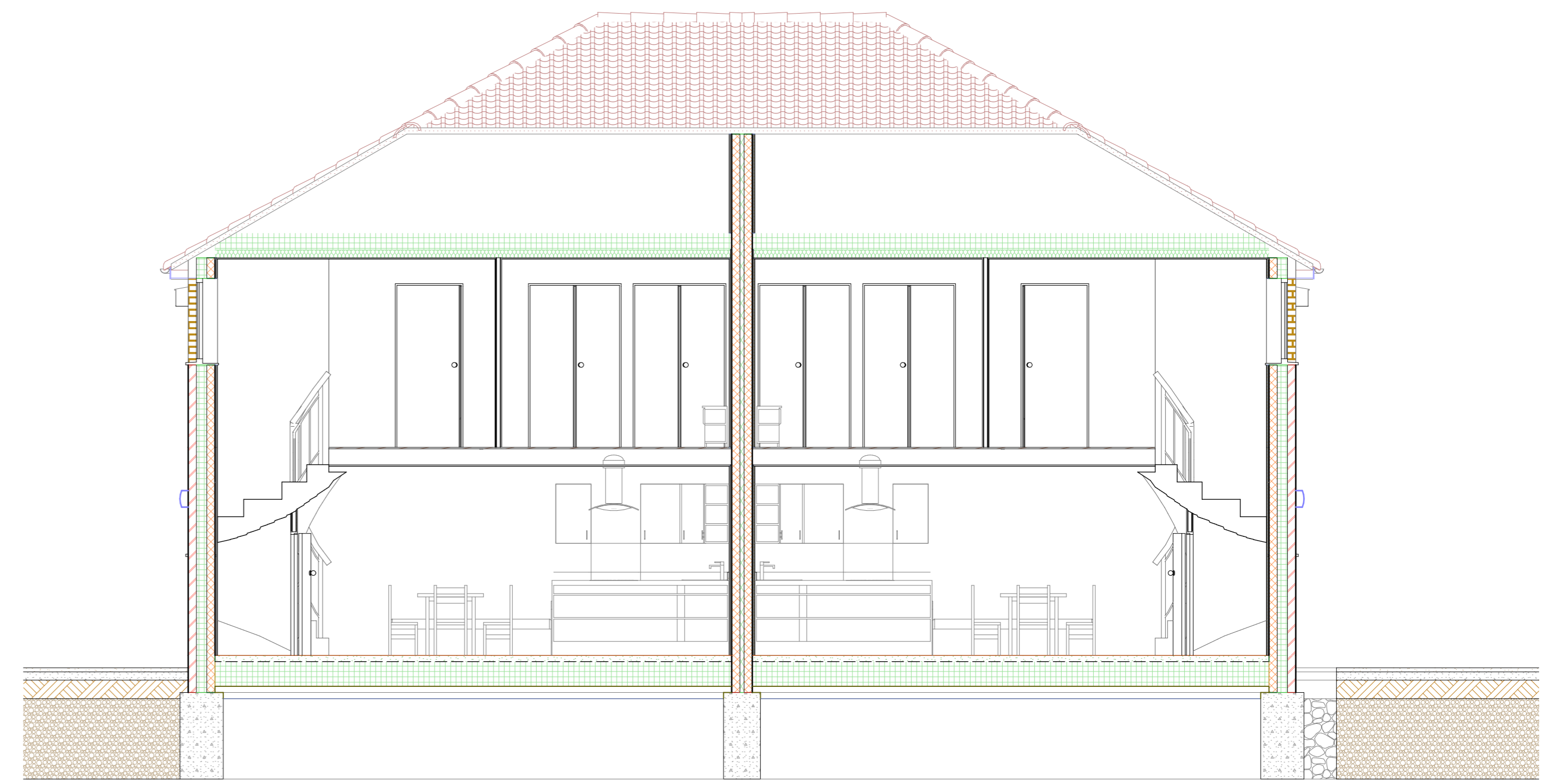
First Floor



Section 01



Ground Floor



Section 02

NOTE
 To satisfy Lifetime Homes internal criteria, each home will have:
 5 - n/a
 6 - All doors of minimum clear opening of 750mm and entrance level doors with 300mm rib to opening pull side
 7 - Minimum clear circulation space as shown on floor plan
 8 - Living room and kitchen on entrance level
 9 - Double bedroom space on entrance level in MIP annex
 10 - Entrance level WC fitted with shower, sloping floor & drainage in MIP annex
 11 - Bathroom & WC walls ready for future grab rail fitment
 12 - Staircase appropriate for stair lift installation
 13 - 1st floor ceiling designed to accommodate weight of MIP hoist to line shown on floor plan and no partitions on route to be structural
 14 - MIP annex shower room offering accessible access for MIP use
 15 - Windows to living room allowing seated occupants to see out with at least one operable light with handle no higher than 1200mm above floor level
 16 - All service controls located between 450mm and 1200mm above floor level

Revision:	Drawing Number:	Scale:	Date:
-	1093-03	1:50	15-09-17
Drawing: House Type Qs Floorplans & Sections			
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