

F/YR18/0466/F

Applicant: Mr L Fox

Agent : Mr Liam Lunn-Towler
Peter Humphrey Associates Ltd

Land South Of 92, Elliott Road, March, Cambridgeshire

Erection of 2 x single-storey 3-bed dwellings involving demolition of garage and outbuildings

Reason for Committee: 6 objections received from nearby properties contrary to the recommendation, and previous application on the site reported to Committee.

1. EXECUTIVE SUMMARY

The proposal is a full application for the erection of two dwellings on a site previously the subject of a refusal of outline planning permission.

The application site is a backland development site, however the site layout submitted shows that the dwellings can be accommodated in such a way as to protect the amenity of its surroundings and safeguard the character of the area.

There is considered to be no justification for the refusal of the scheme.

2. SITE DESCRIPTION

2.1. This application relates to a 0.12 hectares site with a large bungalow located on the southern side of Elliott Road within March. The bungalow has a large rectangular rear garden and a detached garage 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.

3. PROPOSAL

3.1. The application proposes the construction of 2 single-storey dwellings with a private access driveway from Elliott Road down the side of the existing dwelling, requiring the existing garage to be demolished, and for provision of parking/turning on the basis of two parking spaces per dwelling.

3.2. 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

F/YR17/1067/O	Erection of up to 2no dwellings (outline application with matters committed in respect of access)	Refused 2.3.18
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5. CONSULTATIONS

6.

6.1. **March Town Council:** Recommend refusal due to local flooding issues

6.2. **Cambridgeshire County Council Highways Authority:** No objections.

Condition requested regarding provision of the parking/turning prior to first occupation of the development.

6.3. **FDC Environmental Health:** No objection. Condition regarding unsuspected contamination requested.

6.4. Seven letters have been received from members of the public in relation to the proposal (6 separate residential properties) raising the following points for consideration:

- Led to believe that Fenland District Council would no longer allow any house building in rear gardens.
- Roof line will block the sun from neighbouring rear gardens.
- Development will spoil the peace and harmony of the small community.
- Traffic already has difficulty passing along Elliott Road, more vehicles may make this impossible.
- Drainage has been a problem for several years, will a new drainage system be included when the application is passed.
- Overdevelopment of the site.
- More dwellings means more noise from children, dogs and garden toys.
- The applicant runs a business from 92 Elliott Road, what provision has been made for parking and storage of materials.
- Impact on privacy to neighbouring gardens.
- Proposal will result in problems from dust and vibration.
- How is the asbestos roofing from the shed to be disposed of?
- No mention is made of potential contamination from the use of the site in the past for breeding racing pigeons.
- The applicant has not stated how foul sewage is to be disposed of, nor demonstrated that a soakaway will be sufficient to deal with surface water.

7. STATUTORY DUTY

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).

8. POLICY FRAMEWORK

8.1. 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 49: Housing to be considered in the context of presumption in favour of sustainable development

Paragraph 53: Resisting inappropriate development of residential gardens

Paragraphs 56-57: Good and inclusive design

Paragraph 60: Reinforcing local distinctiveness

Paragraph 63: Great weight given to outstanding or innovative design

Paragraph 64: Permission should be refused for development of poor design

Paragraph 100-104: Sequential test & flood risk

Paragraph 111: Previously developed land

8.2. National Planning Practice Guidance (NPPG)

Determining a planning application

8.3. 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

LP4 – Housing

LP9 – March

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

8.4. March Neighbourhood Plan 2017

Policy H2 – Windfall Development

9. KEY ISSUES

- **Principle of Development**
- **Character and Amenity**
- **Highway Safety**
- **Flood Risk & Drainage**
- **Other comments**

10. BACKGROUND

10.1. A previous scheme, made in outline with all matters reserved bar means of access, was previously considered by the Committee and refused on the grounds that the backland location would be at odds with the prevailing pattern of development in the vicinity of the site and that the proposal had failed to demonstrate that the amenity of neighbouring residents would not be adversely impacted in terms of loss of privacy and outlook.

11. ASSESSMENT

Principle of Development

11.1. The proposal is located within the settlement of March, identified within policy LP3 of the Fenland Local Plan (2014) as one of four Market Towns, within which the majority of the district's new housing should take place.

- 11.2. Whilst residential garden land is not included within the definition of previously developed land, the National Planning Policy Framework does not oppose development of residential gardens in principle, instead noting that local planning authorities should consider “setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”
- 11.3. In this regard, policy LP16 of the Fenland Local Plan seeks to deliver and protect high quality environments across the district, but does not preclude the principle of development of residential gardens where that development would not harm the various detailed elements set out within the policy (considered under the heading Character and Amenity).

Character and Amenity

- 11.4. The application site is a garden in an area almost entirely residential in nature. The development form in the vicinity is characterised by small clusters of dwellings accessed via cul-de-sacs from Elliott Road, which forms an access spine to the area. This arrangement means that the majority of dwellings in the area are constructed with modest rear gardens, however the property in question boasts a significant amount of land associated with it in relation to the size of the dwelling itself. There are several examples in the immediate locality of similar sites where backland development has taken place in the relatively recent past, including 127B Elliott Road, 70A Elliott Road, 66A and 66B Wisbech Road, all of which are located within 250 metres of the site.
- 11.5. Development in the area is predominantly of single-storey brick construction, and the layout pattern is such that the existing developments to the rear of Elliott Road are visible through gaps in the built form. Many of the developments in the vicinity also benefit from parking to the side of the dwellings and therefore individual driveways running in between properties or groups of properties are not uncommon.
- 11.6. In terms of amenity impact, the residential dwellings to the east of the site are oriented so that their rear elevations face the site, whilst the dwellings to the south and west look out parallel to the shared boundaries with those dwellings rather than directly at the development. 6 Waveney Drive is the property most likely to be affected by the scheme as it is located directly to the east of the proposed plot 2, which is set in by approximately 2.5 metres from the side boundary of the site, and therefore is approximately 12 metres from the main section of the rear elevation of 6 Waveney Drive. Given there is an existing closeboard fence located between the existing and proposed dwellings, which are both single-storey, there will not be an unacceptable impact on privacy, with the other dwellings surrounding the site experiencing lesser impacts. Similarly, the residential use of the dwelling is such that there will not be unacceptable impacts with regard to noise or light pollution from the proposal, whilst the single storey nature of the dwellings means that the impact of the scheme in relation to light received by the neighbouring properties is within acceptable limits.

Highway Safety

- 11.7. Several of the objection letters received in response to the proposal indicate that the implications of the additional traffic generated by the development will exacerbate existing issues in relation to vehicular movement along Elliott Road.
- 11.8. Policy LP15 of the Fenland Local Plan notes that “*development schemes should provide well-designed, safe and convenient access for all*”.

- 11.9. In this regard, the proposed dwellings would utilise the existing access point used by the dwelling as its driveway to provide access to the new properties to the rear. Alternative parking is shown to be provided for the host dwelling, whilst provision of 2 spaces per dwelling, including an allowance for vehicle turning, is also noted on the site. On this basis, the Local Highways Authority have confirmed they have no objection to the proposal, though a request is made to include a condition requiring the parking and turning to be provided prior to occupation of the dwellings.
- 11.10. Given the width of the existing access and the proposed provision indicated on the submitted plans, there is no indication that the proposed access point would be unsafe.
- 11.11. With regard to the wider issue of traffic levels in the area, there are over 500 registered addresses gaining access from Elliott Road or its subsidiaries, with the proposed 2 dwellings therefore representing 0.36% of the total burden. This figure is not sufficient to indicate that the proposal would have a noticeable impact on the traffic levels experienced in the area.

Flood Risk & Drainage

- 11.12. The majority of the application site, including all of the proposed built elements of the development, lie within flood zone 1, the area of lowest flood risk. A marginal section of the site to the very southern boundary lies within flood zone 2. On that basis, the land within flood zone 2 will remain as garden land and therefore there is no change in land use or flood risk to this section of the application site. As the remainder of the site is located within flood zone 1, a sequential test is not necessary in relation to the proposal, which is therefore compliant with policy LP14 of the Fenland Local Plan (2014).
- 11.13. No comments have been received from the Internal Drainage Board with regard to the proposal, however in response to the comments made in this regard, the applicant has indicated their willingness to a planning condition requiring the approval of a detailed drainage scheme prior to commencement of the development.

Other Comments

- 11.14. The representations received in relation to the scheme raise several other matters, which are considered as follows.
- 11.15. There are no policies preventing the development of rear gardens as a matter of principle.
- 11.16. The application site, excluding the shared access driveway, measures approximately 0.1 Hectares, leaving a development density of approximately 20 dwellings per hectare. This compares favourably with the plot sizes of many of the surrounding developments, and the two proposed dwellings meet the requirement in Policy LP16 (h) to retain at least one third of the plot for private amenity space. The scheme is therefore not considered to represent overdevelopment of the site.
- 11.17. There is no evidence to suggest that the construction of the proposed dwellings will result in more noise and disruption from children, dogs or garden toys, as such things would be entirely dependent on the particular occupants of the dwellings.

11.18. Note is made of problems caused from dust and vibration. It is assumed that this relates to the construction period in relation to the proposal. Construction related impacts are not material to the consideration of a planning application.

11.19. Disposal of the alleged asbestos roofing material from the shed indicated as being demolished is controlled by separate legislation that the developer would have to comply with, and is not material to the decision to approve or refuse the proposed dwellings. The Environmental Health team have requested the imposition of a condition relating to unsuspected contamination in relation to the site, which would require the agreement with Fenland District Council

12. CONCLUSIONS

12.1. The proposal is for two single-storey dwellings within a residential area of one of Fenland's Primary Market Towns. The scheme is located on land identified as being at the lowest risk of flooding, and is designed so as to limit its impact on the surrounding properties. There are no policies that oppose the principle of the development, and its impacts are or can be made acceptable through the use of appropriate planning conditions.

13. RECOMMENDATION

13.1. Notwithstanding the previous refusal, grant planning permission subject to conditions.

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. Prior to the commencement of any development, a scheme and timetable for the provision and implementation of foul and surface water drainage shall be submitted and approved in writing by the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.

Reason - To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of flooding.

3. 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. The development shall proceed in accordance with the approved Method Statement.

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

4. Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority.

Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels
- b) means of enclosure
- c) hard surfacing, other hard landscape features and materials
- d) existing trees, hedges or other soft features to be retained
- e) planting plans, including specifications of species, sizes, planting centres number and percentage mix
- f) management and maintenance details

Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan, 2014.

5. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan, 2014.

6. Prior to the first occupation of the development the proposed on-site parking /turning, including the provision indicated for the existing dwelling, shall be laid out in accordance with the approved plan and thereafter retained for that specific use.

Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any other Order revoking or re-enacting that Order with or without modification), no additional windows other than those shown on the plans hereby approved shall be placed in the west, east or south elevations of the development hereby approved.

Reason - To protect the amenities of the adjoining properties.

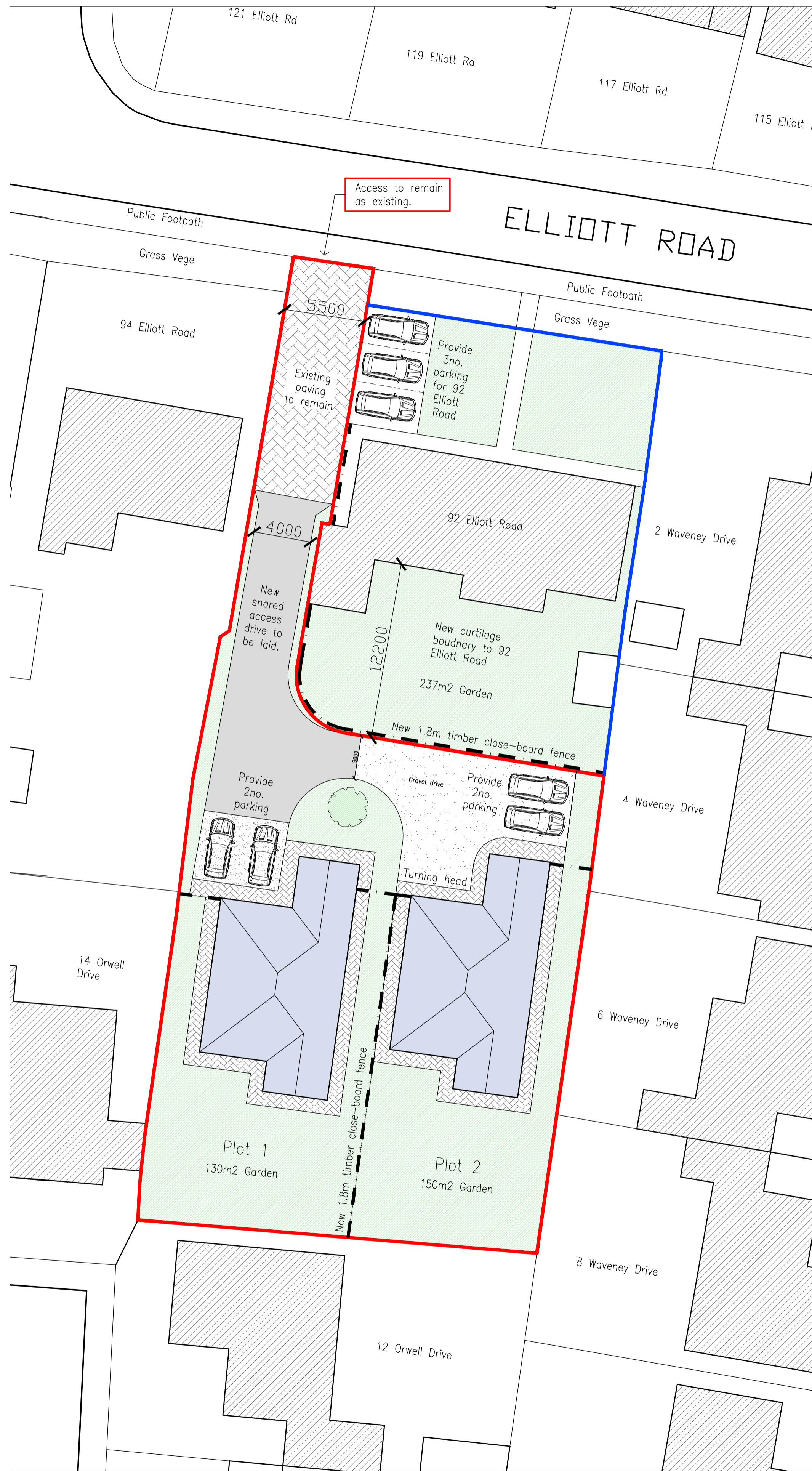
8. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);

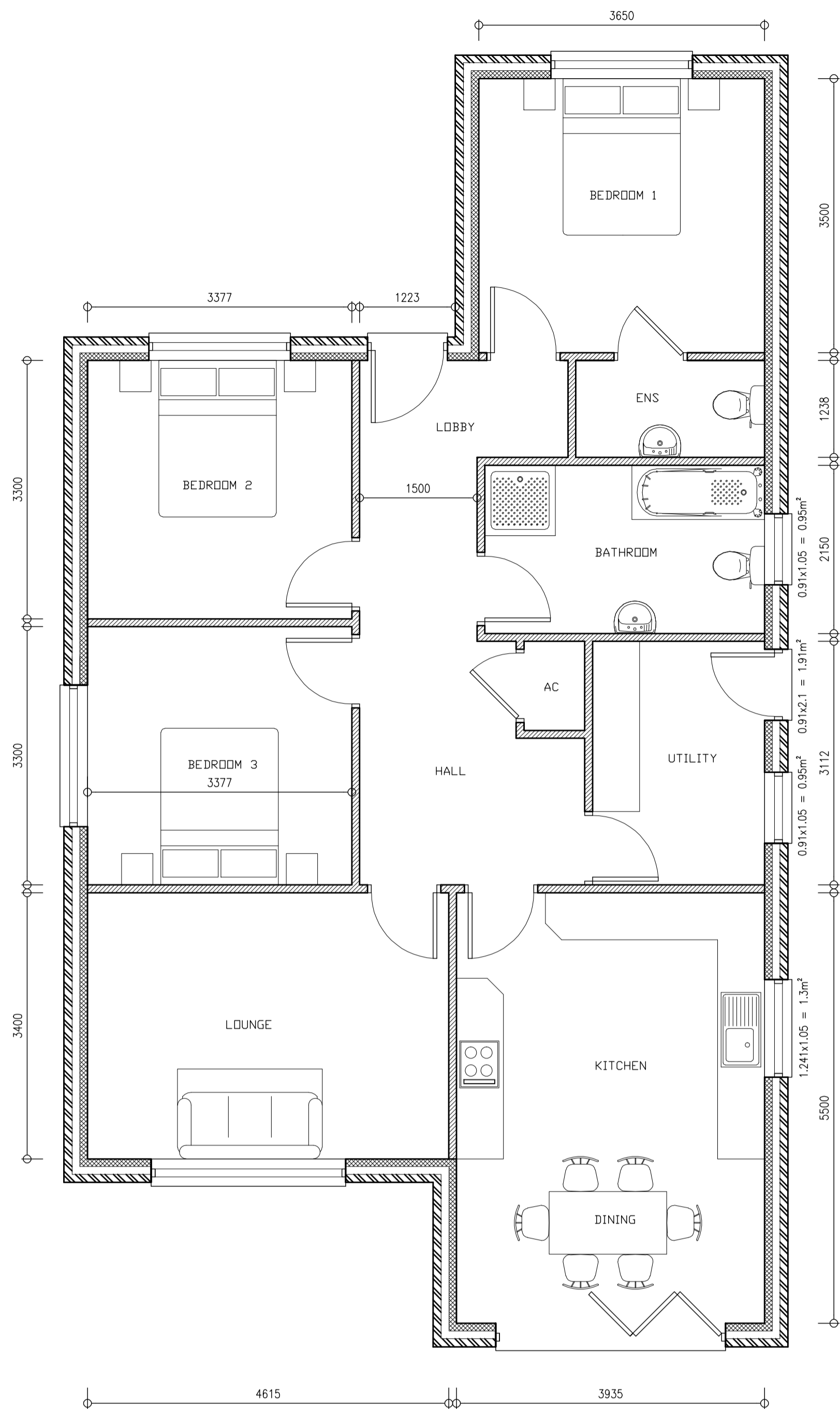
ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);

Reason - To ensure that the relationship between the dwellings and their neighbours remains acceptable in amenity terms, and to ensure that sufficient private amenity space is available to the properties in line with policy LP16 of the Fenland Local Plan (2014).

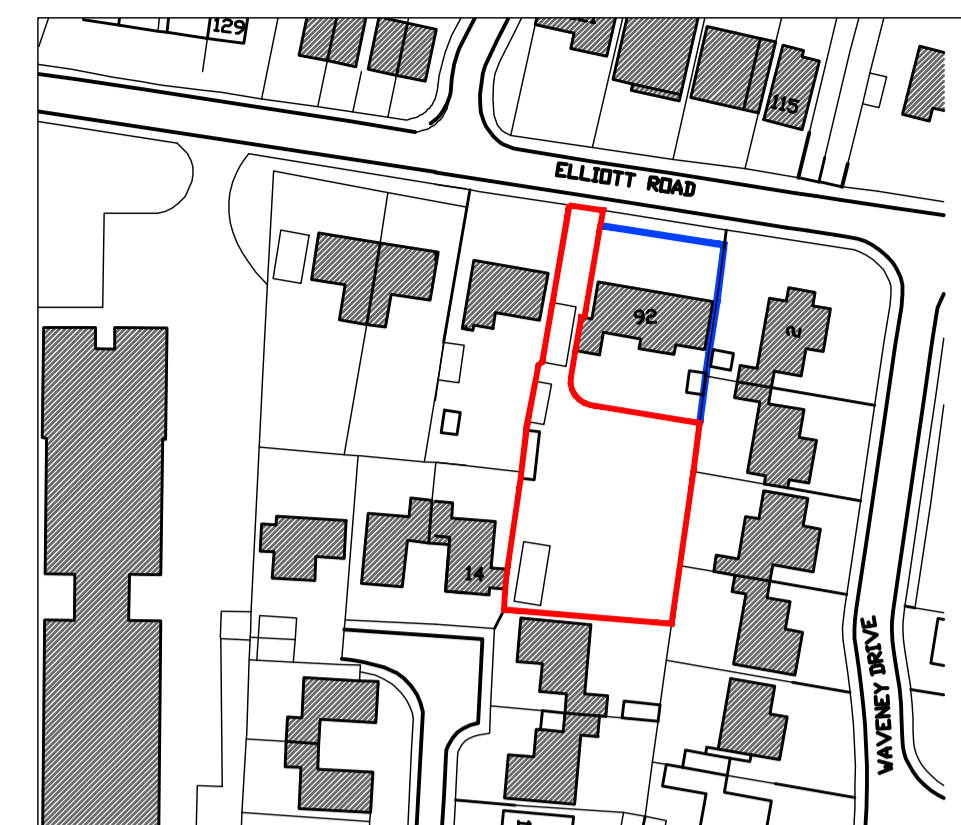
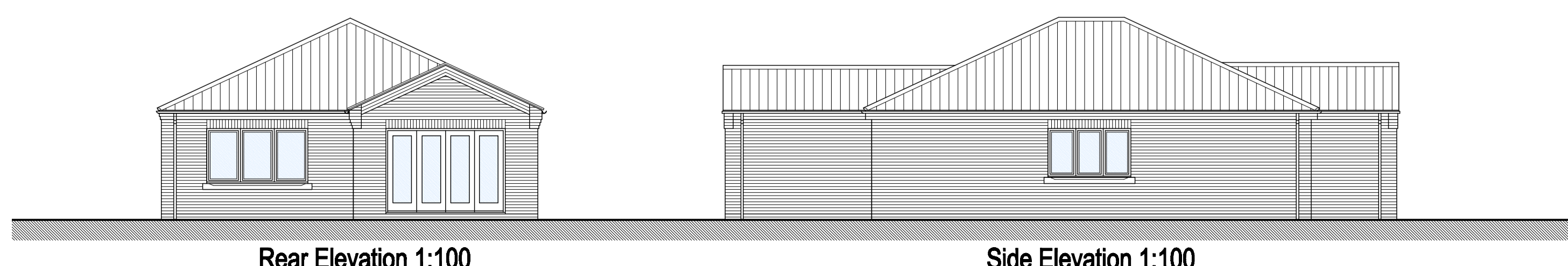
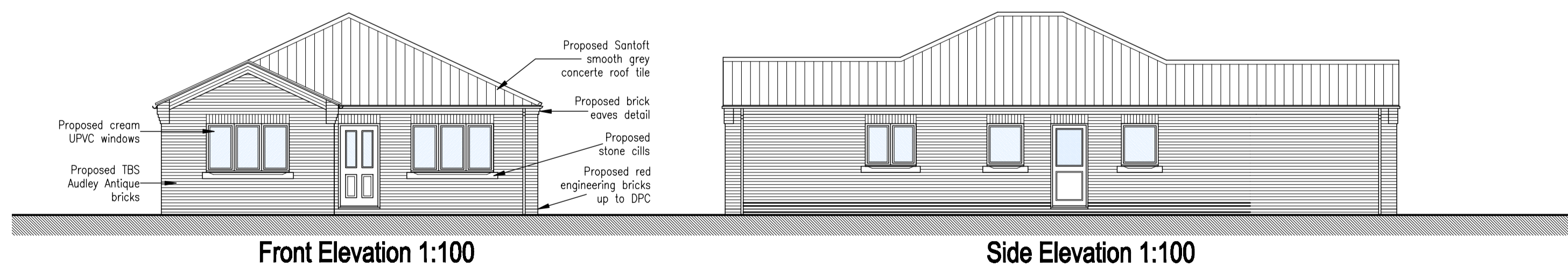
9. The development hereby permitted shall be carried out in accordance with the approved plans and documents



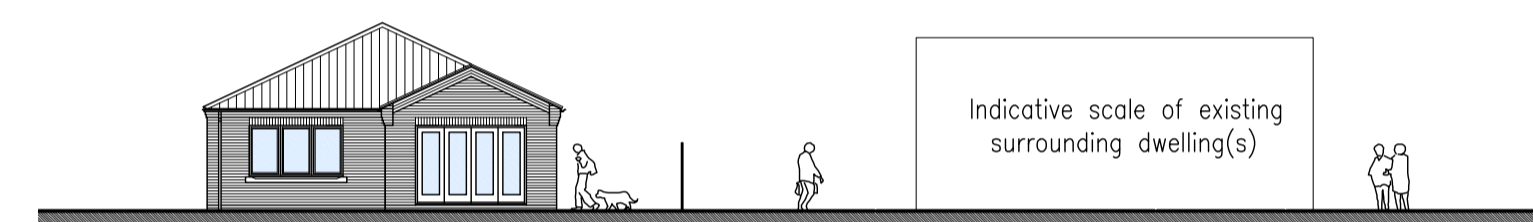
Proposed Site Plan 1:200



PLOT 1 & 2



Location Plan 1:1250



Plot 2 (Rear Elevation) 6 Waveney Drive

Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
PROPOSED 2no. detached 3 bed bungalows.

SITE
SOUTH OF ALDEBY
92 ELLIOTT ROAD
MARCH
PE15 8BU

DRAWING
PLANNING - Proposed

CLIENT
Mr L Fox

DATE: April 2018 SCALE: As Shown at A1 JOB No. 5846/01B

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Fenland District Council
Building Design Awards
Building Excellence in Fenland
Category Winner 28.06.10
Overall Winner 2010