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**F/YR22/0550/F**

**Applicant: Mr Barrett**

**Agent: Mr G Boreham  
Morton & Hall Consulting Ltd**

**Land North Of, 98 - 101 West End, March, Cambridgeshire**

**Erect 1no dwelling (2-storey, 3-bed) and formation of a public layby**

**Officer recommendation: Refuse**

**Reason for Committee: The number of representations received contrary to  
Officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1 | The application proposes the erection of 1no. 2-storey, 3-bed dormer-style bungalow which would be finished in materials to match the character of the area.                                                                                                                                                                                                                                                                                                  |
| 1.2 | The proposal site is accessed by way of a narrow private track from Elliott Road which marks the eastern boundary of the site and currently serves 98 – 101 West End. Thus, the scheme includes the formation of a layby to ease vehicular access for those affected.                                                                                                                                                                                         |
| 1.3 | The western boundary of the site is also marked by another private track from Elliott Road and the footprint of the proposed dwelling would stretch between the two tracks resulting in a cramped form of development which is uncharacteristic of this area .                                                                                                                                                                                                |
| 1.4 | The dwelling is designed so that the principal elevations would be on the gable ends and all principal fenestrations would face the parking area, the small garden to the south or the conifer trees to the west. The proposed windows would not cause any direct overlooking. However, owing to the layout between two tracks, and lack of any side garden space the development would result in a poor outlook for any future occupiers of the development. |
| 1.5 | The scheme makes provision for two parking spaces on the northern end of the site, but there is inadequate space behind these spaces to allow vehicles to enter and leave the site in forward gear.                                                                                                                                                                                                                                                           |
| 1.6 | The development is located within Flood Zone 2 as defined by the Environment Agency maps but the application has provided no assessment as to whether the site is sequentially acceptable in flood risk terms (ie. there are no sites available within March at a lower risk of flooding).                                                                                                                                                                    |

1.7 The recommendation is therefore for refusal of planning permission

## 2 SITE DESCRIPTION

2.1 The proposal site is located within the built-up area of March. The site consists of a rectangular plot of land set to the rear of 14-16 Windsor Drive, 98-101 West End and to the side of 33 -35 Waveney Drive. The site is marked by two very narrow tracks, one on the western boundary and the other, truncating the site close to the eastern boundary and running south from Elliott Road towards 98-101 West End, and which provides access to the site. The site is also marked on the northern boundary by very high conifer trees and the south boundary is open with views towards the rear of 98-101 West End.

2.2 Much of the proposal site is located within Flood Zone 2 whilst the southern part is located within Flood Zone 3 as defined by the Environment Agency Maps.

## 3 PROPOSAL

3.1 The application proposes the erection of 1no 2-storey, 3-bed dormer-style bungalow consisting of Lounge, kitchen/diner, entrance hall, toilet and office on the ground floor and 3 bedrooms and a bathroom in the roof. The scheme also proposes the formation of a layby to the access track to the development adjacent to the eastern elevation of the proposed dwelling.

3.2 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=RB22E1HE0D800>

## 4 SITE PLANNING HISTORY

F/YR02/0300/O      Erection of a dwelling      Refused 31.5.2002

## 5 CONSULTATIONS

5.1 **Town Council:** Support

5.2 **Environment Agency:** *The above planning application falls within our Flood Risk Standing Advice. It is considered that there are no other Agency related issues in respect of this application and therefore, in line with current government guidance, your council will be required to respond on behalf of the Agency in respect of flood risk related issues.*

5.3 **Highways:** *The approach road even though private is considered to be inadequate to serve the development proposed, by reason of its substandard construction.*

*Furthermore, the proposal would lead to an intensification of use of an access onto Elliott Road.*

*Also, this application does not incorporate adequate facilities to enable a vehicle to turn on the site and so enter the highway in a forward gear, which is considered essential in the interests of highway safety.*

- 5.4 Environmental Health:** *The Environmental Health Team note the submitted information and have 'No Objections' to the proposal as it is unlikely to or be affected by the existing noise or air climate.*

*Given the absence of any records to suggest former development use of the application site, contamination is unlikely to be an issue at this location.*

**5.5 Local Residents/Interested Parties Objectors**

Sixteen letters of objection (six from West End, six from Windsor Drive, two from Waveney Drive, all March, and one each from residents of Coates and Pondersbridge) have been received on the following grounds:

- There is inadequate access to serve the development.
- The site floods
- The development would be out of character with the area, would block out light, cause overlooking and cause foul drainage problems
- Pre-application works have adversely impacted wildlife
- Increase in traffic/congestion, parking problems and associated noise,
- Soakaway is not suitable for this site.

**Supporters**

Six letters have been received supporting the development (two from Upwell Road, one each from Elliott Road, Creek Road, Badgeney Road and Kingswood Road, all March) because:

- The development is suitable for local people
- Will provide work for local trades
- Will provide much needed housing for the area
- Will improve a wasteland
- The development is in keeping with the area, and;
- The layby will improve access

**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**

**National Planning Policy Framework (NPPF)**  
**National Planning Practice Guidance (NPPG)**  
**National Design Guide 2019**

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

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

### **March Neighbourhood Plan 2017**

H3 – Local Housing Need

## **8 KEY ISSUES**

8.1 The key issues for the assessment of this application are:

- Principle of Development
- Design, Appearance and Impact on the Area
- Residential Amenities
- Parking, Access and Highway Safety, and
- Drainage and Flooding Issues

These are considered in turn below.

## **9 BACKGROUND**

9.1 A Planning application (F/YR02/0300/O) for a dwelling on this site was refused in May 2002 citing:

- 1) Its siting, proximity to neighbours and access would be harmful to the character of the area and to the use of the access, and;
- 2) Inadequate access

Even though there has been a significant passage of time, a shift in development paradigm and evolution in policy, the physical constraints associated with the site have not changed.

## **10 ASSESSMENT**

### **Principle of Development**

10.1 The proposal site is located in the built-up area of March where the principle of residential development is considered as broadly acceptable. In the context of residential development within the built-up area, there are no development plan policies indicating that the development is not acceptable in principle. The development also contributes to local housing need as set out in Policy H3 of the March Neighbourhood Plan. It should be noted however, that this is subject

to broader planning policy and other material considerations which are discussed in more detail in the following sections.

### **Design, Appearance and Impact on the Area**

- 10.2 Paragraph 126 of the National Planning Policy Framework 2021 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is further reflected in Local Plan Policy LP16 which seeks to deliver and protect a high-quality environment for those living and working within the district.
- 10.3 The application proposes the erection of a 3-bedroom dormer-style bungalow designed with a simple rectangular shape oriented in a north/south direction with the access from the car park and garden located on the gable ends. There would be minimal ground floor openings on the sides facing the track that borders the western boundary of the site and the other that truncates the site near the eastern boundary. The building would be finished in facing brick to match similar bungalows to the west of the site. Therefore, the proposed development, owing to scale, design and finishes would visually be in keeping with the character of the surrounding properties.
- 10.4 In terms of the layout of the development, the development is designed and laid out on the site so as to stretch the entire width of the truncated site. Whilst the site also includes some land to the east of the proposed bungalow but separated from the rest of the site by the track and proposed layby, this orphaned piece of land would not appear as part of the wider site. For this reason, the proposal would appear as a cramped form of development which is uncharacteristic of this area.
- 10.5 The applicant also proposes the formation of a layby which would be located opposite the eastern elevation of the bungalow. However, other than further alienating the eastern edge of the site, building the layby would not have any adverse impact on the character of the site or the wider area.
- 10.6 The proposal site is located on backland and thus the development would not be visible from wider public vantage points but would still be seen from the surrounding properties.
- 10.7 Based on the above assessment, it is considered that the proposed development, owing to scale, design and contrived layout, would result in a cramped form of development set between two access tracks which is uncharacteristic of this area contrary to local Plan Policy LP16 and NPPF(2021) which seeks to ensure that development is of a high standard and acceptable to the local community.

### **Residential Amenities**

- 10.8 Local Plan Policy LP16 seeks to ensure that new development safeguards appropriate and acceptable levels of amenity for existing and future residents.

- 10.9 The scheme proposes a dormer-style bungalow which would be set between two tracks. The main fenestration on the ground floor is proposed on the gable ends facing the parking area to the north and the garden to the south with some secondary windows facing the tracks. Dormer windows are proposed within the roof to serve the bedrooms facing west towards the front gardens of 33 -35 Waveney Drive. However, any views from these windows would be obscured by the existing very high conifer trees on the eastern boundary of the said properties. Therefore, no overlooking would occur. In addition, there will be rooflights facing upwards towards the east and thus not cause any loss of privacy for the occupiers of 14, 16 and 18 Windsor Drive.
- 10.10 Disregarding the segregated part of the site, the scheme proposes about 38 per cent of the remaining site as private amenity space. This would accord with the provisions of the local plan which prescribes 33 percent as the minimum for private amenity space.
- 10.11 The scale and location of the development in relation to nearby properties implies that the development would not cause overbearing, overshadowing or overlooking effects. However, notwithstanding this, future occupiers of the development are likely to have a poor outlook and suffer noise and disturbance from vehicles passing on both the eastern and western elevations of the proposed dwelling. This effect would also be apparent within the private amenity space, the garden, located on the southern end of the site. The development would therefore be likely to result in harm to the residential amenities of the future occupier's contrary to Local Plan Policy LP16.

#### **Parking, Access and Highway Safety**

- 10.12 Fenland Local Plan Policy LP16 states that new development will only be permitted if, among other things, it can be demonstrated that safe and convenient pedestrian and vehicle access to and from the public highway as well as adequate space for vehicle parking, turning and servicing would be achieved. In addition, appropriate levels of parking provision should be provided in accordance with the Council's defined parking standards as set out in Appendix A of the Local Plan.
- 10.13 The applicant proposes a 2-bedroom dwelling with a provision of two parking spaces at the northern end of the site measuring 2.7 x 5.5m which are considered to be acceptable. However, one of these spaces does not have the required 6m clearance to the rear to allow a car to reverse and manoeuvre.
- 10.14 The development would be served by the track on the eastern side of the proposed dwelling which currently provides access to four properties on West End. This track, albeit private, is considered to be inadequate to serve the development proposed, by reason of its substandard construction and width of approximately 2.2m. While a layby is proposed to this, as part of the application, this is located adjacent to the proposed dwelling and would still leave a distance of approximately 125 metres of a single width to the junction with Elliott Road. Furthermore, the proposal would lead to an intensification of use of this access onto Elliott Road.

10.15 Therefore, based on the submitted details, the proposed development would result in the intensification of the use of a very narrow track considered to be inadequate to serve the development by reason of its substandard construction and consequently escalate the use of the access onto Elliot Road. In addition, the development, by reason of layout, would not be able to provide adequate facilities to enable a vehicle to enter and leave the site in forward gear. The Highway Authority have objected to the application on these grounds. The development would therefore be contrary to Local Plan Policy LP15.

#### **Drainage and Flooding Issues**

10.16 Paragraph 159 of the NPPF (2021) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. In the same vein, Local Plan Policy LP14 recommends the adoption of sequential approach to flood risk from all forms of flooding.

10.17 The NPPF (2021), LP14 and LP12 (j) seeks to ensure that development does not put people or property in danger from identified risks such as flooding by steering development to areas with the lowest probability of flooding. The scheme proposes the erection of 1 dwelling on a site which is located within Flood Zone 2. The applicant submitted a flood risk assessment (ECL0730/Morton & Hall Consulting Ltd undertaken by Ellingham Consulting Ltd in support of the development which was considered by the Environment Agency (EA). The Agency advises that the planning application falls within the EA's Flood Risk Standing Advice, and it is for the LPA to respond on behalf of the Agency in respect of flood risk related issues.

10.18 According to the Flood Risk Vulnerability Classification, residential development is considered as "more vulnerable" and should not be allowed in an area at the risk of flooding unless it can be evidenced, by a sequential assessment, that there are no reasonably available sites appropriate for the proposed development in areas at lower risk of flooding. As the site is within the built-up area of March, the scope for the sequential test would need to be the rest of the March. The submitted FRA states that,

*"Large parts of Fenland District Council between the River Nene and River Great Ouse, around the towns of March and Chatteris, lie in Flood Zone 3. As such there are limited opportunities to undertake the development at an alternative site with a lower flood risk.*

*The site is protected by the Whittlesey Washes Barrier Bank and the Ouse Washes Barrier Bank which were not considered during the preparation of the Environment Agency Flood Maps. When the Whittlesey Washes Barrier Bank and the Ouse Washes Barrier Bank are considered, the site has a low probability of flooding and therefore the development passes the Sequential test"*

10.19 This is not enough in accordance with Section 4.4 of the adopted Cambridgeshire Flood and Water SPD which sets out the stages that are required to be undertaken in order to pass the test. That is, the developer is required to identify and list reasonably available sites which may be appropriate for this development within the search area irrespective of land ownership and compare the flood risk of all the listed sites. This identification and comparison of sites has not been undertaken and instead the applicant's Flood Risk Assessment (FRA) considers the general risk status of much of the district, being in Flood Zone 3, suggesting that any other site is likely to have the same flood risk status as the proposal site. However, there other sites within March, which are clearly at very low risk of flooding (Flood Zone 1) and have not been considered. The development therefore fails the sequential test.

10.20 As the site is within Flood Zone 2, the Exception Test does not need to be applied.

10.21 Based on the above assessment, the applicant has been unable to show that there are no other reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding and therefore the development fails the Sequential Test and allowing the development would be contrary to Local Plan Policy LP14 and paragraph 159 and 162 of the NPPF(2021)

## 11 CONCLUSIONS

11.1 The proposed development, owing to scale, design, layout and appearance would result in a cramped form of development uncharacteristic of the area, with poor outlook which would intensify the use of a substandard track and access onto Elliott Road to the detriment of highway safety and would fail to meet policy requirements in terms of flooding.

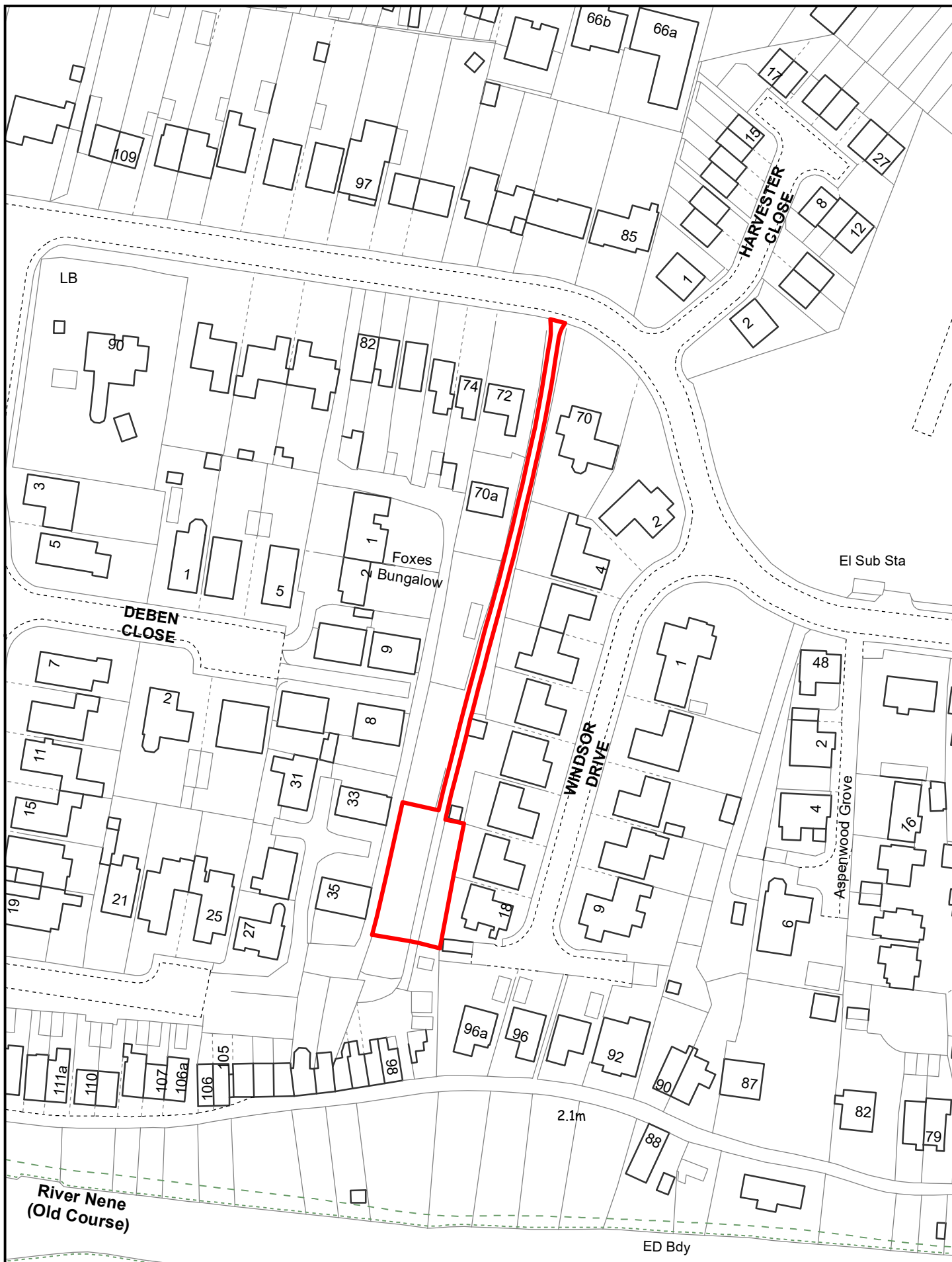
## 12 RECOMMENDATION

**Refuse;** for the following reasons:

1	The proposed development, owing to scale, design and contrived layout, would result in a cramped form of development set between two access tracks which is uncharacteristic of this area, and which would create a substandard residential environment for future occupiers owing to limited outlook, and general noise and disturbance. This would be contrary to Local Plan Policy LP16 and NPPF(2021) which seeks to ensure that development is of a high standard.
2	The proposed development would result in the intensification of the use of a very narrow private track which is considered to be inadequate to serve the development by reason of its substandard construction and allowing the development would consequently escalate the use of the access onto Elliot Road to the detriment of Highway safety and contrary to Local Plan Policy LP15.



3	<p>The development, owing to the cramped nature of the site and the proposed layout, is unlikely to provide adequate facilities to enable a vehicle to enter and leave the site in a forward gear and allowing the development would result in reverse manoeuvres into and out of the parking spaces onto a narrow lane devoid of any footpath and with limited visibility for pedestrians. The development would be contrary to Local Plan Policy LP15.</p>
4	<p>The application is not accompanied by a satisfactory Sequential Test as this provides no identification or assessment of any alternative sites which may at a lower risk of flooding. Consequently, the development fails the Sequential Test and to permit the scheme would be contrary to Local Plan Policy LP14, the Cambridgeshire flood and Water SPD and paragraphs 159 and 162 of the NPPF.</p>



Created on: 23/05/2022

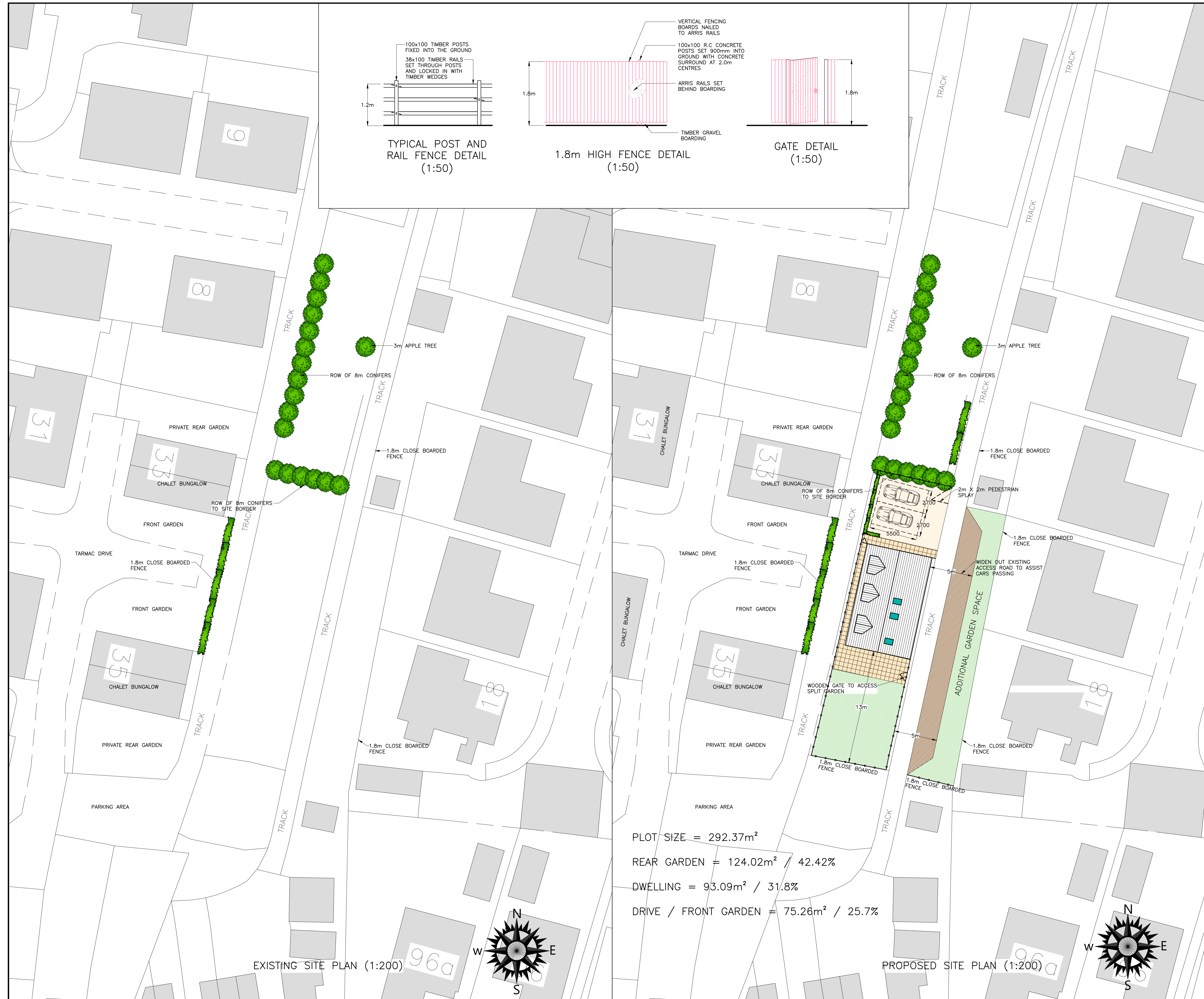
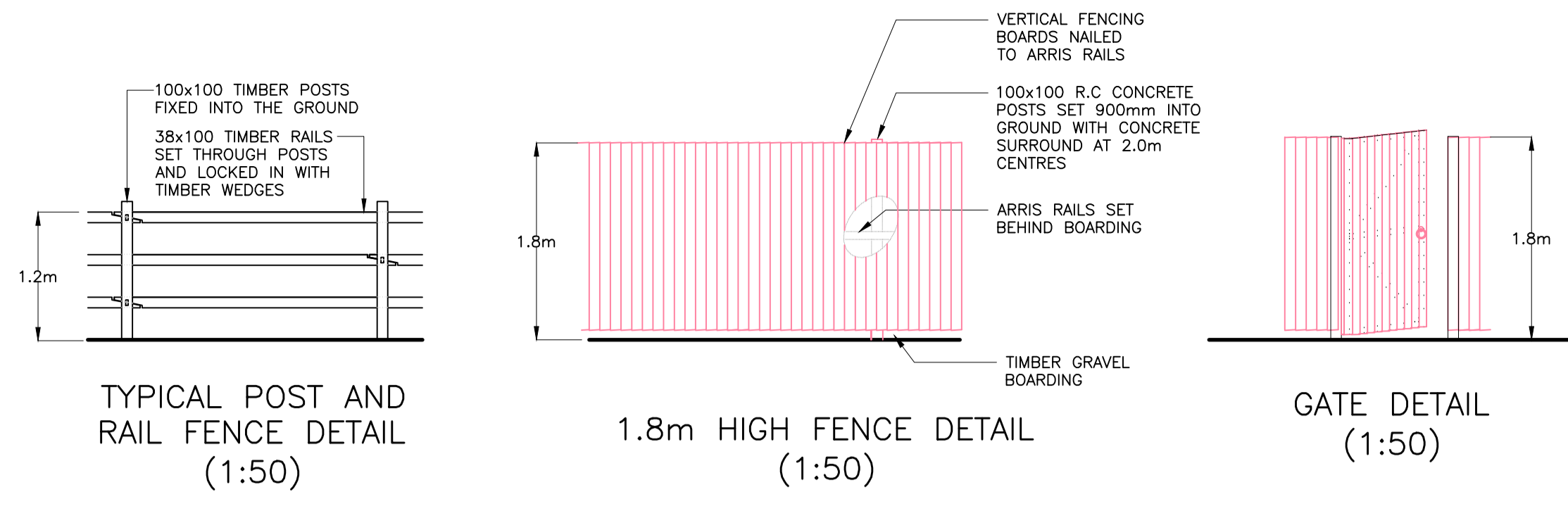
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**F/YR22/0550/F**

Scale = 1:1,250

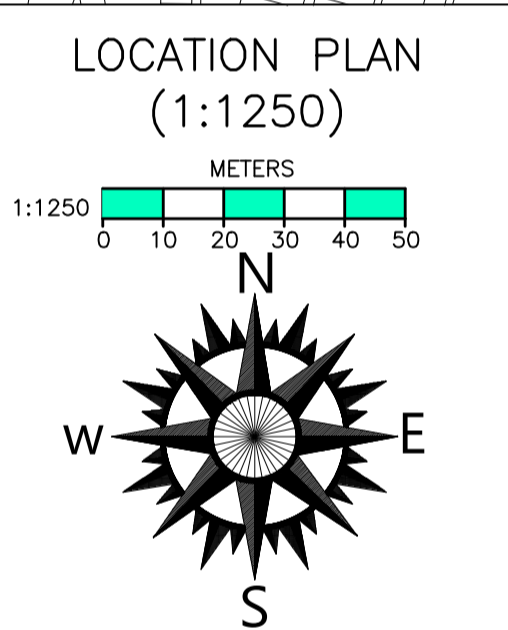
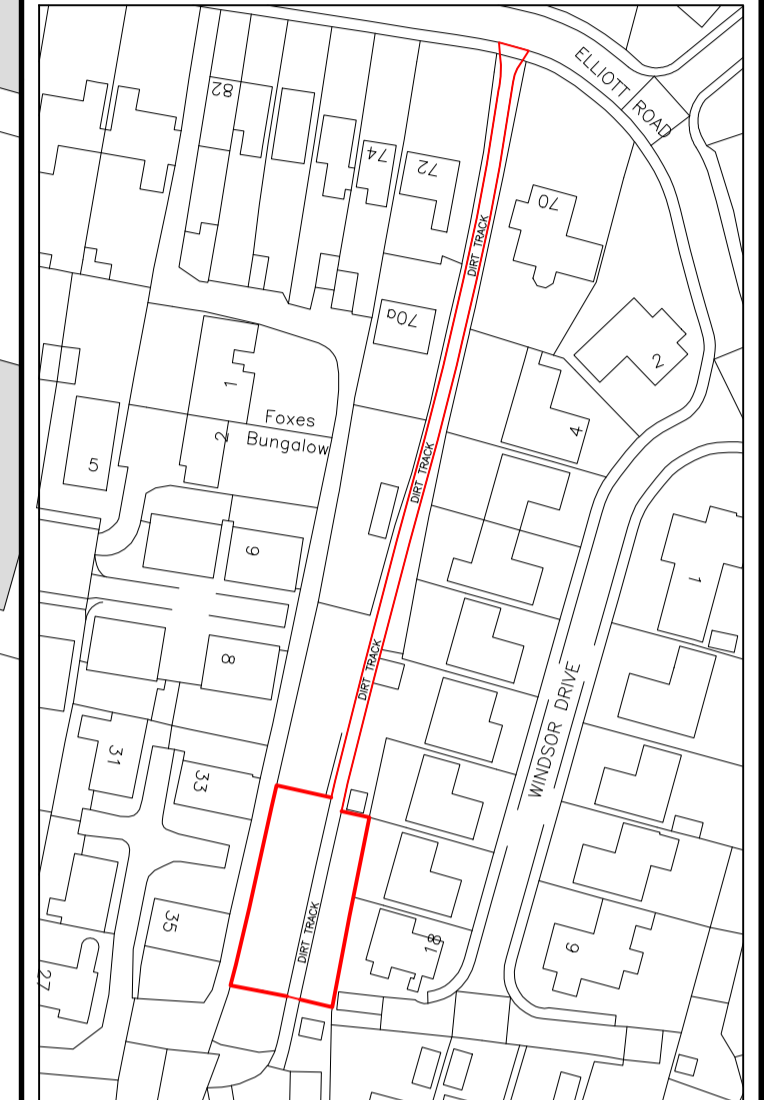






PLOT SIZE = 292.37m<sup>2</sup>  
 REAR GARDEN = 124.02m<sup>2</sup> / 42.42%  
 DWELLING = 93.09m<sup>2</sup> / 31.8%  
 DRIVE / FRONT GARDEN = 75.26m<sup>2</sup> / 25.7%

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 All finishes, insulation and damp-proofing to architect's details



A	PLANNERS COMMENTS	APR 2022
	REVISIONS	DATE

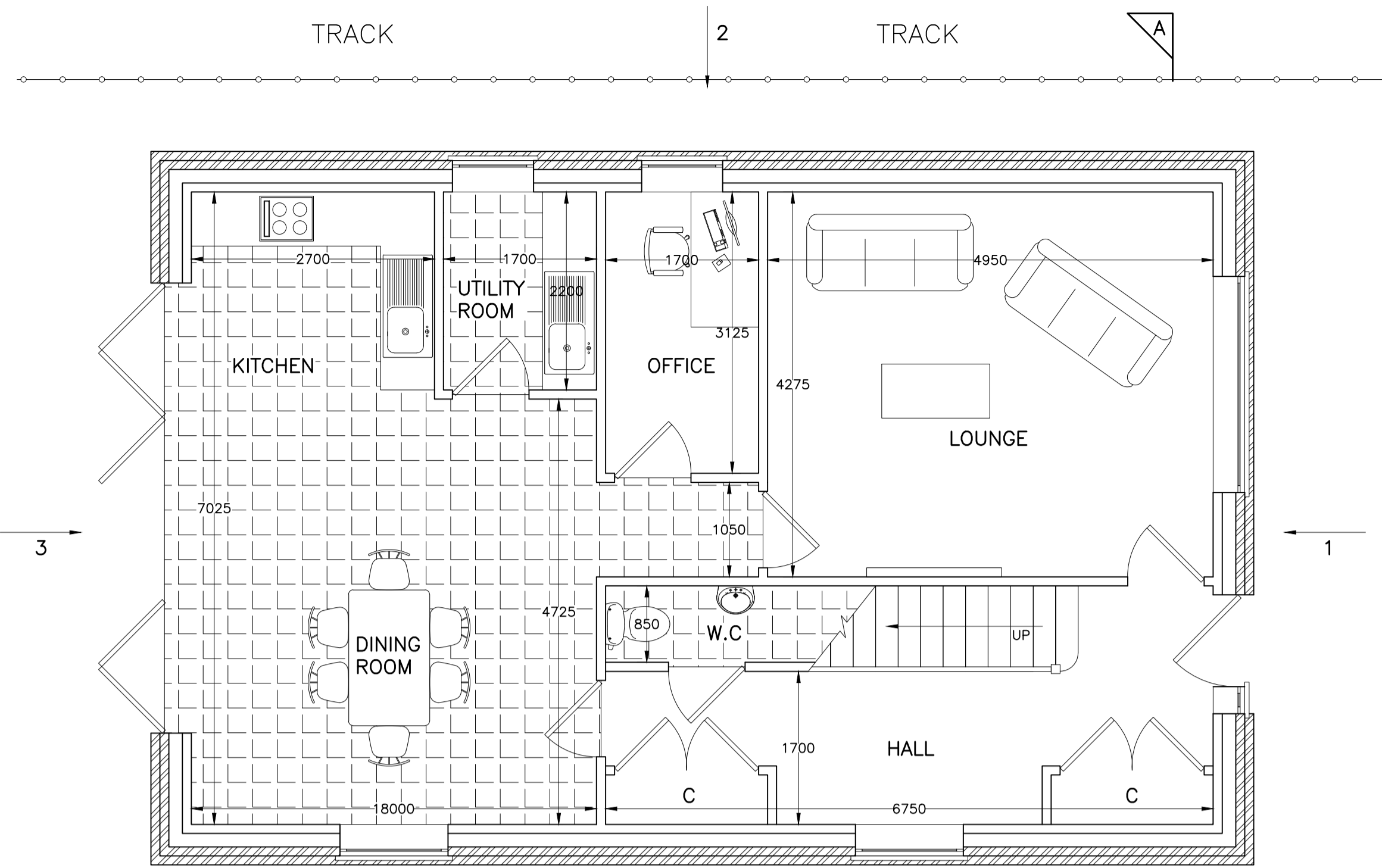
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 Fenland District Council Building Design Awards winner

CLIENT: Mr B Barrett

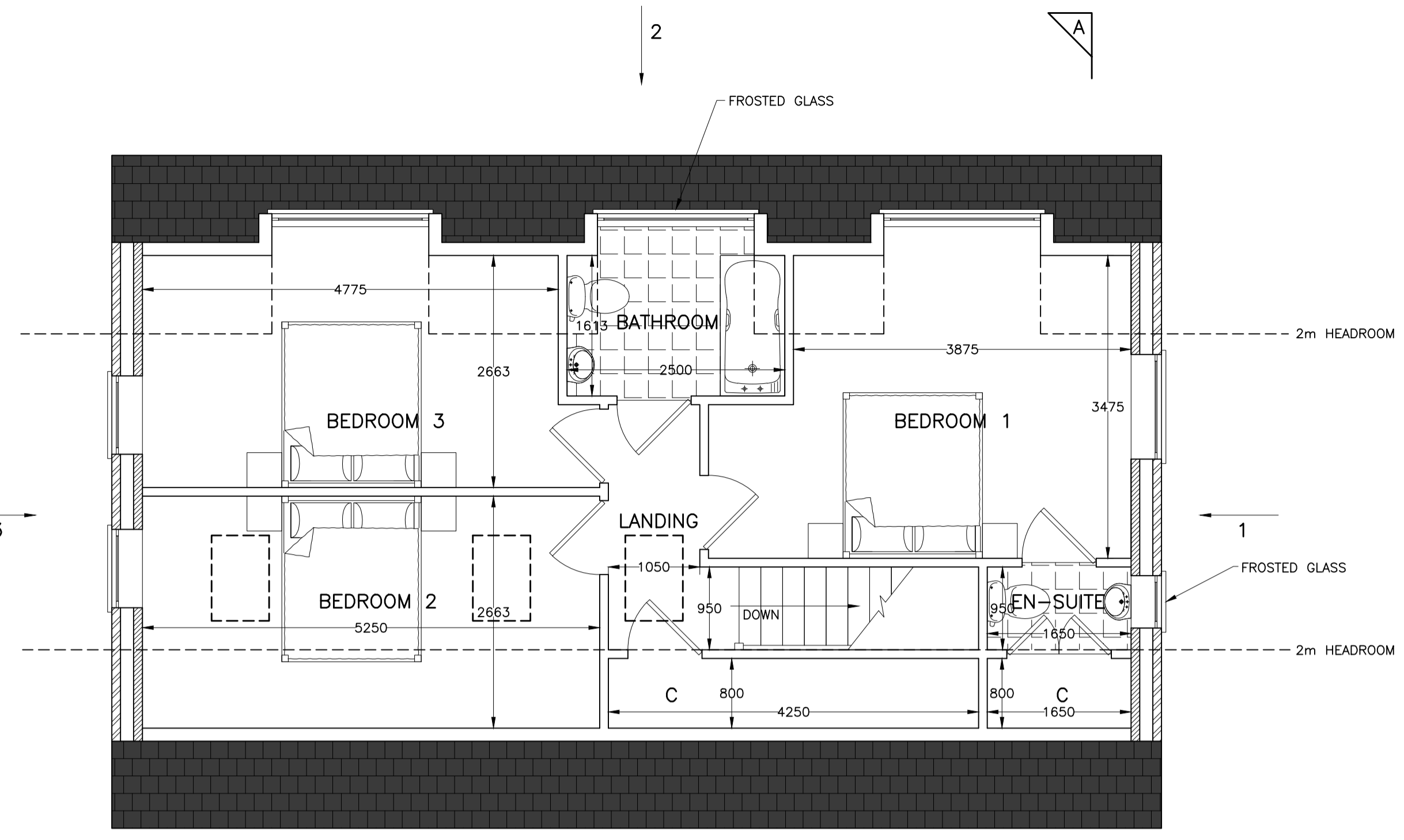
PROJECT: Land off Elliot Road, Lying North of West End March, Cambridgeshire PE15 8DH  
 TITLE: Existing & Proposed Site Plans

DRAWN: G.Bohram	DATE OF ISSUE:
CHECKED:	
DATE: Mar 2022	DRAWING NUMBER: H8216/01
SCALE: As Shown	





PROPOSED GROUND FLOOR (1:50)



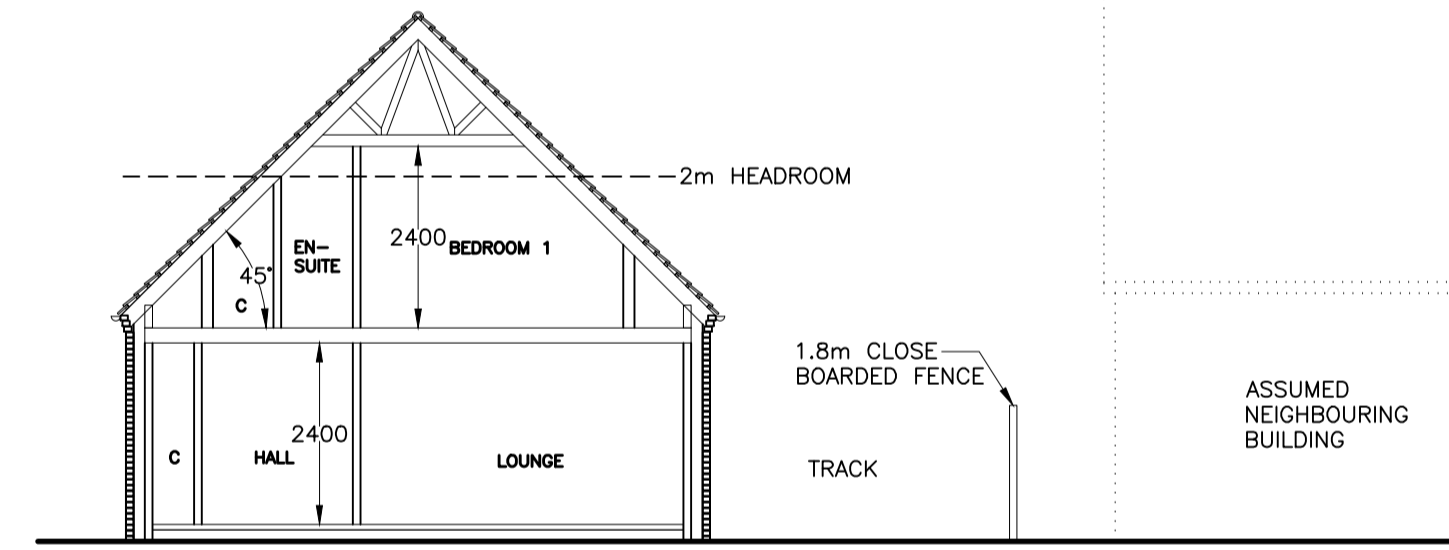
PROPOSED FIRST FLOOR (1:50)



PROPOSED FRONT ELEVATION (1:100)  
(1)



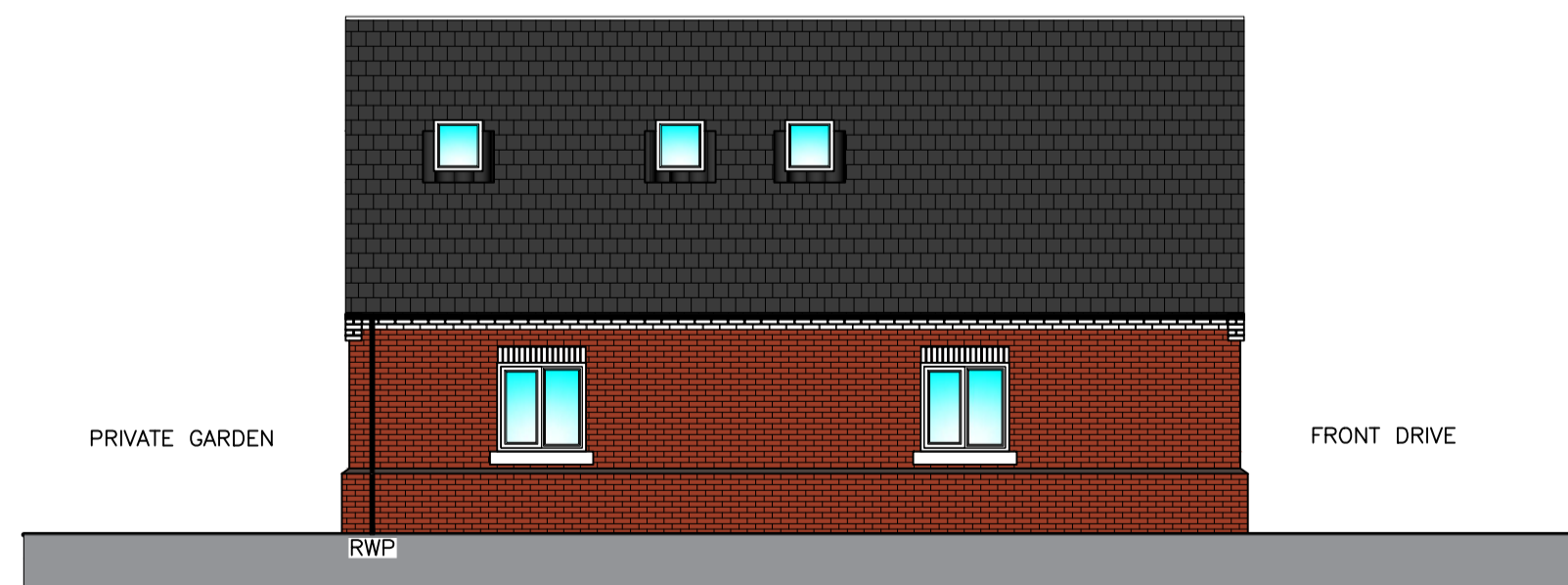
PROPOSED RHS ELEVATION (1:100)  
(2)



PROPOSED SECTION A-A  
(1:100)



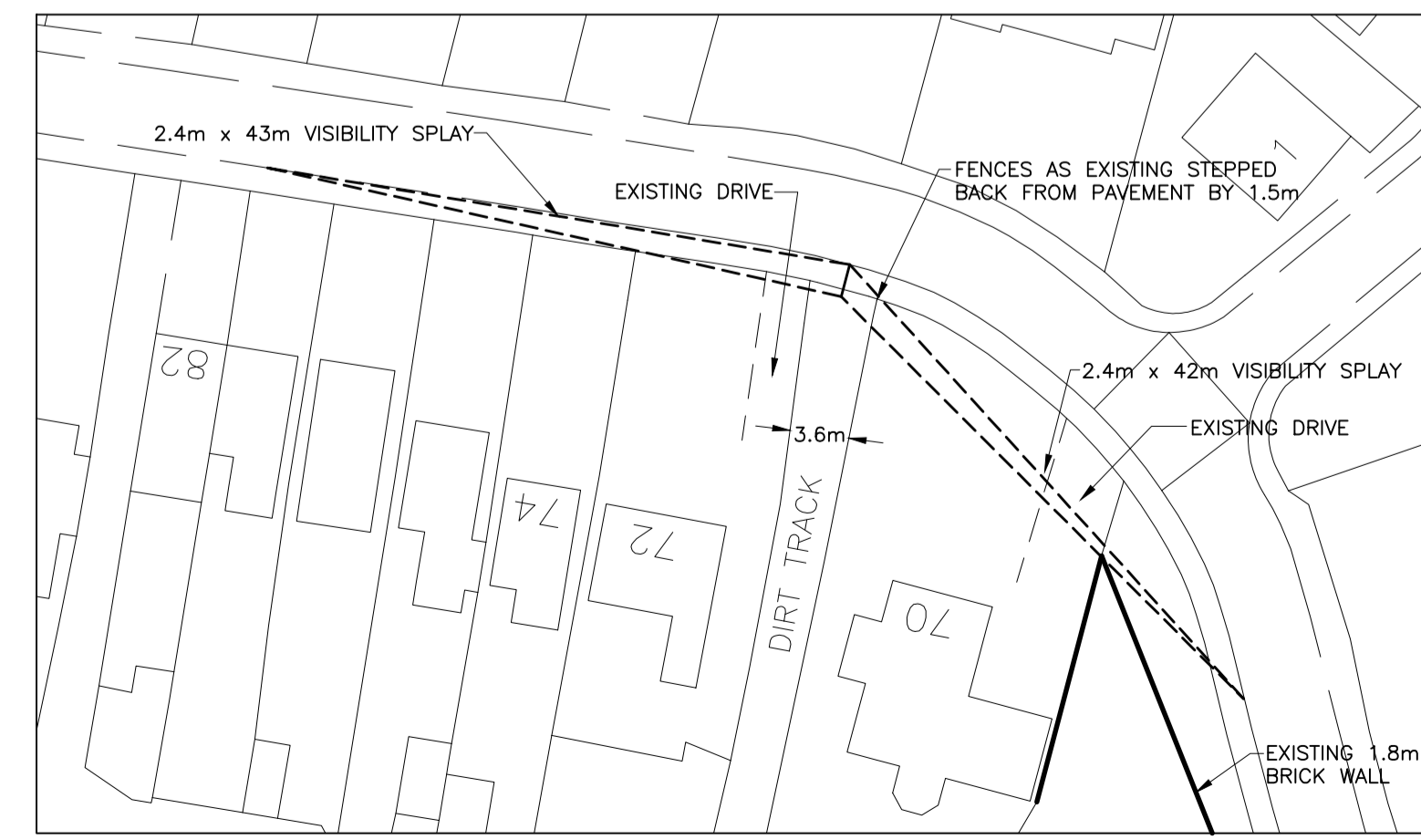
PROPOSED REAR ELEVATION (1:100)  
(3)



PROPOSED LHS ELEVATION (1:100)  
(4)



PROPOSED LHS ELEVATION / STREET SCENE  
(1:200)



VISIBILITY SPLAYS  
(1:500)

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All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.  
All finishes, insulation and damp-proofing to architect's details

REVISIONS	DATE

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CLIENT  
Mr B Barrett

PROJECT  
Land off Elliot Road, Lying North of West End March, Cambridgeshire PE15 8DH

TITLE  
Proposed plans, Elevations And Section

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DATE Mar 2022	DRAWING NUMBER H8216/02
SCALE As Shown	