
F/YR22/0505/VOC

**Applicant: Mr P Hussey
Millfield Developments Ltd**

**Agent : Mr R Papworth
Morton & Hall Consulting Ltd**

33 Gaul Road, March, Cambridgeshire, PE15 9RQ

Variation of condition 23 (list of approved drawings) of planning permission F/YR18/0947/F (Erection of 7no dwellings comprising of 1 x 2-storey 4-bed; 4 x 2-storey 3-bed and 2 x single-storey 3-bed dwellings) with garages (Plots 3, 6 & 7 only) involving demolition of existing dwelling, outbuildings and boundary wall) - to remove turning head and cherry trees

Officer recommendation: Refuse

Reason for Committee: Town Council comments contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The permission for the substantial layout of this development approved under F/YR18/0947/F required the on-site turning head to be provided which was supported/required by the LHA. There is no justification for its removal by replacement of the approved site plan with drawing 401A submitted with this application. It will lead to increased manoeuvring on Gaul Road by larger vehicles visiting the site due to lack of turning within the site or will lead to difficulty turning and vehicles overrunning private spaces within the development. This will cause increased risk of danger to other road users, especially pedestrians and cyclists and will cause inconvenience also. The proposal results in a diminished quality of development from that approved and will mean that the development functions less well. This is contrary to policy LP15 of the Local Plan and paragraphs 130 and 135 of the NPPF.
- 11.2 If the application were being recommended for approval it would have been subject to conditions requiring adherence to approved details and submission of new landscape proposals including replacement trees.
- 11.3 It appears that the conditions relating to the provision of the turning head and landscaping have not been complied with and therefore enforcement action should be taken to ensure the conditions are complied with.

2 SITE DESCRIPTION

- 2.1 The site comprises an existing residential development of eight dwellings served off a private drive off the north side of Gaul Road, March. This is now a private drive named Magnolia Close. There is an extensive site history, however, the current layout (or the majority of it) was approved under application F/YR18/0947/F which granted permission for 7 dwellings. A further dwelling was added under

application F/YR20/1247/F making eight in total served off the private drive. Gaul Road is unclassified but is one of the main spine roads leading into the centre of March from the A141 bypass to the east.

- 2.2 The site is adjacent to “The Chase” a single-track access route owned and maintained by Fenland District Council which provides access from Gaul Road through to the riverside park to the north and a small number of dwellings accessed off it. To the other side of Gaul Road and slightly further west is a recreation ground. Otherwise, the site is surrounded by residential development.

3 PROPOSAL

- 3.1 The application is for a variation of condition which would replace the approved site plan H5835/01 Rev B listed in the approved plans within condition 18 attached to permission F/YR18/0947/F. The reason for the applicant wishing to replace this plan with submitted drawing H5835/401A is to remove the internal turning head from the scheme. This turning head has not been provided in accordance with conditions 6 and 9 attached to the approved scheme and which required the access, turning and parking to be laid out and constructed and drained in accordance with approved drawings prior to first occupation of the dwellings. The space around the turning head (located adjacent to 2 Magnolia Close) should have been landscaped in accordance with the approved landscape scheme but this has not been undertaken in accordance with conditions 15 and 17 attached to the approved scheme. Therefore, as well as condition 18, the proposal has implications for other conditions attached to the 2018 permission as set out above.
- 3.2 The application also states that cherry trees to the rear of the turning head and adjacent to the boundary with The Chase are to be removed (*Officer note: the site visit revealed the two cherry trees appeared to be dead*)

Full plans and associated documents for this application can be found at:
www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

REF. NO	DESCRIPTION	DECISION	DATE
F/YR19/1002/F	Erect 1 dwelling (single-storey 3-bed)	GRANT	16.01.2020
F/YR19/3091/COND	Details reserved by conditions 12, 14, 15, 16 and 21 of planning permission F/YR18/0947/F (Erection of 7no dwellings comprising of 1 x 2-storey 4-bed; 4 x 2-storey 3-bed and 2 x single-storey 3-bed dwellings) with garages (Plots 3, 6 & 7 only) involving demolition of existing dwelling, outbuildings and boundary wall)	APPROVE	16.10.2019
F/YR19/3047/COND	Details reserved by conditions 8, 12, 14 & 21 of	APPROVE	08.08.2019

	planning permission F/YR18/0947/F (Erection of 7no dwellings comprising of 1 x 2-storey 4-bed; 4 x 2-storey 3-bed and 2 x single-storey 3-bed dwellings) with garages (Plots 3, 6 & 7 only) involving demolition of existing dwelling, outbuildings and boundary wall)		
F/YR19/3024/COND	Details reserved by conditions 2, 4, 8, 12, 14, 21 & 22 of planning permission F/YR18/0947/F (Erection of 7no dwellings comprising of 1 x 2-storey 4-bed; 4 x 2-storey 3-bed and 2 x single-storey 3-bed dwellings) with garages (Plots 3, 6 & 7 only) involving demolition of existing dwelling, outbuildings and boundary wall)	APPROVE	25.04.2019
F/YR19/0113/TRTPO	Fell 1no Hornbeam covered by TPO 03/2014 (5 days' notice)	GRANT	14.03.2019
F/YR18/0947/F	Erection of 7no dwellings comprising of 1 x 2-storey 4-bed; 4 x 2-storey 3-bed and 2 x single-storey 3-bed dwellings) with garages (Plots 3, 6 & 7 only) involving demolition of existing dwelling, outbuildings and boundary wall	GRANT	18.12.2018
F/YR18/0021/F	Erection of 2 x 2-storey 3-bed and 3 x single-storey 2-bed dwellings with garages involving the demolition of existing dwelling and outbuildings	GRANT	02.03.2018

F/YR16/0965/F	Erection of 6 x 2-storey dwellings comprising of 3 x 2-bed and 3 x 3-bed with garages involving demolition of existing dwelling and outbuildings	GRANT	12.10.2017
F/YR16/0277/F	Erection of 6 x dwellings comprising of; 2 x 2-storey 3-bed with detached	WDN	11.07.2016

	garages; 1 x single-storey 2-bed with detached garage and 1 x single-storey 3-bed with attached garage, 1 x single-storey 2-bed with attached garage and 1 x single-storey 2-bed with integral garage involving demolition of existing dwelling and outbuildings		
F/YR15/0387/F	Erection of 6 dwellings comprising of 1 x 2-storey 2-bed; 1 x 2-storey 3-bed; 3 x single-storey 3-bed and 1 x single-storey 2-bed with garages, involving demolition of existing dwelling and outbuildings	WDN	20.07.2015
F/YR14/0776/F	Erection of 5 x 3-bed and 3 x 2-bed single-storey dwellings with garages, involving demolition of existing dwelling and outbuildings	WDN	22.12.2014
F/YR13/0646/RM	Erection of 14no dwellings with garages comprising of 5 x single-storey 2-bed, 3 x single-storey 3-bed, 4 x 2-storey 2-bed and 2 x 2-storey 3-bed with associated landscaping and public open space Land North Of 33 Gaul Road	APPROVE	21.11.2013
F/YR12/0753/RM	Erection of 8 x 3-bed 2-storey dwellings and 5 x 4-bed 2-storey dwellings with detached garages and 2.0m (max height) walls and fences involving the demolition of existing swimming pool and outbuildings Land North Of 33 Gaul Road	APPROVE	10.04.2013

F/YR12/0084/F	Removal of Conditions 7 and 8 of planning permission F/YR08/1051/O (Residential development (0.49 ha) (maximum of 20 dwellings)) relating to provision of footpath link Land North Of 33 Gaul Road	GRANT	20.09.2012
F/YR08/1051/O	Residential development	GRANT	15.07.2011

	(0.49 ha) (maximum of 20 dwellings) Land North Of 33 Gaul Road		
F/YR07/0995/O	Erection of 13 houses involving demolition of existing outbuildings and sheds Land North Of 33 Gaul Road	REFUSE	16.11.2007
F/1257/88/F	Erection of garden wall (to replace hedge) - partly retrospective	PER	15.12.1988

5 CONSULTATIONS

5.1 March Town Council – Recommend approval

5.2 CCC Highway Authority –

First Response – *The change of layout is not acceptable. The removal of the turning head is the issue as there will be nowhere for vehicles to turn. The turning head should remain. Also please include a vehicle tracking for refuse to demonstrate this.*

Further Response to tracking and case officer highlighting approved refuse strategy (see background section below) –

Thank you for submitting the swept path for refuse. However, it is noted that refuse vehicle utilised is a small one. This will have to be confirmed with refuse team this is acceptable.

From highways perspective, the size of the vehicle for the swept path is not suitable. This does not demonstrate large vehicles to access the development. The development will require servicing with various sizes of vehicles. Therefore, the lack of a turning head is not acceptable.

Furthermore, within the swept path analysis submitted, it demonstrates the turning head is clearly tight as the vehicle over rises the grass verge opposite number 3. Should this be accepted the grass verge will be overridden over time

(Case officer note: The submitted vehicle tracking showed manoeuvring to the end of the cul de sac and small turning areas to the front of numbers 3 and 6 Magnolia Close)

Further correspondence was had with the LHA in connection with the FDC approved refuse strategy which shows a refuse vehicle manoeuvring at the junction with Gaul Road in order to enter the site. The LHA states the following in response;

It is unfortunate that (the refuse strategy) is approved but nonetheless I maintain that a turning head is needed. Whilst a refuse vehicle will visit the site once per week, modest sized delivery vehicles (eg parcel delivery, grocery shopping) will visit on a regular basis, I would assume several times a day. The turning heads are also needed to facilitate these deliveries and, in their absence, there would

be an unacceptable level of reversing onto the highway. Furthermore, vehicles would need to reverse long distances on a shared space street, particularly visiting plots 6 and 7 (officer note: likely numbers 3 and 6 on the submitted site plan which are the furthest dwellings from Gaul Road) which would place pedestrians and cyclists at risk. In addition to delivery vehicles, the other large vehicle which could need access is a fire tender. However, this use would be very irregular so unlikely to stand at appeal.

5.3 FDC Environmental Services - *We access Magnolia Close to collect waste and recycling bins. Indemnity is in place being a private drive and we have experienced no issues and the plans for an additional property would have no impact from our waste collection point of view*

5.4 Local Residents/Interested Parties

Objections

Two letters of objection have been received from residents of The Chase and Beck Close which raise the following issues;

- *I am concerned about what will follow as it is clearly a prelude to further development. This is typical of the site history where there have been numerous variations and an incremental increase in growth. It is development by stealth making it difficult for neighbours to respond.*
- *The reasons why the turning head was required under application F/YR18/0947/F remain sound and its removal will create significant highway safety issues both within the site and the adjacent area as the present roadway is too narrow for larger commercial and utility vehicles to turn.*
- *In addition, there is insufficient room for residents' cars on site, some of which park on the communal roadway whilst some parking on Gaul Road opposite the narrow entrance to The Chase*
- *The cherry trees were clearly dead and in a dangerous condition. They were healthy but died after the builders moved on site. They should be replaced with similar trees with necessary clearance from the wall*
- *Demolition of the boundary wall would destroy the excellent visual impact the wall provides to the rear of dwelling*
- *Cherry trees should not be removed.*

Supporters

A neighbour from Gaul Road supports the removal of the turning head and the removal of the trees before they fall down

6 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).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Design – paragraphs 130 and 135

National Planning Practice Guidance (NPPG)

Fenland Local Plan 2014

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

LP16 – Delivering and Protecting High Quality Environments across the District

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP20: Accessibility and Transport

LP22: Parking Provision

LP27: Trees and Planting

March Neighbourhood Plan 2017

H2 – Windfall Development

8 KEY ISSUES

- **Loss of the turning head/impact on highway safety**
- **Loss of the cherry trees**

9 BACKGROUND

- 9.1 There is extensive history to this site. The permission granted under F/YR18/0947/F which this application seeks to vary, followed previous approvals under F/YR16/0965/F (6 dwellings) and F/YR0021/F (5 dwellings) both of which showed a turning head within the site, similar to that now proposed to be removed. On each occasion the highway authority requested that conditions be imposed concerning highway details, including that the road layout should be constructed as shown on the site plan. The comments of the LHA to application F/YR18/0947/F referred back to previous comments, stating the proposal would be acceptable subject to the imposition of the conditions the LHA had previously set out.
- 9.2 Following this approval in 2018, a further bungalow was added to the site under application F/YR20/1247/F which has been constructed and removed a turning head shown on the approved site plan for F/YR18/0947/F.
- 9.3 Conditions 6, 9 and 12 (relating to the access, parking and turning) and conditions 15 and 17 relating to landscaping are also pertinent as is condition

21 refuse strategy. Conditions 6 and 9 are compliance conditions requiring the provision of the access road, parking and turning in adherence to approved site plan H5835/01B which shows the turning head. The other conditions required submission of further details. C12 (submission of detailed plans of the construction of the access etc.) was discharged under F/YR19/3091/COND. C15, requiring submission of a landscaping scheme was also discharged under this application. The turning head and landscaping should have been provided on site but have not been, therefore at present, there is a breach of control in respect of these elements.

- 9.4 A refuse strategy in the form of drawing H5835-01 and indemnity provision (damage waiver re the bin lorry entering the private access road) and required under C21 of the 2018 permission was also discharged under F/YR19/3091/COND. FDC Environmental Services were happy with the scheme which shows a lorry manoeuvring at the entrance to Gaul Road. There is no evidence that this scheme was seen or commented on at the time by the LHA and the comments made on this current application suggest that this is the case.

10 ASSESSMENT

Loss of turning head/impact on highway safety

- 10.1 The submitted details, including the tracking plans, do not demonstrate that a larger vehicle could turn within the site if the turning head is removed from the scheme. Such vehicles would have to attempt to turn in the areas to the front of Nos. 3 and 6 Magnolia Close, an area suitable for turning of cars. As pointed out by the LHA, vehicles turning here are likely to overrun the private garden areas associated with these properties.
- 10.2 The LHA recommended, and the LPA imposed a compliance condition requiring that all turning heads be provided because it was felt necessary to provide sufficient turning for all vehicles likely to visit the site. However, it is unfortunate that the refuse turning strategy which shows a refuse vehicle manoeuvring within the highway, was approved. Nevertheless, this is not reason to remove the turning head.
- 10.3 Policy LP15 (C) states that development schemes should provide well designed, safe access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport by providing a network of pedestrian and cycle routes and green corridors that give easy access to all.
- 10.4 Whilst carrying only limited weight at present, policy LP22 of the emerging Local Plan requires adequate provision to be made for the parking and turning of service vehicles that serve the site.
- 10.5 The application provides no justification as to why the turning head should be removed from the scheme. Whilst it presumably would provide opportunity for a further development plot to be provided, if such plans were proposed they would have to be considered under a separate application. However, the turning head was considered to be necessary to make the development acceptable under the approved and previous schemes. If it were not necessary, then the condition requiring it be provided would not have been imposed. The loss of the turning head is likely to lead to more vehicles manoeuvring on the highway, a concern shared by the LHA. As well as presenting an increased danger to other highway

users, this will also not provide priority to the needs of pedestrians, cyclists and people with impaired mobility who will be inconvenienced due to the fact that the approved turning space within the site is removed and vehicles will be reversing out onto the highway. This is contrary to policy LP15 of the adopted Local Plan.

- 10.6 Paragraph 130 of the NPPF states that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development. There is an increasing propensity (evident in small residential developments in Fenland) to serve developments from private drives which would not comply with the standards required by the LHA if such accesses were to be adopted by them. Removal of the turning head will result in a private drive that will function much less well than was intended and will be less safe. Paragraph 135 of the NPPF states that LPAs should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes made to the permitted scheme. Quality need not only refer to visual appearance but also how a development functions. This proposal would result in the quality of the approved scheme being diminished.
- 10.7 Therefore, with regard to the removal of the turning head, the application should be refused as it will result in a reduction in highway safety (on Gaul Road and within the site) and a lesser priority to pedestrians and cyclists etc who will be inconvenienced by more manoeuvring on the highway. It is also noted that the site is close to two parks and play areas in a residential area and so this area is likely to be crossing place for young people visiting those parks/play areas. It will also diminish the quality of the approved scheme. No reasons have been provided to justify the removal of the turning head and so there are no material considerations to outweigh determination in accordance with development plan policy and the NPPF.

Loss of cherry trees

- 10.8 With regard to the loss of the cherry trees, this is unfortunate but could be mitigated by imposition of further conditions requiring replacement trees.

Walls

- 10.9 The neighbour at Beck Close has raised concerns about the replacement of a wall with fencing. The plans do not show that the existing walls are to be replaced. The wall to the northern boundary which abuts 3 Beck Close is shown on the drawings. The wall to the southern boundary, abutting The Chase was protected by condition previously, and is shown on the submitted site plan. If approval were being recommended, the existing walls could be retained by imposing a condition.

11 CONCLUSIONS

- 11.1 The permission for the substantial layout of this development approved under F/YR18/0947/F required the on-site turning head to be provided which was supported/required by the LHA. There is no justification for its removal by replacement of the approved site plan with drawing 401A submitted with this application. It will lead to increased manoeuvring on Gaul Road by larger vehicles visiting the site due to lack of turning within the site or will lead to

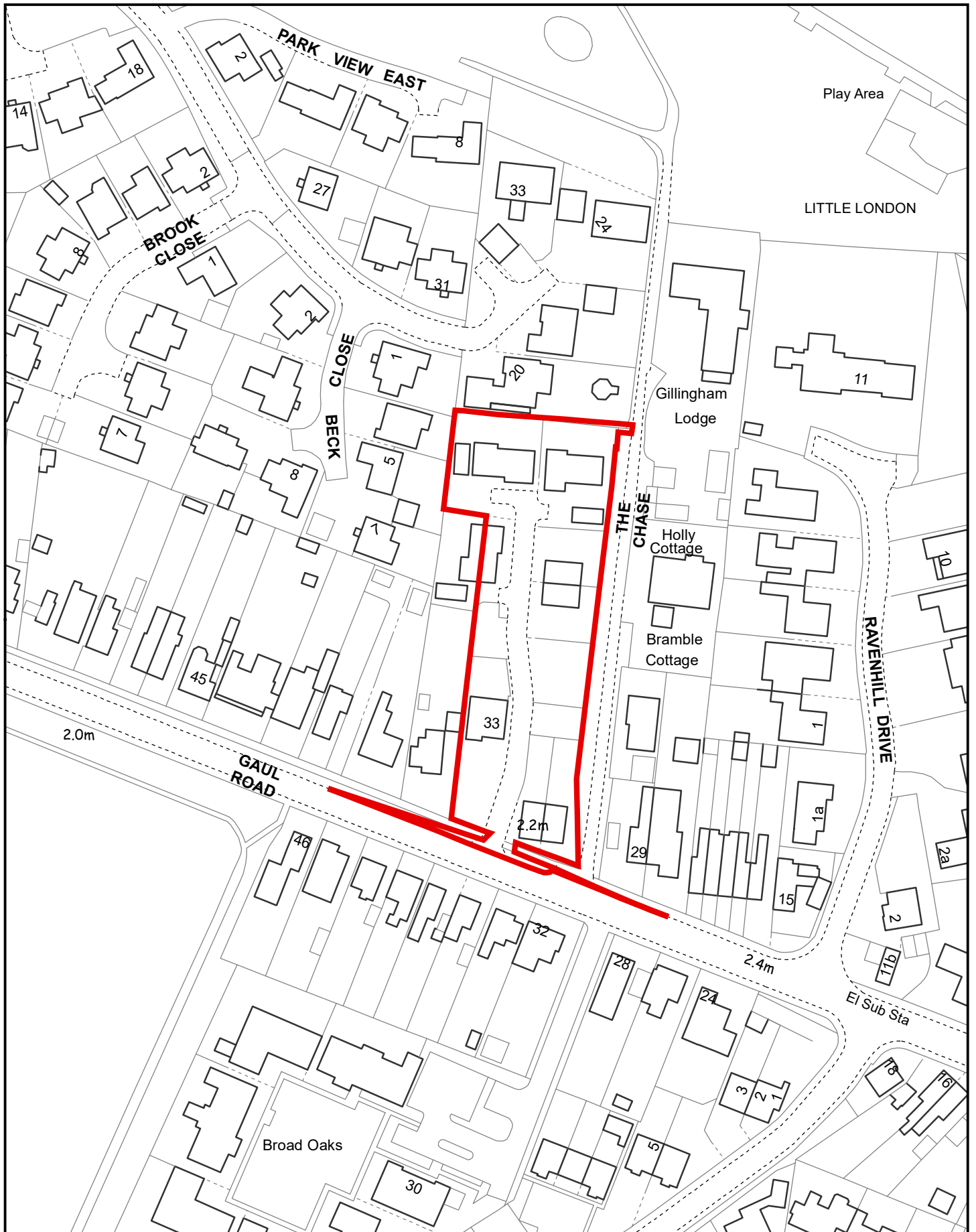
difficulty turning and vehicles overrunning private spaces within the development. This will cause increased risk of danger to other road users, especially pedestrians and cyclists and will cause inconvenience also. The proposal results in a diminished quality of development from that approved and will mean that the development functions less well. This is contrary to policy LP15 of the Local Plan and paragraphs 130 and 135 of the NPPF.

- 11.2 If the application were being recommended for approval it would have been subject to conditions requiring adherence to approved details and submission of new landscape proposals including replacement trees.
- 11.3 It appears that the conditions relating to the provision of the turning head and landscaping have not been complied with and therefore enforcement action should be taken to ensure the conditions are complied with.

12 RECOMMENDATION

Refuse; for the following reason

1.	The proposal would result in the removal of the approved internal vehicle turning head resulting in inadequate turning facilities being provided within the site to accommodate all vehicles servicing the dwellings. This will result in increased reversing and maneuvering on Gaul Road and within the site in areas not adequate for the turning of such vehicles. As a result, there will be an increased risk of danger to other road users and inconvenience/lack of priority to pedestrians, cyclists and visually impaired users. The proposed removal of the turning head also results in a diminished quality of the approved development and will result in a development that functions less well. This is contrary to policy LP15 of the Fenland Local Plan and paragraphs 130 and 135 of the NPPF.
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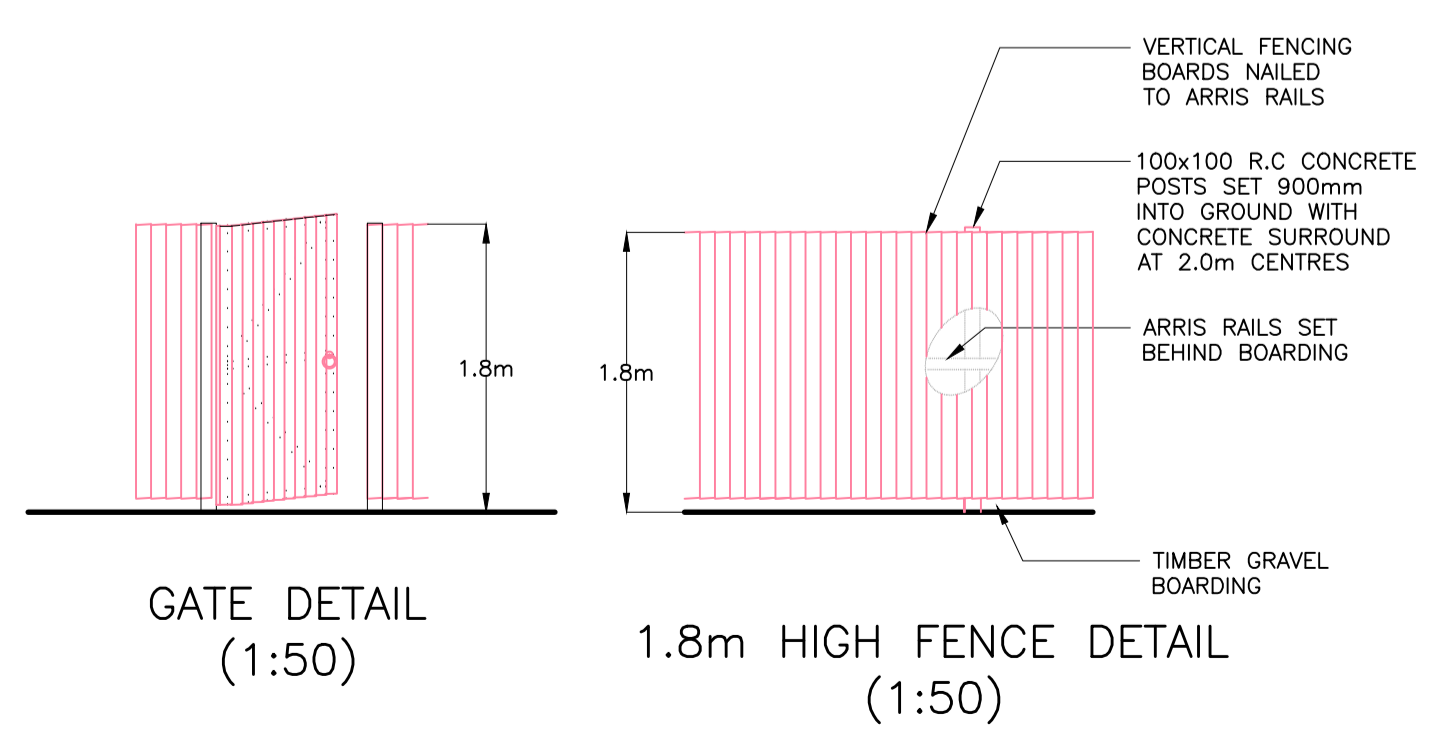
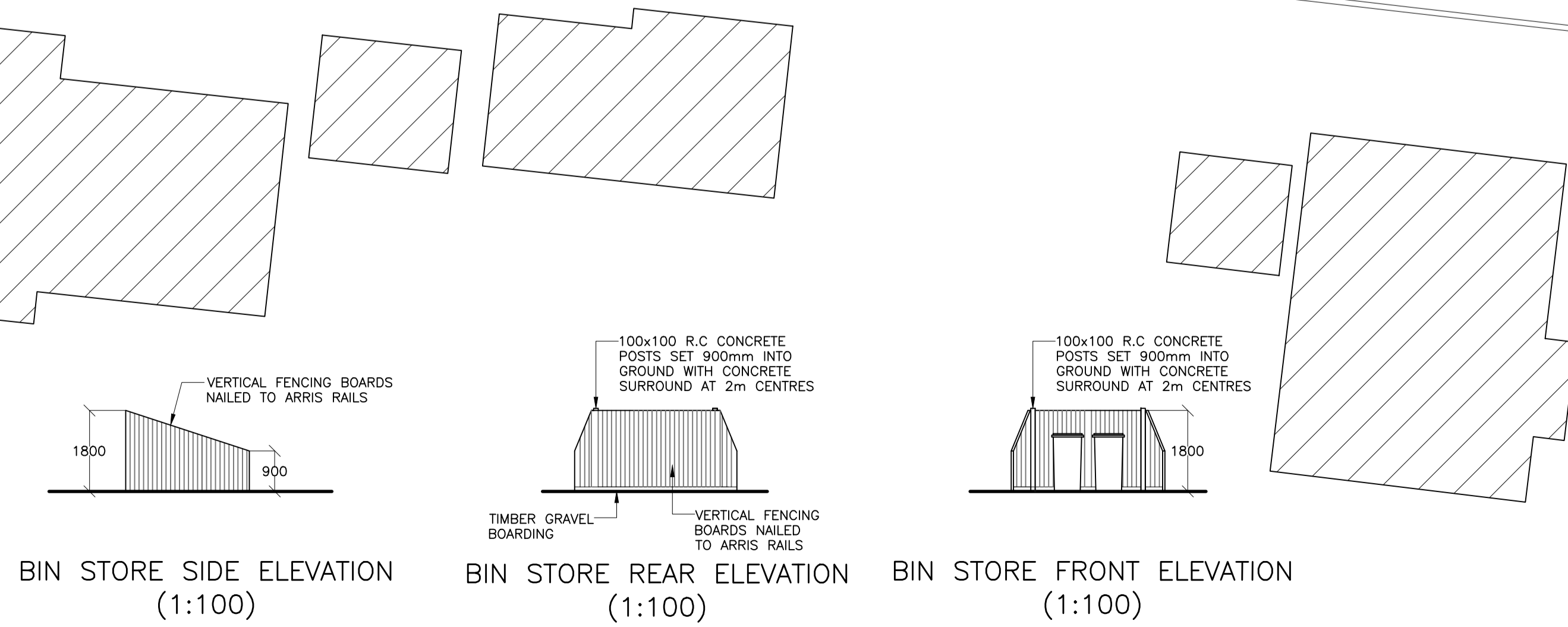
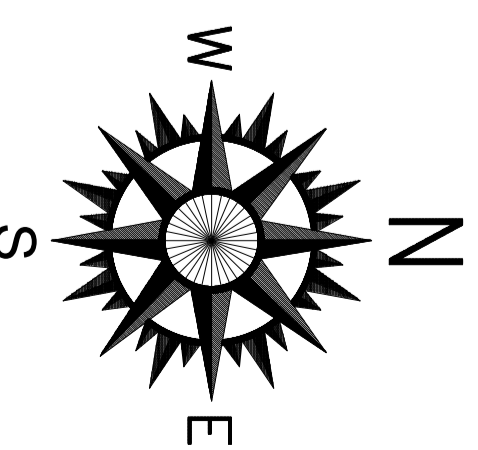
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 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

- PROPERTIES**
- PLOT 1 = TWO STOREY 3 BED SEMI DETACHED
 - PLOT 2 = TWO STOREY 3 BED SEMI DETACHED
 - PLOT 3 = TWO STOREY 4 BED DETACHED
 - PLOT 4 = TWO STOREY 3 BED SEMI DETACHED
 - PLOT 5 = TWO STOREY 3 BED SEMI DETACHED
 - PLOT 6 = 3 BED DETACHED BUNGALOW
 - PLOT 7 = 3 BED DETACHED BUNGALOW

- LEGEND**
- CONCRETE SLABS (NON SLIP)
 - PERMEABLE BLOCK PAVING (NON SLIP)
 - WASTE BINS
 - GRASS
 - VEGETATION
 - GRAVEL
 - 1.8m HIGH GATE



A	PLANNERS COMMENTS	APR 2022
	REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
 CONSULTING STRUCTURAL ENGINEERS
 1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ
 Tel: 01354 655454
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 Building Design Awards
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CLIENT
 Millfield Development Ltd








PROJECT
 33 Gaul Road
 March
 Cambs
 PE15 9RQ

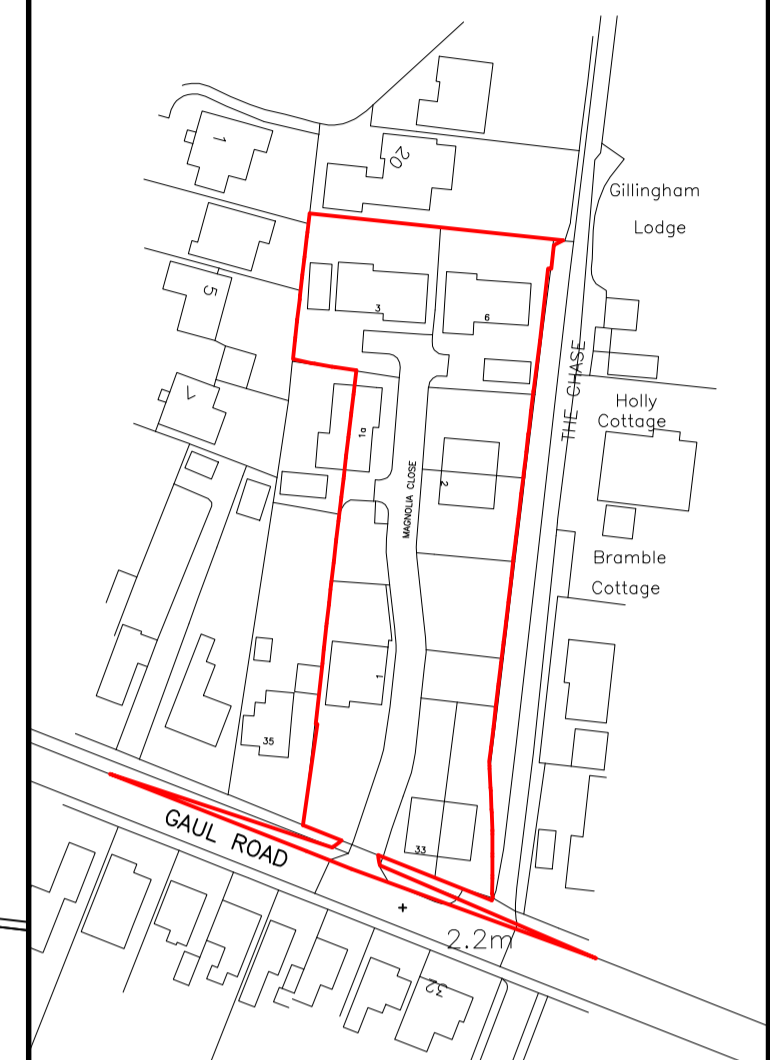
TITLE
 Approved Site Plan

DRAWN R.Papworth	DATE OF ISSUE
CHECKED	
DATE Mar 2022	DRAWING NUMBER H5835/400A
SCALE 1:200	

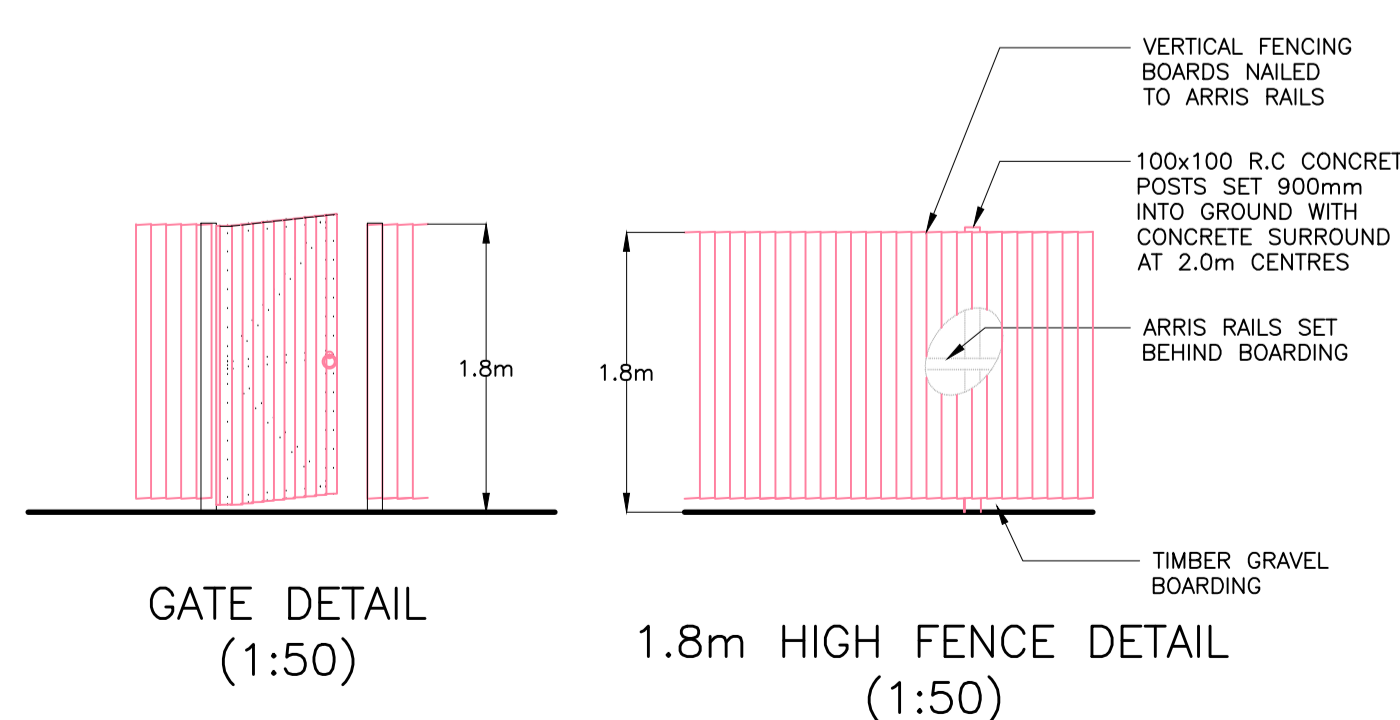
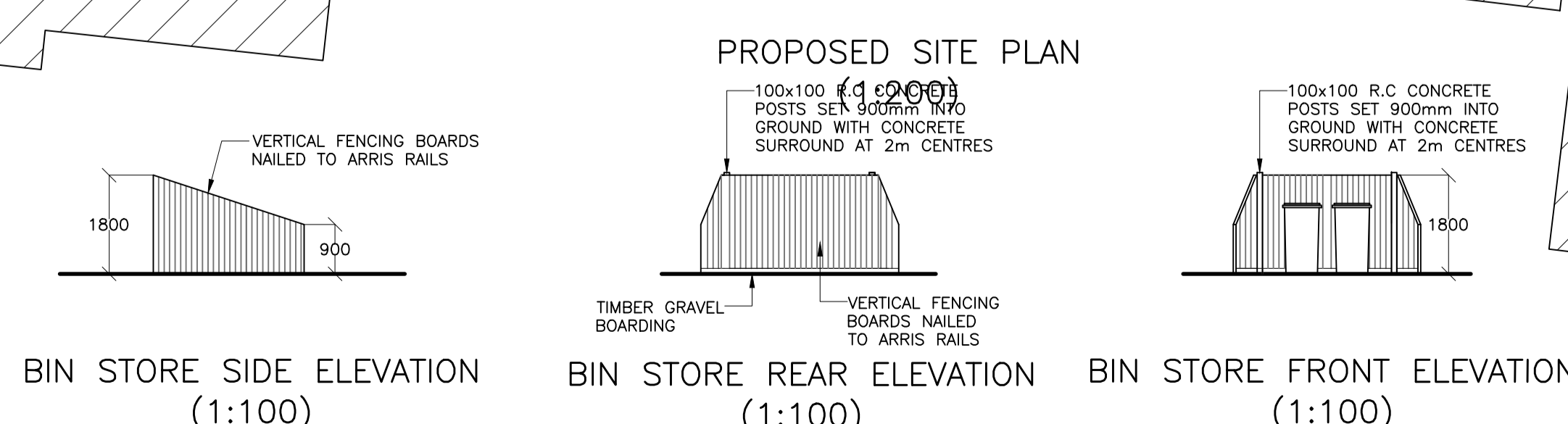
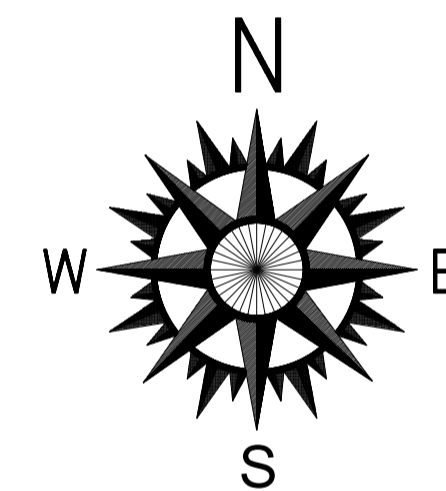
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LEGEND

-  CONCRETE BUFF COLOUR SLABS (NON SLIP)
 -  PERMEABLE BLOCK PAVING (NON SLIP)
 -  WASTE BINS
 -  GRASS
 -  VEGETATION
 -  GRAVEL
 -  1.8m HIGH GATE
- 1.8m C.B.F = 1.8m HIGH CLOSE BOARDED FENCE



LOCATION PLAN
(1:1250)
LICENCE NUMBER 100022432



A	PLANNERS COMMENTS	APR 2022
	REVISIONS	DATE

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Fenland District Council
 Building Design Awards
 Building Excellence in Fenland

CLIENT	Millfield Development Ltd
PROJECT	Rear of 33 Gaul Road/ Magnolia Close March Cams PE15 9RQ
TITLE	Proposed Site Plan
DRAWN	R.Papworth
CHECKED	
DATE	Mar 2022
SCALE	As Shown
DATE OF ISSUE	
DRAWING NUMBER	H5835/401a