
F/YR22/0705/F

Applicant: Mr Dan Clarke

**Agent : Mr Chris Walford
Peter Humphrey Associates Ltd**

Land South Of, 85 - 89 Upwell Road, March, Cambridgeshire

Erect 6 x dwellings (2no 2-storey, 5-bed and 4no 2-storey, 4-bed) with garages with associated access and surface water attenuation pond

Officer recommendation: Refuse

Reason for Committee: Town Council comments contrary to officer recommendation

1 EXECUTIVE SUMMARY

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| <p>1.1 With regard to the principle of the development, the application is not in accordance with policies LP3 and LP12 of the Fenland Local Plan as it is situated in open countryside and does not relate well to the built-up edge of March. However, the decision taken by Committee to grant outline permission for up to six dwellings at the site under application F/YR20/1138/O and that this permission is still extant, is a material consideration which outweighs the policy objections to the proposal in terms of the principle of the development.</p> <p>1.2 The scale, mass and design of the dwellings does not respect either the landscape character of the surrounding countryside nor the character of the built form in the immediate locality of Upwell Road. The dwellings will be viewed from the street and from the nearest footpaths as well as from the rear of the nearby existing dwellings and will appear domineering and incongruous in this setting ie a transition from urban edge to open countryside. The proposal is therefore contrary to policy LP16 (d) of the Local Plan and policies DM2 and DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD which require developments to make a positive contribution to local distinctiveness and character of an area. The proposal also fails to adhere to paragraphs 130 and 134 of the NPPF which require developments to be sympathetic to the local character including surrounding built environment and landscape setting and require development to be refused especially where, as is the case here, it fails to reflect local design policies and government guidance on design.</p> <p>1.3 The size of the proposed dwellings will generate a level of coming and going of vehicles and activity in close proximity to the neighbouring dwellings 87 and 89 Upwell Road (that flank the access and border the site at the rear), to a degree that will adversely impact on these neighbours' amenity. In addition, the height and massing of the side elevations of plots 1 and 6 will appear overbearing and jarring to these neighbours when they are enjoying their private rear amenity space. As such the proposal does not comply with policy</p> |
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LP16 (e) of the Local Plan which seeks to protect neighbour amenity. A scale and design of development which better reflects the existing character of the built environment of Upwell Road, could reduce this adverse impact.

- 1.4 The LLFA has objected to the application for the reason that the drainage strategy does not provide sufficient information to properly assess and determine the impacts of the proposal. The LLFA also has concerns about the lack of evidence of third-party consent to discharge surface water into the adjacent ditch and with regard to the layout leading to several riparian ownerships and potential maintenance issues of the drainage ditches around the perimeter of the site. As such the proposal fails to comply with policy LP14 of the local plan.
- 1.5 In other respects, the proposal is acceptable or would be acceptable with the imposition of conditions.

2 SITE DESCRIPTION

- 2.1 The site is an irregular shaped parcel of land which is set to the rear of 85 – 89 Upwell Road, March. The land is fairly flat and is accessed by what is presently a field access between numbers 87 and 89. At the time of the officer site visit the site was covered in various types of long grass and was bordered by mature hedgerows with some trees, including a large mature specimen believed to be an ash tree which has since been felled. The boundaries abutting the rear of the existing dwellings on Upwell Road are bordered by various types of solid fencing belonging to these properties. The site relates more to the countryside than the built-up area. With regard to the character of the ribbon development along Upwell Road, there are a mix of dwelling types but the overriding character is that of bungalows and this is the case in the vicinity of this site.
- 2.2 The application site includes a roughly square shaped projection of land coming off the southern boundary of the site in which a proposed surface water attenuation pond is located (see background section below). The site lies in flood zone 1 which is the area at least risk of flooding. The pond is also described in the application as a wildlife pond.

3 PROPOSAL

- 3.1 This is a full application for the erection of 6 detached two storey dwellings, all with attached garages except for plot 1 which has a double detached garage. The application includes the access via the existing field access off Upwell Road between numbers 87 and 89 Upwell Road. The application was originally submitted as a reserved matters application but was changed to a full application due to the surface water attenuation pond lying outside the site area granted outline planning permission. The access is 5 metres wide with no pavements and has a narrow grass verge along the edge adjacent to number 89. It is described as a shared driveway and there is a shared turning area to the front of the garage to plot 1. The access continues in a straight southerly direction down the centre of the site all the way to the southernmost main site boundary (not including the outshot land containing the surface attenuation pond). The proposed six detached dwellings are

arranged as three either side of the access and face into the site i.e. they are set at 90 degrees to Upwell Road.

3.2 The dwellings are of a similar design although not all the same, as follows;

Plot 1 – Two storeys high with dual pitch roof with double gable to front elevation and attached double garage containing bedroom in roof of garage. Five bedrooms in total. Overall dimensions including attached garage = approximately 18.4 metres wide x 10.4 metres deep x 9.0 to ridge.

Plot 2 – Two storeys high with dual pitch roof and single gable to front with attached double garage containing dressing room and ensuite in roof. Four bedrooms in total. Overall dimensions = approximately 17.7 metres wide x 10.3 metres deep (including front gable projection) x 9.0 metres to ridge

Plots 3 and 5 are of the same design – two storeys high with dual pitch roof and single gable to front elevation and attached single garage with dressing room and ensuite in the roof. Four bedrooms in total. Overall dimensions = approximately 15.2 metres wide x 10.4 metres deep (excluding single storey slight rear projection to utility room) x 9.0 metres to ridge.

Plot 4 – Two storeys high with dual pitched roof and double gables to front elevation and attached double garage with dressing room and ensuite in the roof. Four bedrooms in total. Overall dimensions = approximately 18.4 metres wide x 10.4 metres deep x 9.0 metres to ridge

Plot 6 – Two storeys high with dual pitched roof and one gable to front elevation. Four bedrooms in total. Overall dimensions approximately 12 metres wide x 10.3 metres deep x 9.0 metres to ridge. This plot has a detached double garage with dual pitched roof which measures approximately 6.2 metres wide x 6.1 metres deep x 5.45 metres to ridge.

3.3 As mentioned above the proposal includes an area of land to the rear of the proposed dwellings which includes a surface water attenuation pond as part of the surface water drainage for the site. It is also described as a wildlife pond. Drainage and ecology will be assessed in the main body of the report below.

Full plans and associated documents for this application can be found at:

[F/YR22/0705/F | Erect 6 x dwellings \(2no 2-storey, 5-bed and 4no 2-storey, 4-bed\) with garages with associated access and surface water attenuation pond | Land South Of 85 - 89 Upwell Road March Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0705/F%20Erect%206%20x%20dwellings%20(2no%202-storey,%205-bed%20and%204no%202-storey,%204-bed)%20with%20garages%20with%20associated%20access%20and%20surface%20water%20attenuation%20pond%20Land%20South%20Of%2085%20-%2089%20Upwell%20Road%20March%20Cambridgeshire)

4 SITE PLANNING HISTORY

F/YR17/0563/O – Outline application for four dwellings with all matters reserved refused and then dismissed on appeal on 23/10/2018. The main reason for the refusal and subsequent dismissal of the appeal was the adverse impact on the character and appearance of the area and the failure to make a positive contribution to the local distinctiveness and character of the area or reinforce local identity as required by policy LP16 (d) amongst other considerations.

F/YR20/1138/O – Outline application for 6 dwellings approved by Committee contrary to officer recommendation on 14/07/2021

5 CONSULTATIONS

5.1 March Town Council

Recommendation; approval

5.2 CCC Highways

The changes since the original consultation are not going to adversely impact the highway so there is still no objection. However, as we would not adopt these roads, you may wish to speak to FDC's waste team regarding refuse collection from private roads. If bin stores are needed, then these should be at locations which do not obstruct the access. Also, worth noting that while an access to the remaining blue land is retained through the site, the access onto Upwell Road isn't necessarily suitable for intensification if additional development were to come forward in the future.

5.3 FDC Environment Services

We would be able to access and turn on site and along with the indemnity this covers our requirements.

5.4 FDC Environmental Health

No objections

5.5 FDC Wildlife Officer

Comments made on original consultation;

The ecology report.... contains the necessary information to inform the LPA's decision and remove any necessary requirement for other conditions. The development should be completed in line with all recommendations within the Ecology report, including the placement of all ecological applications

Comments made on re-consultation when a full application and to Ecological CEMP submitted 15 September 2022;

No further comment..... as the revised plans don't change those recommendations as I can see the pond planting has been included in the ecological documentation.

5.6 Natural England

No comments

5.7 Lead Local Flood Authority

At present we object to the grant of planning permission for the following reasons:

1. Insufficient Information

The LLFA acknowledges that this application is for a minor development, however the construction of any impermeable surface can have an impact on the risk of flooding to the site, and the surrounding area. Paragraph 167 of the National Planning Policy Framework requires planning applications to be supported by a site-specific flood risk assessment. Such an assessment should include a surface water strategy and must demonstrate that the proposed development incorporates sustainable drainage systems (SuDS), unless there is clear evidence that this would be inappropriate. The SuDS should:

- a) Take account of advice from the Lead Local Flood Authority;*
- b) Have appropriate minimum operational standards;*
- c) Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) Where possible, provide multifunctional benefits*

As a flood risk assessment/surface water strategy containing the above information has not been submitted there is insufficient information in order for us to determine the impacts of the proposal.

In order to assist developers with the preparation of surface water strategies Cambridgeshire County Council has prepared a guidance document which is available to view [here](#).

For a full application the following should be included within the surface water strategy:

- i. Existing and proposed impermeable area (including an allowance for urban creep)*
- ii. A description of site topography and ground conditions (using site investigation where possible)*
- iii. Existing site drainage arrangements*
- iv. Existing runoff rates and volumes (if discharging off-site)*
- v. Required volume of attenuation (m3 per m2 of impermeable area)*
- vi. Confirmation of SuDS features proposed within the development, and associated details for the design of all features*
- vii. Infiltration test results in accordance with BRE365 (or second viable option for surface water disposal if testing hasn't yet been undertaken)*
- viii. Hydraulic calculations that support the proposed drainage strategy*

Until the above information has been provided, the LLFA is unable to appropriately review this application.

2. Third Party Consent

The drainage layout submitted indicates that surface water will be managed through the use of a basin, and outfall to existing water course, located outside of the red line boundary of the site. The LLFA therefore requires demonstration that the applicant has received consent from the third party land owners for the basin and outfall to be located within their land. Until this is demonstrated the LLFA is unable to support this application.

3. Riparian Ownership

The existing site has a number of watercourses around the boundary. The proposed layout means three private gardens would abut the watercourses. This would lead to the watercourses being divided and maintained under riparian law by a number of land owners, as opposed to the single riparian owner in the current greenfield state. The LLFA is opposed to this approach, as the onus of maintenance is divided across future the land owners, meaning a lack of maintenance by one future resident may lead to flood issues to the wider site and surrounding land and property.

The site layout should account for the existing drainage infrastructure, ensuring clear access for maintenance of the ditches by a management body. This should include a suitable easement for any maintenance equipment that may be required for future maintenance works on the ditch. Until the site has addressed the riparian ownership issue, such as ensuring a maintenance strip is present along the entirety of the existing watercourses, we are unable to support this application.

5.8 Local Residents/Interested Parties

Objectors

Objections have been received from 5 residents (4 in Upwell Road and 1 in Cavalry Park) which are summarised as follows;

- This proposal shows an increase in the proportion of land to be developed from that shown in the outline application resulting in smaller gardens so upscales the development to maximise the developer's gain. There are fewer trees, green spaces and more bedrooms hence more cars and traffic
- The dwellings are substantial and out of keeping with the neighbourhood which are primarily 2/3 bedroom bungalows or chalet bungalows which are unobtrusive. The height of the dwellings will dominate the surrounding landscape and street scene. It was a reasonable inference from the previous plans that the dwellings would be more modest dwellings, say a maximum of 18 bedrooms whereas this proposal has a total of 26 bedrooms which has implications for more traffic along the access road. (officer comment: there are 25 bedrooms in total).
- More traffic along what is essentially a lane will affect the two adjacent properties

- It is also disturbing to see a bad act of faith from the developers who are already clearing the site of trees and shrubs without reference to the ecological requirements submitted as part of the planning process. They have already felled a substantial ash tree which was known to be an established rookery. There can be no mitigation for this act of vandalism.
- The application form has been filled in incorrectly re drainage ditches, protected species, nature reserve/wood to south of the site, street tree not shown
- A site-specific FRA should have been carried out
- Allowance will need to be made for the riparian ditch on the eastern boundary and the drain on the western boundary which would not be possible if the fences as shown are erected and will cause flooding elsewhere
- It will cause loss of light and shadowing to surrounding properties and their gardens which are south facing
- Other developments (Upwell Park, Mills Gardens and Strawberry Way) and single storey or chalet bungalows (consistency of decision making is a fundamental principle of planning law)
- The site is ideally suitable for bungalows and the previous Design and Access Statement said that single storey was a possibility
- The application form states the site cannot be seen from the street which is incorrect and misleading
- When the original application was submitted, the applicant sought support from the neighbours on the premise that this would be bungalows, but this is no longer the case
- When I applied for permission on my own property (No. 89 Upwell Road) I was advised my roof pitch must be lowered to gain approval which we agreed to which seems contradictory considering there is now an application for two storey houses immediately behind my property which is not at all in keeping with the street scene.
- The two storey dwellings will give a stark brick wall as an outlook to existing properties and there will be overlooking and shading especially in the winter
- The loss of the street tree to achieve the access radius along with loss of other trees will reduce the current air quality in Upwell Road
- Why is the mature tree on site being removed when the original application said it should be retained?

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)

- Paragraph 47 – Determine applications in accordance with the development plan unless material considerations indicate otherwise
- Section 12 – Achieving well designed places

- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context

Identity

Built Form

Movement

Nature

Public Spaces

Uses

Homes and Buildings

Resources

Lifespan

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

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

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

LP19 – The Natural Environment

Delivering and Protecting High Quality Environments in Fenland SPD adopted July 2014

Cambridgeshire Flood and Water SPD 2016

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:

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP18 – Development in the Countryside

LP20 – Accessibility and Transport
LP22 – Parking Provision
LP24 – Natural Environment
LP25 – Biodiversity Net Gain
LP27 – Trees and Planting
LP28 – Landscape
LP32 – Flood and Water Management

March Neighbourhood Plan 2017

H2 – Windfall Development

8 KEY ISSUES

- **Principle of development**
- **Layout and Design/Appearance**
- **Amenity**
- **Access, turning and parking provision**
- **Flood risk/drainage**
- **Landscaping and ecology/biodiversity**
- **Other Issues**

9 BACKGROUND

- 9.1 As set out in the site history, permission for four dwellings was refused on this site under application F/YR17/0563/O. The applicant appealed this decision and the appeal was dismissed on 25th October 2018, the appeal Inspector stating the following;

“I conclude that the development would have an adverse effect on the character and appearance of the area. It would fail to make a positive contribution to the local distinctiveness and character of the area, or reinforce local identity as required by LP Policy LP16(d) amongst other considerations.”

Notably, at this time, the Council could not demonstrate a five year supply of housing and so the tilted balance towards approving housing was engaged and the Inspector still dismissed the appeal on character and appearance grounds.

- 9.2 Subsequently, despite the significant weight of the appeal decision, Members approved an outline application for up to 6 dwellings under F/YR20/1138/O on 14 July 2021.
- 9.3 With regard to the wider area, planning permission was refused by Committee on a site to the east, contrary to officer recommendation, for up to 8 dwellings under application F/YR21/0811/O on the grounds that the close proximity of the access road to the neighbouring property would result in unacceptable adverse impacts on the residential amenity of the occupiers of 105 Upwell Road. The application had been recommended for approval because of the permission that had been granted under F/YR20/1138/O by Members in 2021 (the current application site).
- 9.4 The land to the west of the site which adjoins Upwell Road and the western built up edge of March has application F/YR22/0062/O currently pending consideration for up to 110 dwellings.

- 9.5 The current application was “converted” from an application for reserved matters to a full application because the land required to site the proposed surface water attenuation pond was located outside the site area. Consequently, the red line application site has been extended to include this area. The applicant also owns land to the south of the site which is shown edged in blue on the location plan.

10 ASSESSMENT

Principle of Development

- 10.1 As this is a full application and not a submission of reserved matters the principle of the development falls to be considered. Policy LP3 including the spatial strategy, identifies March as a primary market town where the majority of the district’s new housing and other growth should take place. The site is located close to March and so in terms of a sustainable location, the site is acceptable.
- 10.2 However, the site is located outside the main built-up form of March and thereby relates more to the open countryside. The appeal inspector in dismissing the proposal for four dwellings in 2018, determined that the site did not constitute an infill site and represented encroachment into a “distinctive area of open and rural land which is contiguous with more extensive areas of countryside abutting March’s distinct edge”, and which “would fail to make a positive contribution to the local distinctiveness and character of the area, or reinforce local identity as required by LP Policy LP16 (d) amongst other considerations. As such, the development would fail to comply with LP Policy LP16 (d)”.
- 10.3 The decision by Members to approve application F/YR20/1138/O contrary to the appeal decision is a material consideration in this current case. This outline permission is extant until July 2024. It could be progressed but would likely require the number of dwellings to be reduced in order to accommodate the surface water attenuation pond and the applicant was, and is, at liberty to pursue this option. This represents a fallback option, albeit for a likely smaller scheme and the decision represents a significant material consideration to weigh against the current scheme being contrary to the development plan. It is considered that as the outline permission remains extant and the decision postdates the appeal decision, that this is a material consideration which outweighs the development plan which otherwise would point to a recommendation of refusal of the proposal in principle. The application, in terms of principle is therefore considered to be acceptable for this reason.

Layout and Design/Appearance

- 10.4 Policy LP 16 of the Local Plan states that proposals for all new development will only be permitted if it can be demonstrated that the proposal meets all of the criteria which includes;
- (d) makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or*

scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.

- 10.5 Paragraph 130 of the NPPF states that decisions should ensure that developments:

- (a) Will function well and add the overall quality of the area, not just for the short term but over the lifetime of the development*
- (b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- (c) Are sympathetic to local character and history, including surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

Paragraph 131 of the NPPF highlights the important contribution that trees make to the character and quality of urban environments and that as well as newly planted trees, existing trees should be retained wherever possible.

Paragraph 134 states;

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents etc..

Conversely, significant weight should be given to:

- (a) Development which reflects local design policies and government guidance on design etc*
- (b) Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

- 10.6 The Delivering and Protecting High Quality Environments in Fenland SPD (herein the SPD) was adopted largely to supplement policy LP16 of the Local Plan. Paragraph 1.5 of the SPD states that “the majority of the district is rural in character. The unique open, flat character of the fens means that new developments in the countryside and on the edge of settlements can have a significant impact on the landscape form, even when viewed from a considerable distance”. Policies DM2 and DM3 are also relevant as these refer to natural features and landscaping schemes (hard surfacing as well as soft landscaping) and making a positive contribution to local distinctiveness and character of the area as covered by LP16 criteria c, d, e and i.

- 10.7 As noted in the aforementioned appeal decision, the Inspector referred to the site as a distinctive area of open and rural land which is contiguous with more extensive areas of countryside abutting March’s distinct edge. The Inspector also referred to the sheltered housing at Upwell Park as an anomaly (to the pattern of development) and agreed with the Council that it is detached from the appeal site and cannot be considered the predominant character of the built environment in the vicinity of the site. She concluded that this section of Upwell Road is predominantly ribbon development extending into the countryside.

- 10.8 In terms of the built form within the vicinity of the site, the ribbon development along Upwell Road is predominantly made up of bungalows or chalet bungalows with occasional housing of a fairly modest nature interspersed amongst the bungalows. No's 85 to 89 which comprise the dwellings to the front (north) of the site are bungalows.
- 10.9 The site will be viewed from Upwell Road through the access and the proposed development will be seen in the context of the nearest neighbouring bungalows which flank the proposed access and front Upwell Road. The site can also be viewed from the footpath that runs in a north south direction and which marks the edge of the built settlement of March (Cavalry Drive) and the field which separates the site from the development site. There are also footpaths to the south of the site running in an east – west direction (Stow Fen Drove track) which would afford long distance views of the site. These paths are approximately 288 metres to the rear of the site with no intervening development.
- 10.10 As set out above, the proposed dwellings are large two storey houses which are 9 metres high to the apex of the roofs. The envelope of the dwellings is also substantial compared to the scale of the nearest dwellings. There are no dwellings in the near vicinity of the site which are of this scale and mass, and it is not considered that any consideration has been given in the design of these dwellings to the local character of the area, the setting and the built environment as required by policy LP16 (d) or paragraph 130 of the NPPF as set out above.
- 10.11 Paragraph 134 of the NPPF states that development should be refused especially where it fails to reflect local design policies or supplementary guidance. FDC has such supplementary guidance which expands on the requirements of policy LP16 of the Local Plan. In terms of natural features, none of the existing or previously existing landscaping is being retained as part of the development and is being removed in order that this scale of development of housing can be fitted onto the site. The mature ash tree that was at the site has been felled. There is no evidence that the existing character of the landscape, local built environment, settlement pattern, proportions and scale of the existing nearby built form have at all influenced the form or layout of the proposed development. This is not only contrary to policy LP16 but also policies DM2 and DM3 of the SPD as well as being contrary to the design advice contained in the NPPF. The development comprises 'executive style' houses which are seen elsewhere in the district and are part of a type of design prevailing on edge of village/settlement locations elsewhere, but which have no place in the current context of Upwell Road. It is considered that the proposal will look out of place and out of scale with the existing prevailing character of low rise housing and will be visible from public places as well as from the rear of the neighbouring properties. They will appear incongruous if approved. The dwellings will diminish what is currently a relatively less defined transition between the built development in Upwell Road and the open countryside beyond. The change will become prominent and stark ie from bungalows at the frontage to large houses to the rear to open countryside. Whilst officers have not supported this site coming forward for development, clearly a more sympathetic scale and design of dwelling is achievable at the site that will better suit the local context. For this reason, the development is being recommended for refusal.

- 10.12 Account has been taken of the pending application on the larger site to the west for 110 dwellings under application F/YR22/0062/O. Should this outline application be approved, there would be scope at reserved matters stage to take account of the character of Upwell Road and the area immediately to the rear of the existing dwellings on Upwell Road. Details concerning layout and appearance are not being considered as part of that outline application.
- 10.13 The landscaping proposed as part of the development is minimal and does not appear to make up for the loss of the ash tree or site clearance necessary to fit the proposed dwellings onto the site. If Members were minded to approve this application contrary to recommendation, it is suggested that additional substantial landscaping is provided within the land edged blue and in the ownership of the applicant and that this could be conditioned. This, however, would not overcome the significant jarring impact that the dwellings will have in the context of the built form on Upwell Road.

Amenity

- 10.14 The appeal inspector in dismissing the appeal in 2018 stated that the development of this site, “would introduce frontage activity to the rear of dwellings fronting Upwell Road where occupiers of existing dwellings might have a reasonable expectation of quieter amenity space”. In granting the outline permission in July 2021 at the site, Members do not appear, from the minutes of that meeting to have considered this to be an issue. Whilst the application was in outline, with all matters including access reserved for future consideration, the location and nature of the access drive was clearly defined by the limitations of the site.
- 10.15 Conversely, the application to the east of the site (F/YR21/0811/O) was considered by Members to result in an adverse impact on the amenity of the occupier of 105 Upwell Road from use of the access road. This was an outline application for up to 8 dwellings, with all matters reserved, with an access road between two existing properties in quite similar circumstances to the current application. In that case the proposed access road would have been less than one metre from the nearest part of 107 Upwell Road and approximately 1.7m from the nearest part of 105 Upwell Road. With regards to the current detailed application, the access road would be approximately 2.85 metres from the nearest part of 87 Upwell Road and approximately 2.70 metres from the nearest part of 89 Upwell Road. While there has, therefore, perhaps been a degree of inconsistency in this regard, in the current instance the access is a little further from the dwellings which flank it than the nearby refused scheme.
- 10.16 As already stated, the current outline permission regarding the site is a fallback position and a material consideration. However, the traffic generated by 6 large dwellings containing a total of 25 bedrooms, as proposed, could be considerable compared to that generated by more modest dwellings that better suit the location. It is considered that this level of activity would be noticeable to the occupiers of 87 and 89 Upwell Road who, as the previous appeal Inspector pointed out, might have a reasonable expectation of quieter amenity space.

- 10.17 The side elevation of plot 6 is 25.5 metres (approx.) from the rear elevation of No. 89 Upwell Road and 9.9 metres approx. from this property's rear garden boundary. The side elevation of plot 1 (the garage) is 20.9 metres (approx.) from the rear elevation of No. 87 Upwell Road and 1.1 metres approx. from this property's rear garden boundary. The full two storey side gable of plot 1 is 26.7 metres (approx.) from the rear elevation of No. 87 and 7 metres (approx.) from the rear garden boundary. The side elevation of plot 1 facing the rear of No. 87 is blank except for a small bathroom window at ground floor which would be obscure glazed. The side elevation of plot 1 facing the rear of No. 89 is blank.
- 10.18 It is not considered, given the distance between the existing rear elevations of Nos. 87 and 89 and the side elevations of plots 1 and 6 that there will be loss of light to existing habitable rooms nor overlooking from windows to windows. There will likely be some degree of overlooking from the rear elevations of these new plots into the rear gardens of Nos. 85 and 99 Upwell Road but this will be at an oblique angle. Plots 1 and 6 would lie due south of the gardens to No. 87 and 89 and there will be some shadowing of gardens during the middle part of the day all year round but especially during sunny days in the winter months when shadows are longer. This will be worse for the occupiers of 87 due to the nearness of plot 1 and less so for 89 due to the gap to the side of plot 6. With regard to the visual impact of plots 1 and 6 it is considered that the depth of the dwellings and the height at 9.0 metres there will be some degree of overbearing to the neighbouring residents when they are enjoying their rear amenity space and again this will be more so for the occupiers of No. 87. This could have been avoided if more care had been taken to ensure the design and scale/massing of the dwellings took design cues from the existing built environment.
- 10.19 Policy LP16 (e) states that new development will only be permitted where it can be demonstrated that the proposal does not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light. Overbearing is a recognised material consideration when assessing neighbour amenity. Whilst it is accepted that the outline planning permission is a material consideration, the scale of the dwellings proposed will result in comings and goings (particularly traffic) and also some visual impact of the gables ends of plots 1 and 6 to the immediate south of 87 and 89 Upwell Road such that the combination of these impacts will result in reduced amenity for the occupiers of these properties which is unacceptable and contrary to policy LP16 (e). This could have been avoided with a more sympathetic scale and design of development.

Access, turning and parking provision

- 10.20 Policy LP15 of the Local Plan states that amongst other things, development should provide safe and convenient access for all. Appendix A to the Local Plan sets out the parking requirements for new developments. Dwellings of four or more bedrooms require at least 3 parking spaces. A garage can be counted as a parking space provided that the size of the garage exceeds 7.0 x 3.0 metres measured internally. The proposed garages for all plots meet this requirement and can count as one parking space.
- 10.21 The location of the access and its limitations was known at the time the previous outline application was approved at Committee. It cannot be altered

or made wider and has therefore been accepted in principle. The local highway authority has raised no objections, but the access is not of a standard that it would be adopted highway. The shared turning head is needed and will likely be sufficient to meet the needs of the majority of larger vehicles visiting the site, including the refuse collection vehicle. The FDC Refuse team have confirmed they would enter the site with the necessary indemnity in place.

- 10.22 Each plot has sufficient space in which to store cycles. Each property is capable of providing the three required parking spaces. Therefore, in terms of access and parking the proposed development is acceptable.

Flood Risk and Drainage

- 10.23 Whether the application had remained a submission of reserved matters or a full application as now under consideration, it would need to be accompanied by a surface water drainage strategy. This was a condition of the outline planning permission granted. The application had been submitted without it but upon request information was submitted which shows that the site is proposed to be drained to a surface water attenuation pond/basin to the rear of the proposed dwellings and in turn drain to an existing ditch which runs along the west boundary of the site.
- 10.24 Policy LP14 of the Local Plan requires that all applications for relevant development must include a drainage strategy to demonstrate that:
- (a) Suitable consideration has been given to surface water drainage
 - (b) Appropriate arrangements for attenuating surface water run-off can be accommodated within the site; and
 - (c) Issues of ownership and maintenance are addressed.
- 10.25 In addition, the Cambridgeshire Flood and Water SPD and the NPPF contain further advice regarding the need for development to ensure appropriate sustainable drainage to minimise flood risk.
- 10.26 The use of SuDs will be required to ensure that run off from the site post development is to green field run of rates for all previously undeveloped sites and should include sufficient area within the site to accommodate SuDs for the short term management of surface water drainage and where appropriate link to green/blue infrastructure to exploit opportunities for biodiversity.
- 10.27 A surface water drainage strategy plan has been submitted which shows that surface water will be piped from the site to a surface water attenuation pond to the south of the dwellings and from there the surface water will be piped to the ditch running north south along the west boundary of the site.
- 10.28 The LLFA has objected to the proposal on the grounds of a lack of sufficient information to enable them to determine the impacts of the proposal. The LLFA also requires evidence of third-party consent to drain to the ditch and has raised issues concerning riparian ownership of the existing ditches around the site and the division of maintenance between the property owners and the potential for lack of future maintenance and issues for flood risk this may bring. The LLFA requests that the site layout takes account of the existing infrastructure to ensure clear access is available to the maintenance

of the ditches by a management body and a suitable easement strip is provided along the entirety of the existing watercourses.

- 10.29 These issues could potentially be resolved, and some of the matters raised may not ultimately be reasonable to address, however a redesign of the site layout may be required, and more detailed drainage work undertaken. Given the other concerns with the application highlighted previously in the report, it is therefore considered that the application should also be refused for failing to adequately address the issues of flooding and as such the proposal, as submitted, is contrary to LP14 of the Local Plan.

Landscaping and Ecology/Biodiversity

- 10.30 Policy LP16 (c) requires new development proposals to retain and incorporate natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies. Criteria (i) requires proposals to provide well designed hard and soft landscaping incorporating sustainable drainage systems as appropriate.
- 10.31 Policy LP19 states that the Council will (working with other stakeholders), conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland. Through the process of development delivery the Council will, amongst other things, refuse permission that causes demonstrable harm to protected species and habitats and ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments.
- 10.32 The application is accompanied by a Construction and Ecological Management Plan (CEMP) that was required by condition attached to the outline planning permission. It must be borne in mind that this current application is a full and not linked to the outline permission although as stated, the outline permission is a material consideration in the determination of this application.
- 10.33 The CEMP notes dense bramble and blackthorn present on the east and west boundaries with an ash tree and smaller ivy are present on the northern end of the site. The central section is tussocky grassland. The site was considered in the previous ecological survey to have low botanical interest, however the field survey identified evidence of potential protected species both on site and within adjacent off site habitats. The dense scrub and ash tree provided potential for foraging bats. Ivy covered hawthorn trees at the north end of the site might provide opportunistic roosting opportunities therefore appropriate methodologies are recommended when removing the hawthorn trees from the site.
- 10.34 Notably the ash tree was found to have six active rook nests during surveys of April and May 2022 which were not identified during the Preliminary Ecological Survey of 2020. Clearance of trees and scrub during the bird nesting season has potential to therefore kill, injure or disturb nesting birds. Removal of the ash tree and other trees and dense scrub is recommended to be carried out under a method statement to mitigate the impacts. Working method statements are set out in part 4 of the submitted CEMP. These include methods regarding the archaeological works in relation to any species present on site.

- 10.35 The CEMP proposes planting of small native trees species, native hedgerow and nectar producing species. It also provides details of how to shape and construct the attenuation pond and requirements for bird and bat boxes, hedgehog access between fences and external lighting post development. The CEMP also details a specification for the profile, shape and planting of the surface water attenuation pond.
- 10.36 It is unfortunate and concerning that the ash tree mentioned above, was felled and there is no way of understanding if this was undertaken with any ecological supervision. However, as the tree was not protected by a preservation order, consent was not required from the LPA to remove the tree.
- 10.37 The Wildlife Officer has commented that he does not have any conditions to attach other than to ensure that all of the recommendations within the Ecology CEMP are enacted (Officer comment: not now possible with regards to the ash tree) and notes that the pond planting has now been included within the ecological documentation.
- 10.38 It is therefore considered that subject to conditions requiring the proposed landscaping and ecological recommendations to be carried out, that the application is acceptable and, on the whole, complies with policies LP16 and LP19 of the Local Plan.

Other Issues

- 10.39 Most of the issues raised by objectors have been covered in the above report. The indicative drawing submitted as part of the outline application is not required to be adhered to. The outline application is simply for 6 dwellings involving an upgrade to the access and this is a material consideration in the determination of this full application. Nevertheless, regardless of whether assessing reserved matters or a full application (as is the case here), matters of scale, location and design and impact on the character and appearance of the area and on neighbour amenity fall to be considered at this stage. None of these details were considered as part of the outline application. All detailed matters were reserved. Therefore, whilst the principle of development for up to six dwellings was approved by Committee, the local planning authority is required to assess the detailed matters at either reserved matters or in this case under a full application. As set out above, the proposal is not found to be acceptable in terms of its layout, scale and design and the impact upon neighbouring amenity.

11 CONCLUSIONS

- 11.1 With regard to the principle of the development, the application is not in accordance with policies LP3 and LP12 of the Fenland Local Plan as it is situated in open countryside and does not relate well to the built-up edge of March. However, the decision taken by Committee to grant outline permission for up to six dwellings at the site under application F/YR20/1138/O and that this permission is still extant, it a material consideration which outweighs the policy objections to the proposal in terms of the principle of the development.

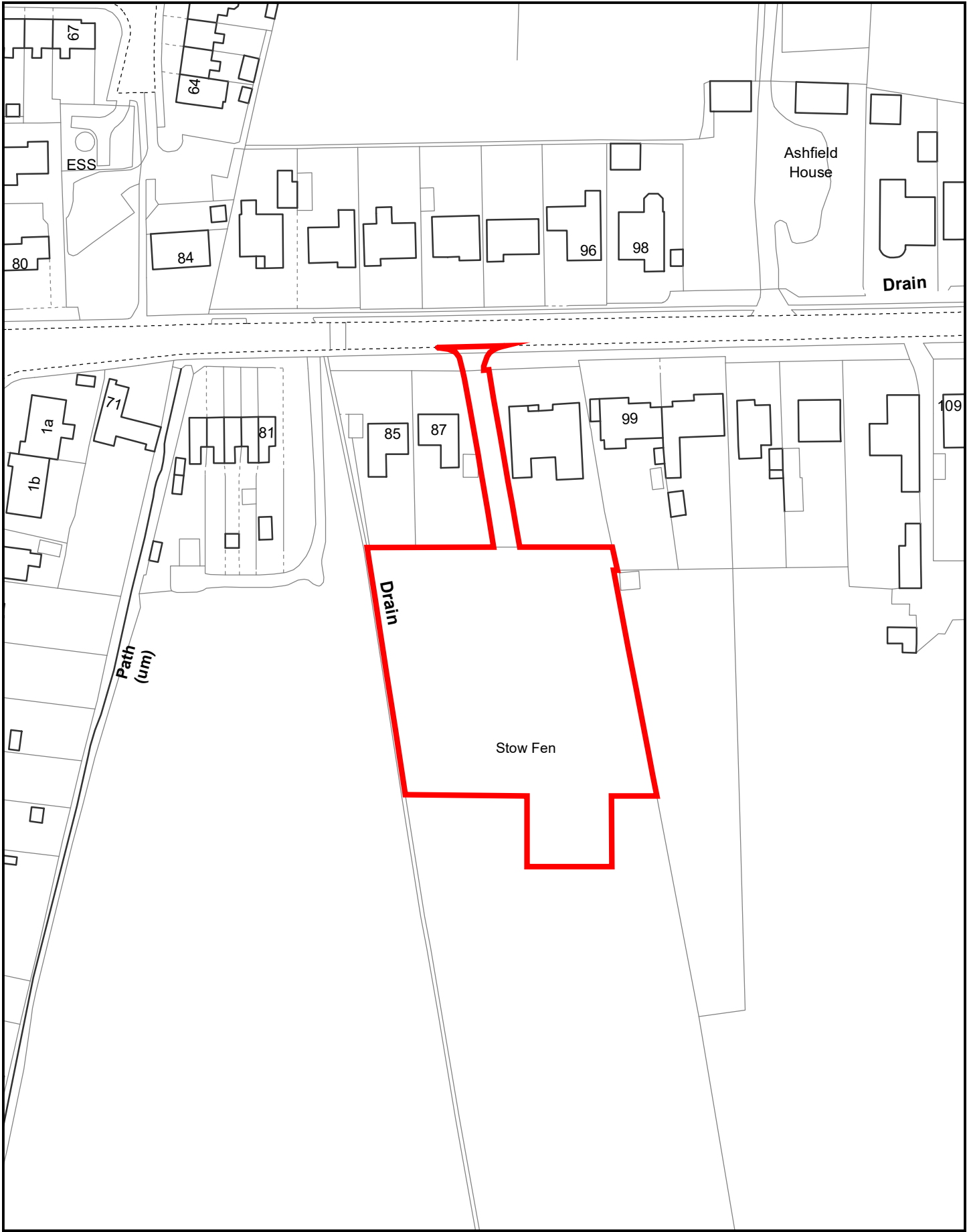
- 11.2 The scale, mass and design of the dwellings does not respect either the landscape character of the surrounding countryside nor the character of the built form in the immediate locality of Upwell Road. The dwellings will be viewed from the street and from the nearest footpaths as well as from the rear of the nearby existing dwellings and will appear domineering and incongruous in this setting ie a transition from urban edge to open countryside. The proposal is therefore contrary to policy LP16 (d) of the Local Plan and policies DM2 and DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD which require developments to make a positive contribution to local distinctiveness and character of an area. The proposal also fails to adhere to paragraphs 130 and 134 of the NPPF which require developments to be sympathetic to the local character including surrounding built environment and landscape setting and require development to be refused especially where, as is the case here, it fails to reflect local design policies and government guidance on design.
- 11.3 The size of the proposed dwellings will generate a level of coming and going of vehicles and activity in close proximity to the neighbouring dwellings 87 and 89 Upwell Road (that flank the access and border the site at the rear), to a degree that will adversely impact on these neighbours' amenity. In addition, the height and massing of the side elevations of plots 1 and 6 will appear overbearing and jarring to these neighbours when they are enjoying their private rear amenity space. As such the proposal does not comply with policy LP16 (e) of the Local Plan which seeks to protect neighbour amenity. A scale and design of development which better reflects the existing character of the built environment of Upwell Road, could reduce this adverse impact.
- 11.4 The LLFA has objected to the application for the reason that the drainage strategy does not provide sufficient information to properly assess and determine the impacts of the proposal. The LLFA also has concerns about the lack of evidence of third-party consent to discharge surface water into the adjacent ditch and with regard to the layout leading to several riparian ownerships and potential maintenance issues of the drainage ditches around the perimeter of the site. As such the proposal fails to comply with policy LP14 of the local plan, the Cambridgeshire Flood and Water SPD and the NPPF.
- 11.5 In other respects, the proposal is acceptable or would be acceptable with the imposition of conditions.

12 RECOMMENDATION

Refuse; for the following reasons:

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| 1. | The proposed development by reason of its layout, scale, massing and design fails to take account of the local natural character of the open countryside and the built character of Upwell Road and as such it will be an incongruous form of development which will diminish the less defined transition between the urban area and countryside. The proposal fails to make a positive contribution to local distinctiveness and as such is contrary to policy LP16 (d) of the Fenland Local Plan, policies DM2 and DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD and paragraphs 130 and 134 of the NPPF. |
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| 2. | The proposed development by reason of the size and scale of the dwellings will result in a level of comings and goings and activity to a degree that will adversely impact the current quite private amenity space enjoyed by the occupiers of 87 and 89 Upwell Road. The height and massing of plots 1 and 6 of the proposed development will also result in some visual dominance to neighbours, especially when enjoying their garden space. In combination, these matters are considered to result in a proposed development which is contrary to policy LP 16 (e) of the Fenland Local Plan which requires new development to not adversely impact the amenity of neighbouring residents. |
| 3 | The submitted drainage information is inadequate to enable the proper assessment of the impacts of the proposal on flood risk arising from the development. As such the proposal has not demonstrated that the development adequately deals with surface water drainage in a sustainable manner and will not lead to an increased risk of flooding contrary to policy LP14 of the Fenland Local Plan, the Cambridgeshire Flood and Water SPD and the National Planning Policy Framework. |



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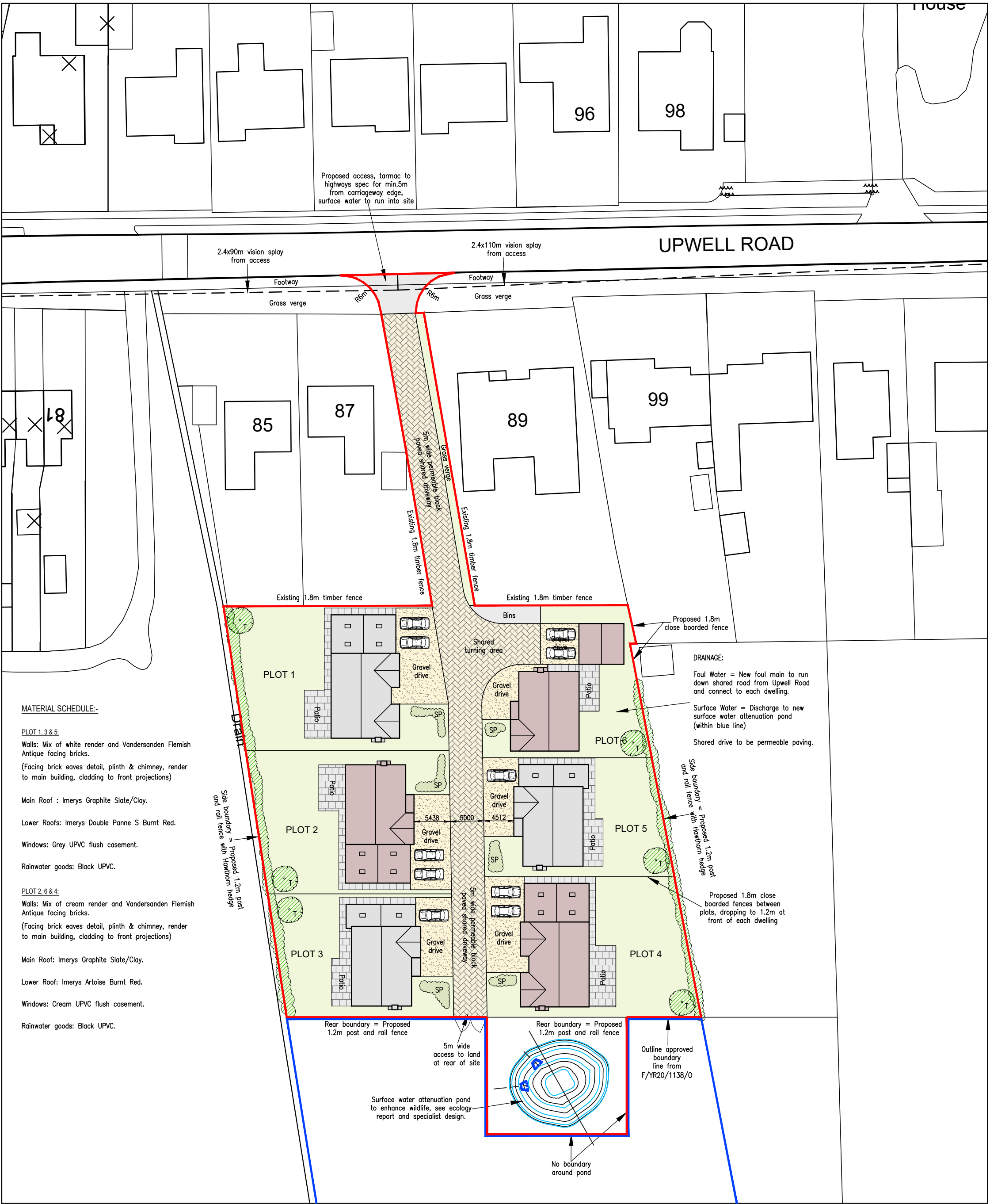
F/YR22/0705/F

Scale = 1:1,250





Existing Site Plan 1:500



Proposed Site Plan 1:500



Location Plan 1:1250



Proposed Street Scene (Plots 1-3) 1:200



Proposed Street Scene (Plots 6-4) 1:200

LANDSCAPING NOTES:

Trees:

T= Small native trees.
Tree planting from the following list will allow wildlife movement through the site for bats, bird and invertebrates
Sorbus Aria Whitebeam
Gleditsia Triacanthos Skyline
Aesculus Cornus Brodia
Acer Compestre
Alnus Glutinosa
Betula Pendula
Aesculus Robin Hill

All trees (as marked on plan) should be 98-10cm girth Standard trees either rootballed or container grown and should be single staked with 75mm minimum diameter stake free from bark with one end pointed. Tree Pits to be 600x600depth of rootball or container (or 150mm wider than the round rootball whichever is greater) do not plant deeper than the soil mark on the stem. Break up pit base to avoid compaction. Drive 1 stake upright/vertical into bottom of excavated planting pit before planting. Saturate root ball of container grown and rootballed plants before planting. Backfill with screened material incorporating compost at 1m³ per 3m³ of soil excavated. Use Super Soft Tree Ties to fix tree to stake no spacer required. Water thoroughly immediately after planting and at intervals as necessary until trees are established. Apply 75mm bark mulch to planting surface. Fit spiral tree guard to tree base.

Shrubs:

SP= Ornamental and nectar-producing planting.

All planting (as marked on plan) should be 500 pots. Cultivate and grade bed/skip to create 300mm of fine 10th incorporate mushroom compost at 50mm and rake to level. Dig planting holes and plant in accordance with best practice. Water in and mulch with 75mm bark chippings (as elsewhere). Water and weed as maintenance schedule. Plant at 500mm centres in groups of 3-7 plants of the same species.

- 10% Cornus alba Elegansissima
- 10% Cornus sanguinea Midwinter Fire
- 10% Ceanothus Thyrsiflorus Skyline
- 10% Lonicera nivalis
- 10% Eucalyptus v. bruceoides
- 10% Phloxia fraseri
- 10% Prunus laurocerasus Otto Lukyan
- 10% Viburnum david

NOTE:

Undertake soft landscape works generally in open weather conditions, typically mild, dull and moist. Do not undertake planting seeding or turfing when the temperature is below 4°C and falling, when the ground is covered in snow, in frozen or waterlogged ground or in drought conditions.

Planting should be undertaken between November and March when the plants are dormant and planted at centres shown above. Plants should be set at the same root depth as they were at the nursery and should be well firmed in and guards fitted. Remove any damaged shoots during planting. A 75mm layer of bark mulch (Landscape Bark Moulding Mulch or equivalent) should be applied over the planting bed to reduce weed competition.

If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted in replacement for it is removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the same place unless the Local Authority gives written consent to any variation.

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CLIENT

MR D CLARKE

PROJECT

PROPOSED 6No. DWELLINGS

SITE

LAND SOUTH OF 85-89
UPWELL ROAD
MARCH
CAMBS
PE15 0DA

DRAWING

PLANNING DRAWING 1

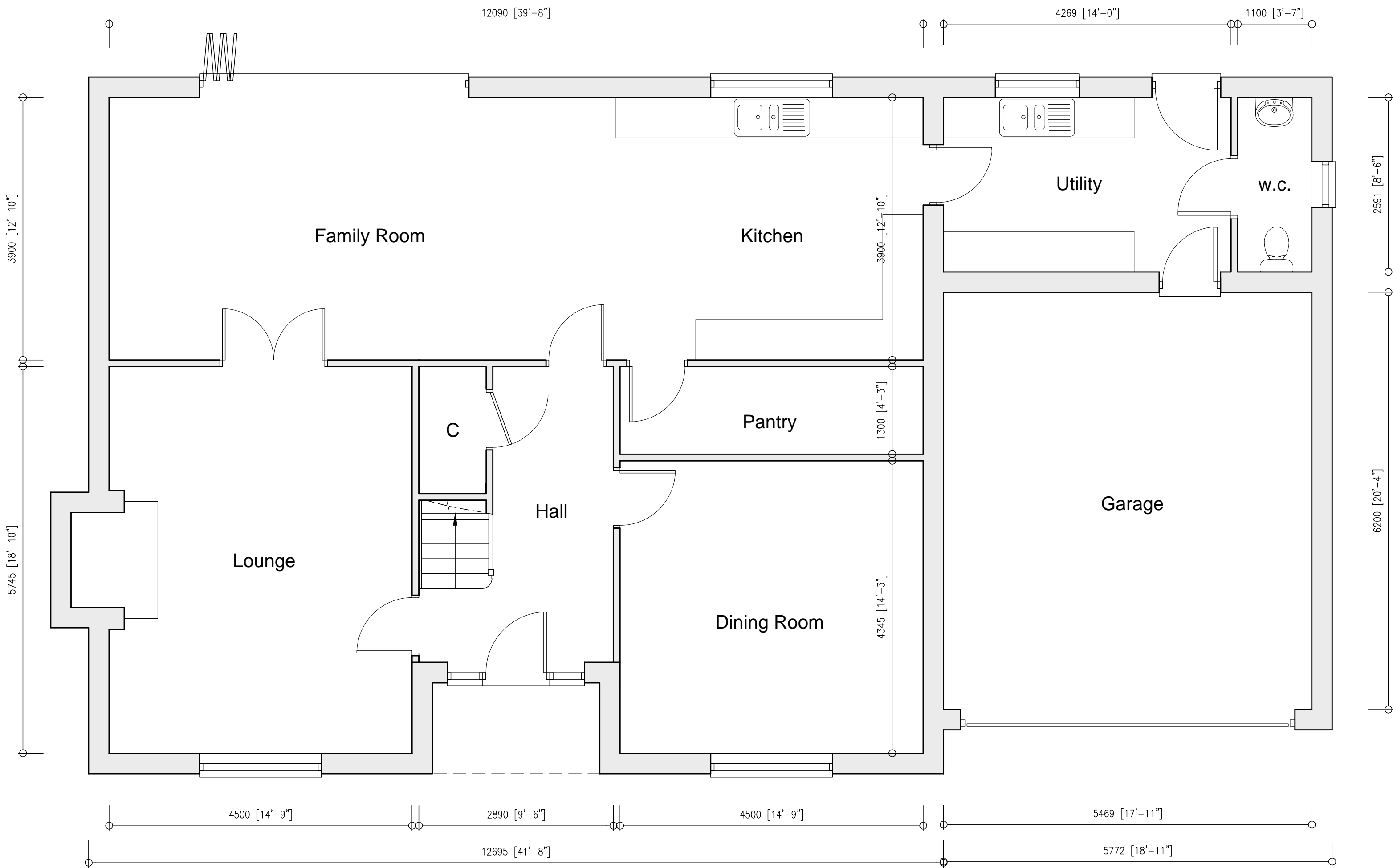
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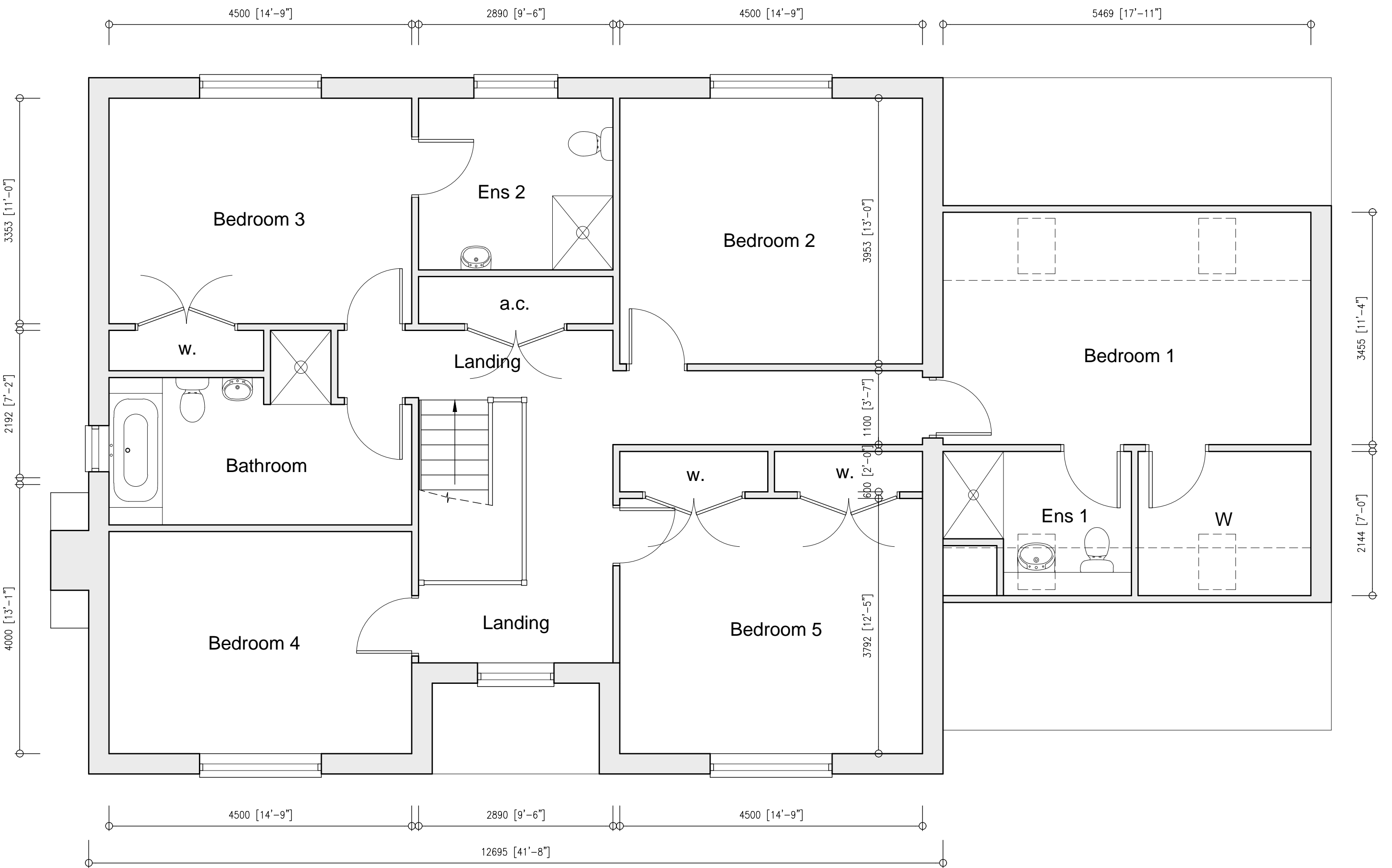
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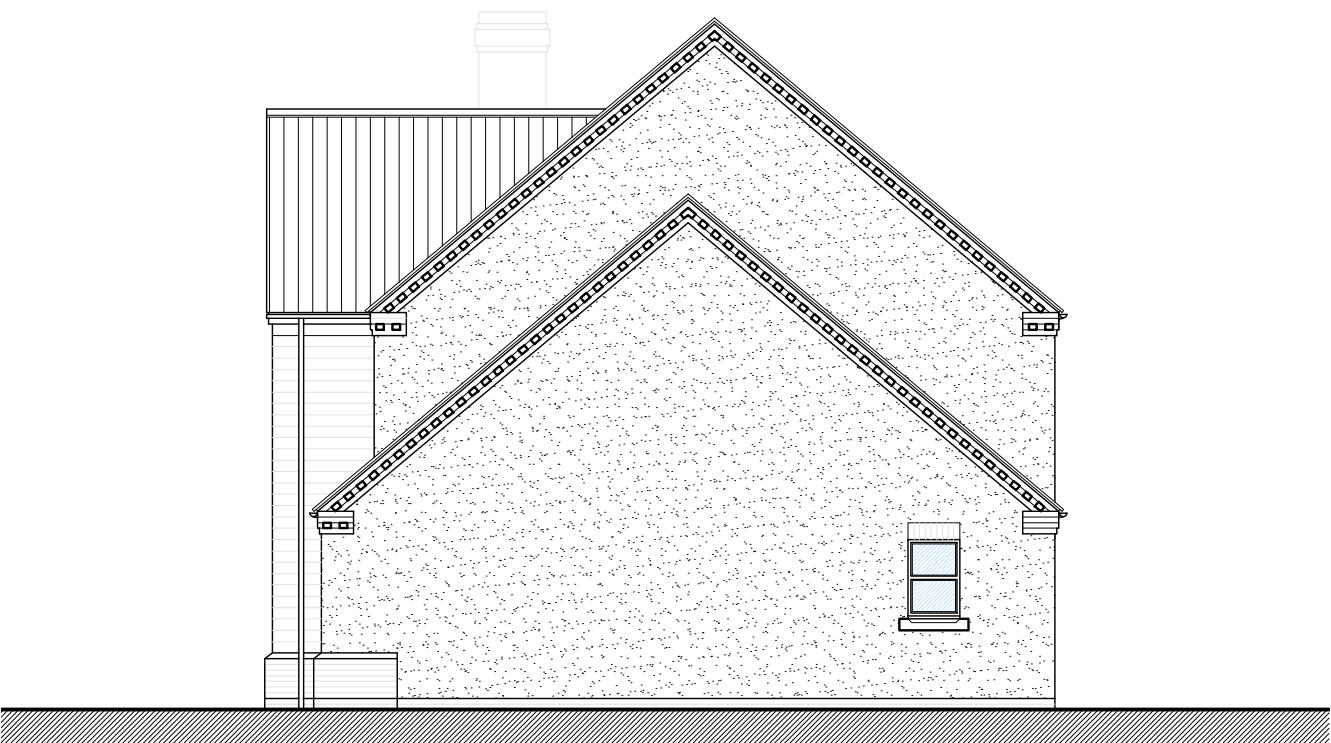
Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50



Proposed Front Elevation 1:100



Proposed Side Elevation 1:100



Proposed Rear Elevation 1:100



Proposed Side Elevation 1:100

| A - |
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CLIENT
MR D CLARKE

PROJECT
PROPOSED 6No. DWELLINGS

SITE
LAND SOUTH OF 85-89
UPWELL ROAD
MARCH
CAMBS
PE15 0DA

DRAWING
PLANNING DRAWING 2 - PLOT 1

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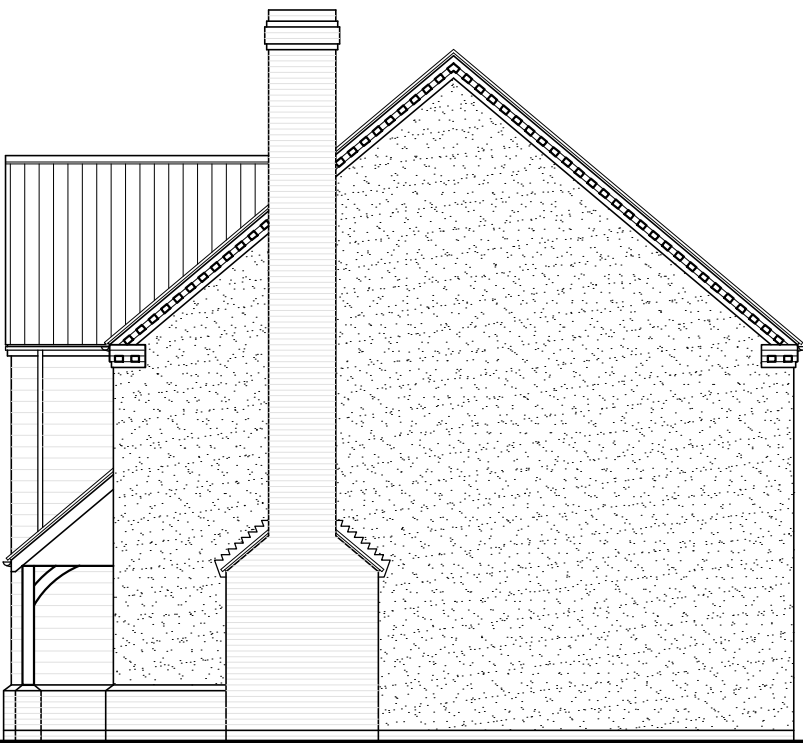
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Proposed Front Elevation 1:100




Proposed Side Elevation 1:100

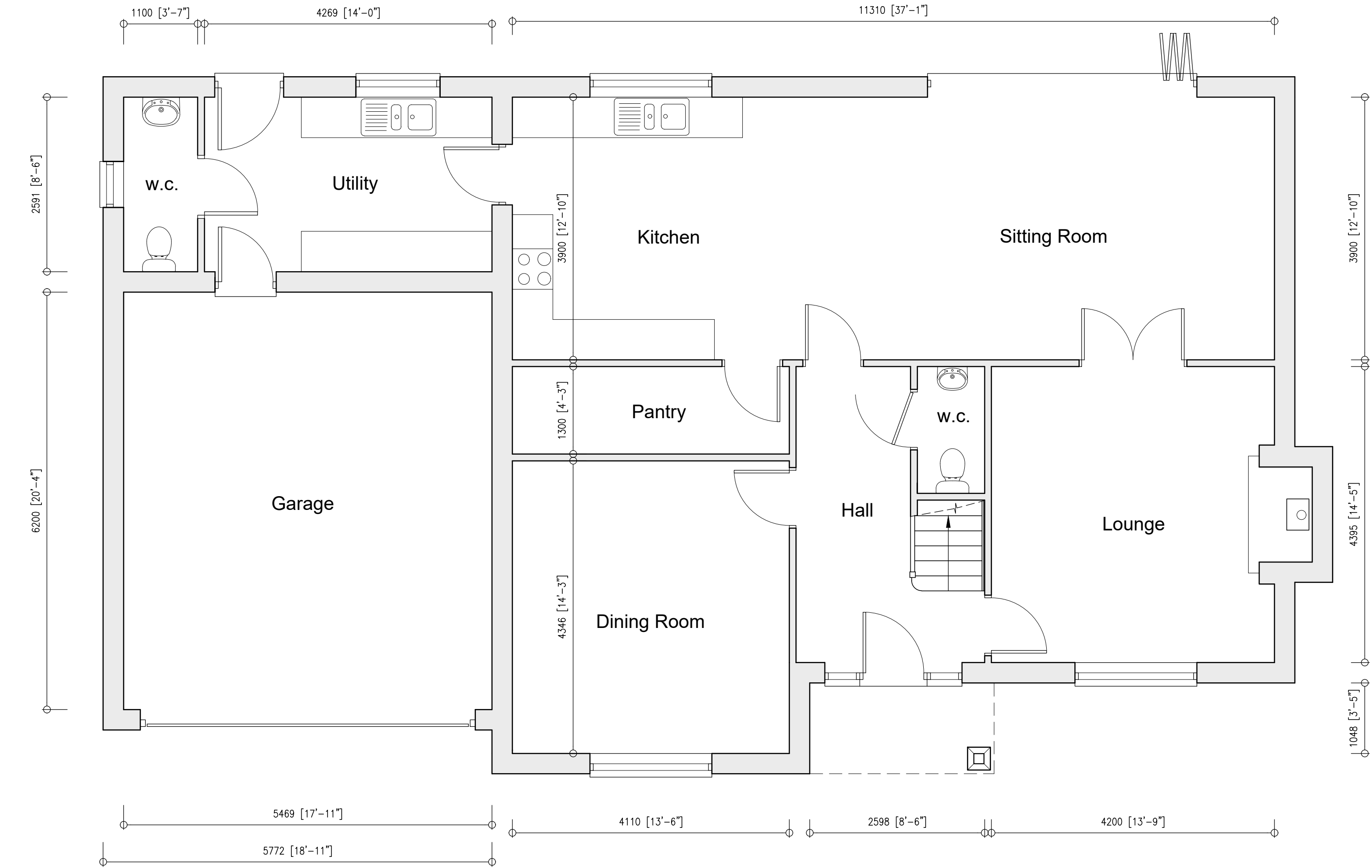


Proposed Rear Elevation 1:100

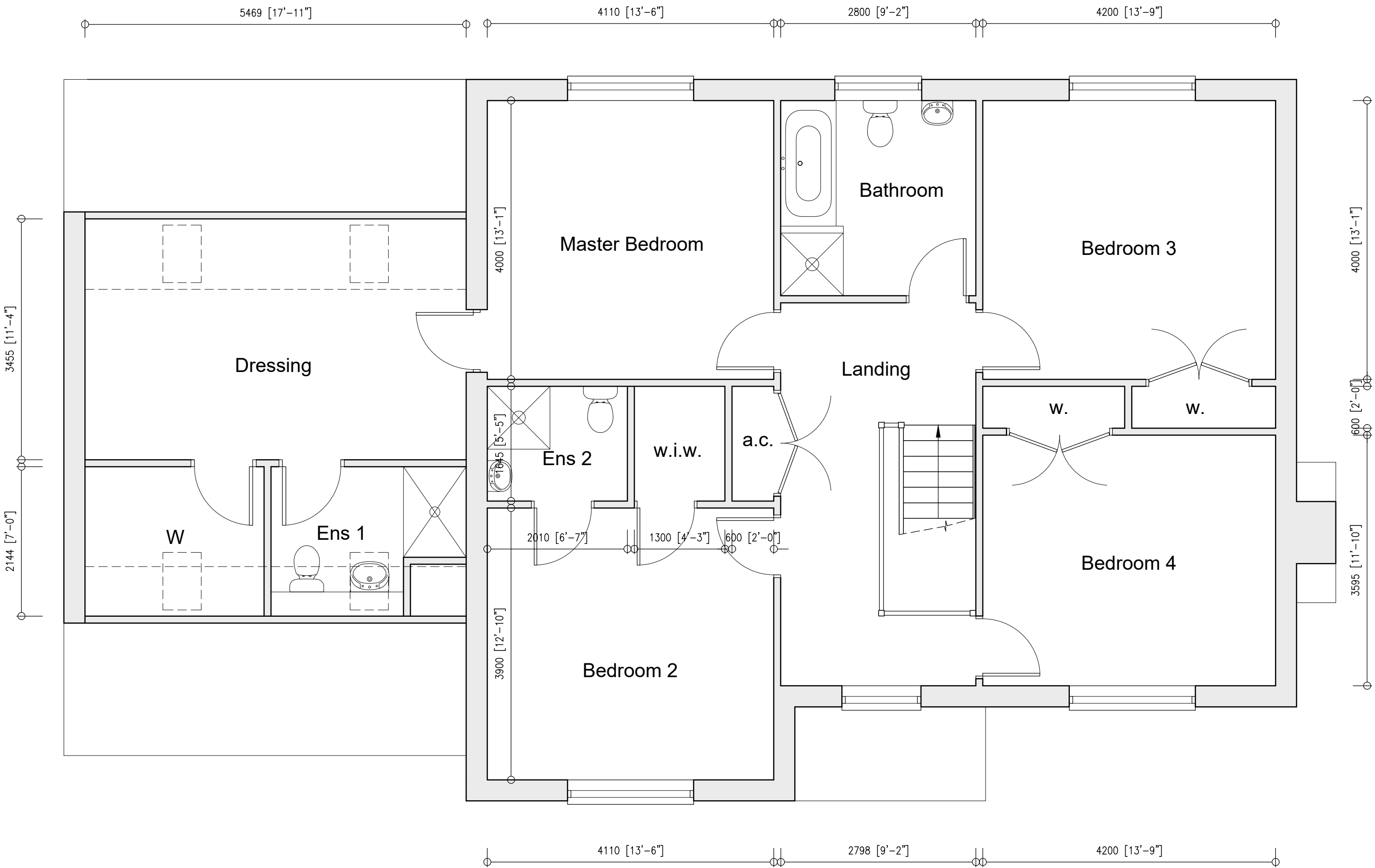


Proposed Side Elevation 1:100

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| DRAWING | | |
| PLANNING DRAWING 3 - PLOT 2 | | |
| JOB NO. 6395/03E | PAPER SIZE A1 | DATE SEPT 2021 |



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50

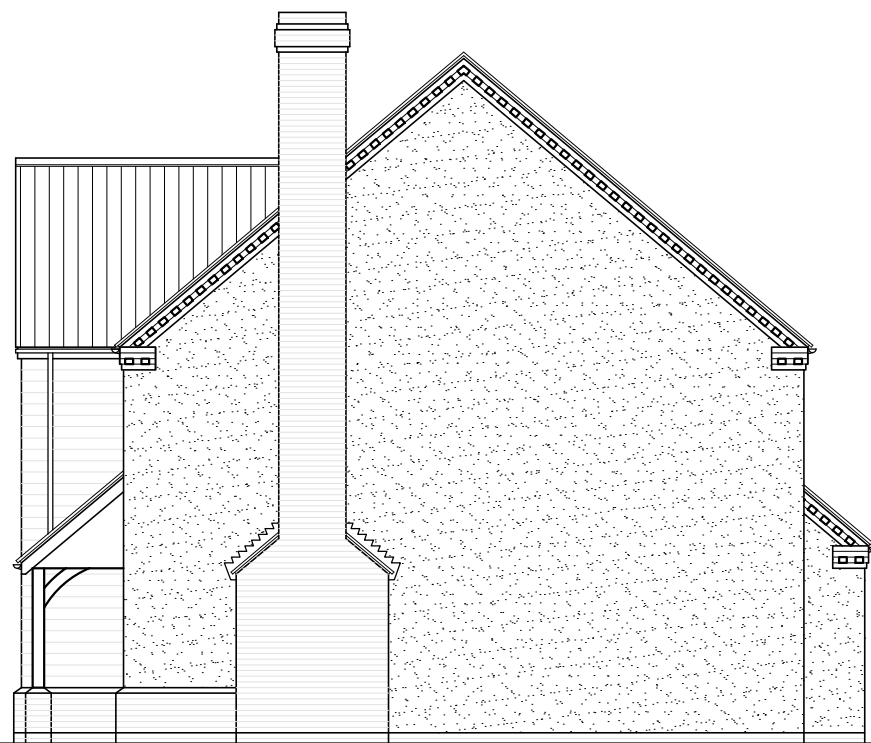
PLOT 3 & 5

PLOT 5 = as shown

PLOT 3 = handed



Proposed Front Elevation 1:100



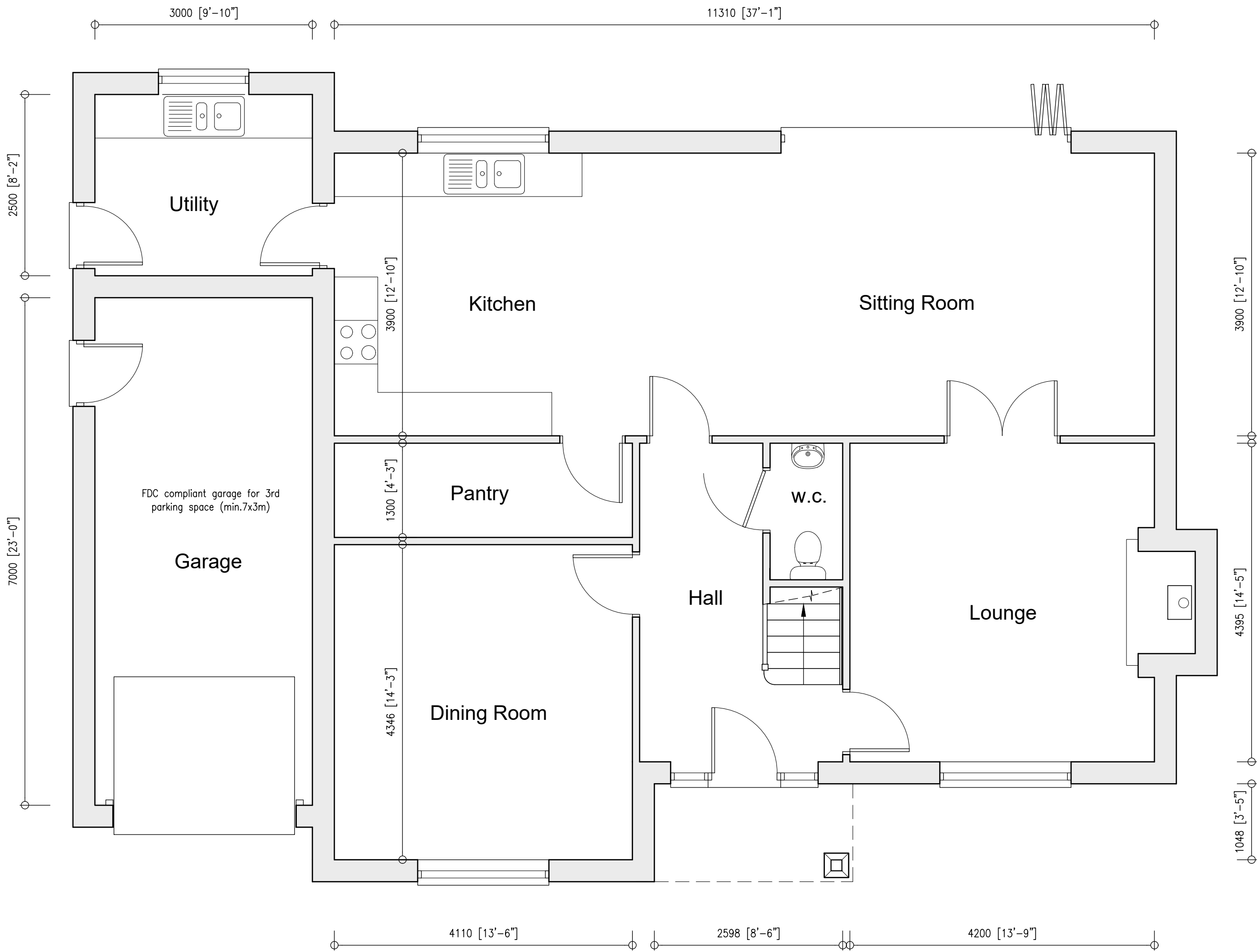
Proposed Side Elevation 1:100



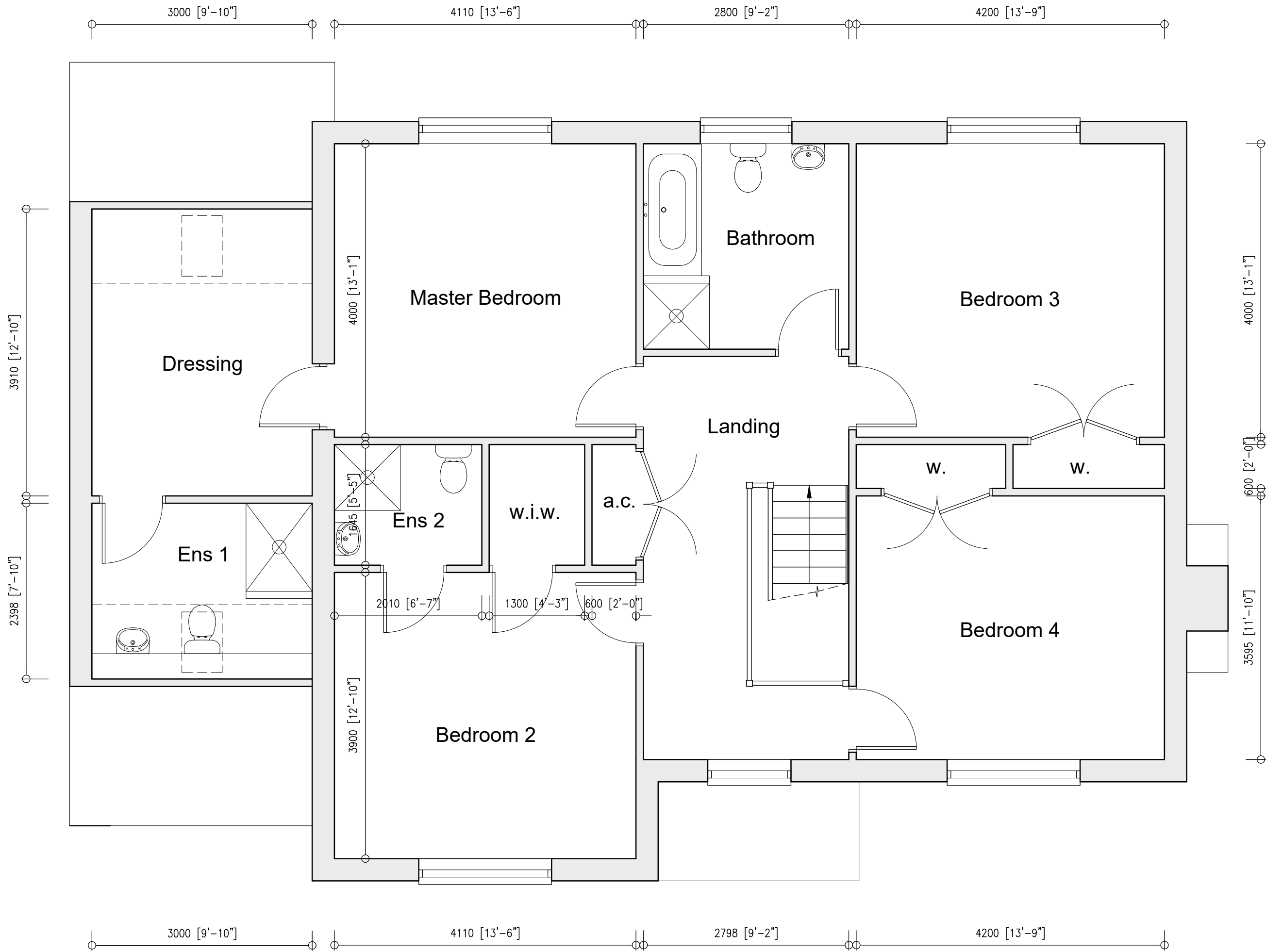
Proposed Rear Elevation 1:100




Proposed Side Elevation 1:100



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50

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| PLANNING DRAWING 4 - PLOT 3 & 5 | | |
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