
F/YR22/0994/O

Applicant: Mr P Gumbley

**Agent : Ms Shanna Jackson
Swann Edwards Architecture Limited**

Land North Of 125A, West End, March, Cambridgeshire

Erect 1 x dwelling (outline application with matters committed in respect of access)

Officer recommendation: Refuse

Reason for Committee: Referred by Head of Planning on advice of Committee Chairman

1 EXECUTIVE SUMMARY

- 1.1 This application is an outline application for 1 dwelling with matters committed in respect of access.
- 1.2 Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development. The provision of a single dwelling within the narrow site does not respect the character of the surrounding area given the surrounding dwellings consist of larger combinations of 2 and 3 connected properties. The proposal therefore constitutes development that fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).
- 1.3 The proposal will result in the loss of an area of land currently occupied by several mature trees and other landscape features, with the only replacement habitat being the creation of a domestic garden. A preliminary Ecology Report has been received as part of the application which fails to demonstrate that no harm will be caused to any protected species that might use the site and any requirements to mitigate the potential harm to any protected species. On that basis, it is considered that the application could result in a net loss of biodiversity on the site and the potential loss of habitat used by protected species, contrary to the requirements of policy LP19 of the Fenland Local Plan (2014).
- 1.4 Subsequently, the recommendation is to refuse this application.

2 SITE DESCRIPTION

- 2.1 The application site is an area of land located within the extent of the Lake Close residential development. The site is currently undeveloped landscaped land to the west of the West End access road. There is an area of trees to the front of the application site.

- 2.2 There are two 3-unit terraced dwelling developments to the west of the site, 3 pairs of semi-detached dwellings to the east, and two blocks of flats to the north, with rear amenity spaces for dwellings located to the south of the site.
- 2.3 The application site is located within Flood Zone 1.

3 PROPOSAL

- 3.1 The proposal is an outline application for the construction of a single dwelling, with only means of access committed for consideration at this time.
- 3.2 An indicative site plan and street plan are provided with the application showing a 2-storey property with a 4.7m wide frontage and a depth of 9m, with approximately 1/3 given over to a private rear garden.
- 3.3 Two parking spaces are shown as being provided at the front of the dwelling which both measure 5 x 2.5 metres.
- 3.4 Full plans and associated documents for this application can be found at: [F/YR22/0994/O | Erect 1 x dwelling \(outline application with matters committed in respect of access\) | Land North Of 125A West End March Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0994/O)

4 SITE PLANNING HISTORY

Reference	Decision	Description
F/YR20/0131/O	Erect 1 dwelling (outline application with matters committed in respect of access)	Refused 14/04/2020
F/YR14/0541/O	Erection of 1no dwelling	Withdrawn

5 CONSULTATIONS

5.1 March Town Council

Recommendation: Approval

5.2 FDC Environmental Health

I refer to the above application for consideration and would make the following observations.

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposals as it is unlikely to have a detrimental effect on local air quality or be affected by ground contamination.

This service would however welcome a condition on construction working times due to the close proximity to existing noise sensitive receptors, with the following considered reasonable:

No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no

time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

5.3 PCC Wildlife Officer

Recommendation:

Recommend refusal of application on grounds that there is insufficient information about the potential negative impacts of the proposal on material biodiversity concerns.

Recommended condition(s)/Reason(s) for refusal:

The proposal documents submitted under F/YR22/0994/O do not provide sufficient information to ensure that the development will result in new negative impact on protected species, in this case bats.

The application has been submitted with a Preliminary Ecological Appraisal that identified features within the area proposed to be developed that may be used by bat as valuable commuting habitat, further surveys are recommended by the PEA.

It is also unclear if the development will involve the removal of the line of trees, the PEA seems to imply there will be tree loss however the site plans show trees in place. Please clarify if any trees are to be removed from the site and if so the location, age and species of the trees to be removed.

At this stage without further information on the habitats and species potentially using the site the Local Planning Authority cannot make a decision on the application without risking contravening the NPPF, Local Plan and the Wildlife and Countryside Act 1989.

Please note the presence of a protected species is a material consideration when a planning authority is considering a development proposal (para 98, ODPM circular 06/2005). It is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

5.4 Local Residents/Interested Parties

2 letters of objection were received from residents of West End, March. The reasons for objection are as follows:

- Access – scaffolding would block access to neighbouring property.
- Access width would be reduced and would not be wide enough for emergency vehicles
- Parking arrangements will hinder access
- Proximity to property
- Traffic or Highways
- Density/Over development
- Drainage
- Flooding
- Trees – would result in the removal of at least 3 large established trees
- Wildlife Concerns – large colony of bats in neighbouring property which use the area around the trees to forage

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

7.1 National Planning Policy Framework (NPPF)

Para 2 – NPPF is a material consideration in planning decisions

Para 7 – Purpose of the planning system is to contribute to the achievement of sustainable development

Para 11 – A presumption in favour of sustainable development

Para 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Para 130 – Achieving well-designed places

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2021

Context

Identity

Built Form

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP9 – March

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

7.5 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

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP22 – Parking Provision

LP24 – Natural Environment

LP32 – Flood and Water Management

7.6 March Neighbourhood Plan 2017

H2 – Windfall Development

8 KEY ISSUES

- **Principle of Development**
- **Access to site**
- **Impact on the local distinctiveness and character of the area**
- **Impact on biodiversity**
- **Other matters**

9 BACKGROUND

- 9.1 A previous outline application was refused in 2020 (F/YR20/0131/O) which proposed to erect 1 dwelling (outline application with matters committed in respect of access). March Town Council recommended refusal to the previous application due to over-development, and problems caused for residents accessing West End. March Town Council have recommended approval for the current application.
- 9.2 The previous application was refused as the application was considered contrary to Policy LP16 due to the constrained nature of the plot, which would limit the scope of any dwelling built on the land which would result in a particularly narrow built form at odds with the prevailing character of the area, which uses combinations of 2 and 3 connected properties to ensure a visually appealing appearance.
- 9.3 Although indicative at this stage, the current application proposes a dwelling at the same scale of the previously refused dwelling, however the dwelling and parking space has been relocated further forward into the site to appear more in line with the neighbouring terraced properties to the west.
- 9.4 The previous application was also refused due to the application resulting in a loss of an area of land currently occupied by several mature trees and other landscape features, with the only replacement habitat being the creation of a domestic garden. The comments received as part of the previous application indicate that the land was currently used for bats for foraging and the application was not accompanied by any survey report to indicate that this was not the case or how mitigation is proposed to be achieved. The application was therefore considered to result in a net loss of biodiversity on the site and the loss of habitat used by protected species, contrary to Policy LP19.
- 9.5 Comments from the neighbouring landowners have indicated that the trees on site may be used by foraging bats. Following the refusal of the previous application, this application is accompanied by a preliminary ecological appraisal. Consultee comments received from the PCC Wildlife Officer indicate that a full survey should be submitted.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan sets out the hierarchy of settlements within the district, identifying March as one of the two Primary Market towns where the majority of development is proposed to take place over the plan period.
- 10.2 The application site is currently not subject to any use that is protected by the policies of the development plan, and the trees on the site are not protected by a preservation order.

- 10.3 The application site is located within flood zone 1, the zone of lowest flood risk and therefore there are no designations that would indicate an objection to the residential development of the land as a matter of principle.
- 10.4 There is therefore a need to consider site-specific factors and the details of the proposal in order to make a recommendation on the application.

Access to site

- 10.5 The proposed site access leads onto Lake Close.
- 10.6 The scale of the proposal is limited as it relates to the provision of a single dwelling, with Lake Close serving over 60 properties in total. On that basis, the scale of vehicular movements proposed by the development is limited and represents a small proportion of the movements likely to be experienced by the development as a whole, and not of a scale sufficient to cause harm.
- 10.7 Similarly, as an estate style residential development, it is not uncommon for vehicles to require to reverse either onto or off the highway in order to turn around and there is no requirement to provide turning off the highway in this location. There is therefore no justification for refusal of the application on the basis of the impact on highway safety.

Impact on the local distinctiveness and character of the area

- 10.8 Policy LP16 of the Fenland Local Plan (2014) is the primary policy governing the impact of development on its surroundings, requiring proposals to be able to demonstrate that they make a positive contribution to the local distinctiveness and character of the area.
- 10.10 The existing development along Lake Close consists largely of terraced or semi-detached dwellings, with two blocks of flats immediately to the north of the development. The only detached properties in the vicinity are the original dwellings fronting Elliott Road to the north and West End to the south. In that respect therefore, the scheme is at odds with the prevailing character of the surrounding area.
- 10.11 In terms of the physical dimensions of the proposal, which are indicative at this stage, the width of the dwelling is of the same order as the neighbouring terraced and semi-detached dwellings albeit with a deeper gable providing greater internal space than some of the nearby properties.
- 10.12 The overall proportions of the built structure are considerably at odds with those of the surrounding area, and the resulting dwelling would appear out of character with its surroundings. Whilst these details are indicative, due to the constrained nature of the plot this is considered to be the only realistic form of development which could be achieved on the site. The application has therefore failed to overcome the previous reason for refusal and fails to accord with the requirements of Policy LP16 of the Fenland Local Plan (2014).

Impact on biodiversity

- 10.13 The development on site will result in the loss of a line of semi-mature trees.

- 10.14 These trees do not benefit from protection under either a Conservation Area of a Tree Preservation Order. Notwithstanding this, the comments from the neighbouring landowner have indicated that these trees may be used by foraging bats. Following the refusal of the previous application, this application is accompanied by a preliminary ecological appraisal. Consultee comments received from the PCC Wildlife Officer indicate that a full survey should be submitted.
- 10.15 It is clear that there will be a loss of habitat as a result of the proposal, with the garden landscaping proposed not being of similar merit to that being lost as a result of the proposal. Policy LP19 of the Fenland Local Plan states that the Council refuse permission for development that would cause demonstrable harm to the protected habitat or species, and to ensure that opportunities are taken to incorporate beneficial features for biodiversity in new development.
- 10.16 It may be possible to establish, through further surveys of the site, if the existing trees and features are utilised by protected species either as nesting/roosting sites or for foraging, however due to the failure of the proposal to comply with other policies of the Fenland Local Plan, it would not result in the alteration of the recommendation for the application, and therefore it was not considered appropriate to require a survey to be completed at this time. Should a further application be made, or an appeal in relation to the current scheme be submitted, it would be appropriate for a survey to accompany the submissions to ensure full consideration of biodiversity matters. As it stands, the development does not comply with the requirements of Policy LP19 of the Fenland Local Plan (2014).

Other matters

- 10.17 The comments received by the neighbouring landowners are noted with regard to encroachment, other construction impacts and flooding of the adjacent lane. The planning application process does not supersede the right of an owner to refuse to grant access onto their land for construction operations, and therefore whether space to accommodate scaffolding during the construction phase is available is not material to the consideration of the planning application.
- 10.18 Similarly, the impacts of the construction phase on neighbouring and nearby properties are not a factor material to the consideration of the application although a Construction Management Plan can be conditioned to limit an impacts during construction and blocking access to neighbouring land is a private matter.
- 10.19 Finally, as noted above, the application site lies within Flood Zone 1, which is the zone of lowest flood risk as set out by the Environment Agency. The reserved matters application would normally set out the proposals with regard to surface and foul water drainage associated with a proposal and therefore the lack of any such detail at this stage is not justification for the refusal of the application.

11 CONCLUSIONS

- 1.1 The proposal is for a single dwelling located on a relatively constrained site, in an area characterised by semi-detached and terraced dwellings, and would consequently result in an incongruous and unattractive feature adversely impacting upon the character and appearance of the surrounding area, contrary to Policy LP16.
- 11.2 The proposal would entail the loss of several trees on the land and their associated biodiversity contributions. There is no survey data included with the

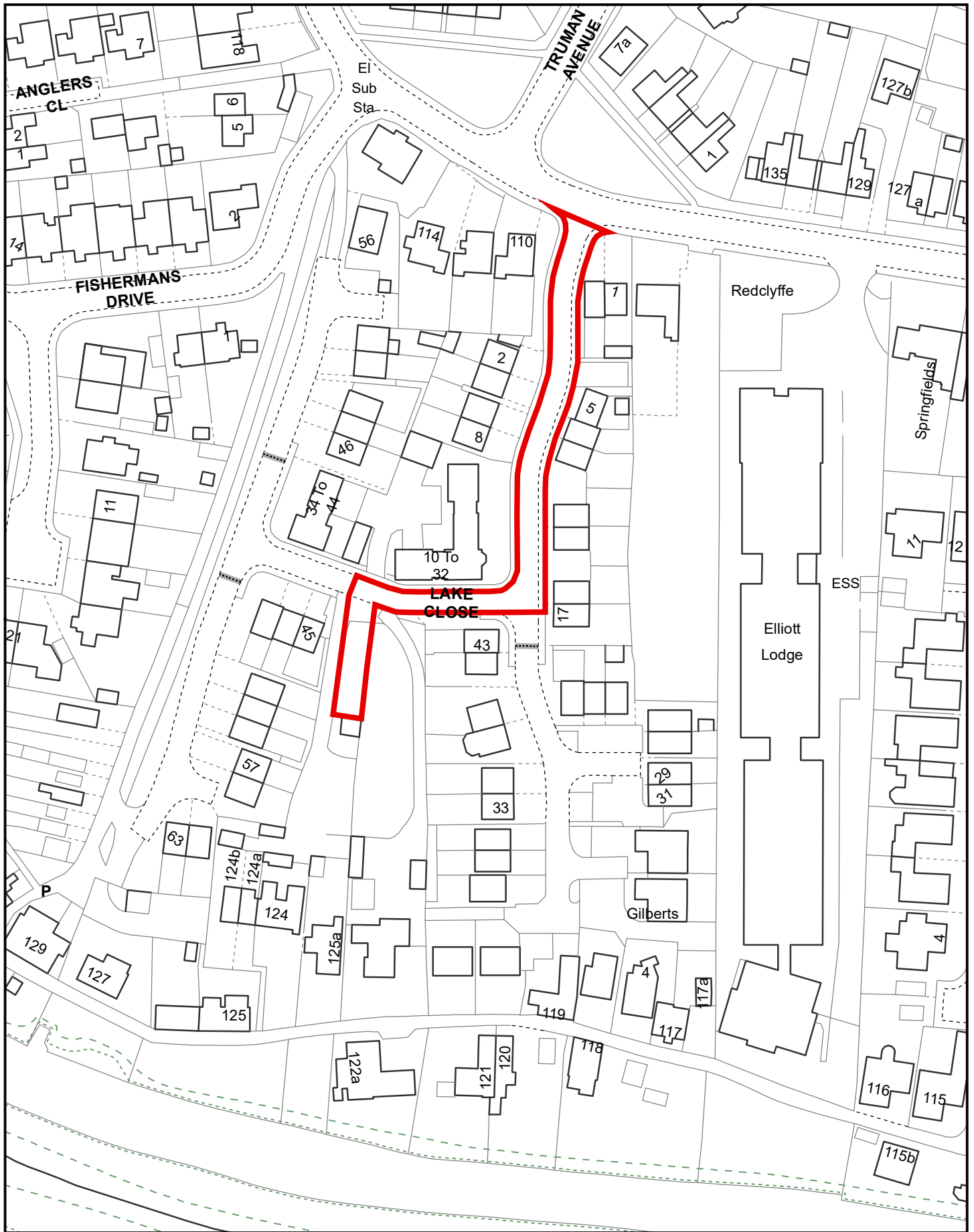
application to indicate that the development will not result in any new negative impacts on protected species and therefore the proposal is considered contrary to Policy LP19.

- 11.3 There are no material considerations that outweigh the harm identified as being caused by the proposal in relation to the above matters sufficient to justify its approval contrary to those policies.

12 RECOMMENDATION

- 12.1 **Refuse**, for the following reasons:

1	<p>Policy LP16 (d) of the Fenland Local Plan (2014) requires that development demonstrates that it makes a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment and does not adversely impact on the street scene or landscape character of the surrounding area. The proposal is for the construction of a single dwelling on the land, with indicative plans showing a two-storey property located within the site.</p> <p>Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development which consist of larger combinations of 2 and 3 connected properties. The proposal would consequently create an incongruous and unattractive feature which fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).</p>
2	<p>Policy LP19 of the Fenland Local Plan (2014) states that the Council will refuse development that would cause demonstrable harm to a protected habitat or species unless the need for the development outweighs the harm and mitigation/compensation measures can be secured to offset the harm and where possible provide a net biodiversity gain.</p> <p>The proposal will result in the loss of an area of land currently occupied by several mature trees and other landscape features, with the only replacement habitat being the creation of a domestic garden. The application has failed to demonstrate, through the absence of an ecology report, that no harm will be caused to any protected species that might use the site and any requirements to mitigate the potential harm to any protected species. On that basis, it is considered that the application could result in a net loss of biodiversity on the site and the potential loss of habitat used by protected species, contrary to the requirements of policy LP19 of the Fenland Local Plan (2014).</p>



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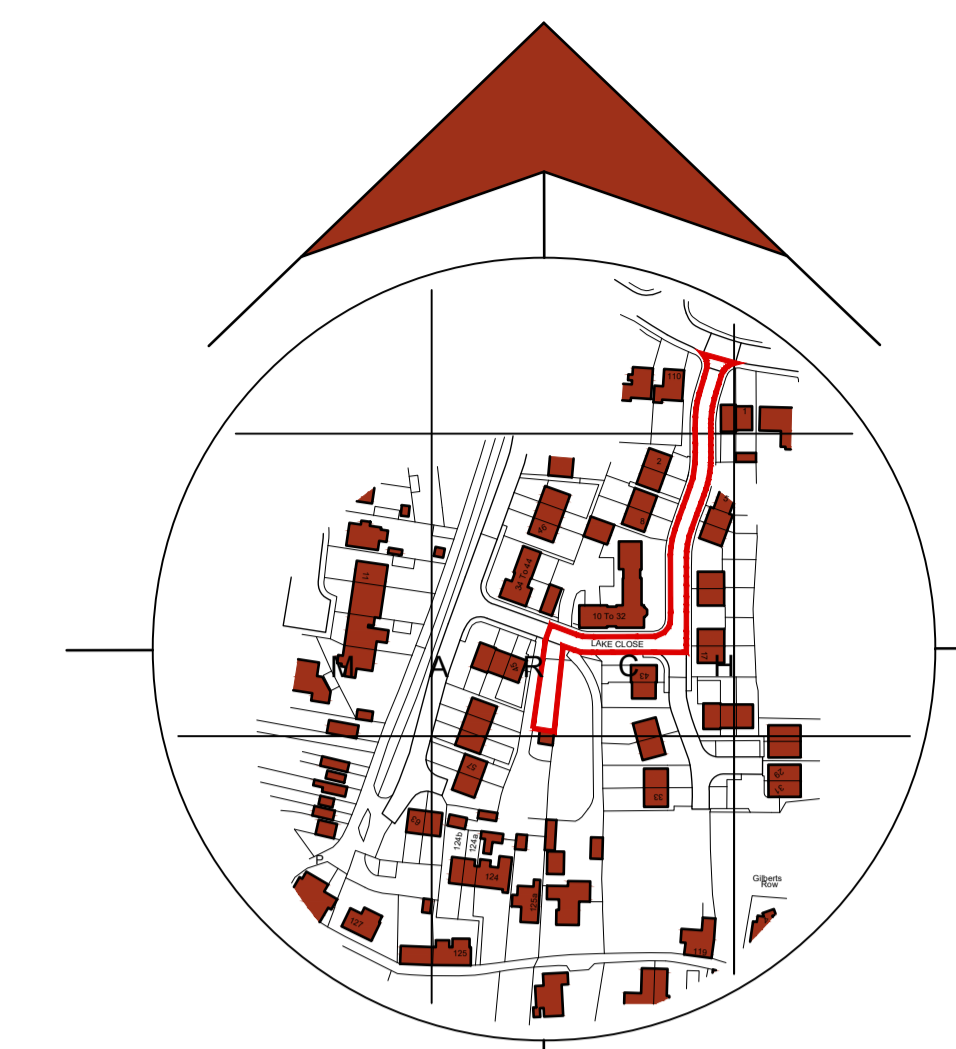
F/YR22/0994/O

Scale = 1:1,250



- General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 4. Any discrepancies are to be brought to the designers attention.

SITE AREA
TOTAL SITE AREA - 160.2m ²
TOTAL AMENITY SPACE - 66.8m ²



Location Plan
Scale: 1:2500
0 20 40 60 80 metres



L A K E C L O S E

Indicative Site Plan
Scale: 1:100
0 1 2 3 4 metres

Status
FOR APPROVAL



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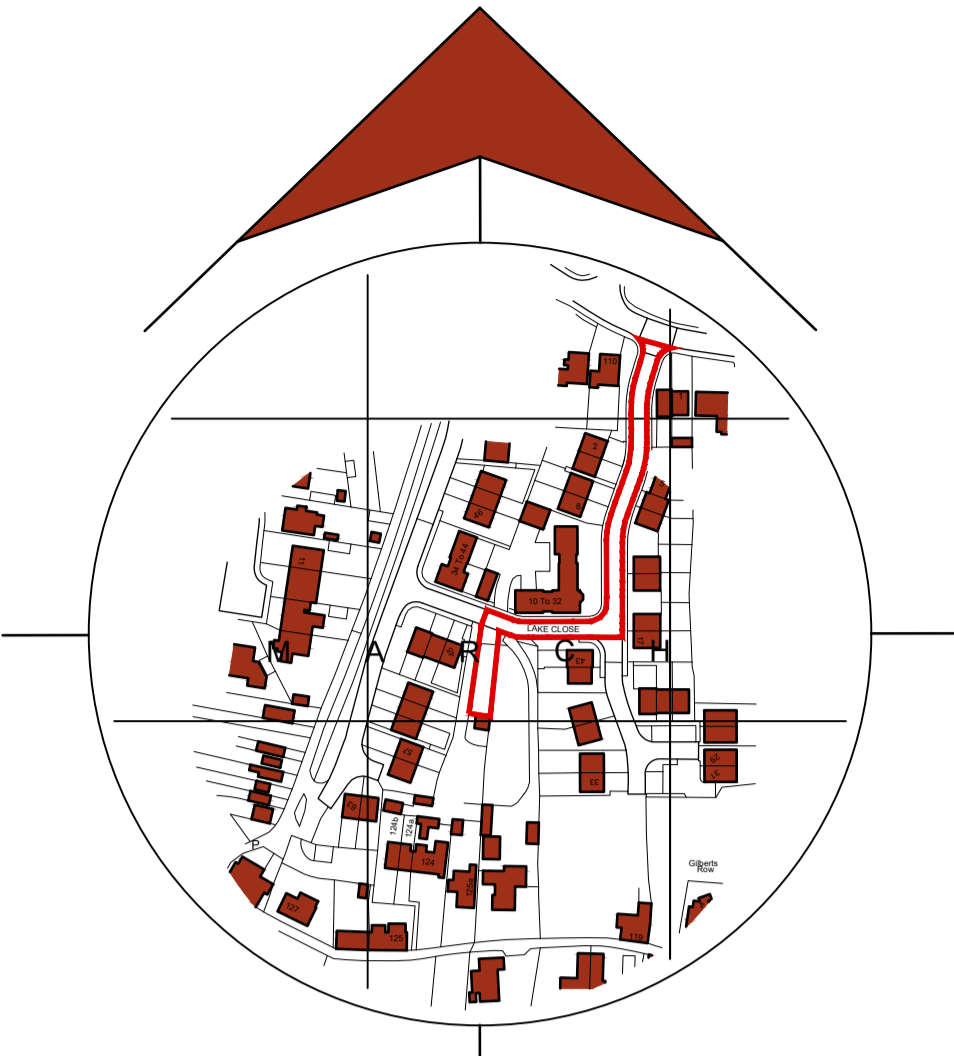
Job Title Proposed Dwelling Land East of 45 Lake Close March, PE15 8FL for: Mr P Gumbley	Date November 2022	Drawn by G.E. Checked by GE
Drawing Title Survey Drawing	Job No. SE-1367 Dwg No. 100	Sheet Size A1 Revision



Indicative Street Elevation
Scale: 1:200

SITE PLAN KEY

- Indicates un-surveyed buildings taken from OS map
- Indicates proposed block paving
- Indicates existing trees and planting un-surveyed
- Indicates proposed dwelling
- Indicates proposed lawned garden
- Indicates proposed planting
- Indicates proposed site access point
- Indicates existing features to be removed
- Indicates site entrance to be in accordance with the Cambridge County Council Access regulations. Install drainage channel at the edge of the highway boundary so surface water does not drain from the new access onto the highway



Location Plan
Scale: 1:2500

General Notes
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SITE AREA	
TOTAL SITE AREA -	160.2m ²
TOTAL AMENITY SPACE -	66.8m ²



Indicative Site Plan
Scale: 1:100

Revisions

F	Nov 2022	Revised for new application
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Status
FOR APPROVAL

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Job Title	Date	Drawn by
Proposed Dwelling	January 2020	SHe
Land East of 45 Lake Close March, PE15 8FL for: Mr P Gumbley		Checked by GE
Drawing Title	Job No.	Sheet Size
Outline Planning Drawing	SE-1367	A1
	Dwg No.	Revision
	PP-1000	F