
F/YR22/1053/F

Applicant: Mrs L Fountain

**Agent : Mr Nigel Lowe
Peter Humphrey Associates Ltd**

Land To The West Of 167, Gaul Road, March, Cambridgeshire

Erect 1 dwelling (2-storey 4-bed) with detached garage

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The site is well related to the primary market town of March to which new development should be directed as set out in the settlement hierarchy of policy LP3 of the Fenland Local Plan. It also provides an access which would be suitable subject to conditions had the recommendation been for approval.
- 1.2 The site lies within flood zone 3 which is land as the greatest risk of flooding. The sequential test submitted has been misapplied and has incorrectly ruled out a number of reasonably available sites. Reasonably available sites will include a site or a combination of sites capable of accommodating the proposed development. These may be larger, similarly sized or a combination of smaller sites that fall within the agreed area of search as defined within the Cambridgeshire Flood and Water SPD There is a large strategic allocation immediately to the south of the site which is an area at lower risk of flooding. As such the proposal fails the sequential test and is in conflict with policy LP14, Part B of the Fenland Local Plan, policy H2(c) of the March Neighbourhood Plan, paragraph 167 of the NPPF and guidance on the Sequential approach to flood risk set out in the NPPG, which seek to direct development first to areas at lowest risk of flooding.
- 1.2 The development has a poor visual relationship to the local area due to its separation and isolation from the built edge of March and appears randomly placed. The proposed dwelling will be finished with mono-pitch and flat roofs and finished in Cedar cladding and Cream render which is considered to highlight and exacerbate the visual separation of the development given the prevailing character of 2-storey dwellings with dual-pitched roofs finished in brick and render along Gaul Road. This results in an incongruous form of development contrary to policy LP16(d) of the Local Plan and paragraph 130 of the NPPF.
- 1.3 Therefore, this application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The site is part of a larger area of open scrub land and is situated approximately 40 metres to the west of the nearest dwellinghouse, 167 Gaul Road. The site

measures approximately 25.5 metres wide x 22.5 metres deep and has an area of approximately 0.06 hectares.

- 2.2 The site fronts onto Gaul Road and is served by an existing footpath cycleway which is separated from the road by a small grass verge. The residential development to the west (of which No.167 is part) was originally approved in 2009 with amendments since. This development stops abruptly where it adjoins the wider land in which this current application site is located.
- 2.3 To the west of the site is a run of overhead electricity power cables mounted on pylons. The site lies wholly within Flood Zone 3 which is the greatest risk of flooding.

3 PROPOSAL

- 3.1 This application seeks full planning permission to erect a 2-storey, 4-bed dwelling with detached garage.
- 3.2 The dwelling will be finished with sloping and flat roofs. The sloping roof will have a greatest eaves height of 7.2 metres and a ridge height of 7.8 metres approx. The 2-storey flat-roof element will have a ridge height of 5 metres. The single-storey flat-roofed elements will have a ridge height of 2.9 metres, with the rear single-storey element featuring a balcony above.
- 3.3 The dwelling will contain a sitting/dining/kitchen area, utility, study, lounge and WC at ground floor with 4 bedrooms, bathroom and balcony at first-floor.
- 3.4 Fenestration is proposed to all elevations at both ground and first-floor.
- 3.5 The garage will be finished with a mono-pitched roof with a lower eaves height of 4.7 metres and a maximum height of 5.2 metres approx. The garage footprint will measure 7.6 x 6.3 metres.
- 3.6 The site will be bounded by a conservation hedge, with private amenity space situated to the rear of the dwelling.
- 3.7 The proposed access is situated within the south-eastern corner of the site.
- 3.8 The materials proposed include a Cedar Cladding and White Render.
- 3.9 Full plans and associated documents for this application can be found at:

[F/YR22/1053/F | Erect 1 dwelling \(2-storey 4-bed\) with detached garage | Land To The West Of 167 Gaul Road March Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR22/0565/O	Erect up to 2 dwellings (outline with matters committed in respect of access)	Refused 29/07/2022
F/YR15/0991/O	Erection of 90 dwellings (max) including open space and an attenuation area (Outline application with matters committed in respect of access) (Land East And West Of Isle Of Ely Way South Of River Nene, Gaul Road, March)	Refused 28/06/2016
F/YR13/0283/F	Erection of a 3-storey 4-bed dwelling with attached double garage	Refused 31/07/2013

Historic maps show that there were buildings in the location of this application site, at least up to the 1980s. However, the buildings are no longer present and have been demolished. That there were buildings on site historically does not carry weight in considering the application.

5 CONSULTATIONS

5.1 March Town Council

Recommendation; Approval

5.2 CCC Highways

Following a careful review of the documents provided to the Highway Authority as part of the above planning application, no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

Please note, the access should be sealed and to be drained away from the highway in a bound material for a minimum of 5m back from the existing footway. The vehicular access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Surface water from private roads/ driveways areas must not discharge onto the public highway, and appropriate intervention must be provided. Please demonstrate a method at the boundary of the private and public highway of the access.

Works in the Public Highway

This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the

applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

5.3 Environment Agency

We have reviewed the documents as submitted and we have no objections to the proposed development however request that the Foul Drainage condition below is appended to any permission granted. We have also provided additional comments on flooding below for your consideration ahead of determining the application.

Foul Drainage

The applicant has stated that the house will connect to the mains sewer. The property is a considerable distance from the mains sewer, and it is unlikely that this method of sewage disposal will be viable. As a result, we request that the following condition is added to any permission:

Condition

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved. If the applicant proposes to continue with connection to the mains the applicant must obtain confirmation from the sewage undertaker that this is an appropriate method of sewage disposal.

Reason

The applicant has stated that sewage from the development will be disposed of via mains foul sewer, the proposed development is for a single house and it situated several meters from the nearest sewer, it is unclear if disposing of sewage in this method will be practical, or if there will be issues with sewage turning septic before it meets the main sewer.

Flood risk

In accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

We have reviewed the submitted Flood Risk Assessment (FRA) with regard to tidal and designated main river flood risk sources only.

We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB). As such, we have no objection to the proposed development on flood risk grounds. However, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to

formally consider the emergency planning and rescue implications of new development in making their decisions.

5.4 Local Residents/Interested Parties

6 letters of support were received with regard to the above application (1 from Damson Drive, March and 5 from Gaul Road, March). The reasons for support are as follows:

- Close to a new development on Gaul Road and the town centre
- Beautiful finish to Gaul Road, wonderful family home
- Family homes needed
- Less need to run vehicles – should be considering the environment
- House previously on site
- Will enhance the area

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)

Paragraph 12 – Presumption of favour of sustainable development does not alter statutory status of development plan as starting point for determination of applications

Paragraph 162 – Sequential test and aim to direct development first to areas at lower risk of flooding

Paragraph 163 – Exceptions test – where it is not possible to locate development at areas of lower risk of flooding

7.2 National Planning Practice Guidance (NPPG)

Flood Risk and Coastal Challenge sequential approach

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

LP5 – Meeting Housing Need

LP9 – March

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

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

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 Provisions
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP32 – Flood and Water Management

7.6 March Neighbourhood Plan 2017

H2 – Windfall Development

7.7 Cambridgeshire Flood and Water SPD

8 KEY ISSUES

- Principle of Development
- Design Considerations and Visual Amenity of the Area
- Residential Amenity
- Access and Highway Safety
- Flood Risk
- Other Issues

9 BACKGROUND

- 9.1 A previous application on this site was heard at planning committee on 27th July 2022. The application was an outline permission for the erection of 2 dwellings with matters committed in respect of access.
- 9.2 The 2 reasons for refusal were due to the failure of the application to comply with the sequential test, thus contrary to Policy LP14 and the visually separated nature of the site which was considered contrary to Policy LP16.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of Fenland Local Plan (the local plan) contains the spatial strategy and settlement hierarchy for the district. March is a primary market town (along with Wisbech) and other market towns are Chatteris and Whittlesey. The majority of the district's new housing and other growth should take place in these settlements.
- 10.2 Whilst this site lies beyond the built edge of March in regard to development to the east and to the north of Gaul Road, it is noted that the site is opposite the

strategic allocation for West March whereby the land is allocated for up to 2000 new dwellings in Policy LP9 of the Local Plan. The site is separated from 167 Gaul Road by a gap of approximately 40 metres. It is likely that had the site been allocated in the local plan, a more comprehensive development proposal would have come forward which would join the existing development. However, it is not reasonable to suggest the site is not well related to March and it is considered that in terms of its relationship to the town centre and distance to services and schools, the site is considered to be a sustainable location (except for flood risk which is considered separately below).

- 10.3 Historical maps shown that the site was previously occupied by buildings. Supporters of the application consider that as there was previously a dwelling at the site, then new dwellings should be acceptable. However, the previous building has been demolished and the site has blended into the landscape. It is considered that the site does not constitute previously developed land for this reason (and as set out in the glossary to the NPPF). Policy LP12 of the local plan refers to replacement dwellings on land outside the developed footprint of a settlement and for a development to be considered a replacement dwelling, the residential use of the original dwelling must not be abandoned. In this case, the residential use has long since been abandoned and it is considered that no weight can be attached to the fact that a dwelling or building once stood on the site.
- 10.4 The site is well related to March and in terms of position/location in relation to the town centre and services would be acceptable and accord with the settlement hierarchy set out in Policy LP3.

Design Considerations and Visual Amenity of the Area

- 10.5 Paragraph 130 of the NPPF requires, amongst other things, that development will add to the overall quality of the area and be visually attractive as a result of good architecture and layout. It should be sympathetic to local character, including the surrounding built environment and landscape setting.
- 10.6 Policy LP16 of the Local Plan requires, amongst other things, that development 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 and does not adversely impact in design or scale terms on the street scene, settlement pattern and landscape character of the surrounding area (criteria d).
- 10.7 The proposal would result in a single dwelling which is situated within an open street frontage and separated from the built edge of March, which lies approximately 40 metres to the east of the application site. The dwelling will appear as if it has been randomly positioned in this isolated position and will appear incongruous within the street scene. There appears to be no logical reason in terms of layout and positioning of the proposed dwelling as to why it would be placed at this location, other than the matter of land ownership.
- 10.8 In addition to the above, the design of the dwelling is also considered somewhat contrasting with the existing residential development to the east. Gaul Road is generally characterised by conventional 2-storey dwellings with dual-pitched roofs finished in brick and render. The proposed dwelling will be finished with mono-pitch and flat roofs and finished in Cedar cladding and Cream render. This

divergence in design from the generally prevalent form in the vicinity is considered to highlight and exacerbate the visual separation of the development.

- 10.9 As such, the proposal will result in development that appears incongruous in this location and the street scene, contrary to Policy LP16 (d) of the Local Plan and the advice contained in paragraph 130 of the NPPF.

Residential Amenity

- 10.10 There are no immediate neighbours surrounding the application site and therefore the scheme will not introduce any adverse overlooking, overshadowing or overbearing impacts upon neighbouring properties.

Access and Highway Safety

- 10.11 The proposed access is situated to the south-west of the application site. Upon consultation with the Highways Authority, no objections were raised as the proposed access will not result in any significant adverse effects upon the public highway.
- 10.12 The proposed dwelling will include 4 bedrooms. Appendix A of the Fenland Local Plan states that dwellings with 4 or more bedrooms should provide 3 parking spaces. Appendix A also states that for garages to contribute to the parking allocation on site, they must internally measure 7 x 3 metres. The internal measurements of the proposed garage are 7 x 6 metres and the garage can therefore accommodate 2 parking spaces. There is sufficient space to the front of the garage to accommodate parking of an additional vehicle. The proposal is therefore considered to comply with Policy LP15.

Flood Risk

- 10.13 Policy LP14 Part B of the Fenland Local Plan 2014 states that the granting or refusing of planning permission will be informed by local and regional flood risk studies and guidance which are set out in the policy and any national advice in force at the time. All development proposals should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk of flooding will only be permitted following the successful completion of a sequential test where necessary and an exceptions test if necessary; through suitable demonstration of meeting an identified need and through the submission of a site-specific flood risk assessment.
- 10.14 Policy H2 (c) of the March Neighbourhood Plan states that windfall development will only be acceptable where the site is at a low risk of flooding i.e. not within Flood Zones 2 or 3.
- 10.15 Paragraph 167 of the NPPF states that development should only be allowed in areas at higher risk of flooding where if necessary, the sequential test and exceptions test have been met and then only where the proposal meets specific criteria/standards.
- 10.16 The National Planning Practice Guidance sets out when the sequential test should be applied and by who. It states 'it is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which the Sequential Test considerations have been satisfied, taking into account

the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately, the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere.”

- 10.17 The site lies within Flood Zone 3 which is an area at greatest risk of flooding. The proposal is not minor development in terms of applying the sequential test, therefore it must be applied to assess if the development could be directed to areas at lower risk of flooding. The agent has submitted a sequential test concluding that there are no reasonably available sites at a lower risk of flooding to accommodate the proposed dwelling and therefore considered that the sequential test had been passed. The submitted sequential test also highlighted a number of applications that were still pending.
- 10.18 Reasonably available sites will include a site or a combination of sites capable of accommodating the proposed development. These may be larger, similarly sized or a combination of smaller sites that fall within the agreed area of search as defined within the Cambridgeshire Flood and Water SPD (page 32). Paragraph 28 of the Flood risk and coastal change NPPG highlights that lower risk sites do not need to be owned by the applicant to be considered ‘reasonably available.’
- 10.19 The sequential test undertaken as part of this application has therefore been mis-applied and has incorrectly ruled out a number of acceptable sites. There is a large strategic allocation immediately to the south of the site which is an area at lower risk of flooding. As such, the sequential test is not passed.
- 10.20 The Environment Agency has not objected, but they point out the responsibility for determining if a site meets the sequential test, rests with the local planning authority.
- 10.21 The development is therefore contrary to Policy LP14, Part B of the Fenland Local Plan, the Cambridgeshire Flood and Water SPD, policy H2(c) of the March Neighbourhood Plan, paragraph 167 of the NPPF and the guidance on the Sequential approach to flood risk set out in the NPPG.

Other Issues

- 10.22 The applicant has submitted a biodiversity checklist which shows the site does not contain protected species. Given the location of the site and its coverage, it is most likely that this is the case.
- 10.23 The site and wider land is covered by scrub. It is not accepted that development should take place on the land simply to tidy it up. This does not override the fact that the site lies within Flood Zone 3 and would mean that wherever there is any untidy land, through deliberate neglect or otherwise, that is suitable for development, which is clearly not the case.
- 10.24 All proposals must be considered on their merits but nevertheless, appeal Inspectors look for consistency in planning authority decision making. Should this application be approved, it would make refusal of further piecemeal development of this land west of 167 Gaul Road, more difficult to justify on appeal. Whilst this is not reason to refuse this planning application, the position of this authority at future appeals in terms of consistency and upholding the development plan is an

issue to be mindful of. It should also be noted that the site has been refused permission for development three times previously for flood risk reasons. The most recent decisions F/YR22/0565/O and F/YR15/0991/O being taken against the current adopted development plan.

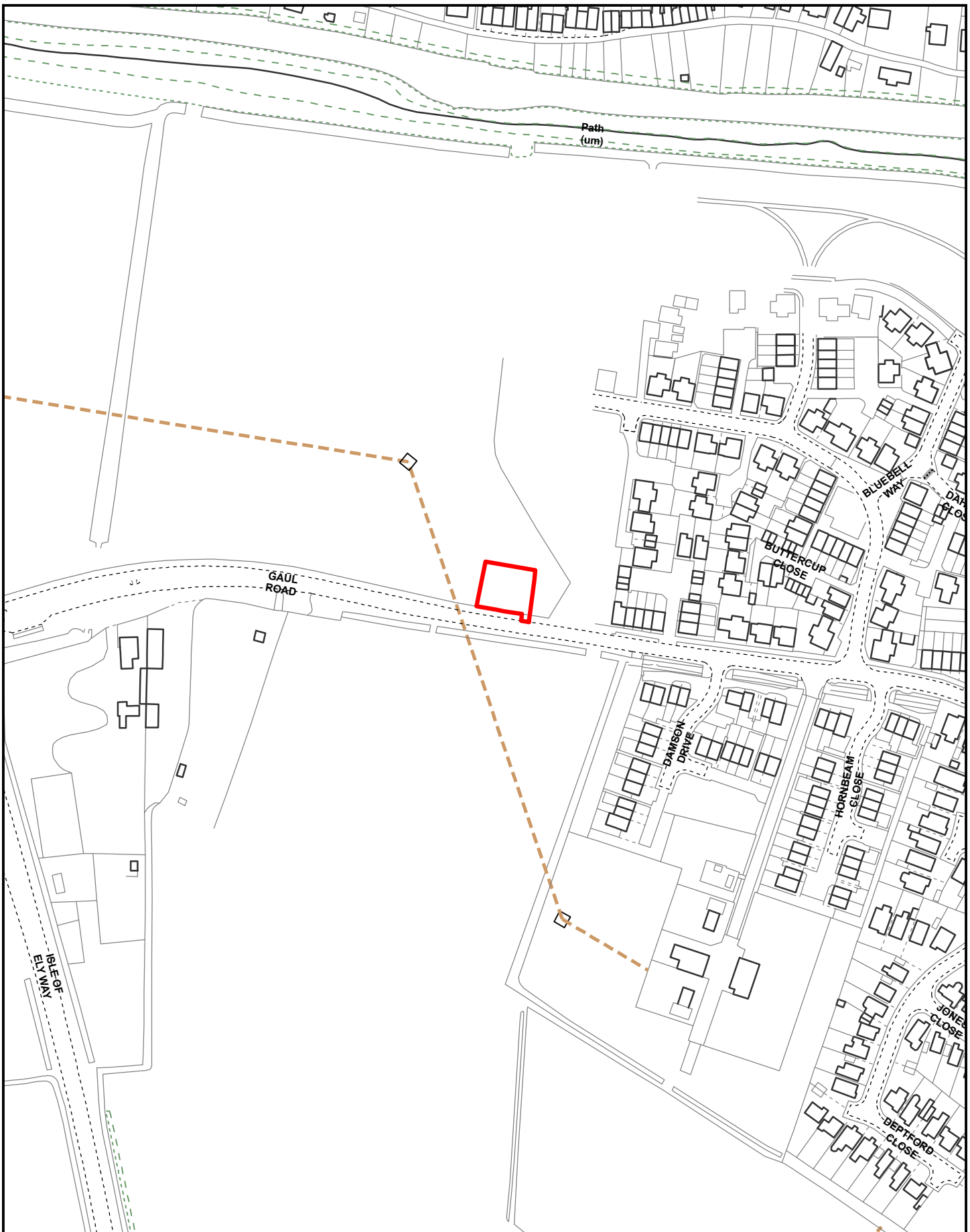
11 CONCLUSIONS

- 11.1 The site lies within flood zone 3 which is land at the greatest risk of flooding. The sequential test submitted concludes that there are no sequentially preferable sites, however there is a large strategic allocation immediately to the south of the site which is an area at lower risk of flooding. As such the proposal fails the sequential test and is in conflict with policy LP14, Part B of the Fenland Local Plan, the Cambridgeshire Flood and Water SPD, policy H2(c) of the March Neighbourhood Plan, paragraph 167 of the NPPF and guidance on the Sequential approach to flood risk set out in the NPPG, which seek to direct development first to areas at lowest risk of flooding.
- 11.2 The development has a poor visual relationship to the local area due to its separation and isolation from the built edge of March and appears randomly placed, exacerbated by the design and appearance of the proposed dwelling and its contrast to the prevailing nature of development on Gaul Road. As such, the development is considered to result in an incongruous form of development contrary to Policy LP16(d) of the Local Plan and Paragraph 130 of the NPPF.

12 RECOMMENDATION

1	<p>Policy LP14 Part B of the Fenland Local Plan 2014 states that the granting or refusing of planning permission will be informed by local and regional flood risk studies and guidance which are set out in the policy and any national advice in force at the time. All development proposals should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk of flooding will only be permitted following the successful completion of a sequential test where necessary and an exceptions test if necessary; through suitable demonstration of meeting an identified need and through the submission of a site-specific flood risk assessment.</p> <p>The site lies within Flood Zone 3 which is land as the greatest risk of flooding. The sequential test submitted has been misapplied and has incorrectly ruled out a number of reasonably available sites. Reasonably available sites will include a site or a combination of sites capable of accommodating the proposed development. These may be larger, similarly sized or a combination of smaller sites that fall within the agreed area of search as defined within the Cambridgeshire Flood and Water SPD.</p> <p>As such the proposal fails the sequential test and is in conflict with policy LP14, Part B of the Fenland Local Plan, the Cambridgeshire Flood and Water SPD, policy H2(c) of the March Neighbourhood Plan, paragraph 167 of the NPPF and guidance on the Sequential approach to flood risk set out in the NPPG, which seek to direct development first to areas at lowest risk of flooding.</p>
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2	<p>Policy LP16(d) of the Local Plan requires that development 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 and does not adversely impact in design or scale terms on the street scene, settlement pattern and landscape character of the surrounding area.</p> <p>The proposal would result in a single dwelling which is situated within an open street frontage and separated from the built edge of March. The dwelling will appear as if it has been randomly positioned in this isolated position and will appear incongruous within the street scene. The proposed dwelling will be finished with mono-pitch and flat roofs and finished in Cedar cladding and Cream render which is considered to highlight and exacerbate the visual separation of the development given the prevailing character of 2-storey dwellings with dual-pitched roofs finished in brick and render along Gaul Road.</p> <p>As such, the scheme fails to respond positively to the local setting and character of the area and is therefore contrary to Policy LP16(d) of the Fenland Local Plan 2014 and Paragraph 130 of the NPPF.</p>
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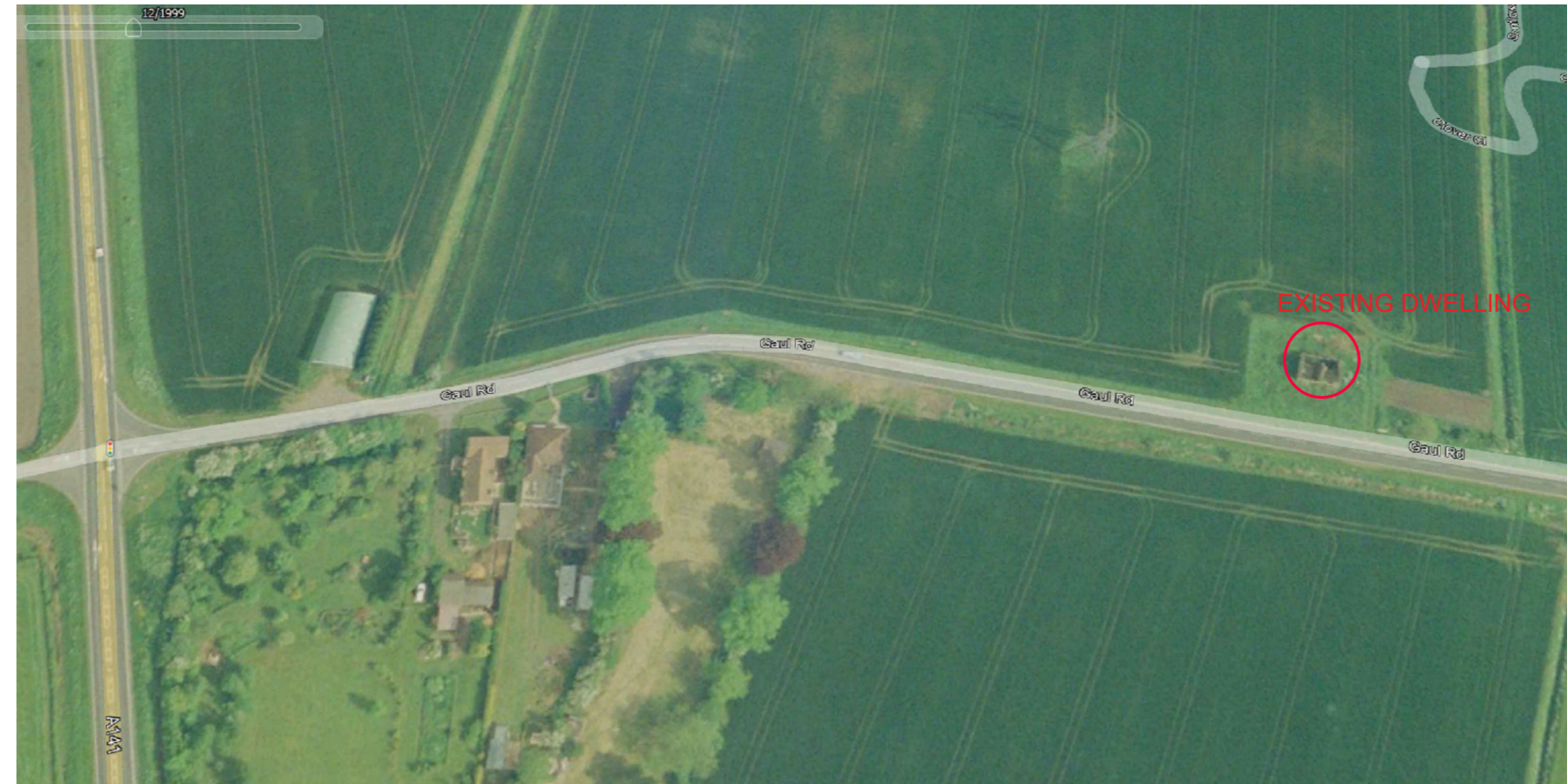
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Street Scene 1:200



GOOGLE EARTH PRO IMAGE 1999

A -
REVISIONS



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CLIENT

MR K FOUNTAIN

PROJECT

PROPOSED DWELLING

SITE

ADJ. 167 GAUL ROAD
MARCH

DRAWING

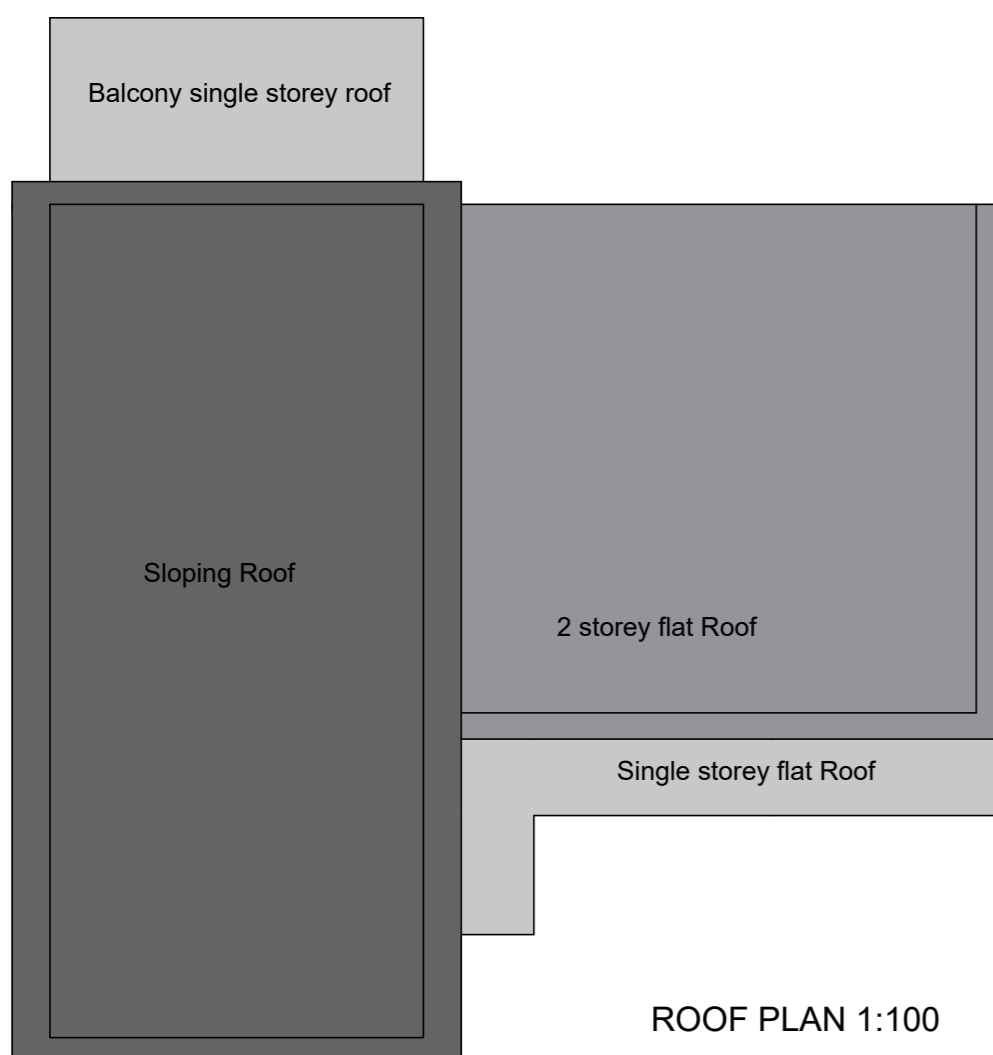
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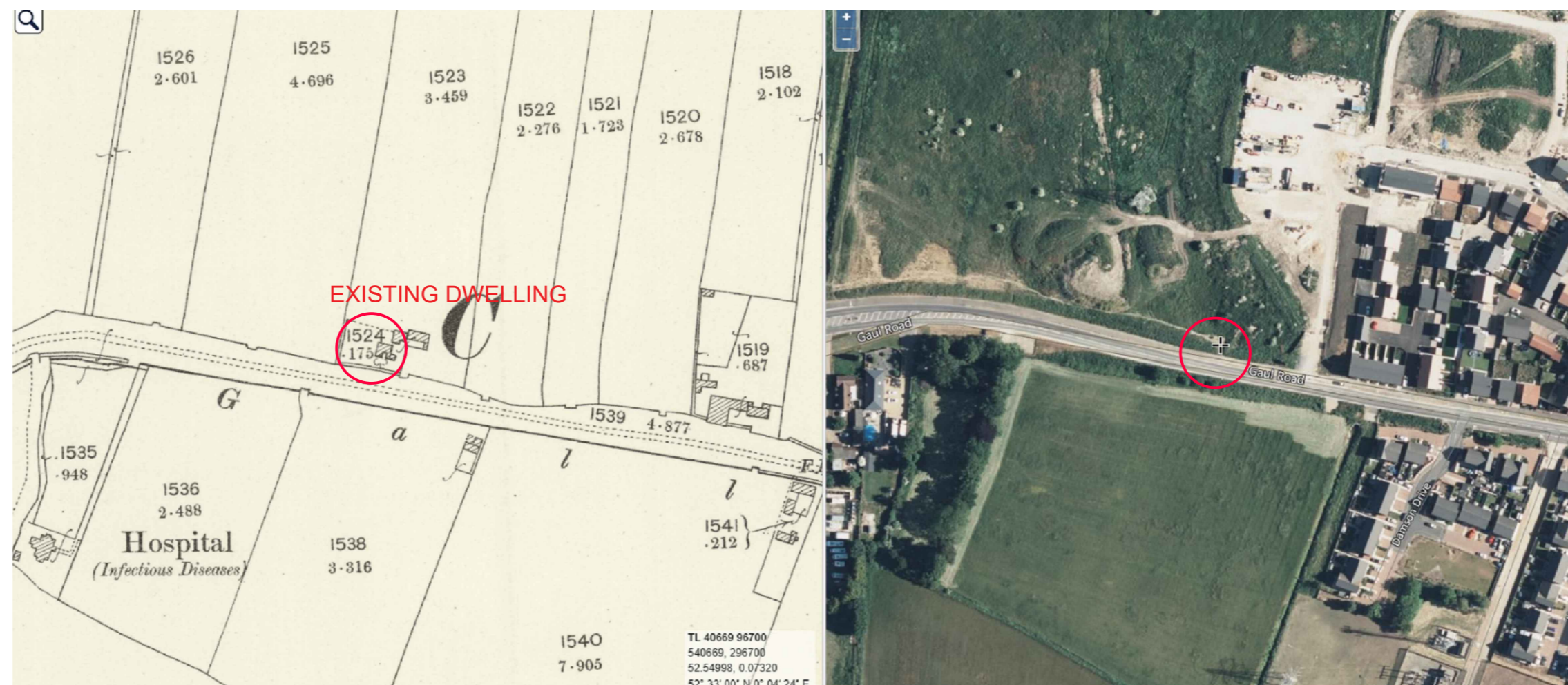
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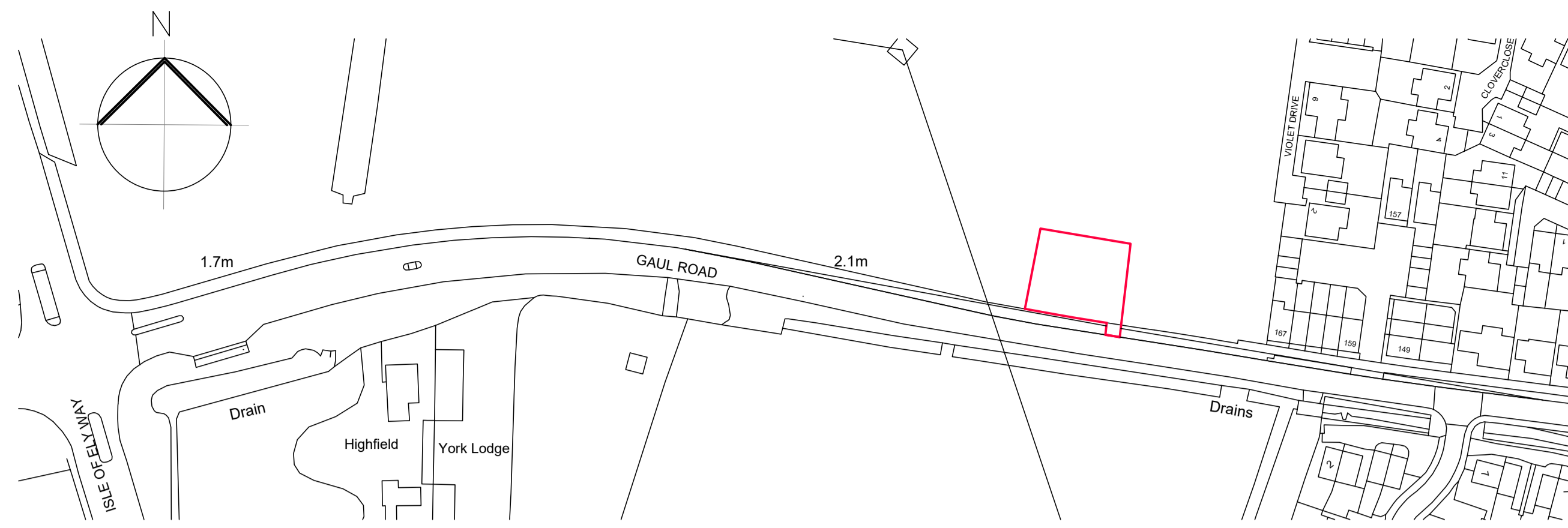
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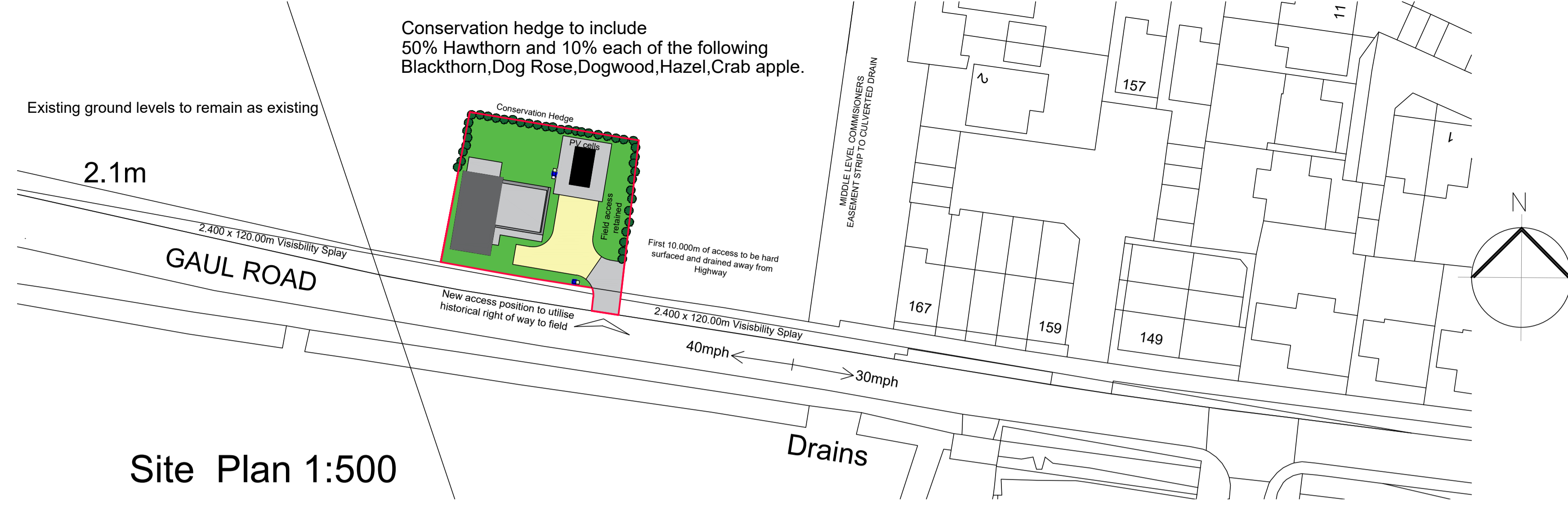
ROOF PLAN 1:100



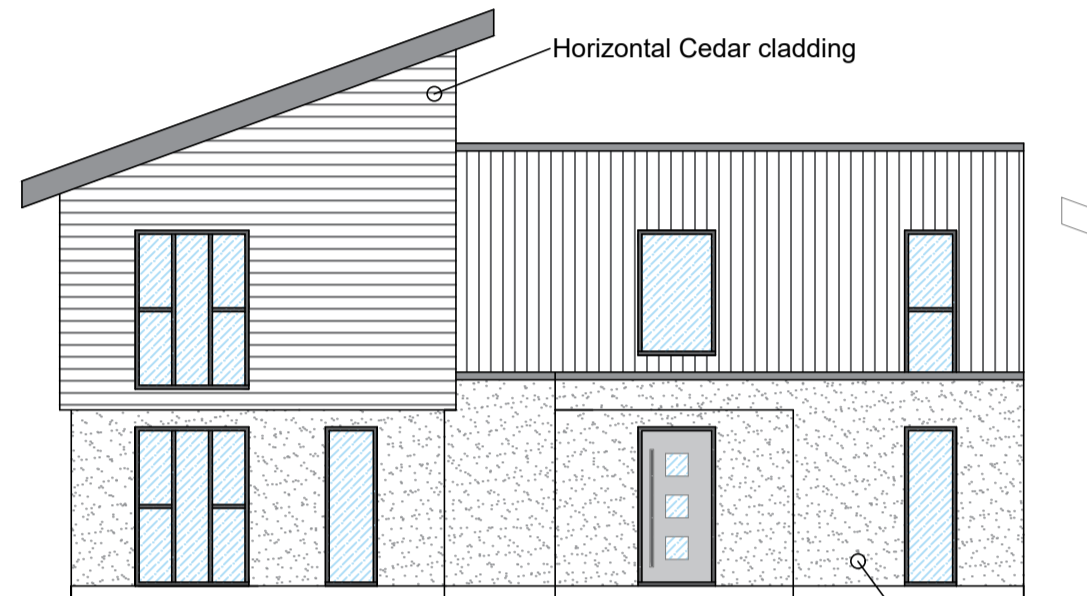
OS MAP G.B.1937-1961



Location Plan 1:1250



Site Plan 1:500



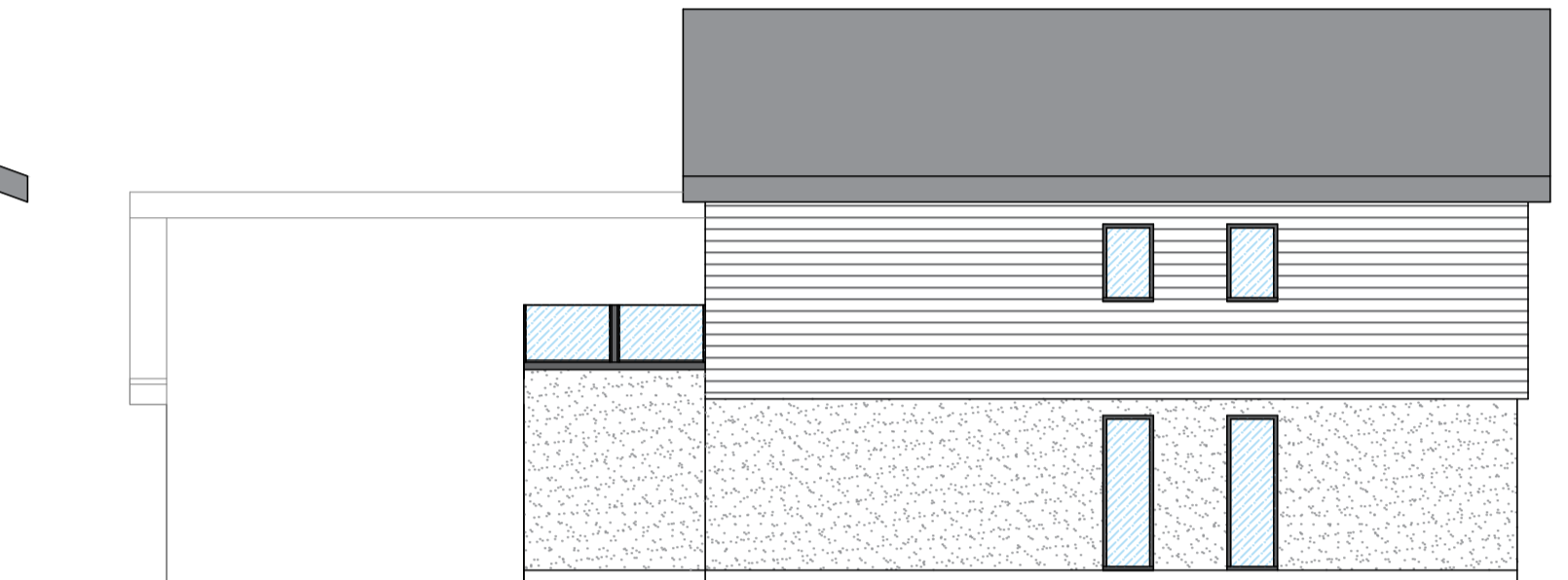
Front Elevation 1:100



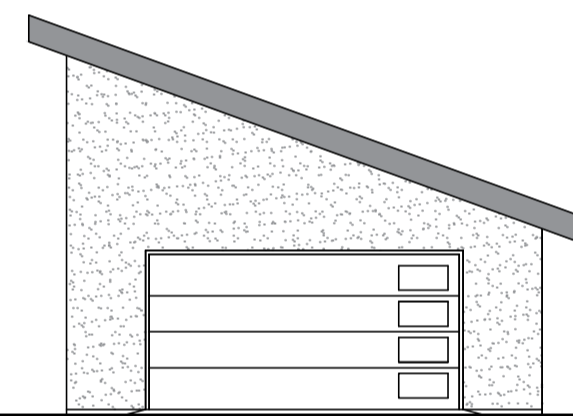
Side Elevation 1:100



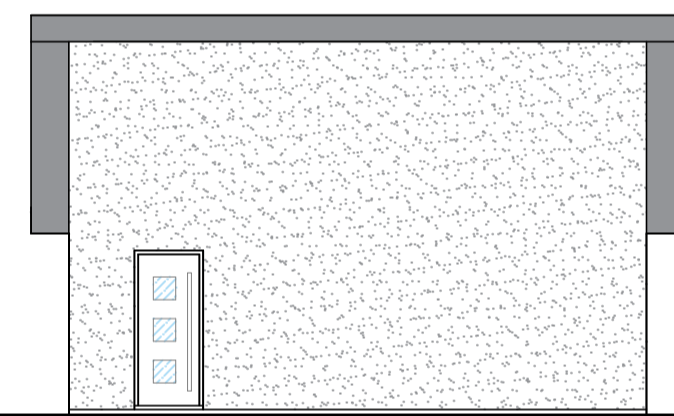
Rear Elevation 1:100



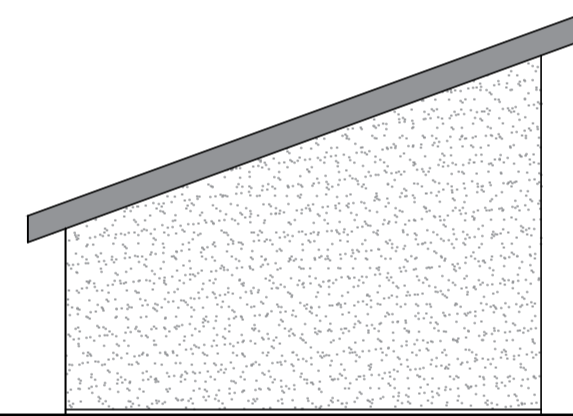
Side Elevation 1:100



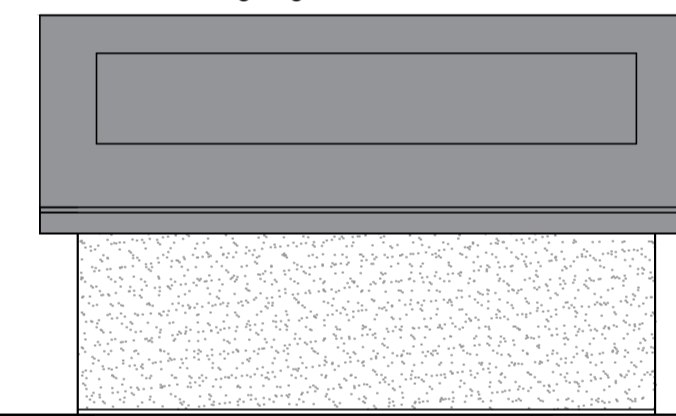
Front Elevation 1:100



Side Elevation 1:100



Rear Elevation 1:100



Side Elevation 1:100



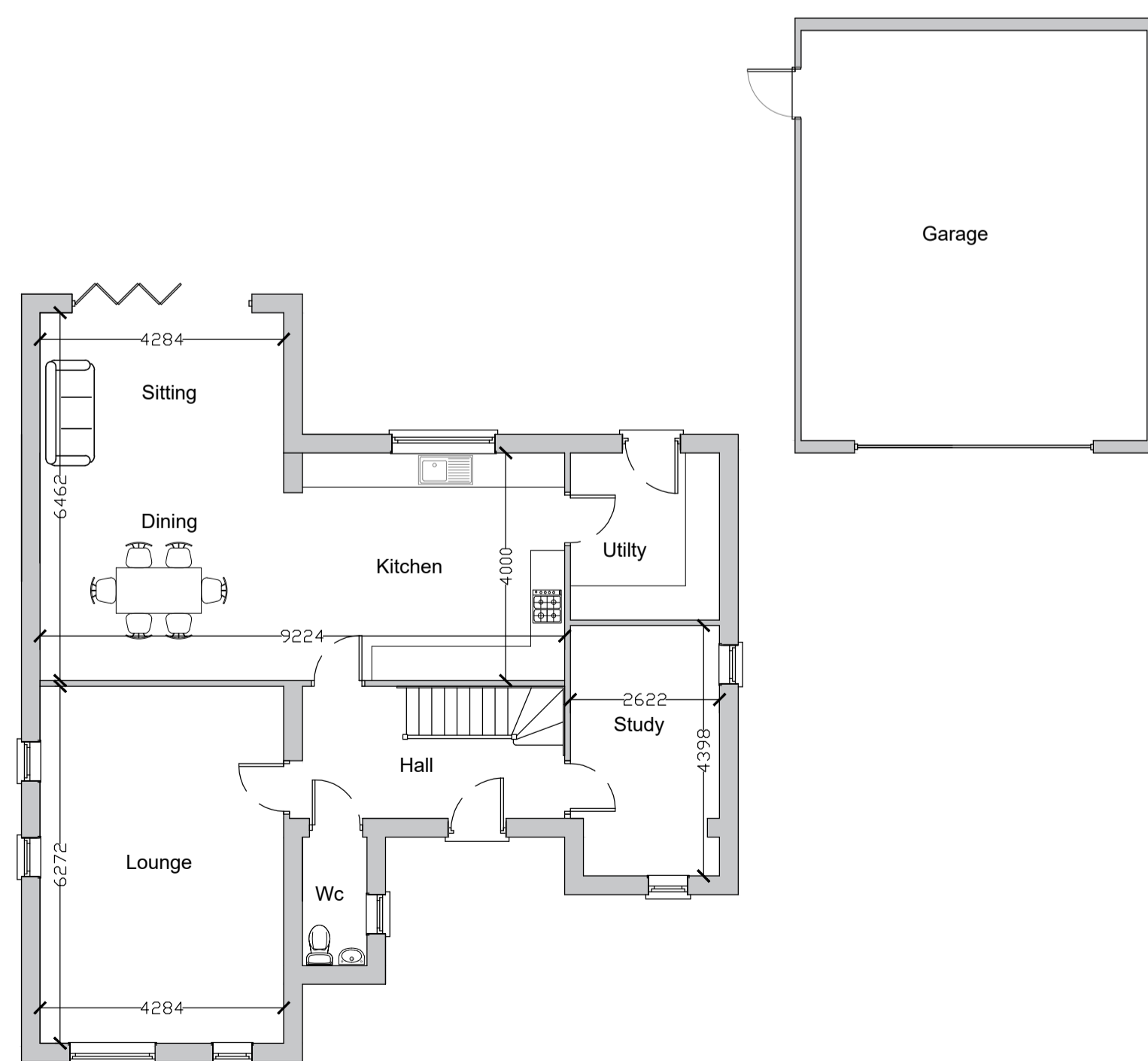
Vincent Pro bat box
One on South East wall



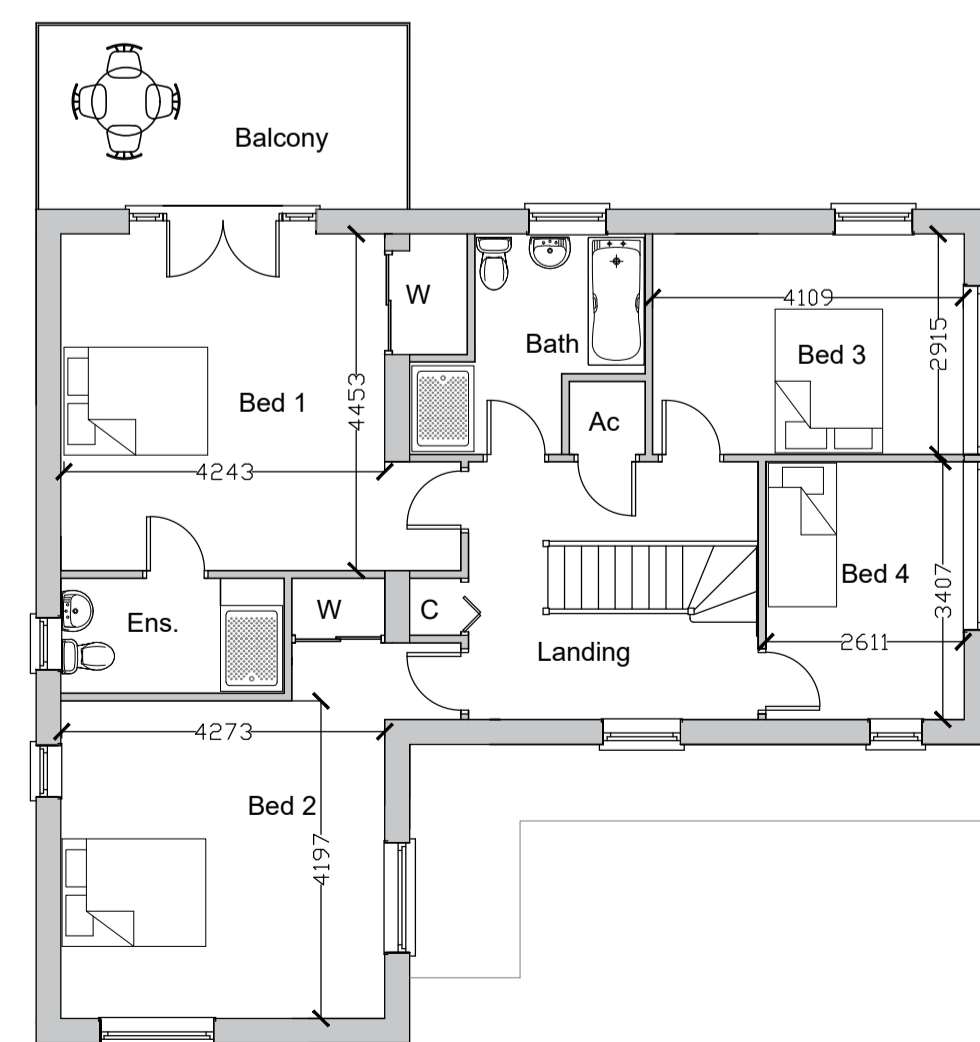
Eco House Martin nest
1 to North East elevation



Schwegler triple cavity swift box
1 to North West eaves



Ground Floor Plan 1:100



First Floor Plan 1:100



Computer generated image



Site Frontage

A - REVISIONS



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CLIENT
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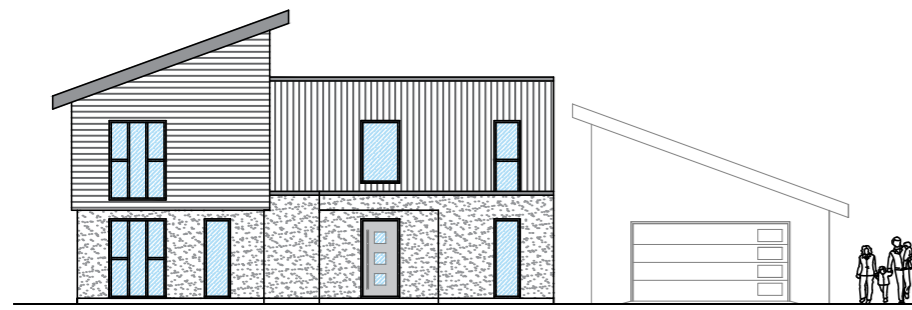
PROJECT
PROPOSED DWELLING

SITE
**ADJ. 167 GAUL ROAD
MARCH**

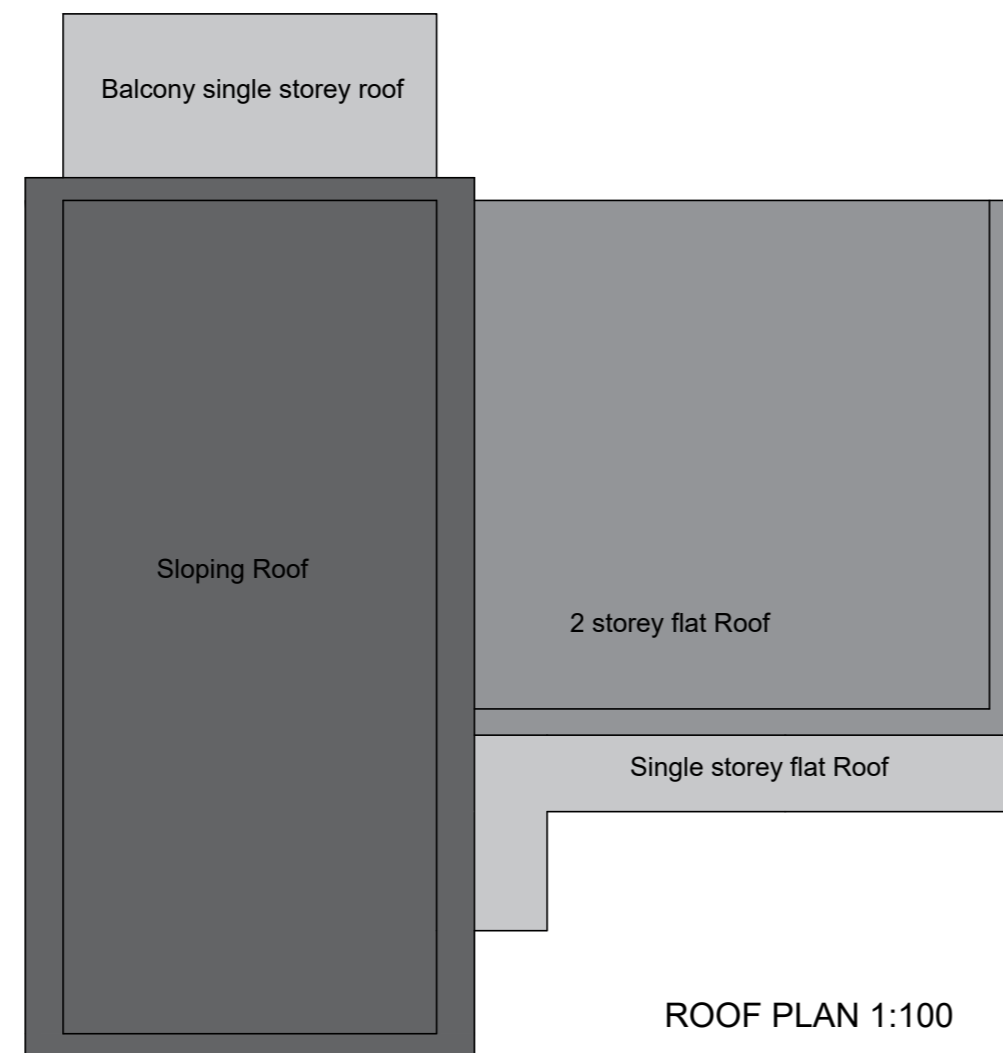
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Street Scene 1:200



A -
REVISIONS



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CLIENT

MR K FOUNTAIN

PROJECT

PROPOSED DWELLING

SITE

ADJ. 167 GAUL ROAD
MARCH

DRAWING

Planning Drawing

JOB NO.	PAPER SIZE	DATE
6544 PL03	A2	AUG 2022

Notes:
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