F/YR23/0118/F

Applicant: Mr Ali Boyraz Agent: Mr Ivan Chonkov

ADP LONDON

91 High Street, March, Cambridgeshire, PE15 9LH

Erect a 3-storey building comprising of 2 x commercial units (Class E) and 7 x dwellings (4 x 1-bed flats and 3 x 2-bed flats) with associated waste and cycle storage involving demolition of existing 2-storey building

Officer recommendation: Refuse

Reason for Committee: Town Council comments and number of representations contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 The application site is located on the western side of High Street, March. Adjacent to the north is a two and a half storey building no. 89 87 High Street that at ground floor currently houses a hair salon and cafe. The site contains a two-storey building, which sits slightly forward of the building line in the vicinity, alongside an irregular shaped area of hard standing with 2-metre-high timber boarded fencing along its east and southern boundary. There is currently a portacabin structure on the north side of the site just to the rear end of the two-storey host property. The building on the site currently operates as a pizza takeaway away (Leonardo's Pizza) the area of hardstanding is currently used in connection with car sales.
- 1.2 The application is also located within a Conservation Area, additionally there are two Grade II Listed buildings in close proximity to the site, no. 86 High Street, the former County Courthouse, directly opposite the site and no. 93 High Street, Audmoor House, to the south. As such, the setting of these designated heritage assets are a key consideration in this proposal.
- 1.3 The application seeks full planning permission for the erection of a 3-storey building comprising of 2 x commercial units (Class E) and 7 x dwellings (4 x 1-bed flats and 3 x 2-bed flats) with associated waste and cycle storage involving demolition of existing 2-storey building.
- 1.4 The proposed development would fail to preserve or enhance the character and appearance of the March Conservation Area and the setting of the adjacent listed buildings. By virtue of its scale, siting and design, the proposed development would form an unduly prominent and incongruous feature on High Street to the detriment of the historic buildings around it and this part of the Conservation Area. The proposed development would therefore be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.
- 1.5 Policy LP2 of the Fenland Local Plan 2014 requires development proposals to promote high levels of residential amenity. Policy LP16 of the Fenland Local Plan 2014 requires development proposals to demonstrate that they do not adversely

impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal. The proposed developed by virtue of its scale, siting and design would create unacceptable adverse impacts on the residential amenity of neighbouring dwellings surrounding the site, particularly those at Chapel Lane and those to the north of the site, in terms of overlooking, overshadowing and overbearing impacts. The proposed development is therefore considered to be contrary to policy LP16 of the Fenland Local Plan 2014.

1.6 Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

2 SITE DESCRIPTION

- 2.1. The application site is located on the western side of High Street, March,. Adjacent to the north is a two and a half storey building no. 89 87 High Street that at ground floor currently houses a hair salon and cafe. The site contains a two-storey building, which sits forward of the building line in the vicinity, alongside an irregular shaped area of hard standing with a 2-meter-high timber boarded fencing along its east and southern boundary. There is currently a portacabin structure on the north side of the site just to the rear end of the two-storey host property. The building on the site currently operates as a pizza takeaway away (Leonardo's Pizza) the area of hardstanding is currently used in connection with car sales.
- 2.2. The site is located within the Town Centre Boundary in a mixed commercial/residential area, that is characterised by two storey buildings, though there are some three storey buildings. The site is also located within the March Conservation Area, there are two Grade II Listed buildings in close proximity to the site, no. 86 High Street, the former County Courthouse, directly opposite the site and no. 93 High Street, Audmoor House, adjacent to the south, separated by a narrow roadway serving the Oliver Cromwell Hotel to the rear and Chapel Lane which 'wraps around' the rear of the site.
- 2.3. The site is located within Flood Zone 1.

3 PROPOSAL

- 3.1. The application seeks full planning permission for the erection of a 3-storey building comprising of 2 x commercial units (Class E) fronting High Street, and 7 x dwellings (4 x 1-bed flats and 3 x 2-bed flats) with associated waste and cycle storage involving demolition of the existing 2-storey building; the building would measure a maximum of 17.5m in width, 19.7m in depth and 9m in height with a flat roof.
- 3.2. At ground floor there would be two accesses to an entrance hall/stairwell to the flats above, one off High Street and one at the rear of the building, alongside 2 x commercial units consisting of a shop and takeaway both with storage areas to the rear. The first floor would consist of 4 flats, 3 x one bedroom and 1 x two bedroom and the third floor would consist of 3 flats 1 x one bedroom and 2 x two bedroom, access to the flats would be off the main stairwell. Each of the flats comprises one bathroom with open plan living/dining/kitchen, Flat 3 would also have a utility room. At the rear of the building Flats 3 and 6 would have external terraces. Externally at the rear of the building, and accessed through the rear entrance, a double stacking system cycle store with 10 spaces and commercial and residential bins are proposed.

- 3.3. The proposed materials would be yellow bricks, timber framed sliding sash windows and timber doors.
- 3.4. Full plans and associated documents for this application can be found at:

 F/YR23/0118/F | Erect a 3-storey building comprising of 2 x commercial units

 (Class E) and 7 x dwellings (4 x 1-bed flats and 3 x 2-bed flats) with associated waste and cycle storage involving demolition of existing 2-storey building | 91 High Street March Cambridgeshire PE15 9LH (fenland.gov.uk)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR20/0014/F	Relocation of extraction flue to side elevation and erect brick effect cladding to ducting on the side elevation to match finish of existing building (part retrospective)	Granted	16/04/2020
F/YR20/0049/F	Erect a single- storey rear extension, alterations to size of 2no first floor front windows and alteration to stairway to rear of existing building (retrospective)	Granted	15/04/2020
F/91/0966/F	Change of use of existing shop to cafe	Granted	29/04/1992

5 CONSULTATIONS

5.1. March Town Council (06/03/2023)

Recommendation: Approval

5.2. CCC Archaeology (27/02/2023)

The proposed development is in an area of high archaeological potential it fits between Chapel Street and High Street near the historic core of March in an area occupied by a number of different denomination of church, with the Methodist church just to the south Cambridgeshire Historic Environment Record CB14927), a Baptist church to the north (CHER CB14928) a Strict Baptish Church also to the north (CHER MCB16831), the Anglican church to the northeast (CHER CB14867) and the Jehovahs Witness Meeting house also to the northeast (CHER MCB16832). On the 1st edition OS map we can see that the site of the proposed development is the location of a smithy industrial site (CHER MCB23712), as well as other buildings including what appears to be the current 91 High Street which is due for demolition as part of the development.

The 'Design, Access & Heritage statement' supplied as part of this application refers to the London Plan, London Borough of Waltham Forest etc. which obviously isn't applicable here. It also states that, 'The heritage asset (Conservation Area), building and context, are described in Section 3.' This is not the case. The proposed development area is particularly interesting because of a combination of the potential for sub surface remains of an industrial site, the extant remains of a historic building and its position fronting the High Street. Whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation to include an element of Historic Building Recording, secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works:
- c) The timetable for the field investigation as part of the development programme;
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

5.3. FDC Environmental Health (02/03/2023)

This application makes no mention of the provision of a takeaway on the ground floor despite this facility being present on the proposed ground floor plan. I also note that the existing takeaway, which is to be demolished, has what looks like a bespoke brick built chimney housing the extraction unit which discharges at above eaves height. If this new structure is to include a ground floor takeaway then a similar facility will be needed to protect local residents from noise associated with the extract system and to ensure the effective dispersal of cooking fumes to control odours. This provision will be important as this development introduces a number of new residential units above the takeaway, and there are also a number of existing residences which face onto the northern aspect of the development.

Assuming the provision of a takeaway on the ground floor Environmental Health have no objections in principle to the proposed development if the potential for noise and odour nuisance from the kitchen extraction system and mechanical services plant can be satisfactorily addressed.

Ideally the application should include details of noise and odour mitigation to achieve the conditions detailed below. However, it is noted that no details have been provided regarding this, by the applicant.

The following conditions are therefore recommended.

Noise Generating Mechanical Services Plant

Before any mechanical services plant including kitchen extraction plant to which the application refers, is used at the premises, a scheme shall be submitted to and approved in writing by the local planning authority which demonstrates that the following noise design requirements can be complied with and shall thereafter be retained as approved.

The cumulative measured or calculated rating level (LAr,Tr) of noise emitted from the mechanical services plant to which the application refers, shall not exceed the existing background noise level (LA90,T) at any time that the plant operates.

The measured or calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1 meter form the facade of the nearest first floor (or higher) noise sensitive premises, and in accordance to the latest British Standard 4142;(currently 2014) An alternative position for assessment /measurement may be used to allow ease of access, this must be shown on a map and noise propagation calculations detailed to show how the design criteria is achieved.

A commissioning acoustic assessment (applying BS4142:2014 Methods for rating and assessing industrial and commercial sound-methodology) shall be undertaken within 2 weeks of mechanical services commissioning, in order to demonstrate that condition above has been achieved. The results of the assessment shall be submitted to and approved in writing by the LPA

REASON To safeguard the amenity of the surrounding area Kitchen Extraction System Odour Control A scheme for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises shall be submitted to and approved in writing by the local planning authority.

Any equipment, plant or process approved pursuant to such details shall be installed prior to the first use of the premises and shall be operated and retained in accordance with the approved details and operated in accordance with manufacturer's instructions.

Odour Control

The use hereby permitted shall not operate until a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including the location and appearance of any external ducting and flues, has been submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be

installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development and operated at all times when cooking is being carried out.

The scheme shall be installed in accordance with the requirements detailed in EMAQ Control of Noise and Odour from Commercial Kitchen Exhaust Systems: 2018 The Building Engineering Services Association (BESA), contains a register of companies who provide commercial kitchen odour control services.

REASON To safeguard the amenity of residential premises the surrounding area from noise and odours emanating from the ground floor takeaway in accordance with Policy LP16 (e) – Delivering and Protecting High Quality Environments across the District.

Construction Management

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

No demolition or construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

Contamination

Due to the demolition of existing structures and assuming the removal of the concrete cap which covers most of the site, the following unsuspected contamination condition should also be imposed in the event that planning permission is granted:

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

5.4. Historic England (07/03/2023)

This planning application proposes the demolition of number 91 High Street, and erection of a large 3 storey building of 6 bays. The building is not listed but it does lie within the March Conservation Area. Although the building in question is modest in appearance, it retains its traditional timber shopfront, which along with its pleasingly proportioned composition and scale, in our view, is typical of the local historic townscape, and makes a positive contribution to the character and appearance of the conservation area to some degree.

The building appears to be in good general condition and structurally sound, and it therefore seems somewhat regrettable that it cannot be retained and repaired and maybe incorporated into the redevelopment of the site in a more sensitive way. We believe that the loss of the existing building would detract from the historic character of the conservation area to some degree.

The proposed replacement building is of 3 storeys. Whilst this may not necessarily be out of scale with its context, we are concerned that its flat roof, would be at odds with prevailing character of the conservation area where most of the other buildings either have hipped roofs or pitched roofs with dormers. We believe that revision to the design of the roof form would achieve a more contextual solution that might help to mitigate the visual impact to some extent.

Policy context

The National Planning Policy Framework (NPPF) makes it clear that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance (paragraph 189). Paragraph 199 reminds us that that great weight should be given to an asset's conservation and the more important that asset, the greater that weight should be, paragraph 199. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm Any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, (paragraph 200). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 202).

Historic England's position

In our opinion the loss of the existing building would have a deleterious effect on the character and appearance of the conservation area. Also, we do not consider that the proposal as it stands would enhance the conservation area as fully as it could do. We therefore conclude that the proposal would result in a degree of less than substantial harm to the March Conservation Area in terms of the NPPF. However, we believe that this harm could be mitigated by revisions to the proposal, as described above. If however your authority is minded to approve this planning application, then in accordance with the tests and requirements of paragraph 202 of the NPPF we advise that it satisfies itself that the development would deliver pubic benefit that is sufficient to outweigh any harm that would result.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 197, 199, 202 of the NPPF. In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas.

5.5. East Cambs Conservation Consultant (23/03/2023)

The application site is a late C19 commercial building on March High Street within close proximity to the following designated heritage assets:

- NHLE ref 1216220 86 High Street (former county court) Grade II listed building
- NHLE ref 1216223 Audmoor House, 93 High Street Grade II listed building
- March conservation area

The proposal is for the demolition of No 91 and its replacement with 2 shops and 7 flats.

Historic England's 2016 Advice Note 2 'Making Changes to Heritage Assets states:

'The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of [development] that might be appropriate.'

This site was the subject of pre-application advice in 2022 (22/0004/PREAPP) and the previous conservation officer's comments remain pertinent here:

'Should a full application be submitted, the heritage statement will have to define the contribution No. 91 makes to the character and appearance of the conservation area, and then justify its total loss. It is a quaint, characterful building of a traditional scale and appearance and contributes to the character and appearance of the conservation area, despite its unsympathetic alterations. It is not however considered as a non-designated heritage asset.

The heritage statement will also need to take into account those surrounding historic buildings which also contribute to the character and appearance of the conservation area by virtue of their scale, massing and materials, some of which could be considered as non-designated heritage assets (e.g. the church). There is also the setting of at least two listed buildings which CONSERVATION REFERRAL COMMENTS Application Ref: F/YR23/0118/F Address: 91 High Street, March DC Case Officer: Nikki Carter Conservation Consultant: Chris Partrick Date: 23rd March 2023 2 will be impacted by the proposal – if not those slightly further afield, by virtue of the scale of the proposed building.

To advise further, the area is characterised by two storey buildings, though there are some three storey. The area is characterised by dormer windows (in three storey buildings), pitched slate roofs and gable ends. These characteristics should be incorporated into a scheme in order both to preserve and enhance the character and appearance of the conservation area and the setting of nearby listed buildings.'

In the first instance, no assessment of No 91's significance has been made, contrary to the NPPF and the advice given previously. Secondly no serious attempt has been made to address the concerns identified above: merely reducing the scheme by one storey from four to three is not sufficient. The only full three storey building in the vicinity is the Grade II listed C19 county court opposite, a building whose status justified its scale and presence, and it is not appropriate for the present scheme to have such a dominant impact. Whatever their architectural merits, the 1980s flats adjoining the site demonstrate that it is possible to integrate a three storey building without disrupting the streetscape, and the current scheme would benefit from more sensitivity to its context and a less monolithic design and massing, in line with the characteristics identified in the 2022 advice.

Objection

5.6. FDC Conservation Officer (25/05/2023)

Due regard is given to the impact of this proposal on the architectural and historic interests of the listed building, setting of adjacent listed buildings and on the character and appearance of the conservation area with due regard to the duty in law under S66 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal requires amendment. The following comments are made:

The site is located along High Street within the March Conservation Area. There are two listed buildings in close proximity to the site. One being no.86 directly opposite the site and the other being 93 adjacent south, separated by a narrow roadway. As such, the setting of these designated heritage assets are a key consideration in this proposal.

The existing site is considered to have a negative impact on the character and appearance of the conservation area. The host building, whist of congruent form and overall proportion and once being a positive building, is much altered from its original appearance. The painted elevations awkwardly proportioned modern windows and a rather unsightly extraction system that has been clad in particularly poorly matching brick slips to the gable. This is an example of the damage that incremental poorly and considered alterations can have on the street scene. The rest of the site to the south is a forecourt bounded by industrial looking fencing and an unfortunate proliferation of unauthorised signage.

The principle of the proposal to demolish the host building is on balance supported owing to the limited contribution that it now provides to the March Conservation Area.

The front elevation of the current proposals are in some ways well-conceived and detailed. On the other hand, the height of the building of three floors is somewhat out of scale, especially considering it is sited substantially further forward than its direct neighbours which are also two storey with attics.

Although the heritage statement labours the point that the building is in scale with the former listed courthouse at no 85 opposite, this is ill-judged. The listed Courthouse is clearly a building of high status and designed to be a standalone building of scale and dominance. The Courthouse is also stepped back from the street frontage. It is inconceivable that the proposed building is of comparable status, or indeed of a design and material quality to command such presence.

The building proposed under this application stands much further forward of the main building line and therefore will become the dominant feature in views when progressing along the High Street.

The box like form of the building has to my mind been dictated by a wish to absolutely maximise profit from the site, but this has been done in lieu of designing a scheme that is appropriate to the position it is located and the setting of the heritage assets adjacent.

Similarly designed elevations could be achieved under a pitched roof with modestly proportioned dormers forming the second floor and be far more sympathetic to its immediate surroundings.

Owing to the access road directly to the south of the site, the very deep floorplan of the building would also be highly visible and prominent within the streetscene. Again the elevation detailing is not poor, but the unrelieved boxy form is.

There are indeed examples of three storey buildings within the town centre, most of which are historic and set within a consistent street frontage, a number are buildings of historically high-status and appropriately detailed as such. There are also a couple of examples which should serve as a stark reasons not to repeat such erroneous decisions.

The material palette and quality will be particularly important for any development on this site, owing to its prominence. Any permission will need to have a condition requiring all external facing materials to be submitted to and agreed in writing by the LPA in the form of a detailed material schedule. Additionally, a brick and mortar sample will be required to be made available and agreed in writing.

The door proposed to the front elevation is a 1970's housing estate style door with the characteristic arched fanlight incorporated into the door. This should be revised to a simple 6 panel timber door of quality.

Amendment and Additional Information

- Reduce height to two storey's with attic provided by way of a pitched roof.
- Omit boxy form for a design of traditional scale, that is respectful to its surroundings.

Suggested Conditions

All external facing materials to be submitted to and agreed in writing by the LPA.

All windows and doors shall be recessed into their reveals from the front face of the brickwork by at least 50mm to enable depth and shadowlines.

Pointing shall be carried out in a lime coloured mortar (not grey cement)

5.7. **Designing Out Crime Team (22/03/2023)**

I have viewed the documents in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering the above ward and surrounding streets for the last 2 years. At present, I would consider this to be an area of low to medium risk to the vulnerability to crime.

With the above statistics in mind, I have the following comments for your consideration.

- External Lighting There should be LED dusk to dawn wall mounted lights above each entrance/exit doors, including bin and cycle storage locations. I would like to see the lighting plan, including lux levels and calculations when available please. Please note: Bollard lighting should be used as wayfinding only and not as a main source of lighting.
- Audio-visual access control Communal entrances (front/rear) Audio visual visitor entry system – (5.9 Secured by Design). It would be good to see what

access control and visitor entry systems are being considered for the residents. Our recommendation is audio/visual visitor entry to allow the residents to see and speak to visitors prior to allowing access. There should be no trade buttons or other electronic release mechanisms. Access control should also be considered on each level to prevent free flow throughout the building.

- External Cycle Storage Point 5.9 (Secured by Design) in the DAS states that access will be via a lockable roller shutter & 5.6 Parking & Cycle Storage suggests secure double doors. The residents will have to reply on one another to ensure that the security of the unit is always maintained/locked, this is not ideal as human error occurs. Our recommendations are that Sheffield stands are provided and fixed into a concrete subbase and a security rated door set LPS1175 SR2 with a self-closer and thumb turn or push button for easy egress and are access controlled for residents only. It is also important that it is well lit and covered by CCTV and positioned in view of active windows. Please note: There should be no windows to allow people to see inside.
- Boundary Treatments Our recommendation for the boundary fencing is that it should be 1.8m close boarded fencing. Access to the rear of the building needs to be controlled. If there is a shared gate to the rear for both residents/shop owners, this should have a self-closer.
- Car Parking My understanding is that no parking will be provided and if the residents need to park their vehicle there is a free car park available within walking distance. However, I do have some concerns as this could cause some neighbouring disputes should the residents choose to park elsewhere.

5.8 The March Society

As this is an historic area of March on the main road through March, we expect there to be a full archaeological investigation of the site before demolition and building work.

The building will be in the Conservation Area near to the listed Audmoor House. We hope that the new building will be congruous with neighbouring buildings and will enhance the character and appearance of the street scene.

We are concerned about the lack of parking for the seven flats and question that 'there is existing informal car parking spaces adjacent to the front of the plot for approx. 7 cars with 1 disabled parking space' The plans appear to show the building fronting onto the pedestrian pavement and does not show the 'informal' parking spaces.

5.9 Representations

Objectors

Three letters of objection have been received from three addresses within March (Chapel Street, Elwyn Court and the operators of the Oliver Cromwell Hotel) which raise the following summarised concerns:

- Lack of parking facilities
- Lack of Doctors, Dentists and other services
- Overdevelopment of the site
- Concerned residents will use parking at the Oliver Cromwell Hotel next to the site

- Flat roof not in keeping with the surrounding buildings, especially considering the close proximity to several grade II listed buildings and the site is also within the conservation area
- Overshadowing impacts from proposed building on neighbouring property

Supporters

23 letters of support have been received.

10 of these were submitted directly to the Council (nine from various addresses across March and one from Chatteris)) which made the following summarised comments:

• Would enhance the area taking into consideration its current use.

In addition, photographs of a further 13 proforma letters of support (two of which are from people who have commented directly) stating 'I have no objection to this application....and support it' have been submitted. Of these letters 11 are from various addresses across March with letters also completed by residents of Doddington and Christchurch.

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).

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration in planning decisions.

Para 117: Promote effective use of land

Para 118: Opportunities and benefits of the reuse of land

Para 127: Well-designed development

Para 130: Permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.

Para 131: Great weight should be given to outstanding or innovative designs.

Para 184: Heritage assets should be conserved in a manner appropriate to their significance.

Para 189: Applicants should describe the significance of any heritage assets affected.

Para 194: Harm to or loss of significance of a heritage asset should require clear and convincing justification.

Para 195: Substantial harm should result in refusal unless substantial public benefits outweigh it.

Para 196: Less than substantial harm should be weighed against public benefits.

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context

Identity

Built Form

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

LP6 - Employment

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

LP18 – The Historic Environment

LP19 – The Natural Environment

March Neighbourhood Plan 2017

H2 – Windfall Development

Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM3 – Making a Positive Contribution to Local Distinctiveness and Character of the area

DM4 – Waste and Recycling Facilities

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

LP11 – Community Safety

LP16 – Town Centres

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP23 – Historic Environment

8 KEY ISSUES

- Principle of Development
- Heritage, design considerations and visual amenity of area
- Residential Amenity
- Parking and Highways
- Flood Risk and Drainage

9 BACKGROUND

- 9.1. Pre-application advice was provided in February 2022 (22/0004/PREAPP) which considered that the principle of development could be supported subject to compliance with other relevant policies. It was advised that there was potential to improve the character and appearance of the site to the benefit of the wider area. However, it was outlined that the proposed part 4 storey, part 3 storey building brought forward at this stage was an overdevelopment and needed to be scaled back considerably, the officer detailed that the height and building should take a steer from 87-89 and 93 High Street and provide a transition between these.
- 9.2. The officer expressed concerns regarding impacts of the proposed on the residential amenity of dwellings located at Chapel Street creating a sense of enclosure due to the proposed scale of the building and landscaping and some separation and/or mitigation should be provided as the existing road here sits lower than the site. Additionally, the officer also expressed concerns of adverse impacts on residential amenity on a number of dwellings to the north, with windows facing towards and gardens abutting the site.
- 9.3. The pre-application submission also detailed that no on-site parking was proposed, the officer commented that this may be preferable on this site given the need to turn within the site to exit onto High Street (which is a B Class road) and the constrained nature of Chapel Street, however the impact of additional traffic movements, potential for on street parking and use of public car parks will need to be considered and justified, it is likely that only a lesser number of units would be acceptable in this regard.
- 9.4. Within this pre-application advice the Conservation Officer also expressed concerns regarding the scale of the proposal on the character and appearance of the conservation area and the setting of listed buildings, by virtue of the potential of the scheme to completely overwhelm and dominate this area of High Street. It was advised that the proposed should be set back to align more with no. 87-89 than the current position of no. 91, as the existing no. 91 building does not overwhelm the area due to its small scale. Overall, the Conservation Officer expressed concerns about the impact of the loss of 91 High Street on the character of the conservation area the level impact of this loss could be altered by the impact of the proposed replacement building. The Conservation Officer stated the loss of the quaint and characterful building that is existing is not outweighed (architecturally) by the current proposal.

10 ASSESSMENT

Principle of Development

- 10.1. The application site is located within the settlement of March which is identified within the Settlement Hierarchy as a Primary Market Town; Market Towns are identified within Policy LP3 as the focus for where housing growth, employment growth, retail growth and wider service provision should take place, accordingly there is a presumption in favour of development within this location. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, heritage, design, parking, highways and flood risk.
- 10.2. The site is located within the Town Centre Boundary where retail development would be supported, Policy LP6 of the Fenland Local Plan 2014 seeks to increase employment opportunities across the district and paragraph 81 of the NPPF 2021 places significant weight on the need to support economic growth.
- 10.3. The application site currently contains a two-storey building alongside an irregular shaped area of hard standing with a 2-meter-high timber boarded fencing along its east and southern boundary. There is currently a portacabin structure on the north side of the site just to the rear end of the two-storey host property. The building on the site currently operates as a pizza takeaway away (Leonardo's Pizza) the area of hardstanding is currently used in connection with car sales.
- 10.4. The proposal is to demolish the existing building and to construct a single building on the site, containing a combination of retail and residential uses.
- 10.5. The site is also located within a Conservation Area, setting of two Grade II Listed buildings, and is within flood zone 1, the zone of lowest flood risk.
- 10.6. The principle of the proposal is therefore in accordance with the relevant policies of the development plan and consideration must be given to specific impacts as outlined above.

Heritage, design considerations and visual amenity of area

- 10.7. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.8. Policy LP18 addresses matters concerning the historic environment within Fenland, noting that development proposals will be required to describe and assess the significance of any heritage asset, identify the impact of proposed works on its character and provide justification for those works, especially if they would harm the setting of the asset.
- 10.9. Due regard is given to the impact of this proposal on the architectural and historic interests of the setting of adjacent listed buildings and on the character and appearance of the conservation area with due regard to the duty in law under S66 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990.

- 10.10. The application is located within a Conservation Area, additionally there are two Grade II Listed buildings in close proximity to the site, no. 86 High Street, the former County Courthouse, directly opposite the site across High Street and no. 93 High Street, Audmoor House, adjacent to the south, separated by the roadway serving the Oliver Cromwell hotel and Chapel Lane..
- 10.11. In regards to the proposal brought forward after receiving pre-application advice in February 2022 under application reference 22/0004/PREAPP the applicant has made a series of changes to the proposed development that include the removal of the part 4 storey element, removal of 1 of the flats reducing the overall number from 8 to 7 flats and removal of a number of proposed terraces, including the shared terrace, terraces are now proposed at the rear of the building to serve flats 3 and 6 only.
- 10.12. It is noted that the existing site is considered to have a negative impact on the character and appearance of the conservation area. The host building, whilst of congruent form and overall proportion and once being a positive building, is much altered from its original appearance. The painted elevations, awkwardly proportioned modern windows and a rather unsightly extraction system that has been clad in particularly poorly matching brick slips to the gable. This is an example of the damage that incremental poorly and considered alterations can have on the street scene. The rest of the site to the south is a forecourt bounded by industrial looking fencing and an unfortunate proliferation of unauthorised signage. The principle of the proposal to demolish the host building is on balance supported owing to the limited contribution that it now provides to the March Conservation Area.
- 10.13. The area is characterised by two storey buildings, though there are some three storeys of varied architectural forms, eras and materials. Nevertheless, the proposed height of the replacement building at a height of three floors is out of scale, the adverse impact of the height is increased further when the building is read in context of the surrounding built environment, as the site is set substantially further forward than the adjacent building no. 89 87 High Street which is a two-storey building with attics.
- 10.14. Historic England have provided comments for the application suggesting the proposed development, to be acceptable, would need amendments to be made. The comments submitted state 'the loss of the existing building would have a deleterious effect on the character and appearance of the conservation area. Also, we do not consider that the proposal as it stands would enhance the conservation area as fully as it could do. We therefore conclude that the proposal would result in a degree of less than substantial harm to the March Conservation Area in terms of the NPPF. However, we believe that this harm could be mitigated by revisions to the proposal'.
- 10.15. The Conservation Officer has commented on the application and submitted comments of objection, with amendments required. The Conservation Officer has stated 'although the heritage statement labours the point that the building is in scale with the former listed courthouse at no 86 opposite, this is ill-judged. The listed Courthouse is clearly a building of high status and designed to be a standalone building of scale and dominance. The Courthouse is also stepped back from the street frontage. It is inconceivable that the proposed building is of comparable status, or indeed of a design and material quality to command such presence. The building proposed under this application stands much further

- forward of the main building line and therefore will become the dominant feature in views when progressing along the High Street.'
- 10.16. Furthermore, the Conservation Officer has also provided comment on the proposed design of the building outlining that 'the box like form of the building has to my mind been dictated by a wish to absolutely maximise profit from the site, but this has been done in lieu of designing a scheme that is appropriate to the position it is located and the setting of the heritage assets adjacent. Similarly designed elevations could be achieved under a pitched roof with modestly proportioned dormers forming the second floor and be far more sympathetic to its immediate surroundings.'
- 10.17. It is therefore evident that the proposed scale, siting and design of the building would lead to an adverse impact on the Conservation Area and Grade II Listed buildings no. 86 and 93 High Street that are in close proximity to the application site. It is observed that the proposed development would provide public benefit associated with the redevelopment of the site, specifically the provision of additional housing catering located in close proximity to the town centre and the creation of commercial units leading to employment provision, though, these benefits would not outweigh the harm that would be created by the proposal on designated heritage assets. Therefore, it is apparent that the proposed development by virtue of its scale, siting and design would lead to an adverse impact on setting of adjacent listed buildings and on the character and appearance of the Conservation Area. Overall. It is therefore considered that the proposed development would be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.

Residential Amenity

- 10.18. Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and Policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal.
- 10.19. As the development proposes flats as the residential accommodation on the site, there is no indicated minimum level of amenity space provision within the policies of the development plan required to serve the proposed dwellings.
- 10.20. The proposal has the potential to result in amenity impacts on the surrounding developments through matters such as overlooking, loss of privacy, overshadowing and overbearing impact. Within the pre-application advice provided in February 2022 under planning reference 22/0004/PREAPP the officer expressed concerns regarding impacts of the proposed on the residential amenity of dwellings located at Chapel Street creating a sense of enclosure due to the proposed scale of the building and landscaping and some separation and/or mitigation should be provided as the existing road here sits lower than the site. Additionally, the officer also expressed concerns of adverse impacts on residential amenity on a number of dwellings to the north, with windows facing towards and gardens abutting the site.
- 10.21. Within the proposed scheme brought forward within this application it is noted that the 4-storey element has been removed reducing the building to a maximum height of 3 storeys and various of the previously proposed balconies have been removed. Nevertheless, no separation and/or mitigation has been provided to

Chapel Street, therefore this would create an additional sense of enclosure to the dwellings existing here that already sit lower than the site. Furthermore, in relation to the dwellings to the north, the proposed building, although it has been reduced in height and some of the windows are shown on the plans as being obscured glazing, would generate adverse impacts in terms of overlooking from windows of the proposed flats leading to loss of privacy, and adverse impacts of overlooking. In addition, loss of privacy would also be generated through the external terraces that would serve flats 3 and 6 at the rear elevations of the building overlooking to rear amenity space of these dwellings. Overbearing and overshadowing adverse impacts would also be generated to the gardens of these dwellings to the north, especially in the winter months, due to the scale of the proposed building and the building sharing a boundary with the gardens serving these dwellings.

10.22. It is therefore considered that due to the adverse impacts the proposed development would have on residential amenity of dwellings located at Chapel Lane and to the north of the site the proposed development would be contrary to LP2 and LP16 of the Fenland Local Plan 2014.

Parking and Highways

- 10.23. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals, noting that for flatted developments, 1.25 spaces per unit are required for units of a single bedroom, and 1.5 per unit for units of more than 1 bedroom. Appendix A also allows development to make an under provision of parking in places with good transport links, such as the central area of a market town.
- 10.24. The proposal includes the development of 4 x 1-bed flats and 3 x 2-bed flats, in line with Policy LP15 and Appendix A of the Fenland Local Plan 2014 the development would be required to provide 10 parking spaces. The submitted scheme has not provided any on-site parking within the proposed development, it is acknowledged that the proposed would provide a double stacking system cycle store with 10 spaces. Within the pre-application advice provided in February 2022 under planning reference 22/0004/PREAPP, the officer stated no on-site parking may be preferrable on this site given the need to turn within the site to exit onto High Street (which is a B Class road) and the constrained nature of Chapel Street.
- 10.25. Noting the above comments from the pre-application advice given to the applicant, it is acknowledged that the proposed number of flats has been reduced from 8 in total to 7 in total, additionally the constrained nature of the plot an potential inability to provide on-site parking, availability of public car parks within the local area, existing approvals in the area whereby parking requirements have not been met and the sustainable nature of the site's location and availability to public transport links are noted. It is therefore considered that the presence of no on-site parking would not justify the refusal of this application on this basis.

Flood Risk and Drainage

10.26. The application site is located within Flood Zone 1 (low risk) and at very low risk of surface water flooding, as such the proposal is considered to be appropriate development and there are no issues to address in respect of Policy LP14.

11 CONCLUSIONS

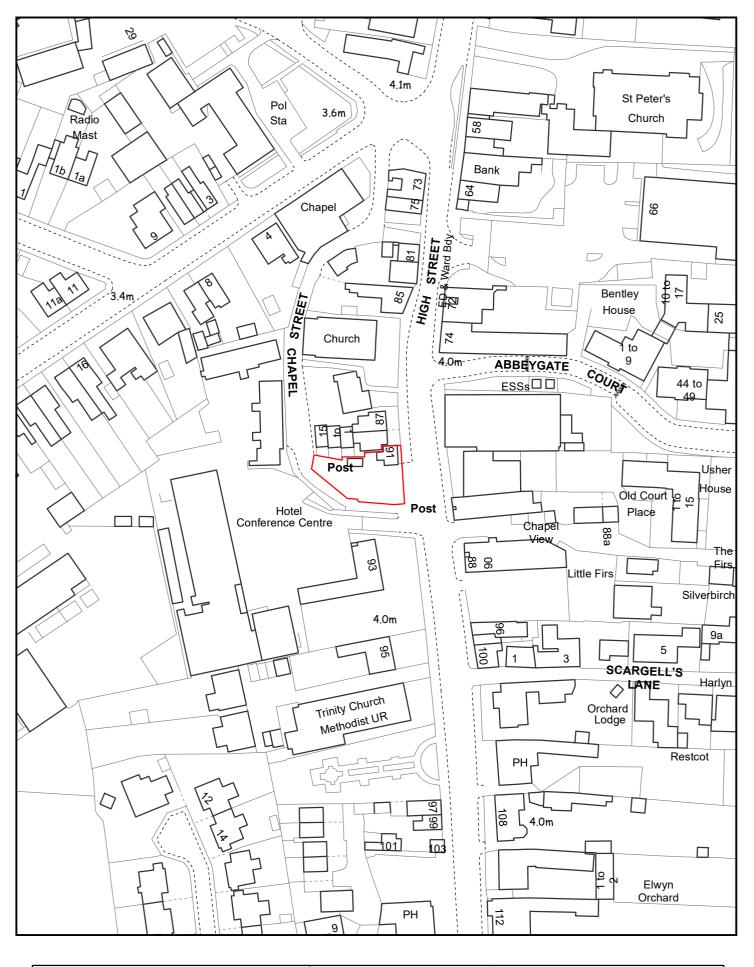
- 11.1. The proposed development would fail to preserve or enhance the character and appearance of the March Conservation Area and the setting of the adjacent listed buildings. By virtue of its scale, siting and design, the proposed development would stand as an unduly prominent and incongruous feature on High Street to the detriment of the setting of the historic buildings around it and this part of the Conservation Area. Any benefits arising from the development would not outweigh this harm. The proposed development would therefore be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, and Section 16 of the NPPF. To grant the application could be seen as a failure by the Council to fulfil its duties under Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 11.2. Policy LP2 of the Fenland Local Plan 2014 requires development proposals to promote high levels of residential amenity. Policy LP16 of the Fenland Local Plan 2014 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal. The proposed developed by virtue of its scale, siting and design would create unacceptable adverse impacts on the residential amenity of neighbouring dwellings surrounding the site, particularly those at Chapel Lane and to the north of the site, in terms of overlooking, overshadowing and overbearing impacts. The proposed development is therefore considered to be contrary to policy LP16 of the Fenland Local Plan 2014.

12 RECOMMENDATION

Refuse; for the following reasons:

•	character and appearance of the March Conservation Area and the setting of the adjacent listed buildings. By virtue of its scale, siting and design, the proposed development would stand unduly prominent and incongruous on High Street to the detriment of the historic buildings around it and this part of the Conservation Area. Any benefits arising from the development would not outweigh the harm on the Conservation Area and adjacent listed buildings which are designated heritage assets. The proposed development would therefore be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014 and Section 16 of the NPPF.
2	Policy LP2 of the Fenland Local Plan 2014 requires development proposals to promote high levels of residential amenity. Policy LP16 of the Fenland Local Plan 2014 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal. The proposed developed by virtue of its scale, siting and design would create unacceptable adverse impacts on the residential amenity of neighbouring dwellings surrounding the site, particularly those at Chapel Lane and to the north of the site, in terms of overlooking, overshadowing and overbearing impacts. The proposed development is therefore considered to be contrary to policy LP16 of the Fenland Local Plan 2014.

The proposed development would fail to preserve or enhance the



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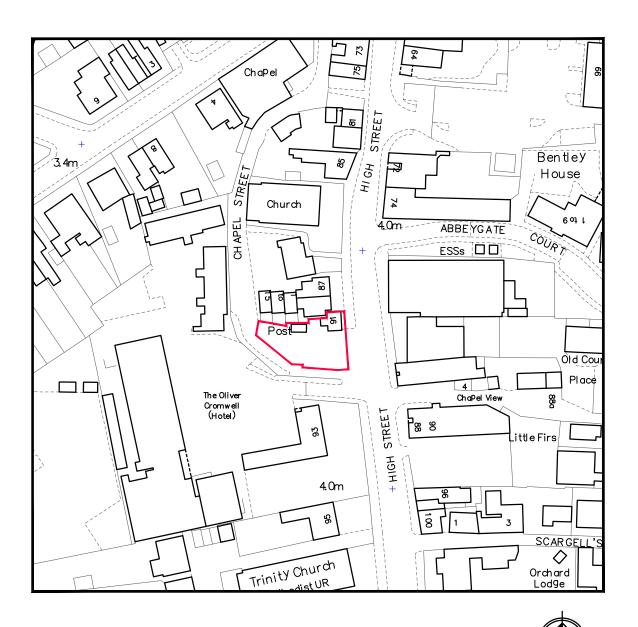
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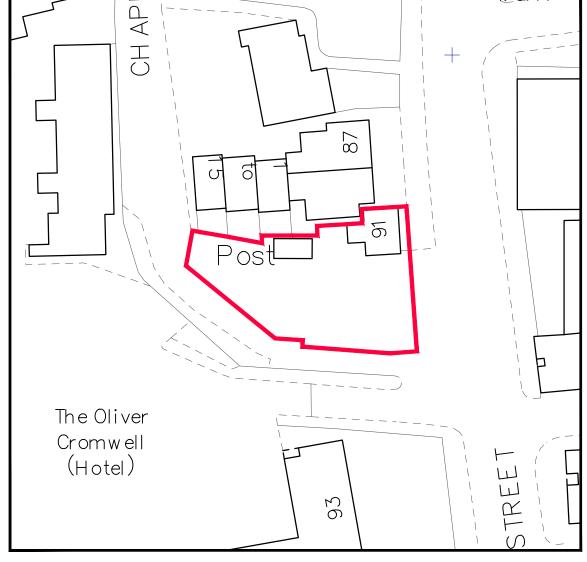
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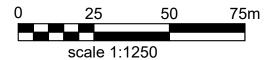
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CAMBRIDGES HIRE Fenland District Council





LOCATION PLAN SCALE 1:1250











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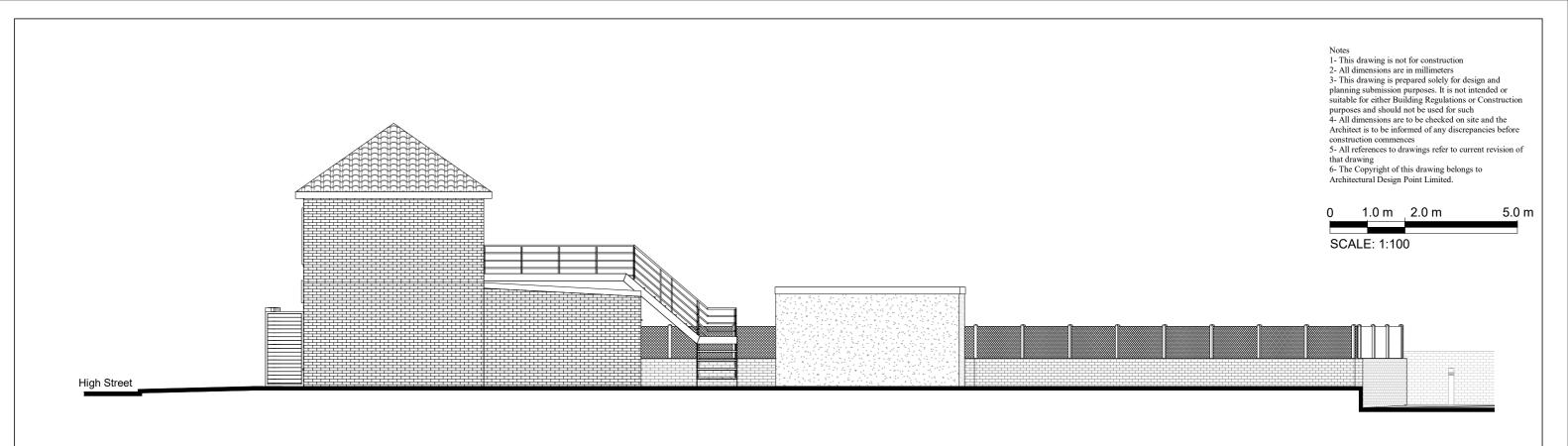
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Client	Mr Ali Boyraz
Project	91 High Street, March, PE15 9LB
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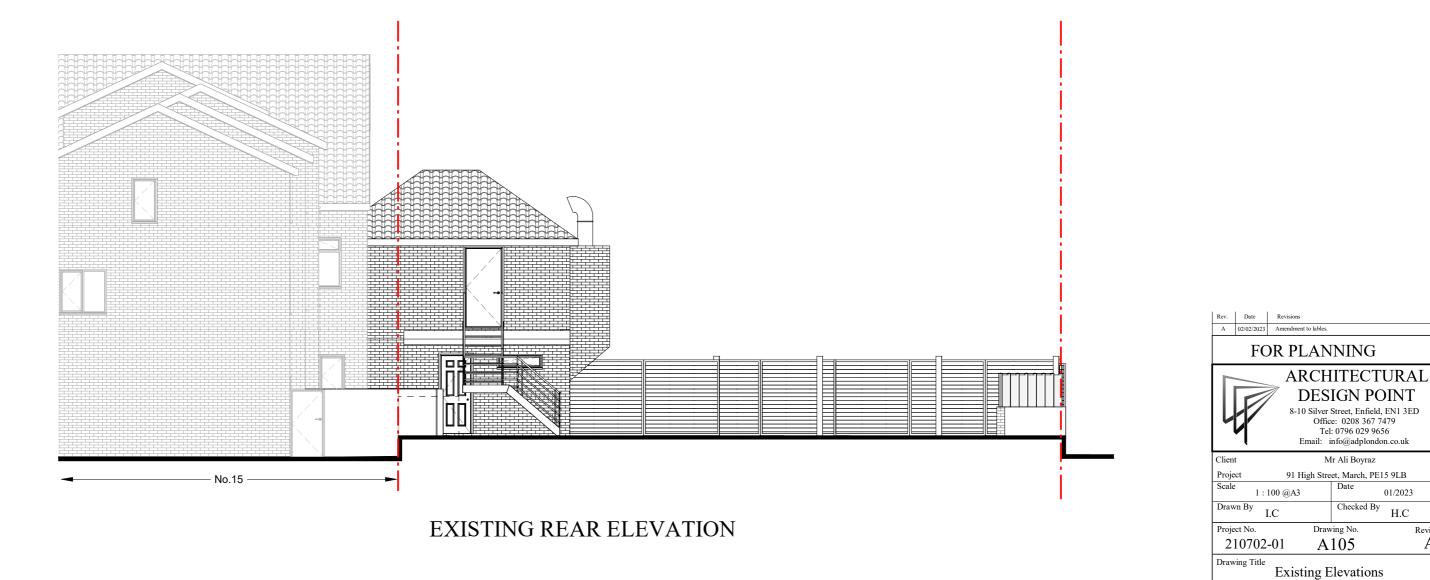
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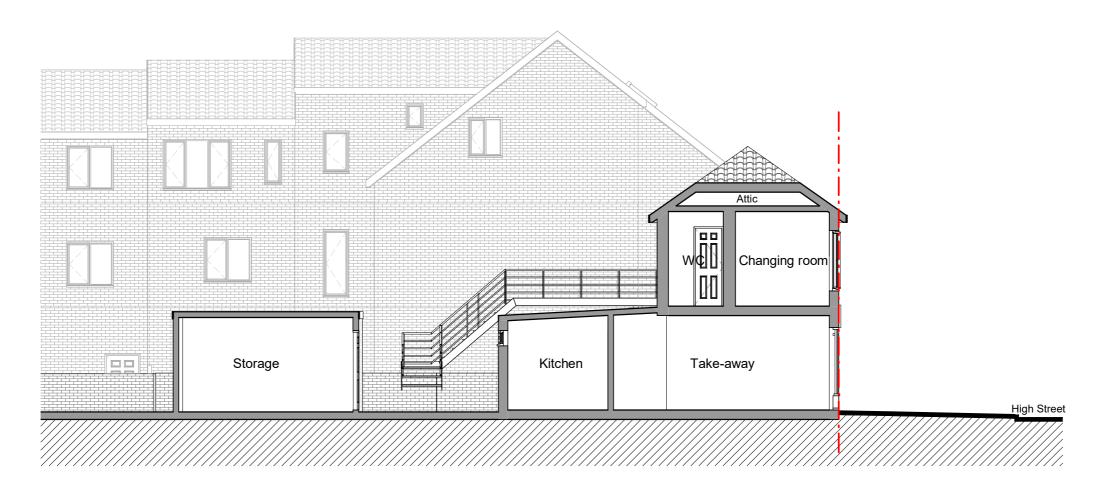


EXISTING SIDE(NORTH) ELEVATION



01/2023

A



EXISTING SECTION AA

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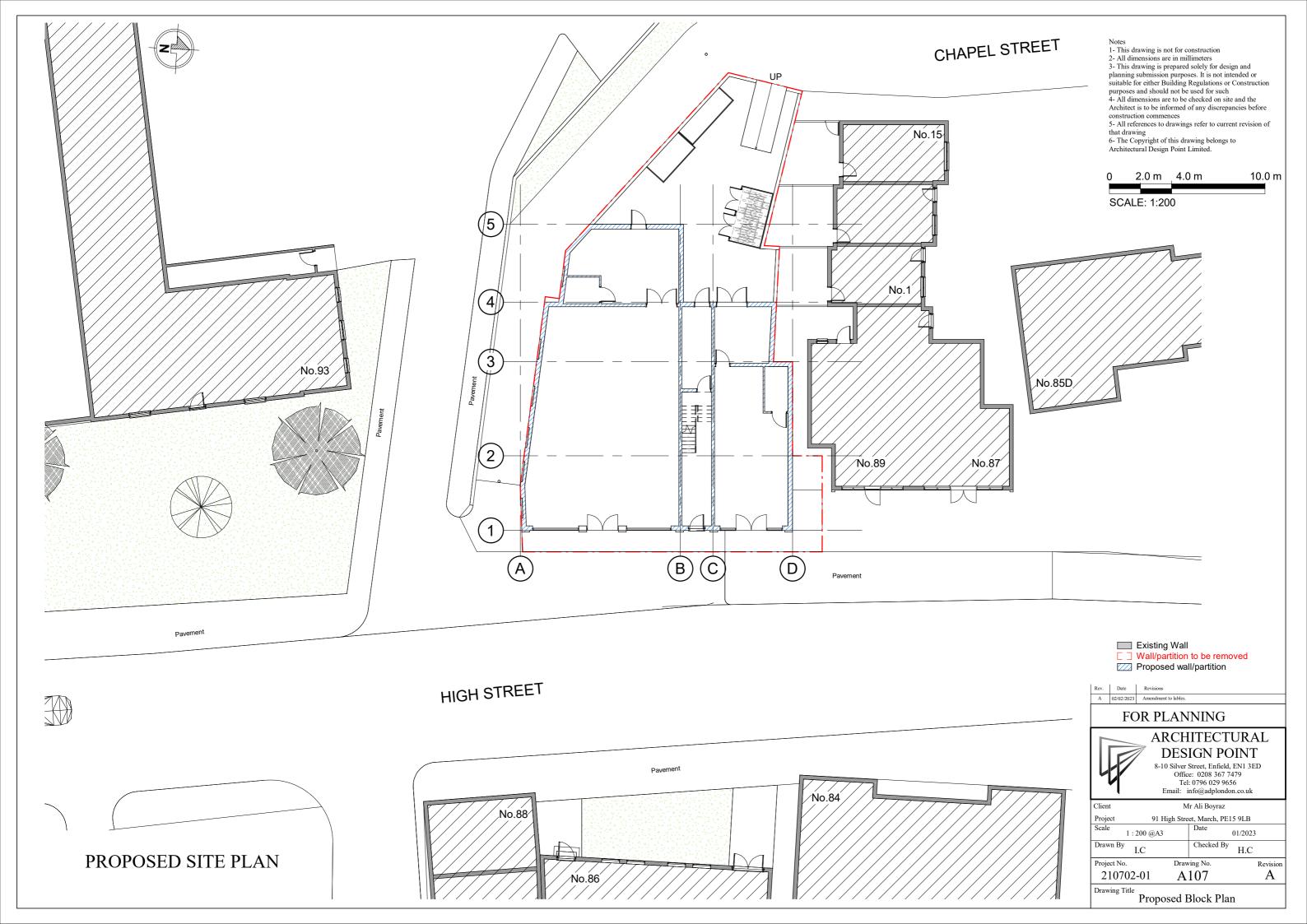
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Client		Mr Ali	Mr Ali Boyraz			
Project	91 High Street, March, PE15 9LB					
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PROPOSED STREET VIEW





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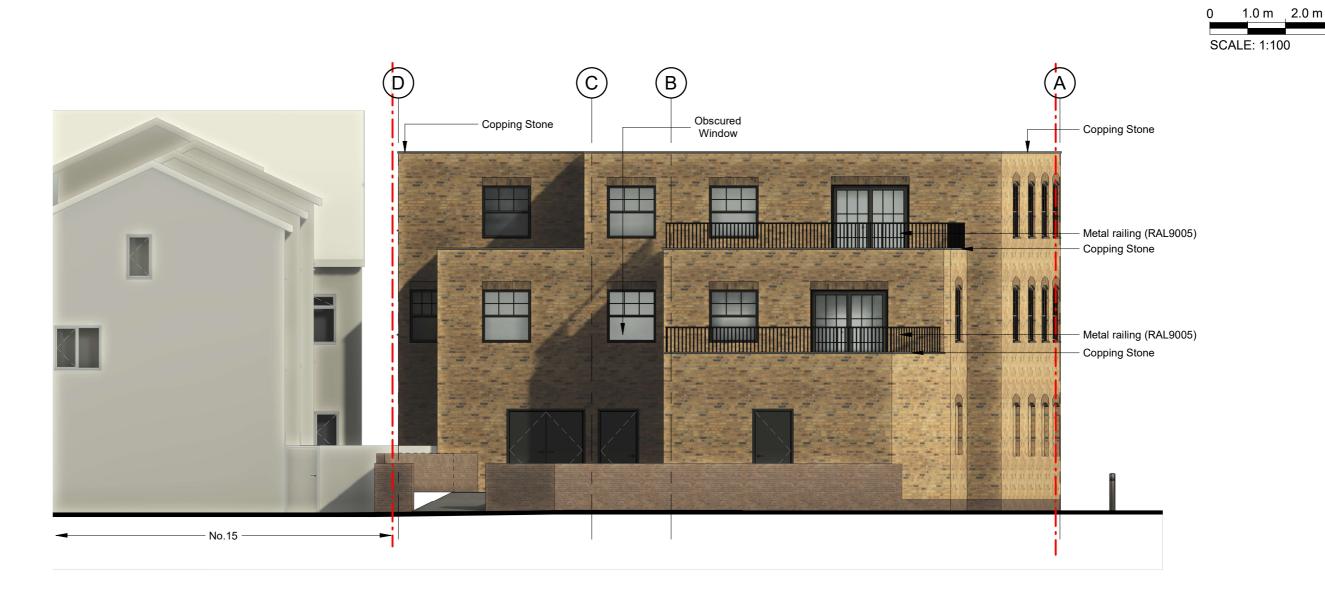
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Mr Ali Boyraz Project Scale 91 High Street, March, PE15 9LB 1:100 @A3 01/2023 Checked By H.C Drawn By Project No. Drawing No. Revision 210702-01 A A113 Proposed Front Elevation



PROPOSED REAR ELEVATION



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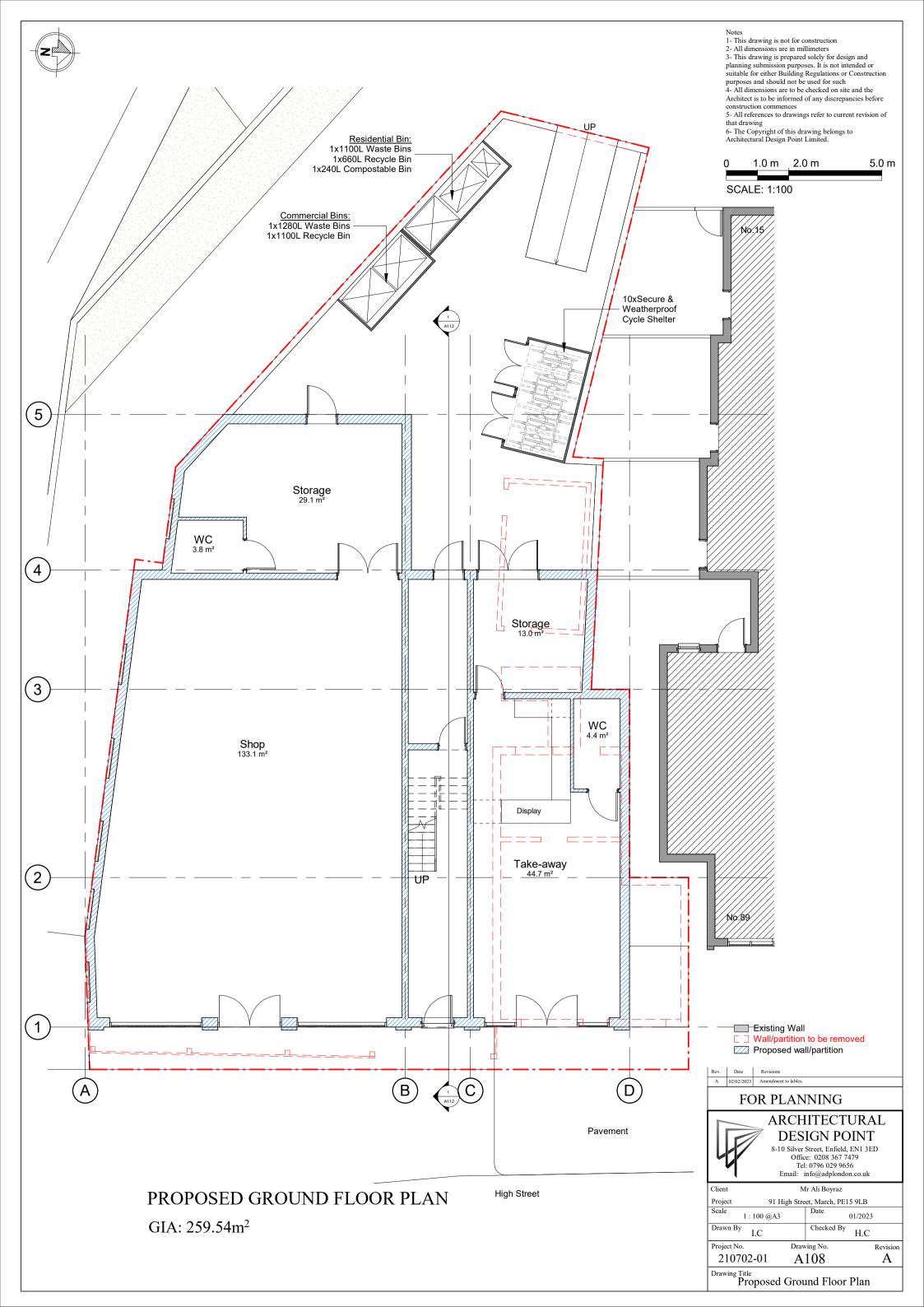
PROPOSED SIDE(NORTH) ELEVATION

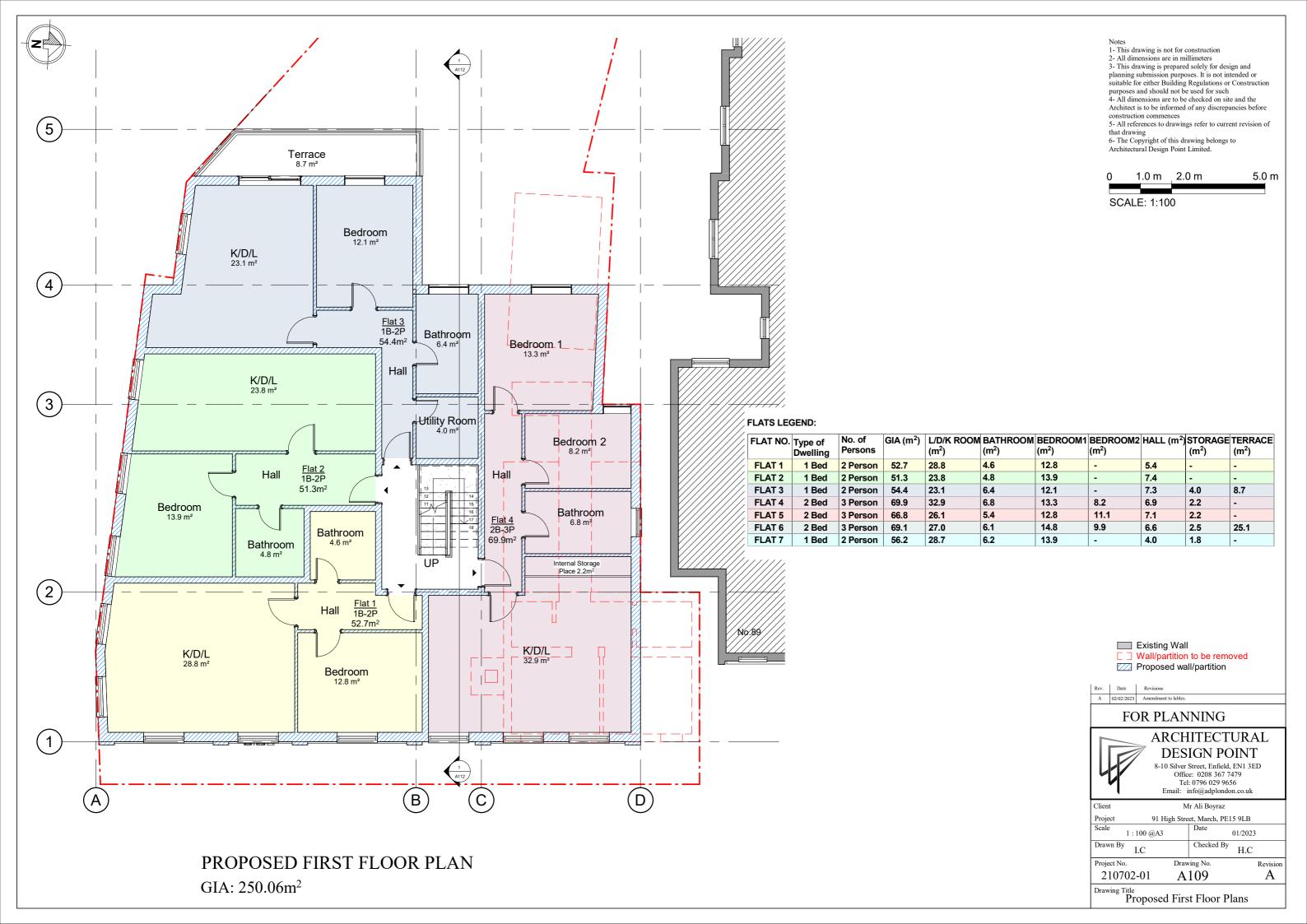


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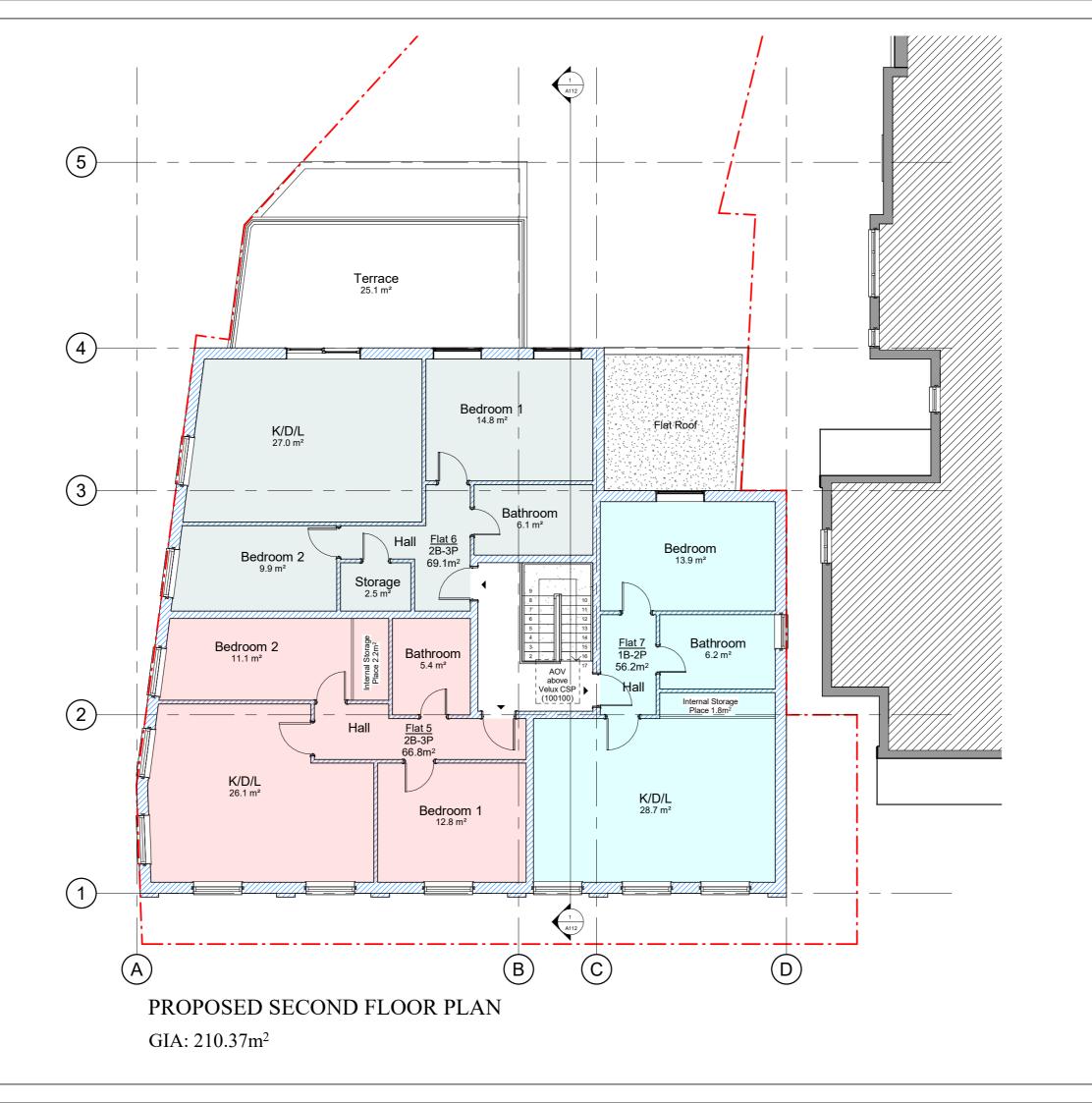
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Existing Wall
Wall/partition to be removed Proposed wall/partition

 Rev.
 Date
 Revisions

 A
 02/02/2023
 Amendment to lables.
 FOR PLANNING



ARCHITECTURAL **DESIGN POINT**

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Mr Ali Boyraz 1:100 @A3 Checked By H.C Drawn By Project No. Drawing No. 210702-01 A110 Α Proposed Second Floor Plan

