

**Applicant: Fenland District Council**

**Agent : Mr R Harrington  
BHD Ltd**

**Land West Of 53 - 69, Grounds Avenue, March, Cambridgeshire**

**Erect up to 6 x dwellings (outline application with matters committed in respect of access)**

**Officer recommendation: Refuse**

**Reason for Committee: The applicant is Fenland District Council**

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## **1 EXECUTIVE SUMMARY**

1.1 Whilst the single dwelling accessed via Hurst Avenue is supported, the majority of the development, for up to 5 dwellings off Grounds Avenue, is considered unacceptable, as whilst a reason for refusal in respect of the poor access cannot be substantiated, it has not been demonstrated that that a high quality, safe environment, which does not result in significant adverse impacts in relation to visual and residential amenity, could be achieved for the number of dwellings applied for, given the severely constrained nature of the site.

1.2 The recommendation is therefore to refuse the application in its entirety, given that there is no opportunity for a split decision.

## **2 SITE DESCRIPTION**

- 2.1 The application site comprises an irregular shaped parcel of land surrounded by residential development on Grounds Avenue, Badgeney Road and Hurst Avenue, March.
- 2.2 The most northerly section of the site is accessed from Grounds Avenue via a narrow tarmac access at the corner of the turning head between 51 and 53 Grounds Avenue, with the driveways of these dwellings also utilising the access along with a number of dwellings on Badgeney Road to access the rear of their garden. There is also a pedestrian link through the site between Grounds Avenue and Badgeney Road. It is a former garage site which has since been cleared of structures, hardstanding remains and the site is partially overgrown, it is enclosed by the boundary fences of the surrounding sites. There is a high voltage cable which runs through the site which has a 3m wide easement.
- 2.3 The remainder of the site is a grassed area to the north and east of existing dwellings on Hurst Avenue bounded by trees and vegetation, it appears from aerial photographs that this was historically garden land serving these dwellings which has since been segregated, rather than a formal open space. There is access from Hurst Avenue which is a narrow concrete road leading to tarmac oval cul-de-sac arrangement which enables turning and some on street parking within the island. Access into the site itself is over an existing block paved drive.

- 2.4 The site is in flood zone 1, however part of the northern section of the site is at a high risk of surface water flooding.

### 3 PROPOSAL

- 3.1 The application seeks outline planning permission for up to 6 dwellings with matters committed in relation to access only. It is proposed that 5 dwellings are accessed via Grounds Avenue to the north with a further dwelling accessed via Hurst Avenue.

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

[F/YR22/0943/FDC | Erect up to 6 x dwellings \(outline application with matters committed in respect of access\) | Land West Of 53 - 69 Grounds Avenue March Cambridgeshire \(fenland.gov.uk\)](#)

### 4 SITE PLANNING HISTORY

Most recent only:

F/YR12/0802/FDC	Erection of a dwelling	Withdrawn
	Land North Of 8 Hurst Avenue	

### 5 CONSULTATIONS

#### 5.1 Middle Level Commissioners (MLC)

Comments have been received from MLC which appear to be their standard letter to applicant's (as Fenland District Council is the applicant for this site), these have been provided to relevant parties for their information. No comments are made regarding the suitability of the development itself.

#### 5.2 Anglian Water

*The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.*

*The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:*

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

*Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:*

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

#### 5.3 Environmental Health (FDC)

*The proposal seeks approval for residential use on a piece of land where part of it had been formally used as a garage courtyard. Given the proposals' sensitive intention this service would expect an assessment being undertaken to determine*

*plausible linkages to ground contamination in view of the sites previous use and its subsequent overgrown and derelict state.*

*Notwithstanding the above such a proposal is unlikely to affect or be affected by the existing or future noise or air climate so this service would have 'No Objections' subject to the results of a ground assessment deeming the site to be free of contamination and being suitable for such a development.*

#### **5.4 Town Council**

*Recommendation: Approval*

#### **5.5 Cambridgeshire County Council Highways (30/11/2022)**

*The application is unacceptable to the Local Highway Authority because the access is unsatisfactory to serve the proposed development by reason of its inadequate width and the proposal would therefore likely result in stopping and manoeuvring of vehicles on the highway to the detriment of highway safety.*

#### **5.6 Cambridgeshire County Council Highways (9/3/2023)**

*Highways have objections to this development. The following are reasons:*

*The addition of this development would increase the number of conflicts in the areas, which would increase the likelihood of incidents between pedestrians, cyclists, prams, service vehicles, resident vehicles, and emergency vehicles.*

*Emergency fire services should be consulted for this development. The current arrangement of the development is not suitable for fire tenders. The distance and width required for fire tenders is not achievable.*

*The access is unsatisfactory to serve the proposed development by reason of its inadequate width and the proposal would therefore likely result in stopping and manoeuvring of vehicles on the highway to the detriment of highway safety.*

*The access to this size of development would need to be at least 5m to enable two-way pass for vehicles. The current arrangement is not suitable. Furthermore, the access road will conflict with existing side residents. This adds further likelihood for an incident due to the lack of usable space.*

#### **5.7 Cambridgeshire Fire and Rescue**

##### **Dwelling Houses**

*There should be vehicle access for a pump appliance to within 45m of all points within each dwelling-house, measured on a route suitable for laying hose, (fire appliance width 3.7m minimum)*

*Every elevation to which vehicle access is provided in accordance with the above paragraph should have a suitable door(s), not less than 750mm wide, giving access to the interior of the building.*

*Where the proposed new dwelling cannot meet access requirements for fire pump appliances, then an AWFSS - Automatic Water Fire Suppression System (Sprinkler or Water Mist) should be provided as a compensatory feature.*

*Where an AWFSS is to be provided, then the distance between the fire appliance and any point within the house (having no floor more than 4.5m above ground level) may be up to 90m.*

*Access of a fire engine to within:-*

*45 - 65 meters: Domestic/residential sprinklers required.*

*65 - 90 meters: Domestic/residential sprinklers and a fire hydrant installed immediately by the access driveway.*

*Over 90 meters: Not acceptable.*

*Access Roadways, Turning Facilities & Car parking provision*

*Any street or private roadway forming part of such a fire access way must be no less than 3.7m wide between kerbs, although this may reduce to 3.1m for a gateway or similar short narrowing.*

*Dead-end access routes longer than 20m should be provided with suitable turning facilities, as fire appliances should not have to reverse more than 20m, unless where it is discussed and approved in consultation with the Fire Service.*

*If private driveways are to be considered as access roadways, then they should provide appropriate vehicle access, hardstanding and turning facilities, as well as managing any obstructions (e.g. trees, shrubbery & overhangs). A driveway and/or fire appliance may become damaged if suitable provision are not provided and could seriously affect the response to an incident.*

*Development schemes must have adequate off-street parking provision to reduce roadside parking and therefore reduce any impact on emergency service access and operational response times.*

## **5.8 Designing Out Crime Team**

*Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder, and the fear of crime.*

*There are limited detailed drawings for me to comment. I would like to see floor plans, boundary treatments and a lighting plan, including lux and calculations levels please.*

## **5.9 Ecology Officer (FDC)**

*The proposal is acceptable on ecology grounds, providing that the follow information to protect and enhance biodiversity is secured through suitably worded planning condition(s):*

- 1. Construction Environment Management Plan*
- 2. Hard and Soft Landscape Scheme*
- 3. Bird / Bat Boxes*
- 4. External Lighting Scheme*
- 5. Time Limit on Development before further biodiversity surveys required*
- 6. Breeding Birds Informative*

*Please find further details below:*

### *1. Construction Environment Management Plan (condition)*

*The Ecological Impact Assessment recommends mitigation measures to protect the following biodiversity features / species during construction:*

- Nesting birds*
- Bats*

- Reptiles
- Hedgehog

*If planning permission is granted, we recommend these mitigation measures are incorporated into a Construction Environment Management Plan, which should be secured through a suitably worded planning condition:*

*SUGGESTED DRAFT CONDITION: Construction Environment Management Plan  
No development shall take place until a construction environment management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:*

*a) ecological mitigation measures recommended in the Ecological Impact Assessment*

*Reason: Fenland Local Plan 2014 policy LF19 (to protect biodiversity)*

## *2. Hard and Soft Landscape Scheme (condition)*

*The Ecological Impact Assessment has identified potential adverse impacts of the scheme on biodiversity and recommends mitigation / compensation measures to be incorporated into the landscape scheme to address adverse impact to:*

- Nesting birds
- Bats
- Reptiles
- Hedgehog
- Invertebrates

*In addition, the landscape scheme should maximise opportunities for biodiversity within the development should be secured as part of the Hard and Soft Landscape Scheme. In accordance with National Planning Policy Framework (paragraphs 174d & 180d) and Fenland Local Plan policy LP19, which states that:*

*“Through the processes of development delivery (including the use of planning obligations), grant aid (where available), management agreements and positive initiatives, the Council will... Ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments...”*

*Therefore, we recommend a detailed Hard and Soft Landscape Scheme that incorporates compensation / enhancements for biodiversity (including measures identified in the Ecological Impact Assessment) be secured through a suitably worded condition:*

*SUGGESTED DRAFT CONDITION: Hard and Soft Landscape Scheme (biodiversity section)*

*Prior to the first planting season following commencement of works on site full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved.*

*The landscaping details to be submitted shall include:*

- a) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife, including those recommended in Ecological Impact Assessment
- b) means of enclosure noting that all new garden fencing should be designed to allow hedgehogs to be able to pass through the fencing.
- c) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- d) [Additional details from landscape officer....]
- e) management and maintenance details

*The approved hard landscaping scheme shall be carried out with regard to the dwelling to which it relates, prior to the occupation of that dwelling and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.*

*Reason: Fenland Local Plan policy LF19 (to protect and enhance biodiversity)*

#### *4. Bird / Bat Boxes (condition)*

*The Ecological Impact Assessment has recommended installation of bird/bat boxes as part of the scheme to compensate for loss of nesting habitat and provide enhancement for these species. We recommend details of the proposed boxes, their installation and maintenance of these boxes be secured through a suitably worded condition:*

#### *SUGGESTED DRAFT CONDITION: Bird / Bat Boxes*

*Prior to the commencement of the development, details of the proposed location of bird / bat boxes (recommended in the Ecological Impact Assessment) should be submitted to and approved in writing by the Local Planning Authority.*

*This should include (but not limited to):*

- a) all boxes should be positioned in 'unlit' areas
- b) boxes on trees: annotated landscape plan showing the type of box to be attached to mature tree(s), its orientation and height above ground
- c) boxes on buildings: annotated elevational plan showing the type of box, height above ground and distance away from any windows or external lighting
- d) timetable for installation, with boxes installed concurrently with their related dwelling or part of the landscape scheme

*All boxes shall be installed as agreed, under supervision of a suitably qualified ecologist, and retained in perpetuity thereafter.*

*Reason: Fenland Local Plan 2014 policy LF19 (to protect and enhance biodiversity)*

#### *5. External Lighting Scheme (condition)*

*External lighting has the potential to adversely impact wildlife, such as bats, as identified in the Ecological Impact Assessment. We recommend that any external lighting scheme is designed sensitively to wildlife and suggest this is secured through a suitably worded condition:*

*SUGGESTED DRAFT CONDITION: External Lighting Scheme (for biodiversity)*  
*Within 6-months of the commencement of development hereby approved, a scheme for the provision of external lighting relating to all dwellings and common areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.*

*The external lighting shall be carefully designed for wildlife, in accordance with recommendation set out in the Ecological Impact Assessment, and baffled downwards away from the retained trees and hedgerows/scrub corridors.*

*Reason: Fenland Local Plan 2014 policy LF19 (to protect biodiversity)*

*6. Time Limit on Development - Further Biodiversity Surveys Required (condition)*  
*The ecological survey work was undertaken in May 2023. Wildlife is dynamic and therefore, if there is a delay to the development, the ecological surveys will need to be updated to ensure the proposed ecological mitigation is still appropriate. We suggest this is captured through a suitably worded planning condition:*

*SUGGESTED CONDITION: Time Limit on Development Before Further Surveys are Required*

*If the development hereby approved does not commence (or, having commenced, is suspended more than 12 months) within 1 years from the date of the planning consent, the approved ecological measures secured through Condition XX – CEMP, Condition XX – Landscape Scheme and Condition XX – Bird / Bat Boxes shall be reviewed and, where necessary, amended and updated. This review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the species / habitats present at the site and ii/ identify any likely new ecological impacts that might arise from any changes. The amended documents shall be submitted to and approved in writing by the local planning authority prior to commencement of development.*

*Works must be carried out in accordance with the proposed new approved ecology measures and timetable.*

*Reason: Fenland Local Plan 2014 policy LF19 (to protect biodiversity)*

*7. Breeding Birds (informative)*

*The Ecological Impact Assessment identified the potential impact of the scheme on breeding birds. The protection of these birds should be dealt with in the Construction Environment Management Plan (recommended to be secured through planning conditions).*

*Alternatively, it can be dealt with as an informative to a planning permission, as suggested below:*

*DRAFT INFORMATIVE – Breeding Birds*

*The Applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.*

*Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees / scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.*

*Reason – Wildlife and Countryside Act 1981 (protection of wild birds, their nests, eggs and young)*

#### **5.10 Cambridgeshire County Council Lead Local Flood Authority (3/8/2023)**

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

##### *1. Incomplete SW Strategy*

*Whilst the applicant has proposed an outline drainage strategy, it is missing a few important details. The applicant proposes to dispose of surface water on site entirely via infiltration, yet no infiltration testing has been performed and additionally the local ground conditions are not known to infiltrate sufficiently. The applicant has provided a second option in the event infiltration rates are not adequate however no drainage plan has been provided for this scenario. Hydraulic calculations measuring the performance of both proposed systems in storm conditions have also not been provided. The following section outlines considerations for drainage and flood risk associated with minor developments at the outline stage that still need to be provided:*

- i. Soil and geology type*
- ii. Existing flood risk (fluvial, surface water and groundwater sources)*
- iii. Proposed method of surface water disposal*
- iv. Existing and proposed runoff rates (if discharging off-site)*
- v. Assessment of SuDS features*
- vi. A surface water system layout*

##### *Informatives*

###### *Infiltration*

*Infiltration rates should be worked out in accordance with BRE 365. If it is not feasible to access the site to carry out soakage tests before planning approval is granted, a desktop study may be undertaken looking at the underlying geology of the area and assuming a worst-case infiltration rate for that site. If infiltration methods are likely to be ineffective then discharge into a watercourse/surface water sewer may be appropriate; however soakage testing will be required at a later stage to clarify this.*

###### *Pollution Control*

*Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.*

#### **5.11 Cambridgeshire County Council Lead Local Flood Authority (17/10/2023)**

*We have reviewed the following documents:*



• *Sustainable Drainage Strategy, Ellingham Consulting Ltd, Ref: ECL0985a, Dated: September 2023*

*Based on these, in principle the LLFA support the proposed development.*

*The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving and soakaways, discharging surface water from site via infiltration. This relies on successful infiltration testing at a later date providing evidence that the infiltration rate on site is sufficient. Additionally, groundwater testing must be completed ensuring the base of any infiltration features has sufficient clearance from peak seasonal groundwater levels. If infiltration testing proves that infiltration is not feasible the alternative drainage strategy of permeable paving and discharge via flow control at 3.1l/s is also acceptable.*

*Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.*

*We request the following conditions are imposed:*

*Condition 1*

*No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.*

*The scheme shall be based upon the principles within the agreed Sustainable Drainage Strategy, Ellingham Consulting Ltd, Ref: ECL0985a, Dated: September 2023 and shall also include:*

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;*
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;*
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);*
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);*
- e) Site Investigation and test results to confirm infiltration rates;*
- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;*
- g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;*
- h) Full details of the maintenance/adoption of the surface water drainage system;*
- i) Permissions to connect to a receiving watercourse or sewer;*
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water*

#### *Reason*

*To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.*

#### *Condition 2*

*No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.*

#### *Reason*

*To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.*

#### *Condition 3*

*No development shall commence until infiltration testing has been undertaken in accordance with BRE365/CIRIA156 and a final surface water strategy based on the results of this testing has been agreed by the Local Planning Authority, in conjunction with the Lead Local Flood Authority.*

#### *Reason*

*To ensure a satisfactory method of surface water drainage, and to prevent the increased risk of flooding to third parties.*

#### *Informatives*

##### *Infiltration*

*Infiltration rates should be worked out in accordance with BRE 365/CIRIA 156. If for an outline application it is not feasible to access the site to carry out soakage tests before planning approval is granted, a desktop study may be undertaken looking at the underlying geology of the area and assuming a worst-case infiltration rate for that site. If infiltration methods are likely to be ineffective then discharge into a watercourse/surface water sewer may be appropriate; however soakage testing will be required at a later stage to clarify this.*

##### *Pollution Control*

*Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.*

## **5.12 Local Residents/Interested Parties**

2 objections have been received (from Grounds Avenue, March) in relation to the following:

- Loss of privacy
- Loss of light
- Noise and disturbance from additional traffic
- Impact of construction work
- Overdevelopment
- Access via a single width road which is 3m at widest, no scope for widening
- Any overflow parking would be onto Grounds Avenue and would cause obstruction
- No separate footpath for safe pedestrian access
- Impact in relation to drainage

1 representation has been received (from Badgeney Road, March) in relation to the fact that the access to the rear of the property is used and the need to ensure that this is maintained.

## **6 STATUTORY DUTY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

## **7 POLICY FRAMEWORK**

### **National Planning Policy Framework (NPPF)**

Para. 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 10 - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

Para. 12 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Para. 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 110 – It should be ensured that:

b) safe and suitable access to the site can be achieved for all users.

Para. 112 – applications for development should:

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles

d) allow for the efficient delivery of goods, and access by service and emergency vehicles

Para. 119 - Promote an effective use of land in meeting the need for homes

Para. 120 - planning decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes

Para. 130 - Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Para. 134 – Development that is not well designed should be refused.

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

### **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **National Design Guide 2021**

Context – C1

Identity – I1, I2

Built Form – B2

Movement – M3

Nature – N3

Homes and Buildings –H1, H2, H3

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP9 – March

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

### **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:

Policy LP1 – Settlement Hierarchy

Policy LP2 – Spatial Strategy for the Location of Residential Development

Policy LP5 – Health and Wellbeing

Policy LP7 – Design

Policy LP8 – Amenity Provision

Policy LP11 – Community Safety

Policy LP20 – Accessibility and Transport

Policy LP22 – Parking Provision (Appendix 6)

Policy LP24 – Natural Environment

Policy LP25 – Biodiversity Net Gain  
Policy LP27 – Trees and Planting  
Policy LP32 – Flood and Water Management  
Policy LP33 – Development on Land Affected by Contamination  
Policy LP51 – Site allocations for March

### **Delivering and Protecting High Quality Environments in Fenland 2014**

Policy DM3 – Making a Positive Contribution to Local Distinctiveness and Character of the Area  
Policy DM4 – Waste and Recycling Facilities

### **March Neighbourhood Plan 2017**

H2 – Windfall Development  
H3 – Local Housing Need

## **8 KEY ISSUES**

- **Principle of Development**
- **Suitability of the site for the development proposed**
- **Flood Risk and Drainage**
- **Ecology**

## **9 BACKGROUND**

- 9.1 Pre-application advice was sought in 2021 for 5 dwellings on the site (4 flats on the site to the north accessed via Ground Avenue and 1 bungalow on the site accessed via Hurst Avenue).
- 9.2 Concerns were raised in relation of the site to the north in respect of the fact it is severely constrained by its shape, relationship with surrounding dwellings and the fact that there is a right of way through the site which effectively cuts it in two, further concerns were raised in relation to the site access due to its width and potential vehicular and pedestrian conflict.
- 9.3 It was considered that a single-storey dwelling on the site access via Hurst Avenue may be acceptable subject to a suitable arrangement being put forward.
- 9.4 The applicant was again advised of the concerns with the Grounds Avenue element of the site during the course of the application and it was recommended that the application be withdrawn, and a stand-alone application submitted for the Hurst Avenue site. Further information has since been submitted in relation to ecology and drainage as the applicant wishes for the application to proceed to determination, aware of the fact that the recommendation would be one of refusal.
- 9.5 Whilst not material to the determination of the application it should be noted that the applicant and landowner is Fenland District Council.

## **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 housing growth, 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, design, parking, highways, flood risk/drainage and ecology.

10.2 Whilst the policies of the emerging local plan carry extremely limited weight in decision making the following are relevant to this application:

10.3 Policy LP1, Part A identifies March as a Market Town; Part B advises that land within the settlement, such as this site, will be supported in principle.

#### **Suitability of the site for the development proposed**

10.4 For the purposes of the assessment the site will be differentiated between that accessed via Hurst Avenue to the south and the northern element of the site accessed via Grounds Avenue:

##### Hurst Avenue

10.5 Whilst details in relation to appearance, layout, scale and landscaping are reserved matters, the site appears suitable for one single-storey dwelling as indicated. The indicative proposal demonstrates that a scheme can be achieved that respects the existing building line and character of the area, would not appear to result in a significant detrimental impact in relation to residential amenity of surrounding dwellings and would be afforded with adequate private amenity space, though suitable boundary treatments would be required to ensure sufficient privacy. There is a belt of trees and vegetation along the eastern boundary which should be retained where possible and incorporated within any proposed landscaping scheme (also see Ecology section below).

10.6 Access is via Hurst Avenue which is a narrow concrete road leading to tarmac oval cul-de-sac arrangement which enables turning, this currently serves 19 dwellings (some of which were under construction when the site was visited), it is acknowledged that this access arrangement is not ideal, however it is not considered that the addition of 1 dwelling would create a significant detrimental impact in this regard. Access to the site itself utilises an existing block paved drive which would be shared with 8 Hurst Avenue, parking for No.8 is retained with 2 parking spaces indicated for the proposed development, the layout is indicative at this time and may need to be reconsidered to ensure that on site turning is achieved.

10.7 Concerns were originally raised regarding the fact that the land to the rear of 6-8 Hurst Avenue would appear to become landlocked by the creation of the plot and could therefore become unmaintained and/or subject to antisocial behaviour. The applicant's agent has advised that access is available from Henry Orbell Close to the south.

##### Grounds Avenue

10.8 This element of the application is a former garage site which has since been cleared of structures, hardstanding remains, and the site is partially overgrown. Information from the applicant's agent indicates that there were 38-40 garages and that these were demolished around 2009, some 14 years ago. The historic use of the site for garaging and the associated traffic movements is a material consideration in the determination of this application.

10.9 The site is surrounded by residential development and is presently underutilised. It is acknowledged that para 120 c) of the NPPF affords substantial weight to the

value of using suitable brownfield land within settlements. However, whilst the site is large, it is severely constrained in relation to its shape, the relationship with surrounding dwellings (including access to the rear gardens of dwellings on Badgeney Road) and the fact that there is a right of way through the site which effectively cuts it in two and results in a large part of the site being unusable, there is also a high voltage cable which runs through the site which has a 3m wide easement which coincides with the right of way.

- 10.10 The layout put forward is contrived due to the awkward shape of the site and site constraints, with plot 1 being set back significantly further than the established building line on Grounds Avenue and introducing a detached property which is not characteristic of the area. Limited amenity space is afforded and relationships between dwellings are not ideal in respect of overlooking and outlook. No bin storage or collection area has been indicated and it is clear that Council refuse vehicles would be unable to access the site. The parking is predominately distant from the associated dwelling in a separate parking area, which does not appear useable in respect of the size of the spaces or the layout and could give rise to security and community safety concerns. An access road is provided in front of plots 2-5 with turning indicated, however it has not been demonstrated that this is workable, and the separated nature of the parking area is likely to result in parking on this access which would limit its use. Whilst it is acknowledged that this application is outline only, it is not considered that it has been demonstrated that 5 dwellings could be accommodated on this element of site without significant detrimental impacts.
- 10.11 It is proposed to utilise the existing access from Grounds Way which is also serves 51 and 53 Grounds Way and a number of properties on Badgeney Road for access to the rear of their gardens, along with pedestrians utilising the right of way through the site. The access is located in the corner of the turning head and is of extremely limited width at less than 3m wide with no scope for improvement due to the gardens and drives of existing dwellings either side. The Local Highways Authority object to the application on the basis that the addition of the development would increase the likelihood of conflict due to its inadequate width, with vehicles unable to pass and the presence of the right of way resulting in it also being used by pedestrians traversing the site. It is acknowledged that the access and its relationship with the existing properties and pedestrian use clearly falls below modern standards. However, as the lawful use of the land is car parking, this use could restart at any time without the need for planning permission and could generate at least as many traffic movements as the proposed 5 dwellings. Given the fall-back position, officers cannot recommend the refusal of planning permission on the grounds of the poor access.

### **Flood Risk and Drainage**

- 10.12 The application site Falls within Flood Zone 1 (low risk of flooding from rivers of the sea), however a small part of the site has a high risk of surface water flooding. The application is accompanied by a Sustainable Drainage Strategy which demonstrates that surface water from the proposed development (and therefore the small area prone to surface water flooding) can be managed through the use of permeable paving and soakaways discharging surface water via infiltration or, should infiltration not prove feasible permeable paving and discharge via flow control. On this basis the Lead Local Flood Authority support the proposed development subject to conditions in relation to infiltration testing, detailed design and management of surface water during construction.

## **Ecology**

- 10.13 The application is accompanied by an Ecological Impact Assessment which identifies that the site has potential for habitat for nesting birds, bats, reptiles, hedgehogs and invertebrates and mitigation and enhancement measures are therefore recommended. The Ecology Officer considers that the proposal is acceptable on ecology grounds subject to conditions securing the aforementioned measures.

## **11 CONCLUSIONS**

- 11.1 The principle of development is accepted and there are no issues to address regarding flood risk, drainage and ecology, subject to conditions

Whilst the single dwelling accessed via Hurst Avenue is supported, the majority of the development, for up to 5 dwellings off Grounds Avenue, is considered unacceptable, as whilst a reason for refusal in respect of the poor access cannot be substantiated, it has not been demonstrated that that a high quality, safe environment, which does not result in significant adverse impacts in relation to visual and residential amenity, could be achieved for the number of dwellings applied for, given the severely constrained nature of the site.

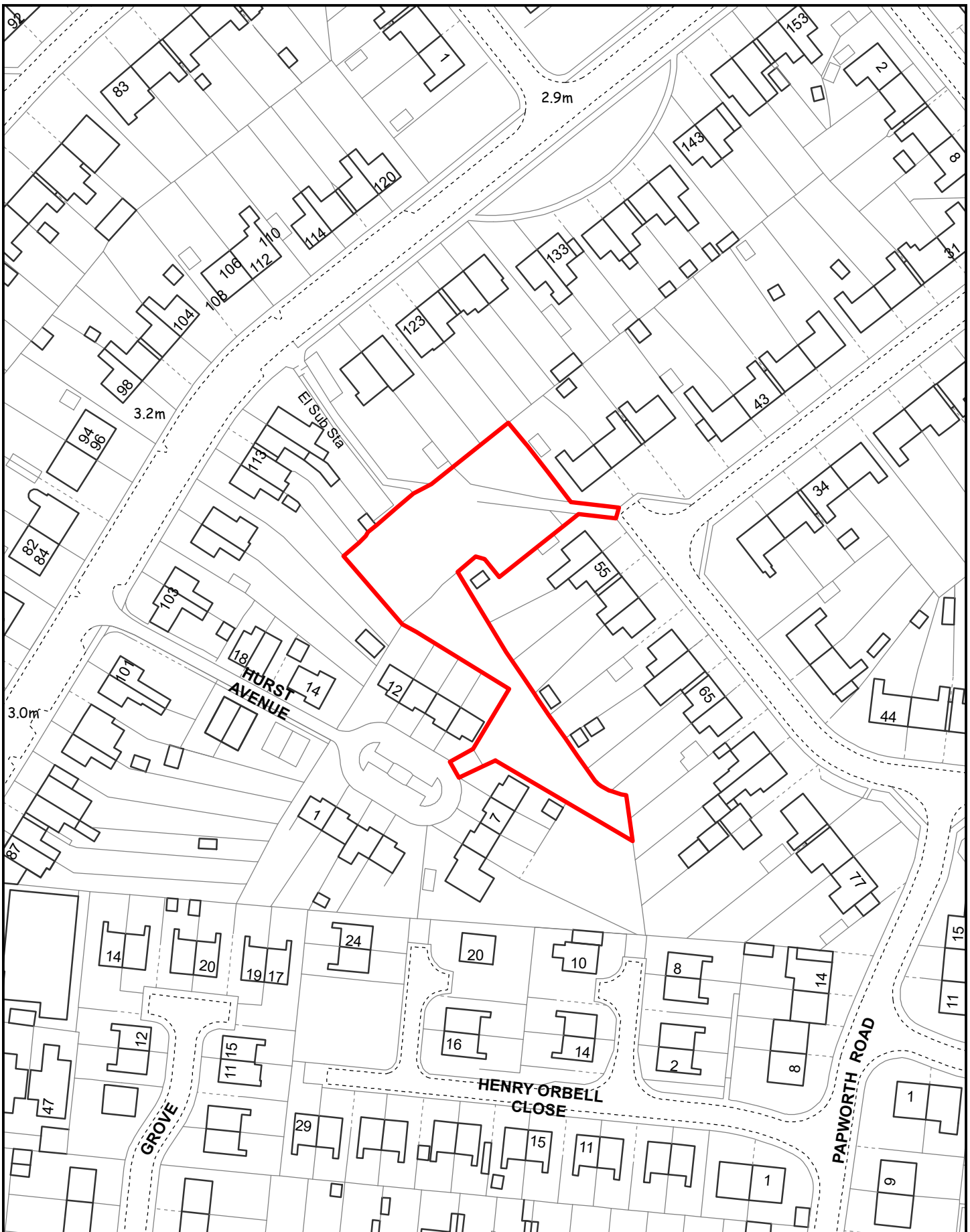
- 11.2 The recommendation is therefore to refuse the application in its entirety, given that there is no opportunity for a split decision.

## **12 RECOMMENDATION**

### **Refuse for the following reason :**

<b>1.</b>	<p>Policies LP2 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 130 of the NPPF 2023 and Chapters C1, I1 and I2 of the NDG 2021 seek to ensure that developments make a positive contribution to the local distinctiveness and character of the area and provide high quality environments, with high levels of residential amenity, avoiding adverse impacts.</p> <p>The Grounds Avenue element of the scheme is severely constrained in relation to its shape, the relationship with surrounding dwellings (including access to the rear gardens of dwellings on Badgeney Road) and the fact that there is a right of way through the site which effectively cuts it in two. There is also a high voltage cable that runs through the site which has a 3m wide easement which coincides with the right of way. Given all this, the application has failed to demonstrate that a high quality environment, which does not result in significant adverse impacts in relation to visual and residential amenity could be achieved for the proposed number of dwellings given the constrained nature of the site. As such, the development is considered contrary to the aforementioned policies as set out above.</p>
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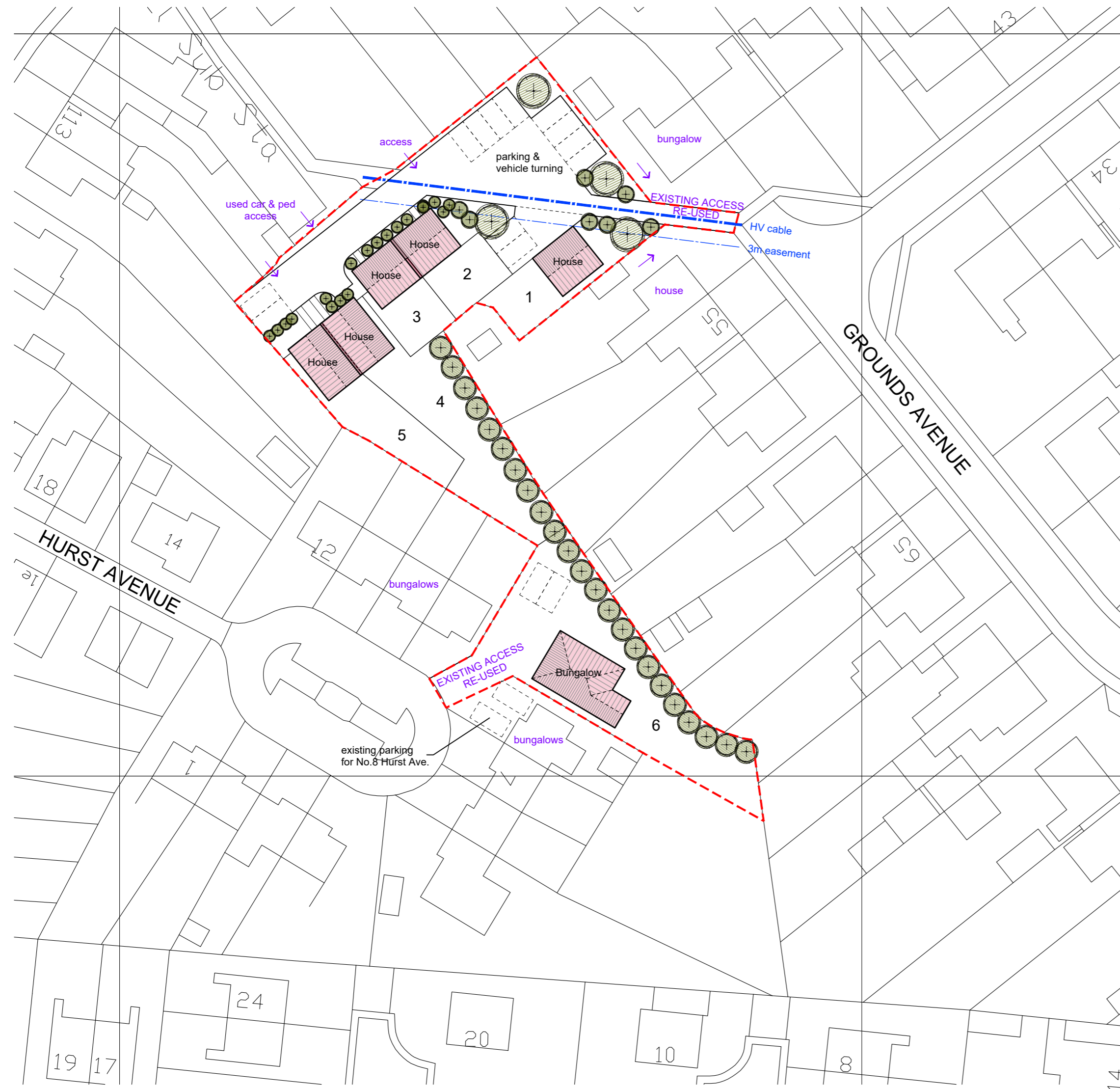
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Scale = 1:1,250





ILLUSTRATIVE LAYOUT  
FOR UP TO 6 DWELLINGS - 1:500

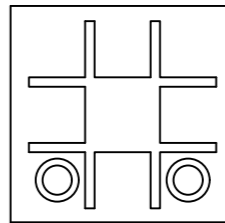
Site area = 2256 sq.m



LOCATION PLAN 1:1250

P:\2022 projects\Grounds Avenue, Chatteris\New Company Filing System\BHD Docs, Drawings & PDFs\2 Planning Drawings\outline planning.dwg

REVISION	DATE	DRAWN	CHECKED	DESCRIPTION	REVISION	DATE	DRAWN	CHECKED	DESCRIPTION

 <p><b>bhd</b> R. HARRINGTON, 1st FLOOR 12 CHURCH SQUARE LEIGHTON BUZZARD BEDS. LU7 1AE Tel: 01525 854770 Fax: 01525 854778</p>	<p>PROJECT: <b>GROUND'S AVENUE / HURST AVENUE MARCH</b></p>		
	<p>DRAWING TITLE: <b>INDICATIVE DEVELOPMENT PLAN LOCATION PLAN</b></p>	<p>SCALE: 1:500 1:1250</p>	<p>PROJECT CODE: 2224</p>
<p>DRAW DATE: 08.06.22</p>	<p>DRAWN: AC CHECKED: BH</p>	<p>DRAWING NUMBER: <b>PL-01</b></p>	
<p>DRAWING STATUS: <b>OUTLINE PLANNING</b></p>	<p>REVISION DATE:  </p>	<p>REVISION: <b>A</b></p>	<p>SHEET: <b>A2</b></p>