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**F/YR19/0179/VOC**

**Applicant: Elmside Limited**

**Agent : Mr A Wallis  
Wallis Design Associates**

**Land South West Of, Queen Street Close, March, Cambridgeshire**

**Variation of condition 4 of planning permission F/YR17/0685/VOC (Erection of 6 x 3-storey, 3-bed dwellings with balcony to front and integral garage and 4 x 3-storey, 2-bed dwellings) in relation to access**

**Reason for Committee: Town Council recommends approval contrary to the officer recommendation.**

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## **1. EXECUTIVE SUMMARY**

- 1.1. The proposal is for the construction of 10 dwellings without compliance with condition 4 of the previous planning permission which required the provision of the turning head prior to occupation of any of the dwellings.
- 1.2. The original permission has been implemented and therefore remains extant.
- 1.3. The applicant has been unable to complete an agreement with the landowner to provide the turning head and is seeking therefore to remove this requirement from the permission.
- 1.4. The Local Highways Authority have indicated that they consider the development without the turning head would result in a harmful impact on highway safety and therefore recommend refusal.
- 1.5. Recommendation is to refuse planning permission.

## **2. SITE DESCRIPTION**

- 2.1. The application site is located at the end of Queen Street Close, about a mile to the north of the centre of March. The site is rectangular shaped and is currently redundant and overgrown, it was formerly occupied by local authority offices. The site is bounded on all sides by existing development, with residential development to the south and north-east, an ambulance station to the east, car park to the north and to the west by All Saints primary school. Fenland District Council offices are located some 40m to the south east. The site lies within Flood Zone 1.
- 2.2. To the north of the application site, Queen Street Close is segregated by a steel railing, resulting in a 3 metre wide carriageway on the application site side of the railing, and a hard surfaced area to the north used as an informal turning and parking area.

## **3. PROPOSAL**

- 3.1. The proposal seeks to substitute the scheme approved by application F/YR17/0685/VOC (which was itself a variation of the original reserved matters application) in relation to amendments to condition 4 of the application relating to the access. Condition 4 required the implementation of a turning head detail prior

to occupation of the proposed dwellings, however the turning head was in part to be provided on third party land and subject to a Section 38 agreement with the Local Highways Authority.

- 3.2. The revised proposal is for access to the dwellings to be provided via a private driveway rather than through adoption by the Local Highways Authority, all other details to remain as per the latest permission.
- 3.3. Confirmation was provided in 2017 that the condition requiring commencement of the development within a specified period from the granting of the outline planning permission had been complied with.

#### 4. SITE PLANNING HISTORY

F/YR17/0685/F	Variation of condition 1 (condition listing approved plans) relating to planning permission F/YR14/0886/RM (Erection of 6x 3-storey, 3-bed dwellings with balcony to front and integral garage and 4x 3-storey, 2-bed dwellings) to provide for 10x 2-storey 3-bed dwellings with accommodation in the roof space, revisions to design, materials, floor area, turning head, landscaping and boundary treatments, amenity areas and removal of integral garages.	Granted 23/8/18
F/YR17/0433/ENQDIS	Application to seek compliance of condition 3 (commencement) of works of appeal decision relating to F/YR11/0388/O (Erection of 6x 3-bed and 4x 2-bed terraced houses)	Satisfied 12/7/17
F/YR14/0886/RM	Erection of 6x 3-storey, 3-bed dwellings with balcony to front and integral garage and 4x 3-storey, 2-bed dwellings	Granted 15/1/15
F/YR14/3124/COND	Detail reserved by conditions 5, 6, 7 and 8 of Appeal Decision APP/D0515/A/11/2160783 relating to F/YR11/0388/O (Erection of 6x 3-bed and 4x 2-bed terraced houses)	Granted 15/1/15
F/YR14/0537/F	Variation of condition 7 of appeal decision APP/D0515/A/11/2160783 relating to F/YR11/0388/O (Erection of 6x 3-bed and 4x 2-bed terraced houses)	Withdrawn 18/11/14
F/YR11/0716/EXTIME	Erection of 8x 2-bed houses (renewal of planning permission F/YR08/0774/O)	Granted 21/10/11
F/YR11/0388/O	Erection of 6x 3-bed and 4x 2-	Appeal allowed

	bed terraced houses	14/12/11
F/YR10/0215/O	Erection of 10x 3-bed houses with associated parking	Refused on 7/6/10 Dismissed appeal 29/11/10
F/YR09/0681/O	Erection of 12x 3-bed houses with integral garages	Withdrawn 12/1/10
F/YR08/0774/O	Erection of 8x 2-bed houses	Granted 14/10/08
F/YR07/0010/FDC	Residential Development (0.1485Ha) involving demolition of existing terrapin building	Granted 29/3/07

## 5. CONSULTATIONS

- 5.1. **March Town Council:** Recommend approval.
- 5.2. **Cambridgeshire County Council Highways Authority:** *Recommend refusal of the application. The proposal does not incorporate adequate facilities to enable a vehicle to turn on the site and so enter the highway in a forward gear, which is considered essential in the interests of highway safety.*

## 6. STATUTORY DUTY

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

## 7. POLICY FRAMEWORK

- 7.1. Section 73 of the Town and Country Planning Act 1990 states that for applications under this section, *“the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted”*.
- 7.2. **National Planning Policy Framework (NPPF)**  
Para 2: NPPF is a material consideration
- 7.3. **National Planning Practice Guidance (NPPG)**  
Determining a planning application
- 7.4. **Fenland Local Plan 2014**  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

## 8. KEY ISSUES

- **The acceptability of the changes proposed**
- **The conditions subject to which planning permission was granted**

## 9. BACKGROUND

- 9.1. Construction of 10 dwellings on the site was allowed on appeal in 2011, with subsequent reserved matters being granted in 2015 and confirmation of commencement of development confirmed in 2017. The applicant has provided confirmation of their attempts to secure a Section 38 agreement with regard to

the provision of the turning head previously approved, however this has not been completed and they are at present therefore unable to provide the turning head as approved, which was a condition of the granting of outline planning permission and required compliance prior to occupation of any of the units.

- 9.2. The current application therefore seeks to provide access to the dwellings via a private driveway, removing the turning head from the proposal to enable the development to be implemented.

## **10. ASSESSMENT**

### **10.1. The acceptability of the changes proposed**

- 10.2. The proposed change to the application removes the provision and adoption of a full turning head at the site. The details of the turning head were previously submitted and discharged as part of application F/YR14/3124/COND however the section 38 agreement to adopt the proposal has not progressed. Part of the turning head proposed was on land not within the control of the applicant. The current scheme therefore proposes the dwellings to be accessed via a private driveway, with only a partial turning head at the entrance of the site.
- 10.3. Four of the units would still be accessed directly from Queen Street Close rather than the new private driveway and on that basis the scheme would result in 6 dwellings accessed directly from the private drive. Refuse collection lorries will not enter private land and in any case would not be able to enter the site, instead collecting from Queen Street Close, which would involve either turning the refuse lorry within the parking area to the north, or reversing the vehicle along Queen Street Close from Queen Street approximately 90m to the east.
- 10.4. The Local Highways Authority has commented on the proposal, noting that Queen Street Close does not benefit from any current turning head, and stating that the additional traffic generated by the proposal will result in a greater need for such a feature. It goes on to advise that without such an arrangement vehicles will be required to use third party land to turn around or to reverse the length of Queen Street Close (approximately 100 metres), with the latter option representing a danger to highway safety. It is also noted that due to the existence of the railing delineating the boundary of ownership of the site from the land to the north, the current access into the site would be approximately 3 metres wide and would not therefore allow vehicles to pass one another at this point.
- 10.5. Examination of the planning history of the site confirms that a similar arrangement for a private driveway into the site was approved in 2008, albeit under the previous Planning Policy regime. Whilst such a scheme was granted consent, a significant period of time has elapsed since then and the current application must be assessed on its own merits under the current highway standards and planning policy regime.

### **11. The conditions subject to which planning permission was granted**

- 11.1. The remaining conditions of the previous permission granted on the site remain relevant to the proposal and therefore it is appropriate for these to be replicated as part of the decision in relation to the current application should consent be granted.

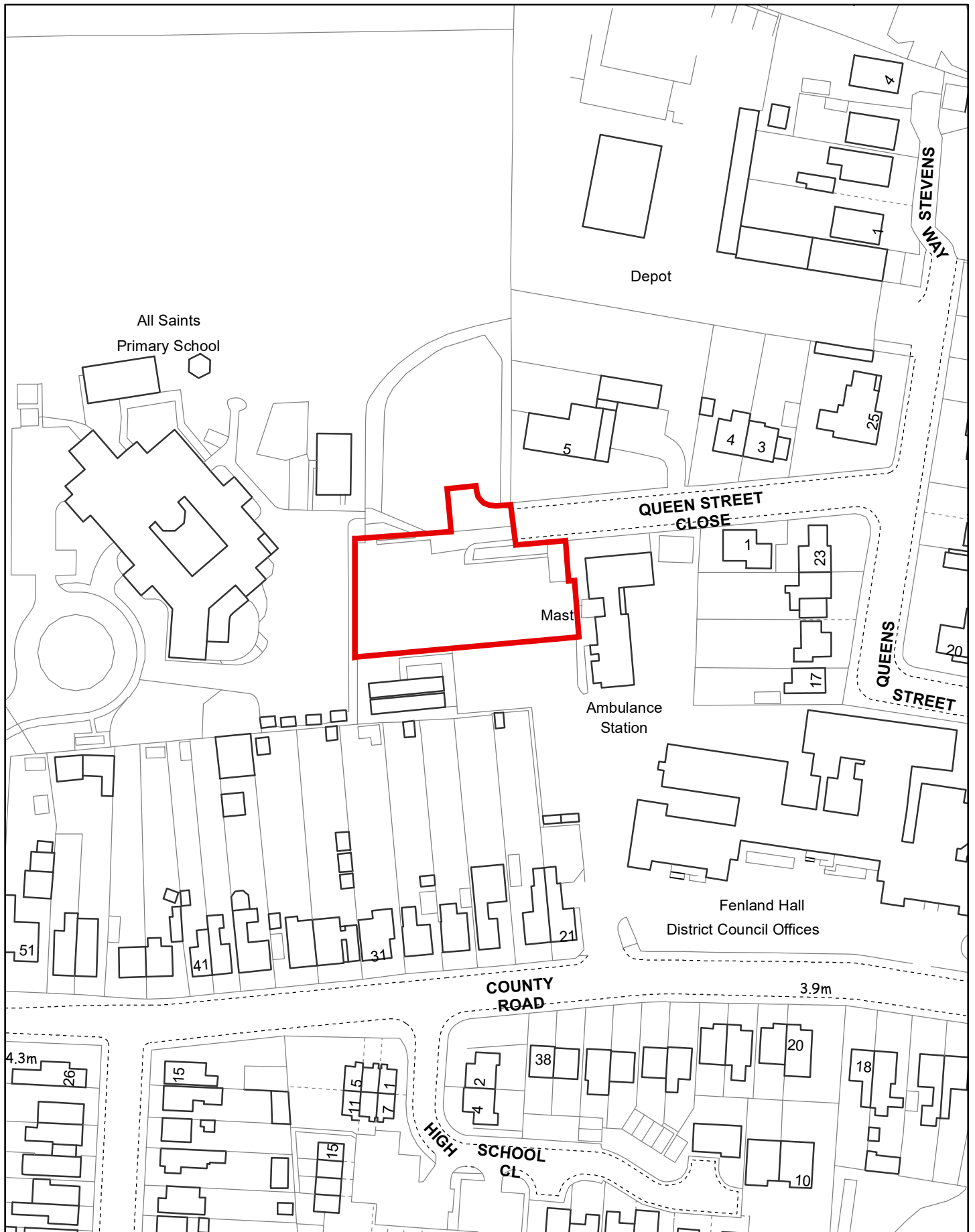
## **12. CONCLUSIONS**

- 12.1. The proposal would result in the lack of a turning facility within the development site that would result in a detrimental impact on highway safety, contrary to the provisions of policy LP15 of the Fenland Local Plan, which requires that development schemes should provide well designed, safe and convenient access for all, and goes on to state that development that has transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation that would make the development acceptable in transport terms.

## **13. RECOMMENDATION**

Refuse, for the following reason:

1. Policy LP15 of the Fenland Local Plan (2014) requires that development schemes provide a well-designed, safe and convenient access for all, and that development that has transport implications will not be granted permission unless deliverable mitigation measures have been identified and arrangements secured for their implementation. The proposal would result in inadequate facilities for vehicles to turn on the site and enter the highway in a forward gear, and is therefore detrimental to highway safety contrary to the provisions of policy LP15 of the Fenland Local Plan.



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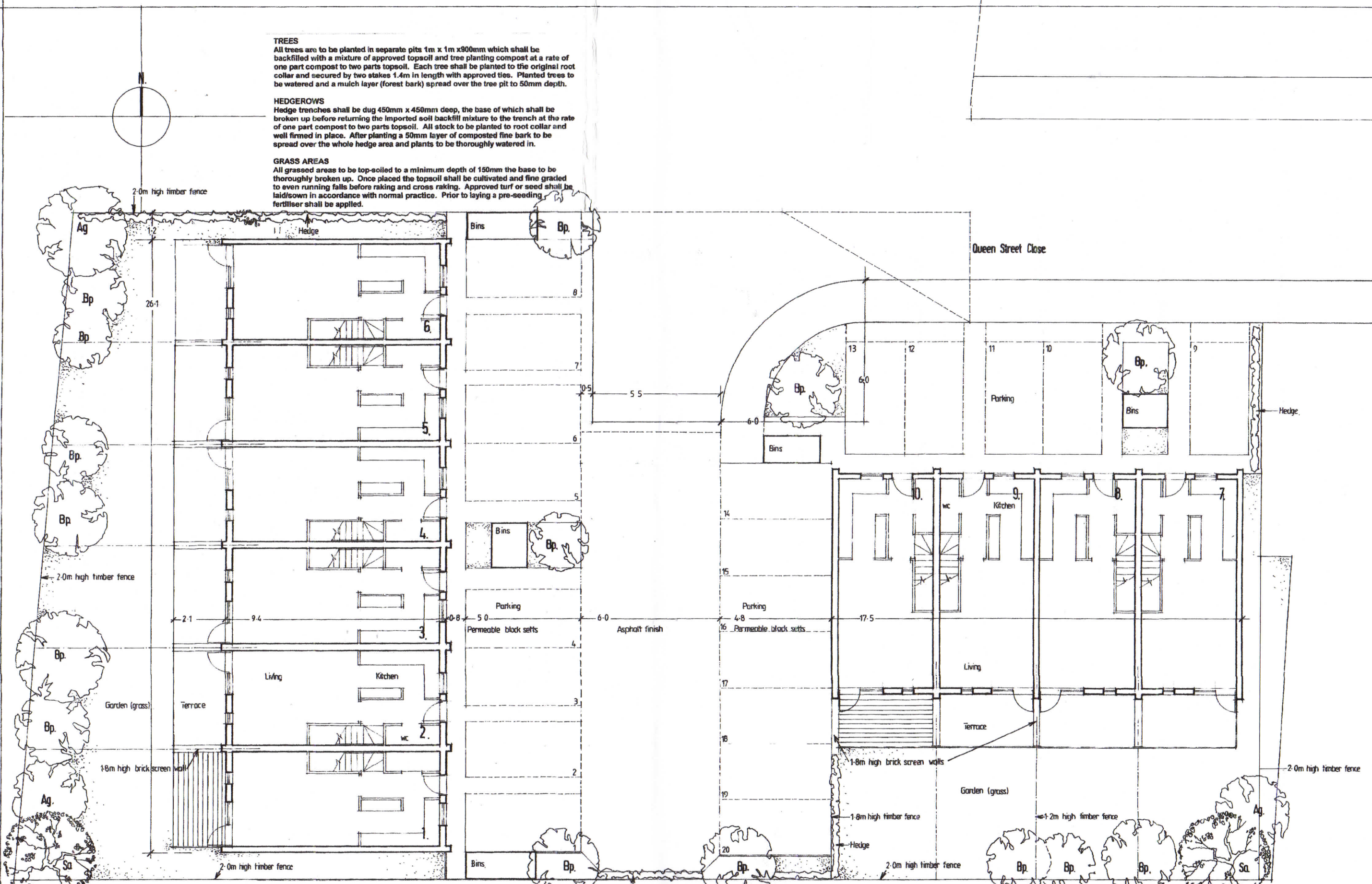




**TREES**  
 All trees are to be planted in separate pits 1m x 1m x 900mm which shall be backfilled with a mixture of approved topsoil and tree planting compost at a rate of one part compost to two parts topsoil. Each tree shall be planted to the original root collar and secured by two stakes 1.4m in length with approved ties. Planted trees to be watered and a mulch layer (forest bark) spread over the tree pit to 50mm depth.

**HEDGEROWS**  
 Hedge trenches shall be dug 450mm x 450mm deep, the base of which shall be broken up before returning the imported soil backfill mixture to the trench at the rate of one part compost to two parts topsoil. All stock to be planted to root collar and well firmed in place. After planting a 50mm layer of composted fine bark to be spread over the whole hedge area and plants to be thoroughly watered in.

**GRASS AREAS**  
 All grassed areas to be top-soiled to a minimum depth of 150mm the base to be thoroughly broken up. Once placed the topsoil shall be cultivated and fine graded to even running falls before raking and cross raking. Approved turf or seed shall be laid/sown in accordance with normal practice. Prior to laying a pre-seeding fertiliser shall be applied.



TREE SCHEDULE	SPECIFICATION	NUMBER
CODE SPECIES		
A.g Alnus glutinosa	Heavy Standard 12 - 14 girth 3.60 - 4.25 ht	3
B.p Betula pendula (multi stem)	Multi stem 2.75 - 3m ht root balled	15
S.a Sorbus aucuparai	Heavy Standard 12 - 14 girth 3.60 - 4.25 ht	2

HEDGE SCHEDULE	SPECIFICATION	NUMBER
Fagus sylvatica	1000 - 1250mm plant rate 5/1m	150

**Land south of Queen Street Close, March -**  
**Ref: F/YR17/0685/VOC.**  
 Site Layout and Landscape Plan.

Scale : 1:100 Date 04/06/2018 Number : WDA:32 (Variation)