
F/YR19/0931/O

**Applicant: Mr & Mrs Gray And Mr & Mrs Rankin Agent : Mr G Edwards
Swann Edwards Architecture Limited**

Land South Of 137, Upwell Road, March, Cambridgeshire

Erect up to 9no dwellings (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: March Town Council's comments are contrary to the Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission with all matters reserved for residential development of the site for up to 9 dwellings.
- 1.2 The site is considered to lie on the edge of March and comprises garden land serving no's 137 and 135 Upwell Road. The character of the area is of frontage development forming a ribbon of dwellings along Upwell Road. The proposal for in-depth development would therefore conflict with this distinct character contrary to policy LP16 of the Fenland Local Plan.
- 1.3 In addition, the development would result in the demolition of several buildings which yield potential for bird and bat habitat. However, the application is not supported by an adequate biodiversity survey and it is therefore not possible to establish what impact the development may have on protected species or what mitigation may be required contrary to LP16(B) and LP19 of the Fenland Local Plan.
- 1.4 Whilst the site offers no technical issues e.g. in respect of highways, flood risk or contamination, the visual harm and potential harm to biodiversity resulting from the development is considered to substantially outweigh the modest benefits that the development could achieve.
- 1.5 The recommendation is to refuse the application.

2 SITE DESCRIPTION

- 2.1 The site is located to the rear of 2 existing dwellings and hosts several ancillary buildings related to the properties although not residential in nature themselves. It is located on the very eastern edge of the town of March where there is an underlying pattern of ribbon development extending eastwards for about 500 metres beyond what is otherwise the clearly defined edge of the built up extent of the settlement.
- 2.2 The character of this area is one of frontage development, and is transitional in nature, as it moves from agricultural, open countryside to the east, towards the more urban, built up form to the west.

2.3 The site lies in Flood Zone 1.

3 PROPOSAL

3.1 The application seeks Outline planning permission for the residential development of the site for up to 9 dwellings. All matters (access, layout, scale, appearance and landscaping) are reserved for future consideration but the applicant has provided an indicative scheme to show how the dwellings might be arranged within the site.

3.2 The plan denotes a central point of access using the existing access from Upwell Road with a turning head midway along the private drive serving all 9 dwellings.

3.3 Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision
19/0066/PREAPP	Erection of 5 dwellings	Proposal not considered favourable

5 CONSULTATIONS

Parish/Town Council

5.1 Recommend approval

Cambridgeshire Fire & Rescue Service

5.2 Requires provision of fire hydrants - to be secured via s106 agreement or planning condition.

Environment & Health Services (FDC)

5.3 Raises no objection. Considers the development would be unlikely to have a detrimental effect on local air quality or the noise climate. Notes that given the proposal is to demolish existing buildings, it is recommended to include a condition addressing unsuspected contamination.

Middle Level Commissioners

5.4 No comment received

Cambridgeshire County Council Highways Authority

5.5 Raises no objections. Would expect to see at reserved matters stage a more detailed access arrangement. Notes that the current plans suggest the existing access will be utilised but considers it's clear the existing access is inadequate in terms of its width/geometry and construction.

Anglian Water Services Ltd

5.6 The scheme is below the 10 dwelling threshold and therefore Anglian water do not wish to comment.

Local Residents/Interested Parties

5.7 5 letters of support received with the following comments;

- More homes are needed

- Back land development (including larger homes) already exist in the Upwell road area with no issues

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Paragraph 2 & 47: Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

Paragraph 127: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 102-107: Promoting sustainable transport

Chapter 5: Housing land supply

Paragraphs 124-132: Requiring good design

Paragraphs 170, 175-177: Conserving and enhancing the natural environment

Paragraphs 34, 54-57: Planning conditions and obligations.

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide, 2019 (NDG)

- Context

- Identity

7.4 Fenland Local Plan, 2014 (FLP)

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

LP15: Facilitating the creation of a More Sustainable Transport Network in Fenland

LP16: Delivering and Protecting High Quality Environments across the District

LP19: The Natural Environment

7.5 March Neighbourhood Plan, 2017 (MNP)

H2: Windfall Development

H3: Local Housing need

7.6 Supplementary Planning Documents/ Guidance:

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)

- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

8 KEY ISSUES

- Principle of Development
- Impact on the character and appearance of the area
- Access & Highways
- Residential amenity
- Biodiversity & Ecology

9 BACKGROUND

- 9.1 The applicant undertook pre-application advice prior to the submission of the application. The pre-application enquiry was for the erection of 5 dwellings but captured the same extent of land as with this application.
- 9.2 In summary, Officers considered that the proposal was not in keeping with the character and distinctiveness of the area with linear frontage development forming the distinctive pattern of development in this location, contrary to the in-depth development proposed. Consequently the proposal was contrary to Policy LP16 of the Local Plan.

10 ASSESSMENT

Principle of Development

- 10.1 Local Plan Policy LP3 defines March as a Market Town where (along with the other market towns) the majority of the district's new housing growth should take place. The site sits within the garden land of residential properties on the edge of March. Policy LP4 of the FLP accepts small-scale housing development such as this on the edge of market towns – subject to considerations under policy LP16. LP16 seeks to secure high quality environments having regard to impacts on matters such as visual amenity, local identity and character and residential amenity. These are considered separately below.
- 10.2 The March Neighbourhood Plan policy H2 allows for windfall development subject to meeting the provisions of the FLP as well as criteria summarised as;
- a) *Not resulting in unacceptable residential amenity impacts*
 - b) *No net loss of open space*
 - c) *The site being at low risk of flooding*
 - d) *Safe vehicular access*
 - e) *It delivers off-site infrastructure required to make it acceptable*
 - f) *It is of a high standard of design; and*
 - g) *No loss of community facilities unless justified as per requirements of FLP policy LP6.*
- 10.3 In respect of H2; Matters relating to amenity harm, safe access and design would be considered at reserved matters stage. It is considered that the development in all other respects complies with the aims of MNP policy H2.
- 10.4 Having regard to the above, it is concluded that the development is acceptable in principle.

Impact on the character and appearance of the area

- 10.5 The site comprises garden land associated with the frontage dwellings (No's 135 and 137). The gardens incorporate various ancillary structures including a chicken coop, a quonset-style structure believed to have been formally used as a piggery and a larger garage/ stores building as well as small sheds and some domestic paraphernalia. The site is highly visible when approaching along Upwell Road from the east with an open boundary along the eastern and southern perimeter. As such, whilst the site does incorporate some structures, it is generally open with small scale buildings scattered around the site. The surrounding land east and south is agricultural land. Directly opposite the site, behind No.150 is a grouping of agricultural barns which emphasises the more rural character of this end of March when compared to the the more urban, built up form to the west of the town.
- 10.6 The residential form along the southern side of Upwell Road is a distinctive linear pattern of development. The proposal is considered in the context and identity of this settlement pattern.
- 10.7 Regard is had to a recent appeal decision 300m west of the site at 85-89 Upwell Road (F/YR17/0563/O – appeal: APP/D0515/W/18/3200338). This development proposed 4 dwellings in a back land position. The application was refused at Planning Committee and subsequently dismissed at appeal whereby the Inspector concurred with the Council's conclusions that that the development would cause harm to the character of the area, the open character of the countryside and did not accord with the settlement pattern. During the appeal, consideration was given to the existence of Upwell Park. Here, the Inspector concluded that was an isolated development which did not follow the predominant settlement pattern and did not justify similar development.
- 10.8 Notwithstanding this, it is concluded that residential development of the application site would significantly alter the character of the area from small scale, sporadic structures to a denser, more formalised massing of built form. This would be particularly notable given its clear views when approaching March from the east.
- 10.9 The development would substantially alter the openness and rural character of the area thereby failing to reinforce the distinctive linear character of built form in this area. Consequently the development would fail to respond positively to the context of the area contrary to the aims policy LP16 of the FLP and Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014.

Access & Highways

- 10.10 Whilst access is not committed, the indicative access position appears to be logical, relying on the existing access serving No.137. The Local highways Authority has raised no objection subject to securing a satisfactory access scheme as part of future reserved matters application.
- 10.11 It is concluded that it is likely that a satisfactory means of access to serve the development could be secured which could accord with policy LP15 of the FLP.

Residential amenity

- 10.12 Whilst no detail of the specific arrangement of dwellings, their orientation or window positions are committed at this time, due to their in-depth position, it is

likely that a scheme could come forward which would not result in any severe overlooking, overshadowing or with overbearing impacts on neighbouring properties, albeit that the impact of the development on the amenity of the host dwellings; 135 and 137 would require careful consideration at reserved matters stage given that the access runs immediately between them.

- 10.13 Due to the low number of units, it is unlikely that the LHA would adopt the access road and indeed the indicative plan denotes the shared driveway being a private road. In this regard, future occupiers would be expected to present their wheeled bins for collection at the edge of the public highway unless an agreement is secured to construct the road to accommodate the Council's refuse vehicles - with an indemnity agreement against any damage caused to the road by the Council's refuse lorries.
- 10.14 The indicative layout denotes that occupiers could be required to wheel their bins as far as 110m (Plot 8) which far exceeds the recommended 30m carrying distance as set out in the RECAP guidance and supported by LP16(f) and Policy DM4 of the associated design SPD. This has implications in respect of securing 'lifetime' homes that reflect changing lifestyles or circumstances (see LP2 (bullet 3), LP5 (Part C) and LP16(k), with some future occupants finding themselves being unable to present their bins for collection over time due to personal circumstances and unreasonable carrying distances.
- 10.15 Therefore, in order for the scheme to be acceptable in this regard, the aforementioned construction and indemnity agreement would be required. This could be reasonably secured through planning conditions and through the submission of satisfactory reserved matters detail relating to access and layout.

Biodiversity & Ecology

- 10.16 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. This duty is demonstrated through the requirement of development to satisfy of policies LP16(b) and LP19 of the FLP.
- 10.17 Paragraph: 018 of the NPPG (Reference ID: 8-018-20190721) sets out that;
- “Information on biodiversity impacts and opportunities needs to inform all stages of development (including site selection and design, pre-application consultation and the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate.*
- Even where an Environmental Impact Assessment is not needed, it might still be appropriate to undertake an ecological survey, for example, where protected species may be present or where biodiverse habitats may be lost.”*
- 10.18 The proposal would result in the demolition of several brick-built and timber-constructed barns and structures and potential the removal of some trees. The site lies approximately 270m north east of an area of woodland and 250m east of Horsemoor drain. A small pond is located south of Upwell Park c.130m south west.

- 10.19 Having regard to Biodiversity Checklist provided by the applicant, the site has potential for Bat and Barn Owl habitat given the construction and condition of the buildings and their locations near to woodland and open water. The applicant's agent has submitted an 'Initial biodiversity report' whereby they explain that they have undertaken a number of site walkovers and found no evidence of Bats, Owls or nesting birds. This is also the case for Newts, Badgers, Dormice and other reptiles and that the applicant is not aware of the presence of these on site.
- 10.20 The survey does not identify the times at which the walkovers were carried out or the extent of investigations, nor does it provide details of any qualifications by those having undertaken the assessment. It is considered that expecting such details would be proportionate in the context of the application. As such, it is considered that the biodiversity survey evidence submitted does not adequately assess the potential for protected species and it is therefore not possible to determine the impact of the development or what mitigation may be necessary to make the development acceptable.
- 10.21 The proposal therefore fails to satisfy policies LP16(b) and LP19 of the FLP in that it fails to adequately establish the harm that may arise to protected species and the necessary mitigation measures that may be required.

11 CONCLUSIONS

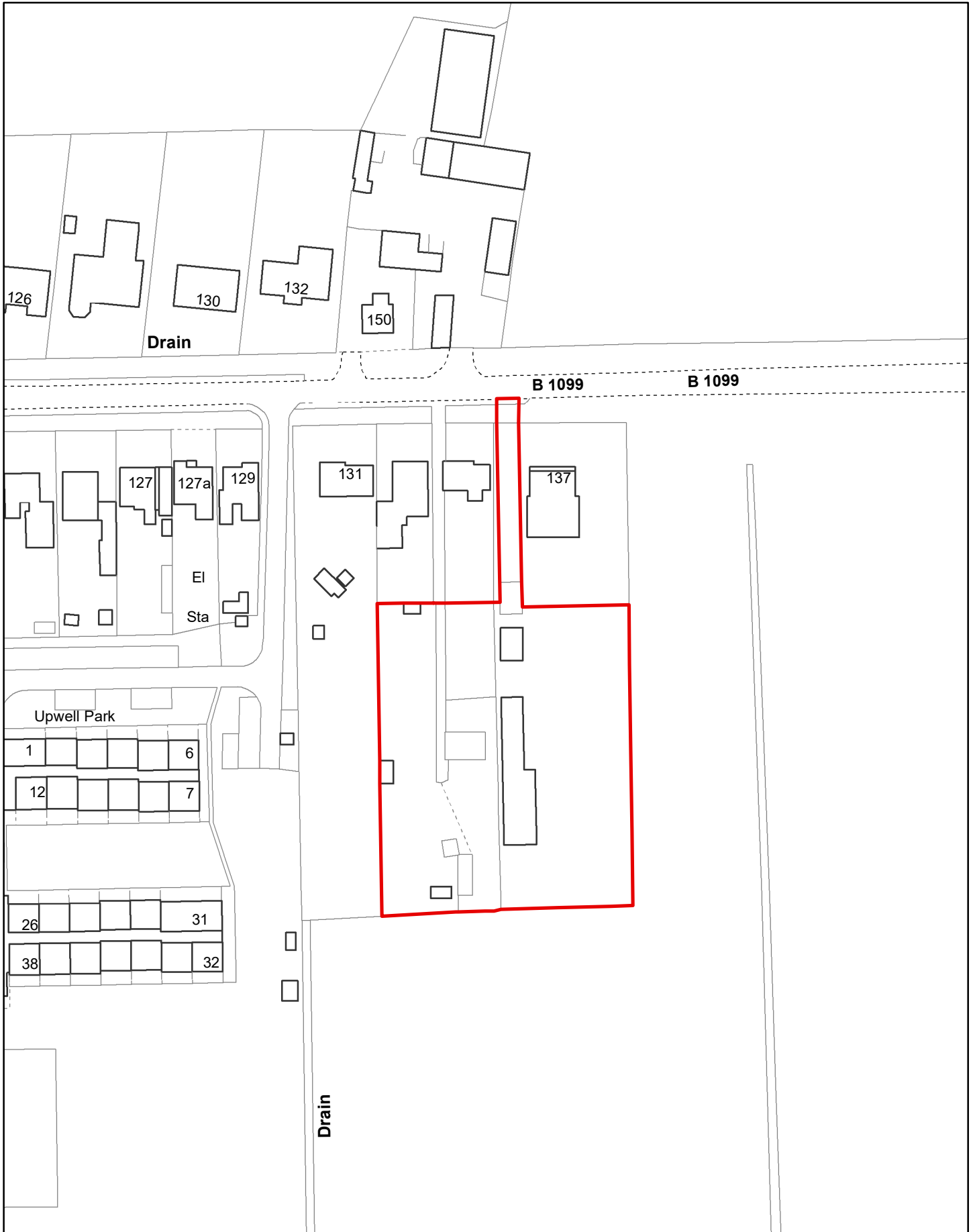
- 11.1 It is acknowledged that the proposal would make a modest contribution towards economic growth, both during the construction phase and in the longer term through assisting the local economy e.g. local services/facilities, thereby helping to sustain the village of Doddington and the wider district and would make a modest contribution towards the district's housing stock. This also has social benefits.
- 11.2 Weighing against the proposal however is the introduction of development which would not be in-keeping with the pattern of the settlement, resulting in a visually disrupting form of development which would have a significant, adverse impact on the spacious rural character and openness of the area.
- 11.3 In addition, the existing structures form potential habitat for Bats and Birds but the application fails to provide enough detail for the LPA to adequately assess the potential impact of the development on protected species and/ or consider what mitigation may be necessary. Consequently the council are unable to satisfy their legal requirement under the NERC Act, 2006.
- 11.4 It is considered that the harm substantially outweighs the benefits of the development.
- 11.5 The Council can demonstrate a 5 year supply of housing and therefore the 'tilted balance' under paragraph 11 of the NPPF is not engaged. In this regard therefore, the policies within the development plan are considered up to date and robust enough to determine this proposal.
- 11.6 The proposal fails to accord with relevant policies of the development plan and is considered to comprise unsustainable development. The Local Planning Authority is required in law to determine planning applications in accordance with the Development Plan unless material planning considerations indicate

otherwise. Officers consider that there are no material considerations that have been presented to indicate that a departure from the development plan would be justified in this instance. Therefore, Officers recommend that the application is refused for the reasons set out in section 12 below;

12 RECOMMENDATION

12.1 Refuse for the following reason

1.	<p>Policy LP16 of the Fenland Local Plan, 2014 requires that proposals for new development should deliver and protect high quality environments which respond to and improve the character of the local built form and respond to the street scene and existing settlement patterns. The proposed development is shown to occupy a secondary position within the street scene which does not respond to the existing linear settlement pattern and therefore represents urban sprawl into the open countryside contrary to Policy LP16 of the Fenland Local Plan, adopted May 2014 and Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014.</p>
2.	<p>Policy LP16(b) and LP19 seek to ensure that development protects and enhances biodiversity with LP19 requiring the Council to refuse permission for development that would cause demonstrable harm to a protected species or habitat.</p> <p>The development would result in the complete demolition of a number of buildings which could comprise habitat for bats and birds. However, no adequate survey work has been undertaken to enable the Local Planning Authority to appropriately assess the impact of the development on protected species or understand what mitigation measures may be required. Therefore, in the absence of any such evidence and taking a precautionary approach, the application fails to satisfy the requirements of LP16(b) and LP19 of the Fenland Local Plan, 2014.</p>



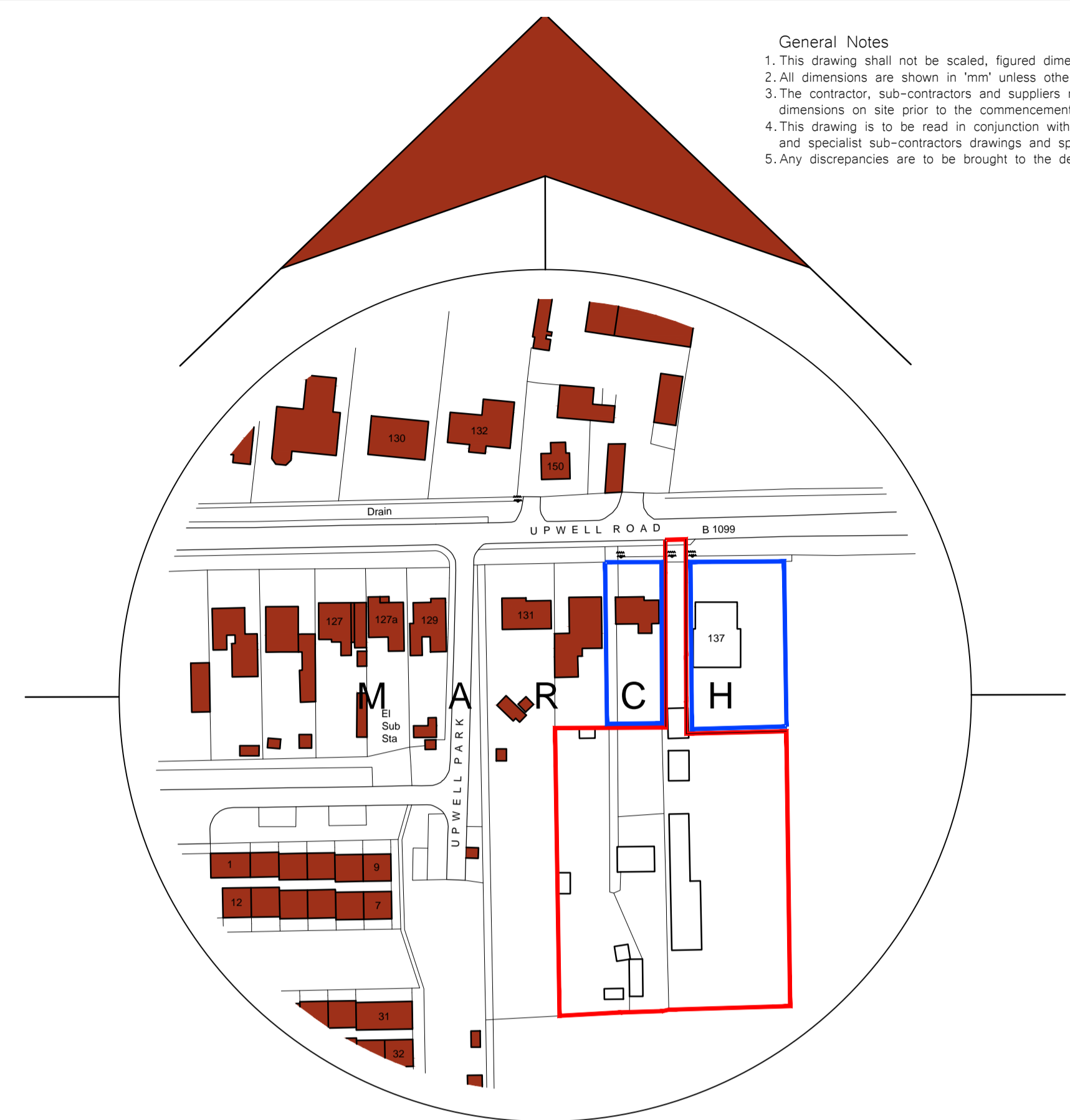
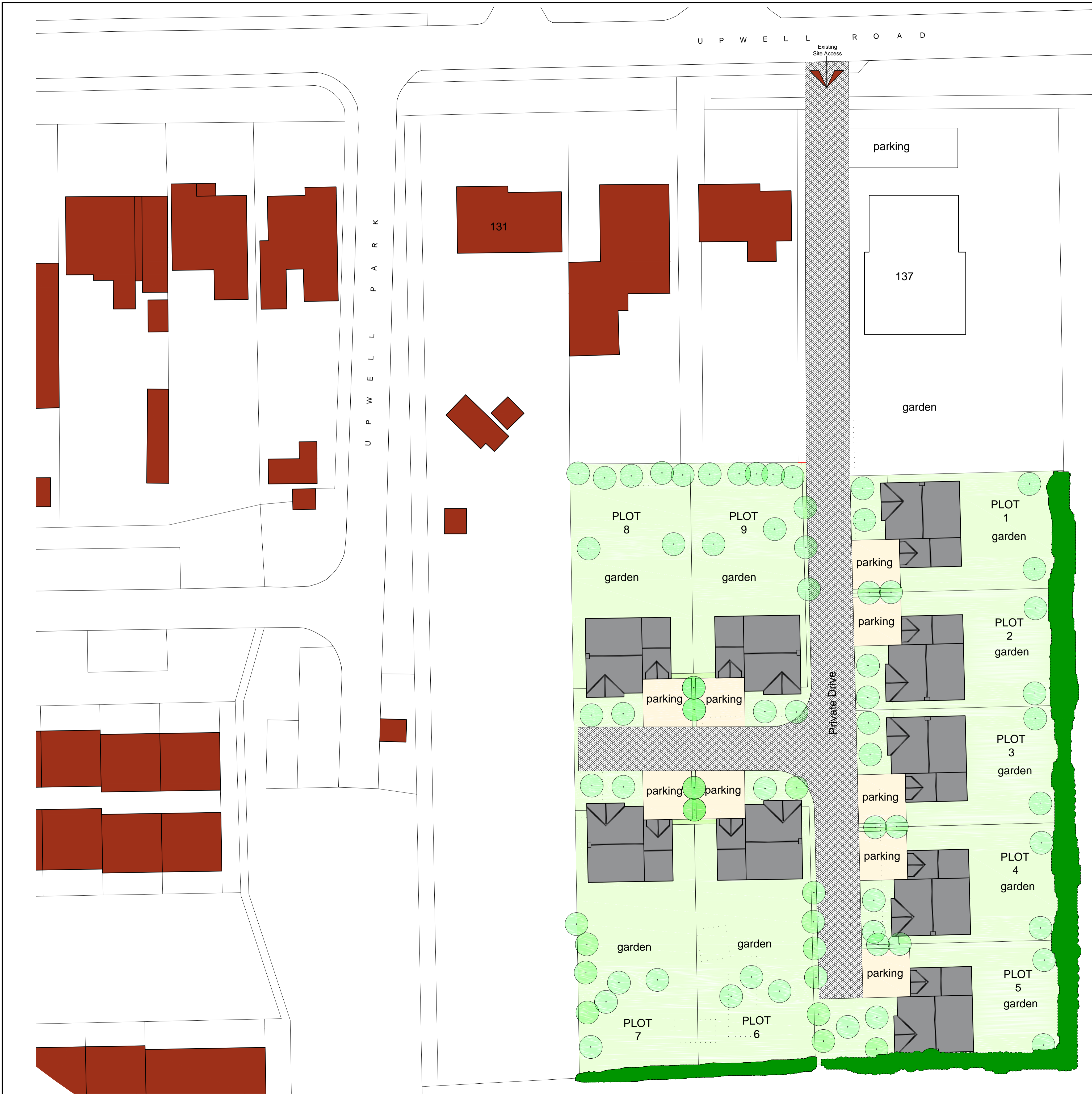
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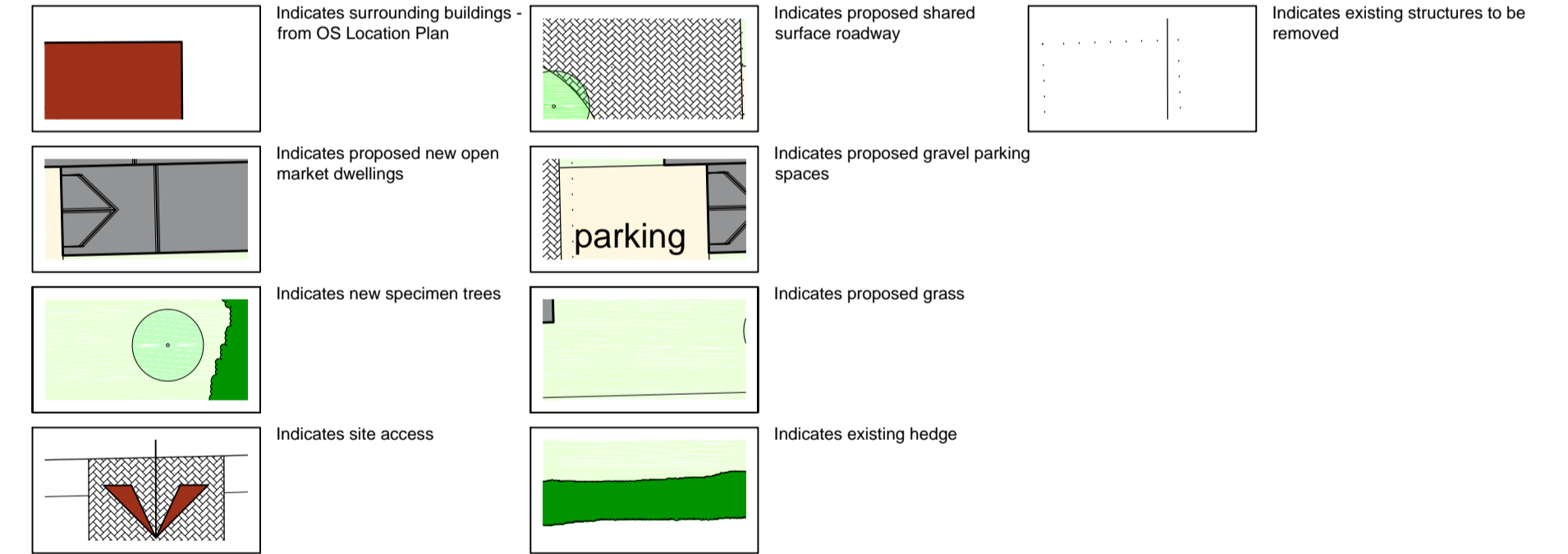
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- General Notes
1. This drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in 'mm' unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 5. Any discrepancies are to be brought to the designers attention.

SITE PLAN KEY



Indicative Front Elevation
Scale: 1:100



Indicative Site Plan
Scale: 1:250

Revisions		
B	Oct 2019	Elevation revised

Status
FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE

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Job Title	Date	Scale
Proposed Residential Development	September 2019	Various Sheet Size A1
For: Mr & Mrs Gray and Mr & Mrs Rankin		
Drawing Title	Job No.	Drawn by
Outline Planning Drawing Site, Location Plans and Front Elevation	SE-1215	G.E.
Dwg No.	Revision	
PP1001	B	