
F/YR19/0972/FDC

**Applicant: Mrs Becky Francis
Fenland District Council**

Agent :

Land East Of, 80 Upwell Road, March, Cambridgeshire

Erect 1no dwelling (outline application with all matters reserved)

Officer recommendation: Approve

Reason for Committee: Fenland District Council are land owner and applicant

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for a single dwelling with all matters reserved.
- 1.2 This site is within the built up settlement of March and is within a sustainable location.
- 1.3 It is considered that there are no site constraints which would render the development of the site for one dwelling unacceptable; subject to detailed design and appropriate safeguarding conditions.
- 1.4 Whilst the site has been used by the adjacent Dental Surgery as informal car parking there are no planning conditions limiting this area for use as parking and the land is in separate ownership meaning that the use for parking could cease at any time, hence there is no planning justification for its retention.
- 1.5 The scheme complies with both national and local planning policy and may be favourably recommended.

2 SITE DESCRIPTION

- 2.1 The site is almost rectangular in shape and is situated between the Dental Centre and a bungalow (No.80) fronting Upwell Road. To the rear is an electricity sub-station and further housing within Smith's Drive. The front part of the site is laid to lawn and the rear part of the site is an informal parking area used by the Dental Centre. A footpath runs along the eastern boundary of the site which provides pedestrian access from Smith's Drive to Upwell Road.

3 PROPOSAL

- 3.1 The proposal seeks outline planning permission (with all matters reserved) for the erection of 1 dwelling. An illustrative site plan has been submitted which shows

how the site could be developed with one dwelling located along the building line of Upwell Road together with garden/amenity space to the rear and a parking and turning arrangement to the front with vehicular access taken from Upwell Road. The site plan also indicates that the footpath to the east (currently within the applicant's ownership) as being retained.

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

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=Q0LJO3HE0D800>

4 SITE PLANNING HISTORY

F/YR02/1353/FDC	Residential Development (0.071 ha)	Withdrawn 07.01.2003
F/0997/84/O	Erection of a dental surgery North side of Upwell Road March (on dismantled railway line)	Granted 17.01.1985
F/0520/84/O	Erection of a dwelling Adj. 80 Upwell Road March	Deemed Consent 15.11.1984

5 CONSULTATIONS

- 5.1 **March Town Council:** Recommend approval.
- 5.2 **Environment & Health Services (FDC):** No objection. Note and accept the submitted information, it is unlikely to have a detrimental effect on local air quality or the noise climate. There are no concerns with regard to the proximity of the electricity sub-station at the rear of the site - it would be no closer to the proposed dwelling when compared with the existing residential properties in the area. Due to the proposed development site known to be used for car parking, it would be prudent to include the unsuspected contamination condition.
- 5.3 **Highway Authority:** The application site appears to displace a number of parking spaces. FDC should consider the impact of the loss of parking. Despite this being an all matters reserve application; it would be useful for some indicative site access arrangement to be detailed to demonstrate that an acceptable vehicular access arrangement can be provided for the site. Visibility splays should be detailed for the proposed access.
- 5.4 **Middle Level IDB:** No comments received.
- 5.5 **Local Residents/Interested Parties:** 1 objection received relating to the loss of the parking area used by the adjacent Dental Centre. Concerns relate to there not being sufficient parking for staff and patients as a result of the proposal and request consideration is made for at least 3 parking spaces to be reinstated as part of the proposal.

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

National Planning Policy Framework (NPPF)

Para. 2 - Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 10 - Presumption in favour of sustainable development

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

Paras. 24-27 Maintaining effective cooperation

Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 91 - Decisions should aim to achieve healthy, inclusive and safe places

Para. 98 - Decisions should protect and enhance public rights of way and access

Para. 118(d) promote the development of under-utilised land and buildings especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively

Para. 127(f) - create places that are safe, inclusive and accessible and which promoted health and well-being and a high standard of amenity for existing and future users.

Paras. 178 - 189 - Ground conditions and pollution

National Planning Practice Guidance (NPPG)

National Design Guide 2019

Context

Identity

Built Form

Movement

Nature

Public Spaces

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

LP13 – Supporting and Managing the Impact of a Growing District

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

March Neighbourhood Plan 2017

H2 – Windfall Development

H3 – Local Housing Need

8 KEY ISSUES

- **Principle of Development**
- **Character, Layout, Design and Residential Amenity**
- **Highway and access considerations**
- **Other considerations**

9 ASSESSMENT

9.1 Principle of Development

The main policy documents which are relevant to the consideration of this application are Fenland Local Plan (FLP) 2014, the March Neighbourhood Plan (MNP) 2017 and the National Planning Policy Framework 2019. The weight that should be attributed to these policies and documents are considered below.

- 9.2 In terms of the FLP the scheme would in principle accord with Policy LP3 given that March is identified as one of the market towns where the majority of the district's new housing should be focussed. It is however necessary to demonstrate that there would be no harm arising to the visual amenity of the area or residential amenity with regard to Policy LP16. In addition it is necessary to demonstrate that there is a safe access to the site (Policy LP15) and that the scheme is acceptable in flood risk (Policy LP14) and that there are no other site constraints, including contamination etc which would render the scheme unacceptable.

9.3 Character, Layout, Design and Residential amenity

This is an outline application with all matters reserved. It is clear from the illustrative site plan that there is sufficient land available on which to deliver a dwelling with associated amenity, parking and turning space.

- 9.4 Upwell Road is characterised by frontage development and this proposal would allow for this character to be continued by providing a dwelling fronting the road with garden space located to the rear and parking and turning to the front. Accordingly the proposed dwelling in this location would not be detrimental to the character and appearance of the area and therefore a detailed scheme has the potential to accord with Policy LP16 of the FLP, subject to other policy considerations.

- 9.5 As this is an outline application the window positions are unknown at this stage; however there is scope at the detailed design stage to minimise overlooking; and whilst there is likely to be an element of overlooking (which is not uncommon in urban areas) such overlooking subject to careful design is unlikely to have a significant detrimental impact on the private amenity of adjoining occupiers. Accordingly the proposal has the potential to accord with Policy LP16 and Policy H2 (a) of the MNP in respect of impact on neighbouring dwellings.

9.6 Highways and access considerations

This is an outline planning application with all matters, including access reserved, however it is clear that there is an access available from Upwell Road. The Highway Authority, whilst not objecting, have requested further details in respect of the access arrangement, however officers are confident that an acceptable access arrangement together with visibility splays can be achieved.

- 9.7 There is sufficient site area available to provide parking and turning in accordance with the parking standards, it is anticipated that a modest sized dwelling is likely to be delivered and this typically would require 2 car parking spaces.

9.8 Part of the site has been used by the adjacent Dental Surgery on an informal basis for additional parking dating back to 2008. The Dental Surgery has its own parking to the front of its site and also to the rear on other land (not part of this application). The applicant has confirmed that this informal arrangement was terminated with effect on 9 October 2019 and as such any ongoing parking is unauthorised. There are no planning requirements under any previous permissions or planning conditions which restricts the area for parking. Indeed the land is in separate ownership of the Dental Surgery meaning that the use of parking could cease at any time, hence there is no planning justification to refuse the application on this basis.

9.9 Based on the above there are no matters arising that would indicate that planning permission should be withheld for this development on the grounds of LP15 or LP16 of the FLP and Policy H2 (d) of the MNP in so far as they related to access, servicing and highway safety.

9.10 **Other considerations**

The site is located within flood zone 1 (low risk) and as such it is sequentially preferable in terms of development and represents no issues with regard to Policy LP14 of the FLP and Policy H2 (c) of the MNP.

9.11 The Environmental Health team have no objections to the proposal, however given the previous use as a car park it is considered necessary to impose a condition in respect of unsuspected contamination. The electricity sub-station located at the rear of the site has also been assessed and given the proximity to existing neighbouring dwellings in comparison to the distance to the application site it is not considered to raise any concerns.

10 **CONCLUSIONS**

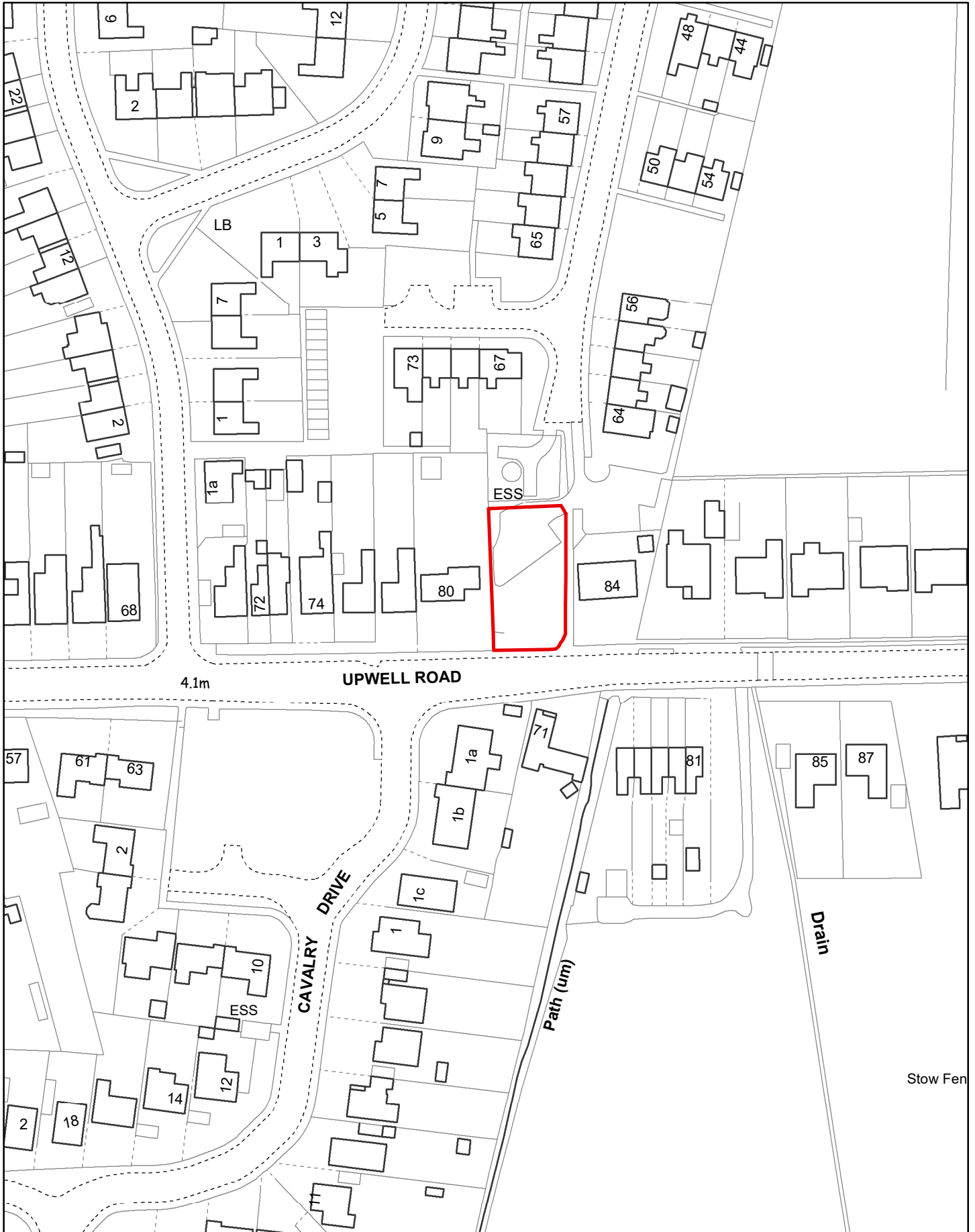
10.1 It is considered that the erection of one dwelling on the site identified is acceptable and accords with the relevant policy framework, subject to safeguarding conditions regarding contamination as required. The area of land and illustrative layout provided demonstrates that the site may accommodate the amount of development proposed and that subject to detailed design it is considered that the development could be delivered without detriment to existing residential amenity. Accordingly approval is recommended.

11 **RECOMMENDATION: Grant subject to conditions**

The proposed conditions are as follows;

1	Approval of the details of: (i) the layout of the site (ii) the scale of the building(s); (iii) the external appearance of the building(s); (iv) the means of access thereto; (v) the landscaping (hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).
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	<p>Reason To enable the Local Planning to control the details of the development hereby permitted.</p>
2	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>Reason To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>
3	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
4	<p>The residential elements of the development shall not exceed 1 dwelling (Use Class C3).</p> <p>Reason - For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5	<p>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.</p> <p>Reason: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.</p>
7	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p>



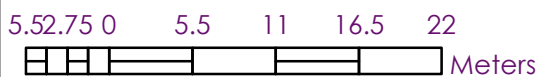
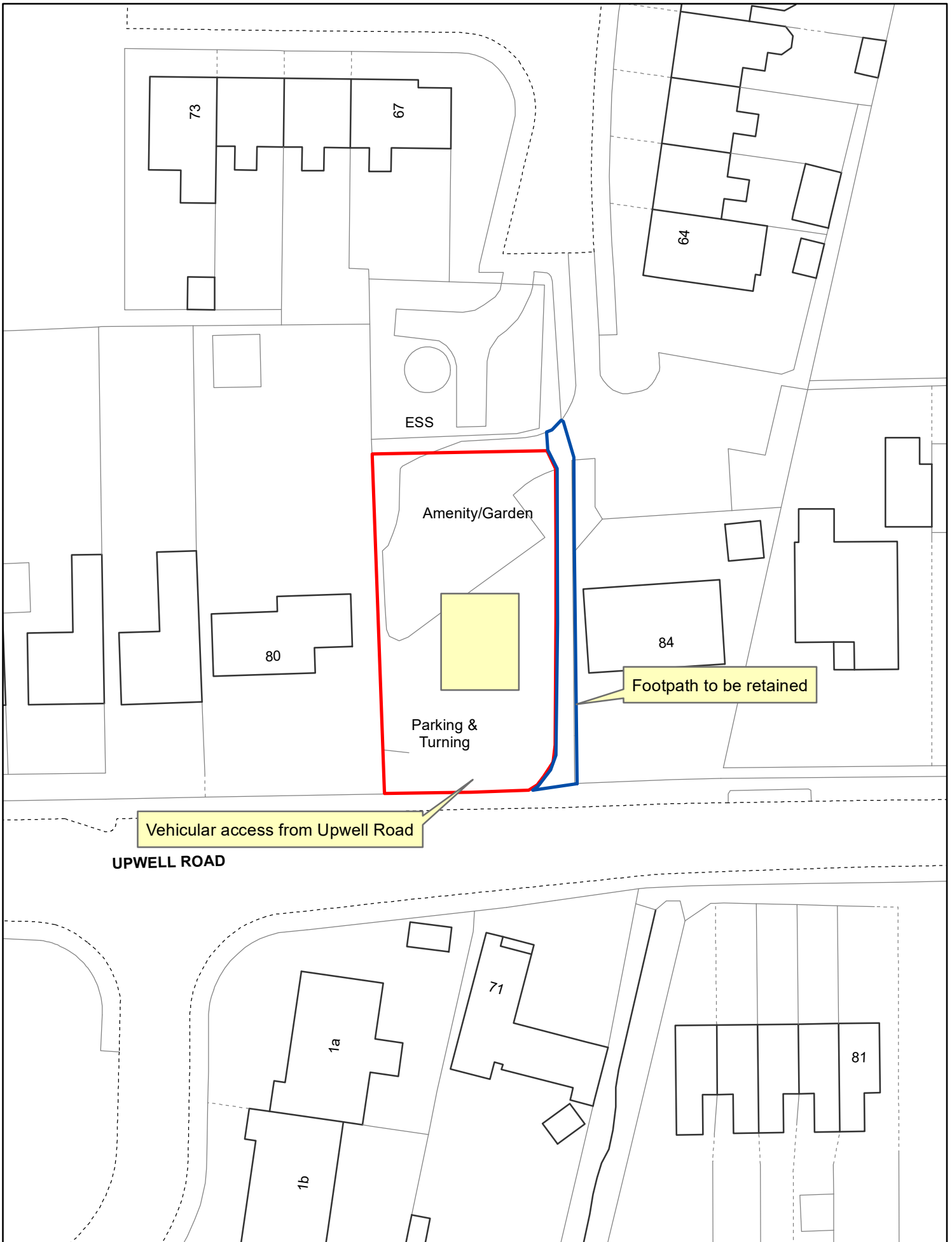
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Scale = 1:1,250





Land East of 80 Upwell Road, March

Indicative Layout

