
F/YR20/1230/O

Applicant: Miss J Riches

**Agent : Mr Craig Brand
Craig Brand Architectural Design
Services**

Land East Of, 25 - 27 Russell Avenue, March, Cambridgeshire

Erect up to 3 dwellings (outline application with matters committed in relation to access only) involving demolition of double garage and highway works including formation of a footpath

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for up to 3 dwellings with matters committed in respect of access only.
- 1.2 The previous application on this site (F/YR15/0490/O), for the erection of 2 x 2-storey dwellings involving the demolition of existing garage was refused and dismissed on appeal in May 2016, the Inspector concluding that the development would significantly harm the appearance of the site and surrounding area.
- 1.3 The proposal would introduce a form of built development that does not respond to the prevailing character and settlement pattern in the area, the resultant effect would be that the dwellings would be viewed as incongruous within their setting and detrimental to the characteristic spaciousness that defines the rear aspect of the properties. The proposal therefore would be significantly harmful to the character and appearance of the site and the surrounding area.
- 1.4 It is considered that development of the site for 3 dwellings would constitute overdevelopment, resulting in a dominant and overbearing impact on 23-29 Russell Avenue and a significant detrimental impact in respect of overlooking and loss of privacy, principally in relation to 23 Russell Avenue. The same would be true in relation to the proposed dwellings given that there is potential for direct overlooking at a distance of approximately 10m, from in particular 25 Russell Avenue.
- 1.5 The proposal is therefore considered unacceptable due to its failure to accord with Policies LP2 and LP16(d and e) of the Fenland Local Plan 2014, DM3 of Delivering and Protecting High Quality Environments SPD 2014, Policy H2 of the March Neighbourhood Plan 2017, Paragraphs 122, 127 and 130 of the NPPF 2019 and chapters C1, I1, I2 and B2 of the National Design Guide 2019.
- 1.6 Consequently, the recommendation is to refuse the application.

2 SITE DESCRIPTION

The application site is located on the eastern side of Russell Avenue, to the rear of No.s 25 and 27 and is formerly garden land serving these dwellings but have subsequently been separated by timber fencing, it is partially overgrown, there are 4 trees, concrete hardstanding and detached garage. The site fronts on to a single width access in a form which features elsewhere on the wider estate, there is no turning area or footpath, a verge features each side of the road and bollards to prevent vehicular access to the park. The area is characterised by dwellings fronting Russell Avenue, that maintain a strong frontage form and benefit from long rear gardens.

3 PROPOSAL

- 3.1 The application seeks outline planning permission for up to 3 dwellings with matters committed in respect of access only. It is proposed to widen the access road from 3m to 5m and provide a 1.5m wide footpath on the southern side.
- 3.2 Whilst drawings have been provided to illustrate options for site these have been supplied for illustrative purposes and do not form part of the consideration of the scheme.
- 3.3 Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QL2YJ7HE01U00>

4 SITE PLANNING HISTORY

F/YR15/0490/O	Erection of 2 x 2-storey dwellings involving the demolition of existing garage	Refused 11/8/2015
		Dismissed on appeal 11/05/2016

5 CONSULTATIONS

5.1 Cambridgeshire County Council Highways (21/12/2020)

The proposed highway arrangement is unacceptable. The extract below shows the extent of the public highway. I measure a highway reserve width of 6.8m which provides a suitable width for some form of shared surface adoptable construction. A 5.5m shared surface will provide a more suitable access arrangement to the development in question. The agent is advised to contact CCC Searches to obtain accurate highway mapping of the road in question.

The lack of turning provision is also a cause for concern. 50m is a long distance for refuse, emergency and delivery vehicles to reverse. There appears to be garden space available to provide some form of turning head.

The agent is welcome to give me a call in the new year to discuss highway layouts suitable for the development in question.

Defer for amended plans.

5.2 Cambridgeshire County Council Highways (26/2/2021)

I have no highway objections subject to the following conditions;

1.)Prior to first occupation, carriageway widening and a 1.5m footway will be laid out and fully constructed in accordance with approved plan CAD213/100 Rev C. Reason: in the interests of satisfactory vehicular and pedestrian access.

2.)Prior to the first occupation of the development the proposed on-site parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

Advisories

1.)This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

2.)The applicant should note that the nature of the highway works proposed will necessitate the completion of a Section 278 Highway Works Agreement between the developer and the LHA prior to commencement.

5.3 Town Council (22/12/2021)

Recommend approval subject to maximum of two dwellings and, due to the narrowness of the roadway, provision of six off-road car parking spaces.

5.4 Town Council (28/1/2021)

MTC believes that 3 dwellings would be over-development of the site and, for that reason, would only support a maximum of 2 dwellings.

5.5 Town Council (2/3/2021)

Recommend approval.

5.6 Environmental Health (FDC) (3/1/2021)

This response has considered the Environmental Health issues concerning this proposal.

A site visit hasn't been made and this response is based on a desk-top study.

Documents considered are: -

Application Form – Dated 30 November 2020

Location Plan

Site Plan

Design and Access Statement –

Craig Brand Architectural Design

Services dated 30 November 2020

Planning Application Ref. No. F/YR15/0490/O

The application refers to the removal of a concrete double garage, but doesn't state what the roof is constructed of. The photograph submitted with the design

and access statement doesn't clear up this point and it could be that it is made of corrugated cementised asbestos cement sheeting, which would require removal by a licensed asbestos removal contractor.

This issue should be clarified with the full application, and if it shows to contain asbestos, details of the strategy to remove the roof should be submitted.

There are no implications with noise being created by this proposal and there are no known noise sources which are likely to adversely impact on this site.

There are no implications for local air quality with this proposal.

There are no issues with ground contamination and no known former contaminative use of the site, but I would recommend the attachment of the standard contaminated land condition to any consent granted.

Consequently, there are no objections to this proposal and would agree to consent.

5.7 Environmental Health (FDC) (7/3/2021)

The issues which have prompted the re-consultation do not change the recommendation in the previous response.

Consequently, there are still no objections to this proposal and agree to consent.

5.8 Local Residents/Interested Parties

10 objections have been received (from 2 x Russell Avenue, 1 x Tondel Court, 2 x Chestnut Crescent, 1 x Norwood Road, all March; 1 x Bexhill-on-Sea, 1 x Leicester, 1 x Spalding and 1 x Sutton St Edmund), in relation to the following:

- Overlooking
- Light pollution
- Loss of light
- Overshadowing
- Effect on house prices
- Refused previously
- Impact on the access/users of the park from additional traffic
- Overcrowding
- Parking already an issue/limited
- Surface water drainage/flooding
- Overdevelopment/cramped
- Impact on wellbeing/mental health
- Character of area
- Limit views
- Would set a precedent, no other development comparable
- Impact on outlook
- No comparison with West Close which has a roundabout to enable turning
- Not in keeping

6 supporting comments have been received (from 1 x Waveney Drive, 1 x Queens Street, 2 x Riverbank Close, 1 x Peyton Avenue and 1 x Elwyndene Road, all March), in relation to the following:

- Affordable/social housing needed
- Would bring a run-down site into use
- Help discourage anti-social behaviour in park
- Close proximity to schools

- 5.9 It should be noted that loss of views and depreciation of property values are not material considerations.
- 5.10 The application is not seeking affordable/social housing, but general market housing and as such this is not a consideration.
- 5.11 Matters where they relate to material planning considerations will be addressed in the sections below.

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)

National Planning Practice Guidance (NPPG)

National Design Guide 2019

Context – C1

Identity – I1, I2

Built Form – B2

Movement – M3

Homes and Buildings – 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

Delivering and protecting High Quality Environments in Fenland SPD 2014

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

DM4 – Waste and Recycling Facilities

March Neighbourhood Plan 2017

H2 – Windfall Development

H3 – Local Housing Need

8 KEY ISSUES

- **Principle of Development**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Highways/parking**
- **Flood Risk**

9 BACKGROUND

- 9.1 Application F/YR15/0490/O for the erection of 2 x 2-storey dwellings involving the demolition of existing garage was refused on 11/8/2015 for the following reasons:

1. Policy LP16 of the Fenland Local Plan, adopted May 2014 requires that proposals for new development make a positive contribution to the character of the area and respond to the local built environment. Due to the positioning of the plots, accessed from a service road/footway to the open space which serves the estate the dwellings will fail to respond to the local built form. Accordingly the dwellings proposed will be detrimental to the character of the area and will cause significant harm as it will be entirely alien to the frontage nature of the wider estate . As such the proposal fails to accord with Policy LP16 of the Fenland Local Plan, adopted May 2014.

2. Policy LP16 of the Fenland Local Plan, adopted May 2014 requires that proposals for new development respect existing residential amenity. Due to the positioning of the plots, which subdivide existing residential curtilages, overshadowing and overlooking will occur which will significantly impact on the residential amenity of adjoining residential occupiers to the north and south-west. In addition given the constraints of the site in terms of its dimensions a degree of visual dominance will occur in respect of the amenities of No 27 which would again compromise residential amenity. As such the proposal fails to accord with Policy LP16 of the Fenland Local Plan, adopted May 2014 with regard to residential amenity.

- 9.2 The application was subsequently appealed and dismissed by the Inspector who considered:

In respect of character of the area:

I conclude that the proposed development would significantly harm the character and appearance of the site and the surrounding area. The proposal therefore would conflict with the requirements of Policy LP16 of the LP, in so far as it seeks that new development protects and delivers a high quality environment with a positive contribution to local distinctiveness and the character of the area, including settlement patterns.

In respect of residential amenity:

I conclude that the proposed development would not harm the living conditions of the occupiers of neighbouring properties. The proposal would not conflict, therefore, with Policy LP16 of the LP insofar as it seeks to ensure development does not adversely impact on the amenity of neighbouring users in terms of noise, loss of privacy and loss of light.

- 9.3 The appeal was dismissed on the basis of the harm relating to the character and appearance of the site and the surrounding area, which still remains the case and would in fact be worsened by the further intensification of an additional dwelling now proposed.
- 9.4 It should be noted that the conclusions in relation to residential amenity were based on drawing CAD 213/4 B, which indicated 2 semi-detached properties with a detached garage separating the proposed dwellings from No.s 25 and 27 Russell Avenue to the west. The separation distances indicated would not be possible to achieve for 3 dwellings on the site as now proposed and as such the situation is not comparable with this aspect of the appeal decision.

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 and flood risk.

Design considerations and visual amenity of area

- 10.2 There are some garden trees shown to be removed from the site, however these are not considered to provide significant amenity to the area and as such are unworthy of retention/protection.
- 10.3 The surrounding estate is heavily characterised by post war homes arranged around a central playing field with spur roads leading off to further frontage development. The site forms part of a gap, together with the long rear gardens of surrounding properties and intermittent landscaping, which provides a transition between the dense built form, constant pattern and consistent alignment of properties fronting Russell Avenue and the contrasting open and verdant character of the playing field.
- 10.4 This character is replicated on all sides of the playing field and would be disrupted by the uncharacteristic siting of dwellings in a backland location. The presence of dwellings on this site would be a more prominent and dominant feature when viewed from public vantage points than the lower profile of the existing garage to be removed and other similar outbuildings visible within rear gardens. The proposal would introduce a form of built development that does not respond to the prevailing character and settlement pattern in the area, the resultant effect would be that the dwellings would be viewed as incongruous within their setting and detrimental to the characteristic spaciousness that defines the rear aspect of the properties. The development therefore would be significantly harmful to the character and appearance of the site and the surrounding area.
- 10.5 The agent refers to previously consented schemes in the wider area, these were also referred to within the previous application and subsequent appeal and were not considered representative of the scheme submitted. The Inspector stating *'...I have observed and taken into account a number of examples of nearby development brought to my attention by the appellant..., the examples reflect*

either infill or backland development in dissimilar locations to the appeal site and with different characteristics and relationships to their surroundings. As such the examples do not replicate the circumstances of the development proposed or justify the harm identified’.

- 10.6 The agent now states that granting permission ‘*will undoubtedly be noticeable against the current character of its surroundings but is likely to be followed by others in the vicinity*’ thereby acknowledging the significant harm that would be created. The application is assessed on the basis of the current situation, not what may or may not come forward in the future and indeed any other such applications would further erode the spacious character of the area, creating additional harm and should not be encouraged.
- 10.7 Due to the the location of the proposed plots, as expressed above there is no scope for the proposal to achieve compliance with Policy LP16(d) of the Fenland Local Plan 2014, DM3 Delivering and protecting High Quality Environments in Fenland SPD 2014, paragraphs 122, 127 and 130 of the NPPF 2019 and chapters C1, I1, I2 and B2 of the NDG 2019.
- 10.8 It should be acknowledged, as detailed in the background section above, that planning permission has already been refused and an appeal dismissed due to the significant detrimental impact on the character of the area. The previous permission was for 2 dwellings and the proposal for 3 is considered to exacerbate the harm created. The publication of the National Design Guide in 2019, since the previous decision, further highlights the importance that the Government places on creating high quality and well-designed places, giving further weight to this consideration in the decision-making process.

Residential Amenity/Health and wellbeing

- 10.9 This application is for outline planning permission with matters in respect of appearance, landscaping, layout and scale reserved for future consideration, hence precise details are not known at this stage. Whilst drawings have been provided to illustrate options for site these have been supplied for illustrative purposes and do not form part of the consideration of the scheme.
- 10.10 A bin storage and collection strategy would need to be considered, however this can be conditioned; the distances involved have potential to exceed those outlined in Policy DM4 and RECAP guidance however this would not be so significant to warrant refusal of the scheme on this regard.
- 10.11 The proposal is for up to 3 dwellings, as such the impact of the maximum number of dwellings applied for must be considered. The Inspector concluded that the previous proposal for 2 dwellings would not have a significant detrimental impact in relation to the residential amenity of surrounding dwellings. However it should be noted that the conclusions in relation to this were based on drawing CAD 213/4 B, which indicated 2 semi-detached properties with a detached garage separating the proposed dwellings from No.s 25 and 27 Russell Avenue to the west, the separation distances previously indicated would not be possible to achieve for 3 dwellings on the site. It is considered that development of the site for 3 dwellings would constitute overdevelopment, resulting in a dominant and overbearing impact on 23-29 Russell Avenue and a significant detrimental impact in respect of overlooking and loss of privacy, principally in relation to 23 Russell Avenue. The same would be true in relation to the proposed dwellings given that there is potential for direct overlooking at a distance of approximately 10m, from in particular 25 Russell Avenue.

- 10.12 The proposal is therefore considered to be contrary to Policy LP2 and LP16 (e) of the Fenland Local Plan 2014, Policy H2 of the March Neighbourhood Plan 2017 and Paragraph 127 of the NPPF 2019 due to the potential for significant harm to residential amenity.
- 10.13 The agent asserts that the proposal would provide additional surveillance to the adjoining park; whilst this may be the case (full details of the proposal are not committed), this is not considered to outweigh the harm that would be created.
- 10.14 Environmental Health have raised the potential for the existing garage to contain asbestos and request further information in this regard, however the disposal of asbestos is covered by separate legislation and it is not the purpose to the planning system to duplicate such legislation.

Highways/parking

- 10.15 Access to the site is a matter for consideration and has been amended during the course of the application to widen the road and provide a footpath, as requested by the Highways Authority.
- 10.16 Occupiers of the dwellings would be able enter the site and then use the widened access road to reverse out and then exit the road in forward gear.
- 10.17 Layout and therefore the internal parking arrangements have not been committed, however there is space to the front of the site available for parking. It is considered that suitable arrangements can be achieved in accordance with Policy LP15 of the Fenland Local Plan 2014 and M3 of the NDG 2019.

Flood Risk

- 10.18 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures.
- 10.19 Issues of surface water flooding in the area have been raised; the site is not indicated on the Surface Water Management Plans as a 'wet spot' and drainage will be considered under Building Regulations to ensure a suitable strategy can be achieved; accordingly there are no issues to address in respect of Policy LP14.

11 CONCLUSIONS

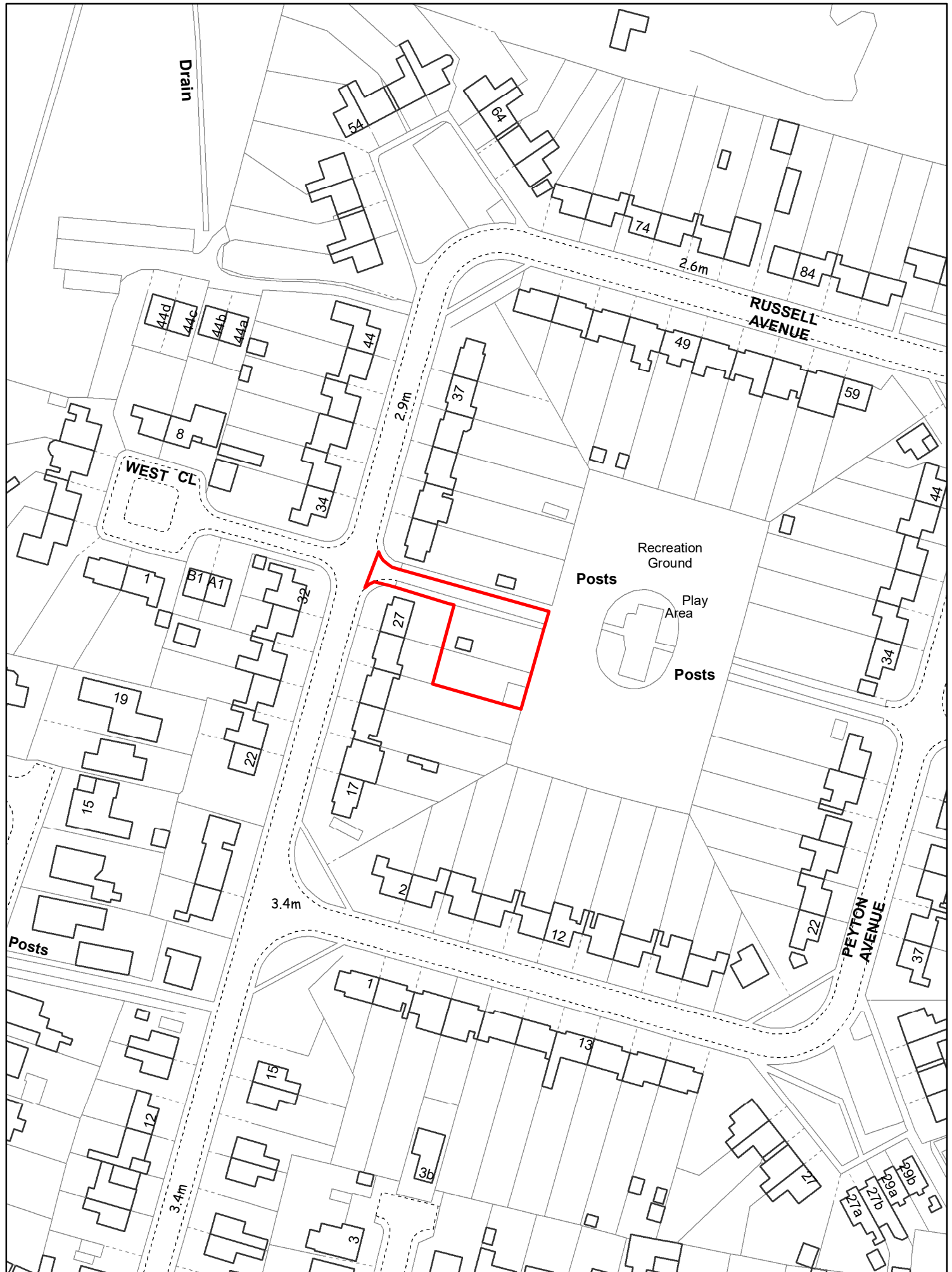
- 11.1 The proposal is overall considered unacceptable due to its failure to accord with Policies LP2 and LP16(d and e) of the Fenland Local Plan 2014, DM3 of Delivering and Protecting High Quality Environments SPD 2014, Policy H2 of the March Neighbourhood Plan 2017, Paragraphs 122, 127 and 130 of the NPPF 2019 and chapters C1, I1, I2 and B2 of the National Design Guide 2019.
- 11.2 The proposal would introduce a form of built development that does not respond to the prevailing character and settlement pattern in the area, the resultant effect would be that the dwellings would be viewed as incongruous within their setting and detrimental to the characteristic spaciousness that defines the rear aspect of the properties. The development therefore would be significantly harmful to the character and appearance of the site and the surrounding area.
- 11.3 It is considered that development of the site for 3 dwellings would constitute overdevelopment, resulting in a dominant and overbearing impact on 23-29

Russell Avenue and a significant detrimental impact in respect of overlooking and loss of privacy. The same would be true in relation to the proposed dwellings given that there is potential for direct overlooking at a distance of approximately 10m, from in particular 25 Russell Avenue.

12 RECOMMENDATION

Refuse for the following reasons:

1	<p>Policy LP16(d) of the Fenland Local Plan and DM3 of Delivering and Protecting High Quality Environments SPD 2014, paragraphs 122, 127 and 130 of the NPPF 2019 and chapters C1, I1, I2 and B2 of the National Design Guide 2019 seek to ensure that new development to makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting and responds to, and improves, the character of the local built environment.</p> <p>The site forms part of a gap, together with the long rear gardens of surrounding properties and intermittent landscaping, which provides a transition between the dense built form, constant pattern and consistent alignment of properties fronting Russell Avenue and the contrasting open and verdant character of the playing field. This character is replicated on all sides of the playing field and would be disrupted by the uncharacteristic siting of the proposed dwellings in a backland location, which would form an incongruous feature to the significant detriment of the streetscene and character of the area and as such the proposal is contrary to the aforementioned policies.</p>
2	<p>Policy LP2 and LP16 (e) of the Fenland Local Plan 2014, Policy H2 of the March Neighbourhood Plan 2017 and Paragraph 127 of the NPPF 2019 seek to ensure that development does not adversely affect the amenity of neighbouring or future occupiers.</p> <p>It is considered that development of the site for 3 dwellings would constitute overdevelopment, resulting in a dominant and overbearing impact on 23-29 Russell Avenue and a significant detrimental impact in respect of overlooking and loss of privacy. The same would be true in relation to the proposed dwellings given that there is potential for direct overlooking at a distance of approximately 10m, from in particular 25 Russell Avenue. As such the proposal is contrary to the aforementioned policies due to the potential for significant harm to residential amenity.</p>



Created on: 16/12/2020

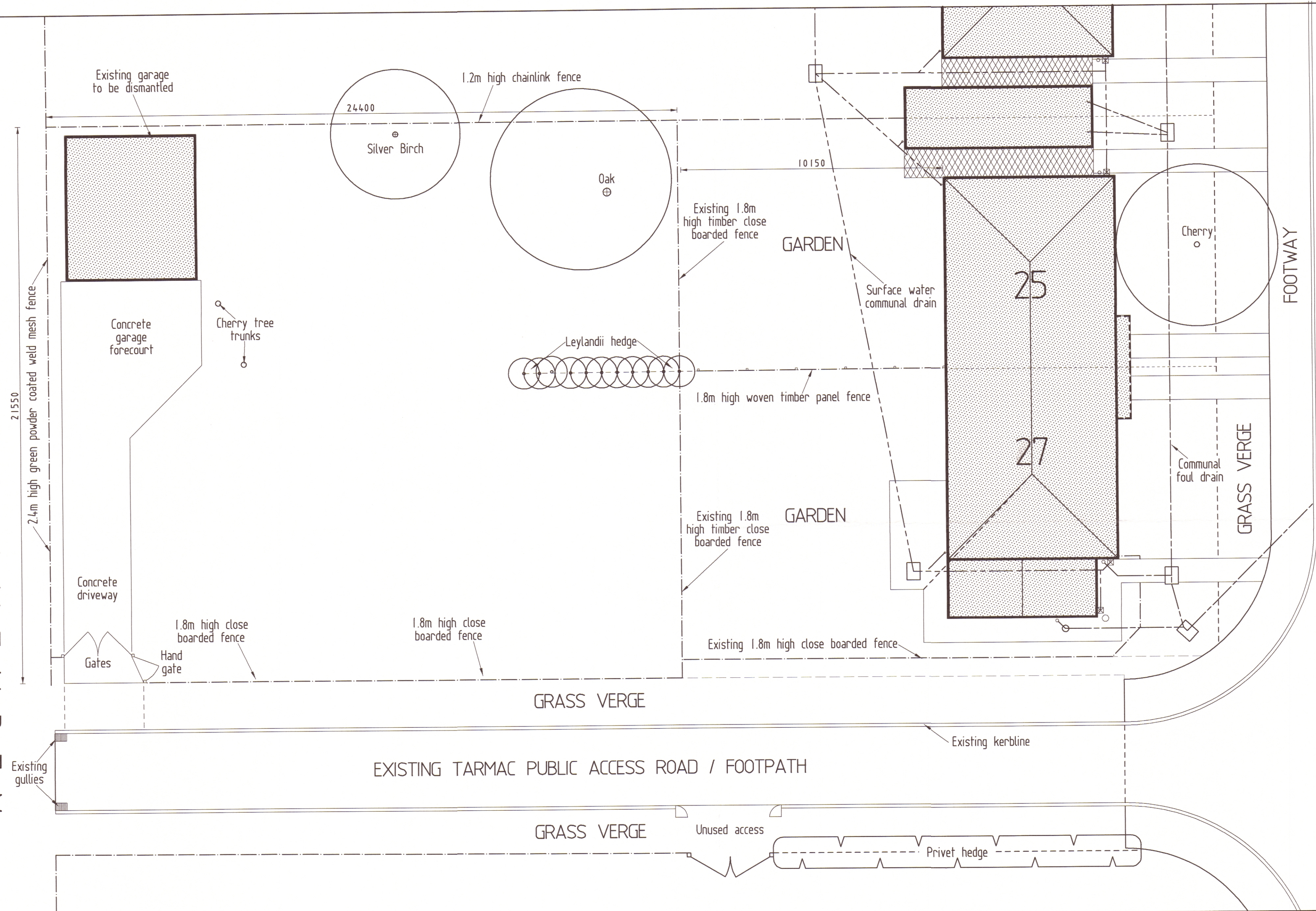
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Scale = 1:1,250



RECREATION GROUND



RUSSELL AVENUE

Drawing Title:-
OUTLINE PLANNING PERMISSION FOR RESIDENTIAL
DEVELOPMENT (MAXIMUM 3 DWELLINGS)
LAND EAST OF 25-27 RUSSELL AVENUE, MARCH.
EXISTING SITE LAYOUT PLAN

Client:-
Miss. J. RICHES.
LEIGH-ON-SEA.

Scales:-
1:100

Date:-
November 2020

Drawing No:-
CAD 213 / 0

Rev:-
B

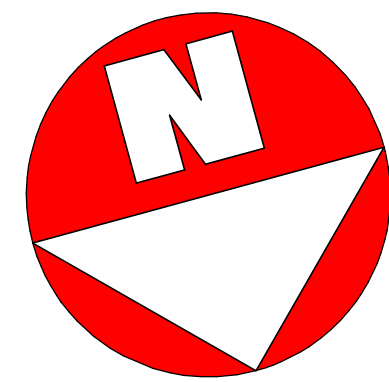
Craig Brand Architectural & Highway Design.

9 Cricketers Close,
MARCH, PE15 9RU.
Tel: (01354) 656977.

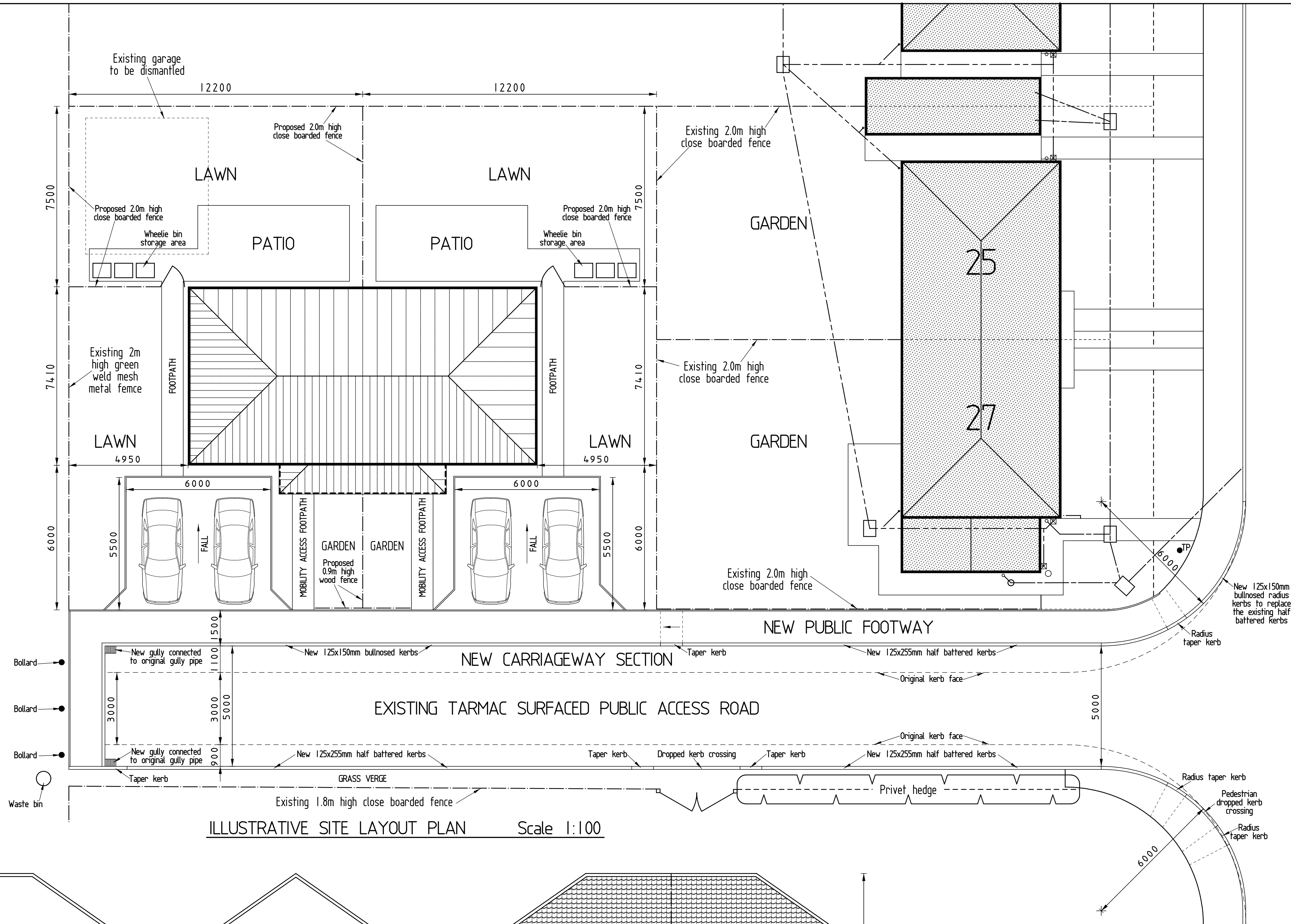
CHILDRENS PLAY AREA
WITH PLAYGROUND
EQUIPMENT REMOVED

0.75m high
hoop top
galvanised
metal railings

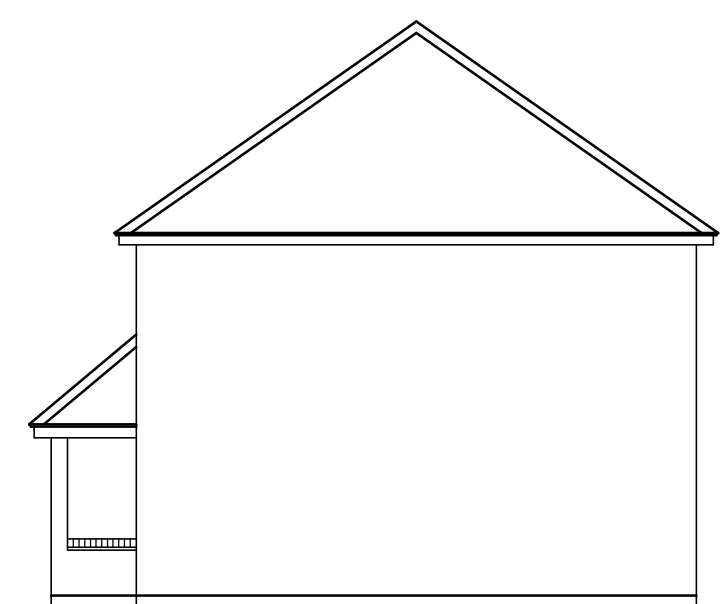
Gate



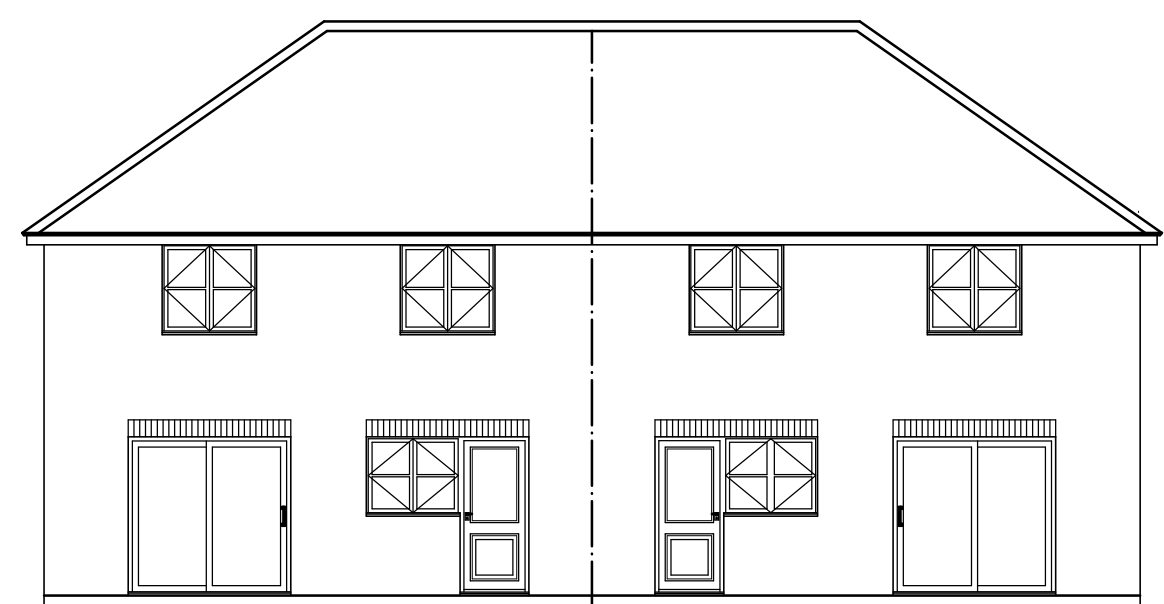
RECREATION
GROUND



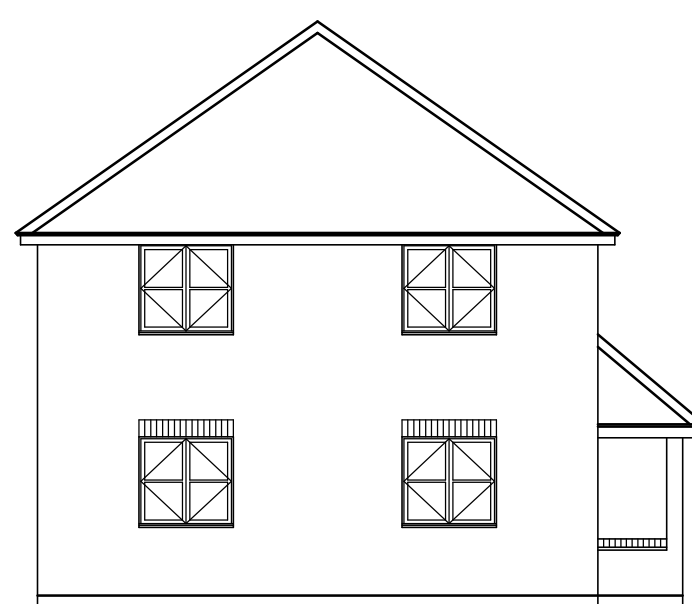
ILLUSTRATIVE SITE LAYOUT PLAN Scale 1:100



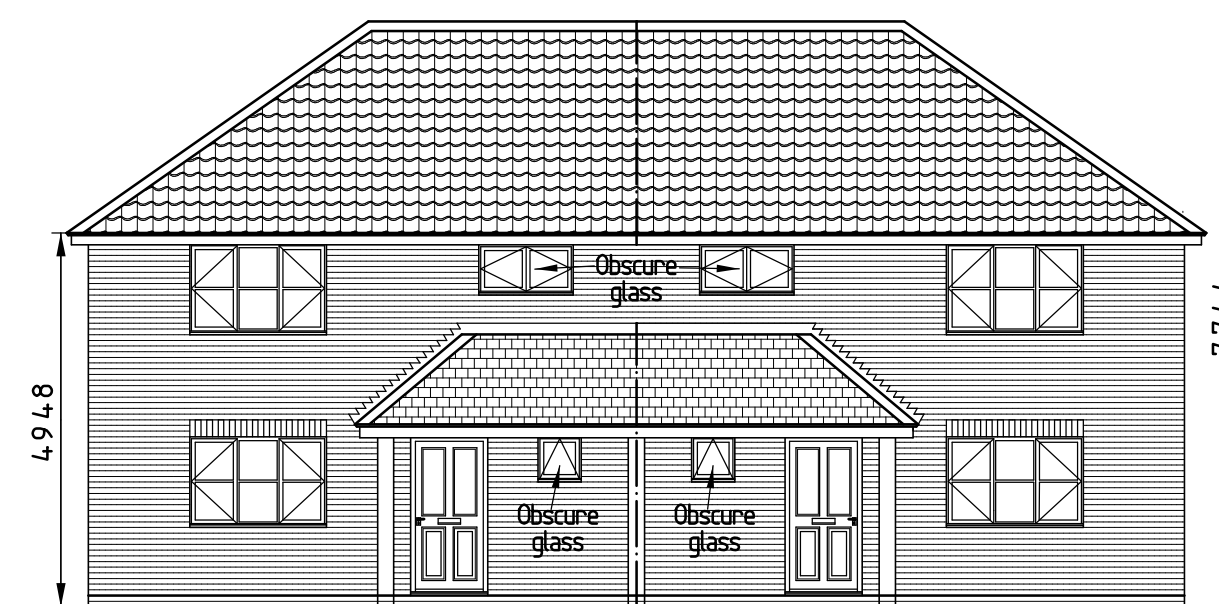
SIDE ELEVATION TO HOUSES



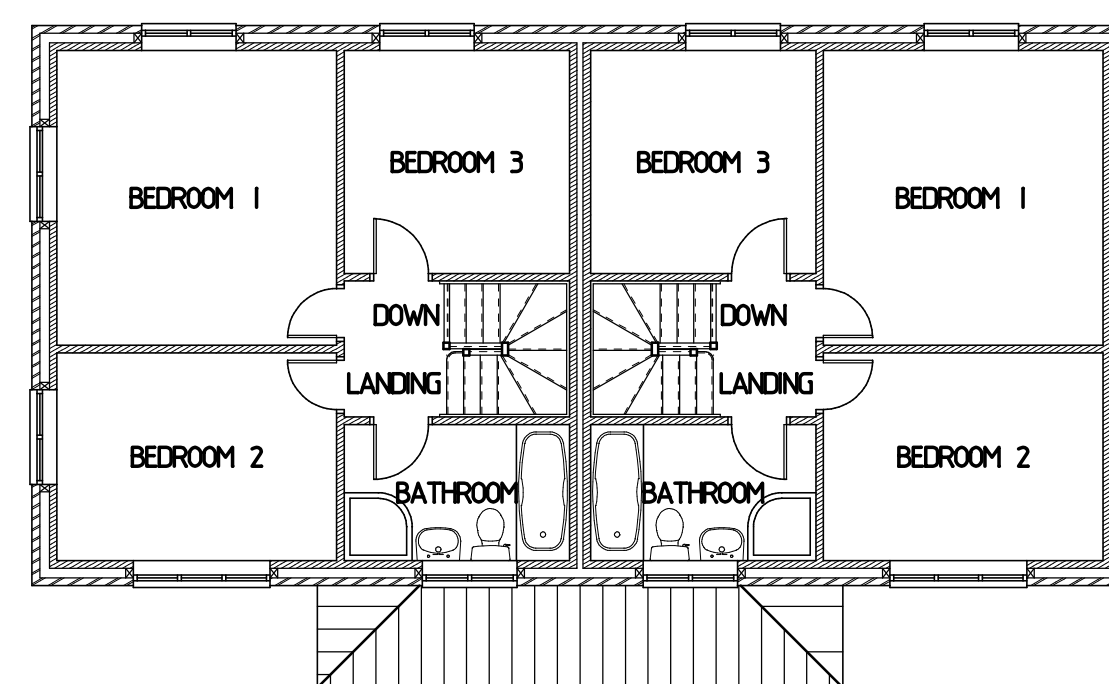
REAR ELEVATION



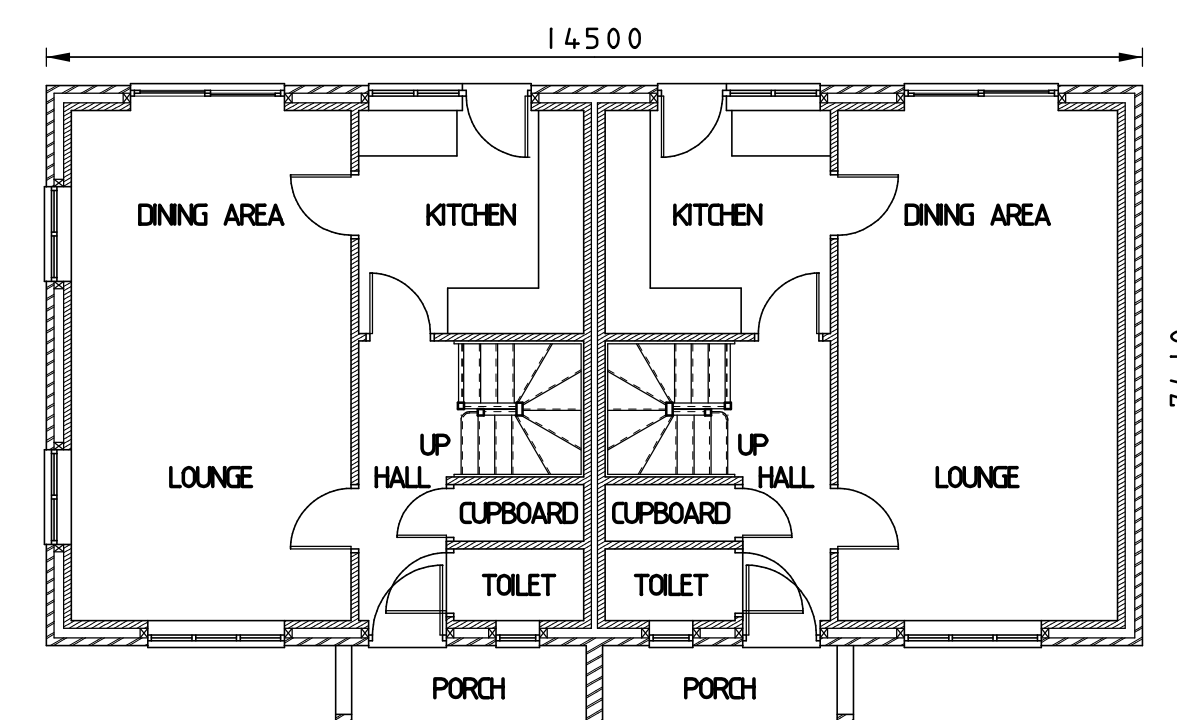
SIDE ELEVATION TO PLAYING FIELD



FRONT ELEVATION



FIRST FLOOR LAYOUT PLAN



GROUND FLOOR LAYOUT PLAN

Drawing Title:- OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT (MAXIMUM 3 DWELLINGS) LAND EAST OF 25-27 RUSSELL AVENUE, MARCH. ILLUSTRATIVE 2 DWELLING LAYOUT AND HOUSE DESIGN			
Client:- MISS JILL RICHES			
Scales:- 1:100	Date:- November 2020	Drawing No:- CAD 213 / 101	Rev:- A

Craig Brand Architectural
& Highway
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RECREATION GROUND



**Craig
Brand**

**Architectural
& Highway
Design.**

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