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**F/YR21/0229/F**

**Applicant: Mr L Shepherd  
LTS Consultancy Ltd**

**Agent : Mrs Shanna Jackson  
Swann Edwards Architecture Limited**

**Land North Of, 39 March Road, Rings End, Cambridgeshire**

**Erect a 2-storey 3-bed dwelling involving demolition of outbuilding**

**Officer recommendation: Refuse**

**Reason for Committee: No. of representations received contrary to officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1 This proposal represents an alternative scheme relating to a site which has previously been dismissed at appeal and refused by committee. However mindful of the earlier appeal decision it is accepted that the site could be considered an infill opportunity and as such compliant with Policy LP3. It is against this backdrop the scheme has been considered.
- 1.2 With regard to the visual amenity of the area it is considered that the revised design of the dwelling and amended positioning of the property within the site have overcome the earlier concerns regarding design and scale, however this is very much an on-balance view mindful that the site has been accepted at appeal as an infill opportunity. By proposing a simple two-storey dwelling of a reduced width, when viewed against the earlier scheme, the dwelling is able to be positioned in such a way as to respond to the existing built form in terms of its position and the simplicity of the dwelling design is such that it no longer competes with its neighbours. On balance it is not considered that there are any grounds to withhold consent when viewed in the context of Policy LP16.
- 1.3 Notwithstanding the above it is apparent that as a consequence of the reduction in width, to address the visual and character considerations previously highlighted, new concerns relating to residential amenity arise. Noting that the extended length of the property, together with the repositioning of the dwelling, will see the rear elevation of the property only 4.4 metres from the railway arches at its closest point. This relationship now introduces concerns relating to the levels of residential amenity available both within the house and within the garden area. In that the outlook from the rear rooms of the house and from within the garden will be dominated by the imposing railway arches, which will also serve to overshadow both aspects of the dwelling resulting in a scheme which fails to deliver appropriate residential amenity for its intended householders.
- 1.4 Furthermore, with regard to private amenity space it remains the case that the 'private' amenity space associated with both the new and existing properties will fall short of the minimum standards outlined in the FLP. This paucity of provision is further exacerbated, as recognised above, by the presence of the

historic railway arches which will reduce the value and quality of the limited private amenity space available at an extent where it would fail to accord with the detail and spirit of Policy LP16.

- 1.5 Whilst there has been some challenge regarding land ownership and access these fall outside the planning considerations of the scheme as they require resolution from a civil perspective. From a purely planning perspective it has been demonstrated that parking provision could be made in full accordance with Appendix A of the FLP. Similarly concerns raised regarding foul drainage would be reconciled through other consenting regimes.
- 1.6 In conclusion it is acknowledged that the appeal history has indicated that this plot represents an 'infill' opportunity and that the agent has sought to deliver a scheme which addresses earlier concerns regarding design and private amenity space. However, it remains the case that the proposal fails to deliver policy compliant private amenity space for both the existing and proposed dwelling, and that the amenity space proposed is reduced in quality by virtue of the presence of the historic railway arches. In addition, by seeking to resolve matters of 'character' a new concern relating to residential amenity arises as a consequence of the elongated dwelling now proposed and its relationship with the arches.
- 1.7 Overall, the scheme is still found lacking in terms of residential amenity in that it fails to deliver a high-quality environment for both existing and future occupiers. In addition, the proposal fails to demonstrate that the 'plot' itself is of sufficient dimension to accommodate a dwelling which could be deemed compliant with policy.

## **2 SITE DESCRIPTION**

- 2.1 The site was last used as garden land for 39 March Road although it is now fenced off. The site is adjacent to an 'A' classified road and is also adjacent to the disused railway bridge. There are a group of terraced dwellings adjacent to the site to the south and the area also hosts semi-detached and detached dwellings of a mixed design and type. There is a vacant restaurant premises opposite the site and a Grade II Listed Building to the north of that premises.
- 2.2 It is further acknowledged that the railway arches have been identified as a Building of Local Interest.
- 2.3 The site is a modest plot contained between a short row of 1.5 storey terraced dwellings and a section of elevated and redundant railway line.
- 2.4 The area is predominately located within flood zone 2 with a small section to the east being within flood zone 3 and a small section to the west (at the access point being within flood zone 1).
- 2.5 Access is derived from the existing access road which serves the rear of properties 39 - 43 March Road, the terrace of dwellings referred to above.

## **3 PROPOSAL**

- 3.1 This submission seeks full planning permission for a detached dwelling within part of the former garden area associated with No 39 March Road.

- 3.2 The dwelling as proposed adopts a simple functional design with a footprint of 5.8 metres wide x 8.3 metres deep, with a ridge height of 7.6 metres and an eaves height of 5.1 metres.
- 3.3 Situated largely in line with the existing terrace of cottages there will be a small garden area to the northern side of the dwelling with two tandem parking spaces provided to the southern side of the property, these will be parallel to those intended to serve the host property No. 39.
- 3.4 Access is shown as derived from the access road from March Road which serves the existing terrace and runs along the northern boundary of the proposed dwelling and its garden.

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

<https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

#### 4 SITE PLANNING HISTORY

F/YR20/0508/F	Erect a 2-storey 3-bed dwelling involving demolition of outbuilding	Refused 24.09.2020
F/YR17/0761/O	Erection of a dwelling (Outline application with all matters reserved)	Refused 11.10.2017 Dismissed at appeal 04.10.2018
F/YR10/0047/O	Erection of a dwelling	Approved 12.03.2010
F/90/0636/O	Erection of 2 x 1 bed flats	Approved 06.12.1990
F/1530/89/O	Erection of 2 x 1 bed flats	Refused 15.03.1990
F/1336/88/O	Erection of a dwelling	Approved 09.02.1989

#### 5 CONSULTATIONS

- 5.1 **Parish Council:** *'Elm Parish Council objects to the proposals included in planning application ref. F/YR21/0229/F for the following reasons:*
- *The dwelling would have no relationship in character or appearance to the existing pattern of development in a prominent location.*
  - *The proposals fail to include adequate provision for private amenity space'.*
- 5.2 **Cambridgeshire County Council Highways Authority:** *'The principle of development is the same as planning application F/YR20/0508/F and therefore*

*my highway comments remain consistent with the previous application. No highway objections subject to a parking and turning condition’.*

5.3 **Highways England:** *‘We have reviewed the details and information provided. Due to the location and nature of the proposed development, there is unlikely to be any adverse effect upon the Strategic Road Network. Consequently, we offer No Comment.’*

5.4 **Environment Agency:** *‘We have no objection to the proposed development but wish to make the following comments’.*

*Gives advice regarding the National Planning Policy Framework Flood Risk Sequential Test noting that ‘by consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.*

*Environment Agency position The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment and subsequent email submitted with this application are implemented and secured by way of a planning condition on any planning permission.*

*Condition: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) FRA, Ref GCB/ LTS CONSULTANCY, prepared by Geoff Beel, dated June 2020 and the following mitigation measures.*

- Finished floor levels set at a minimum of 600mm above ground level*
- Development shall be two storey*
- Future occupants advised to sign up to Floodline Warnings Direct*

*The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason: To reduce the risk of flooding to the proposed development and future occupants.*

*Advice also included for the applicant with regard to flood resilient measures and flood warning.*

5.5 **Environment & Health Services (FDC):** *‘This proposal will not impact upon the local air quality. There are no concerns that this proposal will be a source of noise problems to nearby residential properties. With regard to the proximity of the site to the A141 March - Guyhirn road, there is no requirement for a noise impact assessment in respect of traffic noise.*

*There are no objections to the approval of consent to this proposal but would request [that the unsuspected ground contamination] condition [is] included in any consent.’*

5.6 **Senior Archaeologist (CCC):** *'We have reviewed the above referenced planning application and have no objections or requirements for this development'*.

## 5.7 **Local Residents/Interested Parties**

### **Objections**

12 letters of objection have been received from 7 households; 6 of these being within the ward (Elm and Christchurch) and 1 being within the adjacent ward (Benwick, Coates and Eastrea) these may be summarised as follows:

### **Access, Traffic or Highways, Parking arrangements**

- *'The access on to a main road coming into a private lane and no access to the property insufficient space for parking'*
- *'There is no access to the property as he does not own or have permission to access the land via the Private road at the back'*.
- *Owner of road notes that whilst there is access to No. 39 this is via a private road and they have not been asked for permission, the rights do not transfer to a new build'. 'If permission is granted access would have to be gained from the main road at the front of the property.'*
- *Concerned about visibility when pulling out onto the road.*
- *'[.] 'there isn't adequate space for parking/unloading/turning not only for workmen, but for the new residents causing them to constantly have to cross our property to reverse in or out'*
- *'The supposed plot is tiny and with not much access. To turn vehicles around unless they go on other people's private properties. I have access through one of the arches and we do not want that blocking.'*
- *'You will not be able to get emergency vehicles around the back of the houses if anything should happen'*.
- *'Traffic through the village is terrible at times and this will make it ten times worse. I'm sure this will cause accidents as there is not much space to move heavy vehicles'*
- *'Neither 39 or the new build residents would be able to reverse in and out of the proposed parking spaces without using someone else's private property'*.

### **Design, Appearance, Density and Character**

- *Density/Over development: 'space for this property is insufficient no garden for a family home'*
- *'With it being a 3 bedroom building there will undoubtedly be children where will they be able to play'.*
- *'This new dwelling will not in keeping with the cottages and the rest of the village'.*
- *House will be hideous for the village against the railway cottages. The end house looks silly'. 'You only need to look at the end house they have just done up. It looks ridiculous to other 2 cottages'.*
- *'In the design and access statement the photo provided of the existing buildings is out of date misleading as the applicant has made significant changes to number 39'.*
- *'The rubbish and the gates looks like eyesore. They have let village down'.*
- *Visual Impact, Out of character/not in keep with*

area: *'the plans for the new property are not in keeping with the other cottages this will look out of place will change the character of the of the three cottages that have been here for many years a new house'*

- *'Will look so out of place'*
- *'It's appearance will not be in line with existing properties as the applicant clearly cannot keep to this with the existing property that he owns, which is outlined in the plans and has already rented out the unfinished property. This change of appearance is already unlawful.'*
- There will also be a loss of visual amenity, ie. the view of the arches (listed on Buildings of Local Interest), would be detrimentally affected by such a build.
- *'the design is not in keeping with the current properties and it is an over development of a very small historic area'.*
- *'One of the reasons that the previous application was rejected was because it would block the historic arches which this new proposal would still do'.*

### **Residential amenity**

- Overlooking/loss of privacy, Shadowing loss of light
- Proximity to property
- Loss of view/Outlook *'Plot will block my view from house'*

### **Drainage & Flooding**

- Will not meet regulations regarding septic tanks/sewage treatment plans, insufficient land for drainage/soakaway. *'To grant planning permission would set a precedent to breach regulations'.*
- *'There is no drainage. Number 39 also has an agreement with number 41 that the property can drain into 41's cesspit - any proposed new build would not be able to do this and as pointed out before, there are no mains sewers (even though the applicant has stated again that they will use mains drainage) and there is not enough space for any sort of private sewage system to be installed legally'.*

### **Other matters**

- Environmental Concerns, Wildlife Concerns
- Would set a precedent
- Local services/schools - unable to cope. *'The village does not need another house no amenities to support a family'.*
- *'As resident of Ring's End this will not be good for the village'.*
- *'As before there is no modern amenities i.e. drainage, parking, access to neighbouring properties, these cottages were built in 1846 and a modern property would be totally out of character, after applying for development on the same site on numerous occasions and being refused why should this time be different'.*
- *'This application has been refused at least once so what has changed since then because the application is a duplicate of the last one'.*
- *'Nothing has changed since the last time planning was refused on this plot It will still negatively affect the character and appearance of the area',*
- Noise, Waste/Litter, Smell, Anti-Social behaviour, Light Pollution
- Devaluing property
- Does not comply with policy
- *'Electrical supply is attached to number 39 ,41,43 how would they get electricity to the new property without disrupting the cottages'.*
- Agricultural land

- *'There is also no space on his own property for him to be able to store building materials or carry out the build without using my property, which is probably why a large proportion of his outlined site area is not his property but mine'.*
- *'The applicant has dug the bank out on the land that isn't his to extend his boundary and is in breach as there is a mains water supply there'.*
- *'The applicant has again outlined land that isn't his on his plan'.*

### **Support**

There have been 11 letters of support received from 9 households, 5 being from within the ward (albeit the neighbouring resident has written in twice) (4 households) and 2 from an adjacent ward (March East) and (Parson Drove & Wisbech St Mary). Three further letters have been received originating from March West and Doddington & Wimblington (non-adjacent wards) and one from Kings Lynn (outside the district). Those originating outside the ward are identified in the text below.

- *'Support application - provide a family with a home and make use of an otherwise redundant plot'.*
- *'More & more people are moving into March so I believe it would be the perfect opportunity to be able to offer another family a home. Also, it would be an excellent way of making use of the redundant plot'.*
- *'Always a great idea for a family to move in. Nice little area great access to everything and would be a waste of a space if not'.*
- *'Happy to have a new neighbours lovely area too. Good place for a nice new house to go up! Highly support this application'.*
- *'It's a good use of vacant land and would block the view of run down arch's and a very tired caravan'.*
- *'I've lived in Guyhirn 10 years and travel past location every day. Be nice to see*

### **Non-adjacent ward**

- *'I drive through here at least 2 or 3 times a week and although the Railway Arches used to be quite nice to look at. They are just getting ugly and not maintained. A new house would brighten up the area that looks very run down'.*
- *'Once building is complete, I see absolutely no issues with traffic / noise or anything else'.*
- *'The plot of land in question is of a suitable size for another dwelling, access to the plot is viable and it would freshen up the area with a brand new house. It would also hide the untidy arches currently on display'.*
- *'I think that this will be a good use of the space that is there and will disguise all the mess that sits in the arches along with the run down caravan'.*

## **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).

- 6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

## **7 POLICY FRAMEWORK**

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

Paragraph 2 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Paragraph 10 - Presumption in favour of sustainable development

Paragraph 12 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

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

Paragraphs 55-56 - Outline the tests to be applied with regard to conditions

Chapter 15 - Conserving and enhancing the natural environment

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

### **7.3 National Design Guide 2019**

Context: C1 - Relationship with local and wider context

Identity: I1 - Respond to existing local character and identity and I2 - Well-designed, high quality and attractive

Built Form B2 - Appropriate building types and forms

Homes and Buildings: H1 - Healthy, comfortable and safe internal and external environment and H3 - Attention to detail: storage, waste, servicing and facilities

### **7.4 Fenland Local Plan 2014**

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP12 – Rural Areas Development Policy

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

LP18 - The Historic Environment

LP19 - The Natural Environment

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and design**
- **Impact on the Setting of the Listed Building**
- **Impact on the settling of the railway arches**
- **Residential amenity**
- **Highway safety**
- **Flooding and drainage**
- **Community engagement and threshold considerations**
- **Other matters**

## **9 BACKGROUND**



- 9.1 A proposal for the erection of a dwelling at this site was refused and subsequently considered at Appeal during 2017/2018. The main issues identified in respect of the appeal were:
- The effect of the development on the character and appearance of the area;
  - Whether the location of the development would comply with local policy; and,
  - The effect of the development on the living conditions of occupiers of 39 March Road (No 39), with particular regard to outlook.
- 9.2 In consideration of the appeal the Inspector noted that *'the underlying development pattern is irregular, with dwellings of diverse age, size and style, and having a varied relationship with the busy road frontage.* She went on to identify that a *'two storey dwelling, with a ground floor level raised at least 300mm above ground level, as recommended by the Flood Risk Assessment, would be significantly taller and bulkier than the dwellings in the adjacent terrace [and] likely that it would have to be sited forward of the terrace's building line. Furthermore she considered that 'the limited plot size would restrict options for the dwelling's siting within the plot [and concluded] that the alignment, bulk, and height of a two storey dwelling would be unrelated to the existing dwellings, as it would appear over-scaled and dominant in this context.*
- 9.3 The Inspector did however note in her assessment that it was the size of the dwelling rather than its proximity to the arches, which she acknowledged were a Building of Local Interest, that led her to conclude that the 'development would have an adverse effect on the character and appearance of the area'.
- 9.4 Moving on to consider general principles in terms of location the Inspector considered that whilst the railway arches did not constitute a dwelling, they were a sizeable structure that contained the development pattern to its south. Moreover, she further noted that there was 'continuing linear development to the north of the railway line' and whilst there 'would be a small piece of vacant land between the appeal site and the railway arches, [she was] satisfied that on balance the site could be considered to be an infill site in an otherwise built up frontage.
- 9.5 On matters of residential amenity the Inspector considered that the site was sufficiently large to allow separation and whilst the dwelling would give enclosure to the view from No 39 this would not lead to adverse living conditions with regard to outlook.
- 9.6 The Inspector also noted that the scheme has previously been given permission. However as there was not an extant permission in place this did not represent a viable fall-back scheme.
- 9.7 It was against the above backdrop that an alternative scheme was submitted under application number F/YR20/0508/F, this application being considered by the Planning Committee in September 2020. At this time Members upheld the officer recommendation for refusal and consent was refused on the following grounds:
- (1) Policy LP16 paragraph (d) of the Fenland Local Plan 2014 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. The development would introduce an individual dwelling with no relationship to the existing pattern of development on a prominent site in the streetscene, by virtue of its positioning and scale. As

such, the development would appear as an incongruous feature adversely affecting the character and appearance of the area. The proposal is therefore contrary to Policy LP16 paragraph (d) of the Fenland Local Plan 2014.

- (2) Policy LP16 paragraph (d) of the Fenland Local Plan 2014 seeks to ensure that development does not adversely impact, either in design or scale terms, on the streetscene. The overly complicated detailing of the proposed dwelling although taking design cues from its neighbour competes with rather than complements the existing terrace, this being compounded by the foreshortening of the proposed dwelling given its scale and form. This results in a development which is visually incongruent within the streetscene to its significant detriment and therefore contrary to Policy LP16 paragraph (d) of the Fenland Local Plan 2014.
- (3) Policies LP2 and LP16 of the Fenland Local Plan require that proposals for new development promote high levels of residential amenity with private amenity space being an essential component of such amenity. The scheme proposed fails to make appropriate provision for private amenity space as indicated in Policy LP16 (h) and as such fails to deliver adequate levels of residential amenity as indicated by Policies LP2 and LP16.

9.9 Councillors did however suggest that the agent should engage with officers further with regard to any subsequent proposals for this site, which the agent has duly actioned – culminating in the submission of the current scheme.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 As indicated above the Planning Inspector considered the site to be an infill opportunity and as such compliant with Policy LP3; i.e. single dwelling infill situated within an otherwise built-up frontage. This is a material consideration in the consideration of the current scheme proposal, as it was in the scheme refused under F/YR20/0508/F. That said there are still matters of threshold, character and visual amenity and residential amenity to consider in accordance with Policies LP2 and LP16 of the FLP (2014).
- 10.2 It is further acknowledged that the earlier scheme, which was the subject of an appeal, was silent with regard to highway safety and drainage and these aspects are considered below; again as they were in respect of F/YR20/0508/F.

### **Character and design**

- 10.3 The agent has taken on board the earlier concerns of officers relating to design and are now proposing a simple two-storey dwelling as opposed to the earlier scheme proposal which took its design cues from the existing terrace. The earlier scheme proposals having been found to directly compete with the existing terrace of dwellings as opposed to contrasting with or complimenting them. The functional design now proposed and its positioning away from the terrace is considered to lessen its character impact overall.
- 10.4 In addition the width of the proposed property has reduced from 9 metres to 5.8 metres this reduction has enabled the dwelling now proposed to sit in line with the existing terrace to the south, as opposed to standing proud of these properties.

Consequently, it is considered that the revised scheme overcomes the earlier reasons for refusal outlined above (refusal reasons 1 & 2).

- 10.5 It is acknowledged that delivering a more traditional two-storey dwelling will result in an increase in ridge height when viewed against the previously refused scheme proposals (from 6.9 metres to 7.6 metres). However, the submitted streetscene elevation demonstrates that the property is of a similar scale in height to its neighbours.
- 10.6 It is considered that the revised scheme has overcome the matters raised in both the earlier appeal decision and the latest refusal for the site and that a refusal on the grounds of design and character could not be substantiated as being at variance to the requirements of policy LP16 paragraph (d) of the Fenland Local Plan 2014.

### **Impact on the Setting of the Listed Building**

- 10.7 It has previously been accepted that the introduction of a two-storey dwelling approximately 30m to the south east of the site will not impact upon the setting of the Listed Building, as such the scheme has not been advertised in this regard. The proposal therefore complies with Policy LP18 of the Fenland Local Plan 2014.

### **Impact on the settling of the railway arches**

- 10.8 The Planning Inspector in considering the earlier appeal '*acknowledge[d] that the railway arches [were] on a register of Buildings of Local Interest, [however it was the] size of the dwelling proposed in relation to the plot that [was] determinative to my reasoning, rather than the proximity or state of repair of the arches.*
- 10.9 It was the view of the Inspector that the development would '*appear over-scaled and dominant*'. The earlier scheme proposal illustrated a dwelling that had a width of 7.6 metres and an overall height of 8.6 metres to the ridge, albeit these details were not committed. The current scheme under consideration details a dwelling that is 1.8 metres narrower and 1 metre lower in height, consequently it is considered that earlier concerns have been overcome. There will be gap views of circa 8 metres between the existing terrace and the proposed dwelling and the railway arches will be clearly visible to the northern backdrop of the proposed dwelling.
- 10.10 Mindful of this earlier appeal decision it is accepted that the loss of the views of the arches to the north-east whilst regrettable could not manifest itself in a defensible reason for refusal. Although it is appreciated that the views expressed by local residents are considerably at variance to the conclusions of the Planning Inspector.

### **Residential amenity**

- 10.11 The earlier appeal decision indicated that adequate separation distance could be achieved between the host dwelling (No. 39) and the proposed dwelling and appropriate separation is demonstrated in respect of the current scheme. It is further noted that there are no windows proposed in the southern flank wall of the new dwelling and no issues of loss of privacy or overlooking to reconcile between dwellings.

- 10.12 That said the dwelling now proposed introduces new issues in that to compensate for the reduction in width the property, which still retains 3-bedrooms, it has been lengthened by circa 0.8 metres, this combined with the repositioned of the property back into the site, in response to the position of neighbouring dwellings, results in the rear elevation of the property being circa 4.4 metres at its closest point (7.2 metres at its furthest point) from the arches beyond. This is considered to have adverse consequences for the intended householders in terms of overall dominance as the arches will clearly have an overbearing impact, furthermore there will be overshadowing arising as the arches are situated to the east of the property. It should be noted that the separation distance from rear elevation of the house and the arches shown on the illustrative layout submitted under F/YR17/0761/O was circa 6.3 metres (from the projecting 2-storey outshoot detailed) extending to 10.8 metres and circa 7.1 metres extending to 13 metres in respect of the scheme proposed under F/YR20/0508/F. The relationship now shown is clearly an adverse consequence of the scheme now proposed and significant enough so as to render the proposal unacceptable in residential amenity terms.
- 10.13 Furthermore it remains the case that the private residential amenity space provision for the new property will not meet the minimum standards of Policy LP16 (h) providing as it does only 20% of the plot as garden land (excluding access). The garden area is also considered to be convoluted in its layout, wrapping as it does around the rear and side of the dwelling. In addition the amenity space is further compromised in terms of its quality by the presence of the dominating historic railway arches to the east as highlighted in para. 10.12 above
- 10.14 A similar situation exists with regard to the 'private' amenity space associated with the host property No 39 which would see only 27% of the plot available as private garden (excluding access), as opposed to the minimum third required under Policy LP16 (h).
- 10.15 Whilst it is accepted that there may be situations where a shortfall in amenity space would be warranted, i.e. smaller units and those situated with ready access to established public amenity space provision, it must not be forgotten that the dwelling proposed is a 3-bedroom property and as such there is a reasonable expectation that it will accommodate a family. The shortfall evident in regard of both the proposed and existing dwellings is such that the scheme clearly and unequivocally at odds with the underlying aims of Policy LP16 which seeks to provide high quality environments and Policy LP2 which seeks to deliver high levels of residential amenity.
- 10.16 It is clear that the agent, in consultation with officers, have sought to revise the scheme proposals in line with comments made during the recent committee consideration of the refused scheme and that the proposal has clearly been moved forward somewhat with regard to character and design it is apparent that considerations with regard to the delivery of private amenity space remain at variance to the relevant planning policy framework and are so significant as to render the scheme presented unacceptable. In addition the introduction of additional residential impacts arising from the proximity of the arches serve to further evidence that the scheme is unacceptable in residential amenity terms and clearly contrary to policies LP2 and LP16 of the FLP in this regard.

## **Highway safety**

- 10.17 It is noted that there were no grounds to withhold consent in respect of highway safety with regard to the earlier schemes, and this remains the case with regard to the current scheme proposals.
- 10.18 Although it was acknowledged as part of the evaluation of the earlier scheme that an additional dwelling would increase the likelihood of vehicles meeting at the access the LHA officer confirmed at that time that this is unlikely to result in a highway safety issue; noting that a vehicle turning right into the access will be able to see vehicles emerging and will therefore be able to give way to emerging traffic.
- 10.19 Similarly it was considered that a vehicle turning left into the access will have good visibility of the access and will be able to slow to allow a vehicle to emerge from the access.
- 10.20 It is noted that the site layout shows two parking spaces to serve each dwelling (existing and proposed) with appropriate space available to facilitate turning; Given that the parking area to serve No 39 is shown within the blue edge boundary, i.e. land within the control of the applicant such provision may be secured via condition.
- 10.21 Based on the above evaluation there are no grounds to withhold consent on the grounds of highway safety and as such the scheme achieves compliance with Policy LP15 of the Fenland Local Plan (2014)

### **Flooding and drainage**

- 10.22 The agent has satisfactorily addressed the sequential test requirements as part of the submitted Design and Access Statement, and it has been demonstrated that there is no land reasonably available at lower risk of flooding which could accommodate the development proposed. As such the Sequential Test is passed.
- 10.23 With regard to the site specific flood risk considerations it is noted that the Environment Agency have raised no objection to the proposal subject to a condition being included on any given permission that ensures that the development is carried out in accordance with the submitted Flood Risk Assessment , i.e. two-storey development with a finished floor levels set at a minimum of 600mm above ground level.
- 10.24 Accordingly there are no site specific flood risk concerns which would render the scheme non-compliant with Policy LP14 of the FLP (2014).
- 10.25 Matters of foul water disposal will be dealt with under Building Control should approval be forthcoming. The comments raised by adjoining landowners regarding the necessary distance that such provision has to be from a dwelling are noted and had been previously relayed to the agent in respect of the earlier scheme proposal who advised at that time that there were alternative engineering solutions available that could be adopted and that this will be addressed under Building Regulations .
- 10.26 It is further acknowledged that the provision of a septic tank is also controlled by environmental permitting. It is not the role of the LPA to duplicate other legislative frameworks/consenting regimes and as such there would be no grounds to withhold consent on this basis; notwithstanding this it would be

considered prudent to impose a condition relating to the submission of details pertaining to foul and surface water disposal prior to the commencement of the development should a favourable recommendation be made.

### **Community engagement and threshold considerations**

- 10.27 In considering the earlier appeal the Inspector identified that although there had not been any community consultation undertaken with regard to the proposal the consultation exercise undertaken as part of the application had not generated any adverse comments. In addition, it was noted that the Parish Council had raised no objection, these factors led the Inspector to conclude that there was community support and whilst Rings End had met its threshold in terms of planning approvals compliance with LP12 was achieved.
- 10.28 The current backdrop to this submission remains at variance to this earlier situation in that the Parish Council has recommended that the scheme be refused. It is also noted that local residents within the vicinity have written to object the scheme.
- 10.29 A further 7 households have communicated their support for the scheme, with 5 of these originating from the Elm and Christchurch ward or an adjoining ward (4 households). Three further letters of support have been received however these originate from March West and Doddington and Wimblington (non-adjacent wards) and Kings Lynn (outside the district).
- 10.30 Notwithstanding the above earlier appeal decisions elsewhere in the District have indicated that the lack of community support for an otherwise acceptable scheme is not considered sufficient grounds on which to withhold consent accordingly no weight can be given to this scheme deficiency.

### **Other Considerations**

- 10.31 It is noted that the consultation process has generated concern regarding the ownership of the site; from a procedural perspective this does not represent any issues as notice has been served on the landowner highlighted. It would be for the applicant to ensure that they have the legal authority to develop the land should permission be granted

## **11 CONCLUSIONS**

- 11.1 Mindful of the earlier appeal decision it is accepted that the site could be considered an infill opportunity in terms of the existing built form of the area and as such compliant with Policy LP3. However this is not the only component of a successful scheme and it must be evidenced that the plot is 'capable' of accommodating a dwelling.
- 11.2 With regard to the visual amenity of the area it is considered that the revised design of the dwelling and its amended positioning within the site have overcome the earlier concerns regarding design and scale. By adopting a simple design which responds to the existing built form in terms of its position the agent has satisfactorily resolved earlier concerns, furthermore it is considered that the scheme will not have a significant impact on the historic railway arches to the north-eastern backdrop given that gap views will be maintained between the existing terrace and the proposed dwelling . Against the

backdrop of the earlier appeal decision it is not considered that there are any grounds to withhold consent when viewed in the context of Policy LP16.

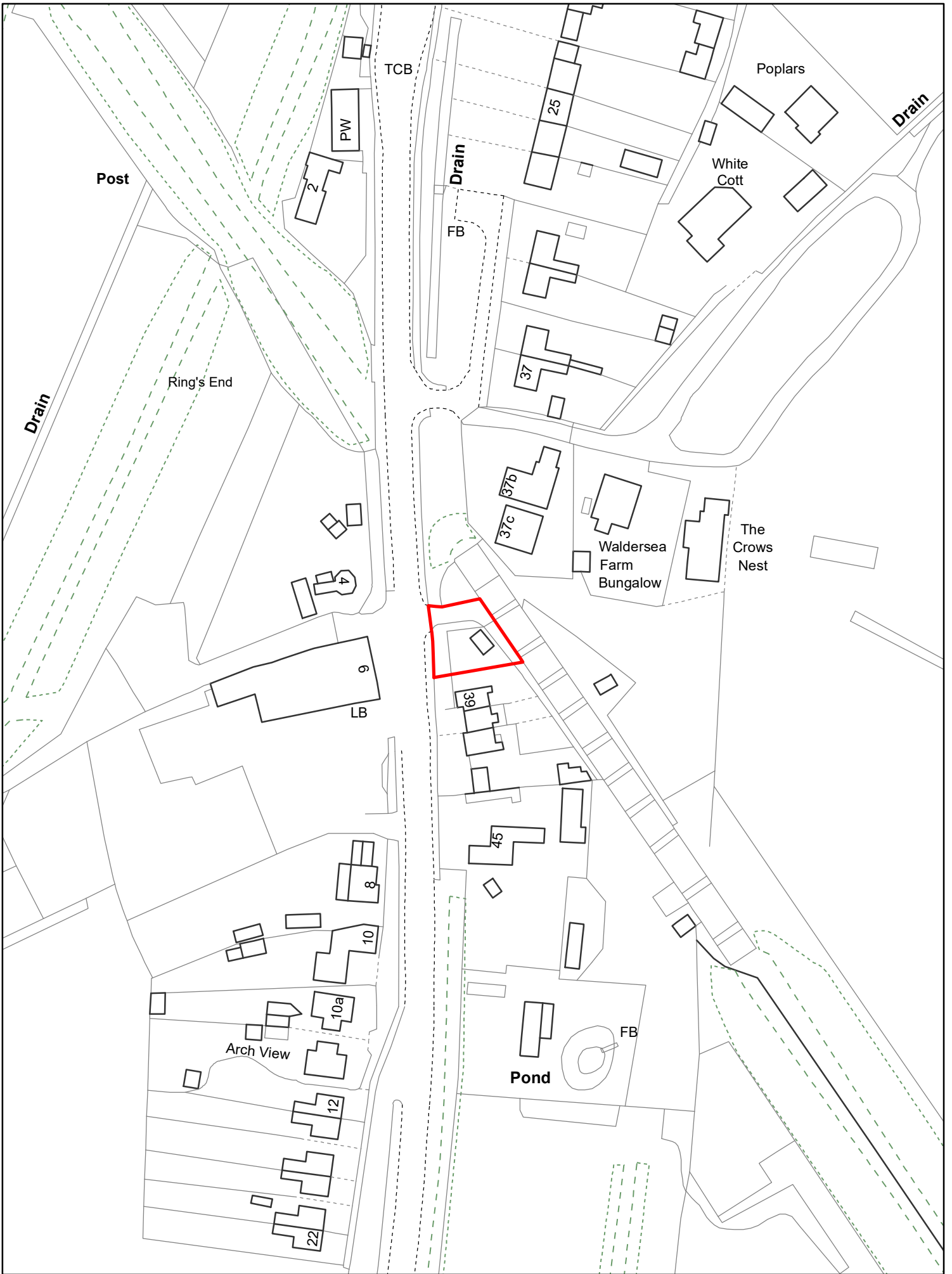
- 11.3 As indicated within the report it is considered that in addressing matters of character there are consequences for residential amenity given that the rear elevation of the dwelling will now be positioned circa 4.4 metres at the closest point to the looming historic arches to the east. The resulting visual dominance of this structure and the potential overshadowing arising will impact on the outlook from within the house and have implications for the quality of the garden which is already below the standards outlined in the FLP.
- 11.4 With regard to private amenity space it remains the case that the private amenity space associated with both the new and existing properties will fall short of the minimum standards outlined in the FLP and that the shortfall is significant and will result in a family dwelling which is served by amenity space which is both substandard in terms of its dimensions and its quality, acknowledging as above the dominate presence of the historic railway arches to the east.
- 11.5 Whilst there has been some challenge regarding land ownership and access in so far as it relates to parking and access these fall outside the planning considerations of the scheme as they require resolution from a civil perspective. From a purely planning perspective it has been demonstrated that parking provision could be made in full accordance with Appendix A of the FLP.
- 11.6 In conclusion whilst noting that the appeal history has indicated that this plot does represent an 'infill' opportunity and mindful of the revisions to the scheme secured following negotiation it remains the case that the constraints of the site and the amount of development proposed combine to result in a scheme which is incapable of delivering a policy compliant scheme in terms of amenity for both the existing and proposed dwelling. In addition, it is considered that the intended householders would not be afforded levels of residential amenity commensurate with the aims of the FLP by virtue of the relationship of the property with the historic railway arches to the east. These factors combine to an extent where it would not be appropriate, or compliant with policy, to favourably recommend the scheme.

## 12 RECOMMENDATION: Refusal

1	Policies LP2 and LP16 of the Fenland Local Plan require that proposals for new development promote high levels of residential amenity. Given the relationship between the existing historic railway arches to the east and the dwelling it is considered that the intended householders would have a compromised outlook which would be visually dominated by the historic arches. In addition, the presence of which in arches in such close proximity would result in a level of overshadowing of both the house and garden. As such the scheme will fail to deliver appropriate levels of residential amenity as promoted by Policies LP2 and LP16 and clearly is at odds with the aims of Policies LP2 and LP16 of the Fenland Local Plan (2014).
2	Policies LP2 and LP16 of the Fenland Local Plan require that proposals for new development promote high levels of residential amenity with private amenity space being an essential component of such amenity. The scheme proposed fails to make appropriate provision for private amenity space as indicated in Policy LP16 (h) and as such fails to deliver adequate levels of residential amenity as indicated by Policies LP2 and LP16. In addition the

<p>presence of the historic railway arches to the north-east of the proposed dwelling will further detract from the amenity value of the already substandard amenity space thereby exacerbating the failure of the scheme to make appropriate provision for private amenity space this being to the significant detriment of the residential amenities of future occupiers and clearly at odds with the aims of Policies LP2 and LP16 of the Fenland Local Plan (2014).</p>
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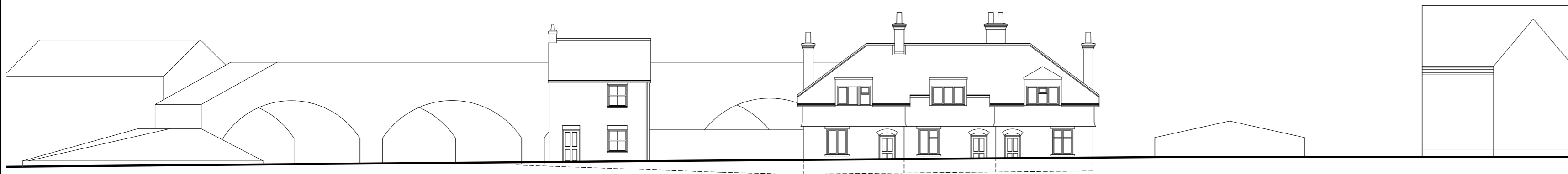
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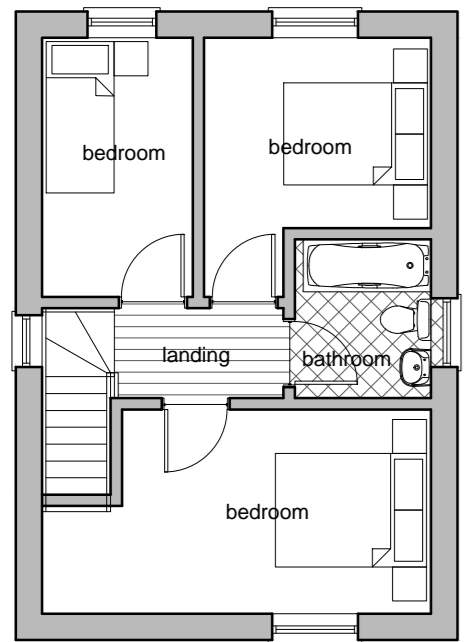
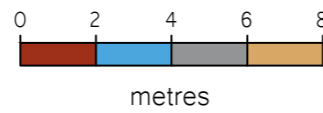
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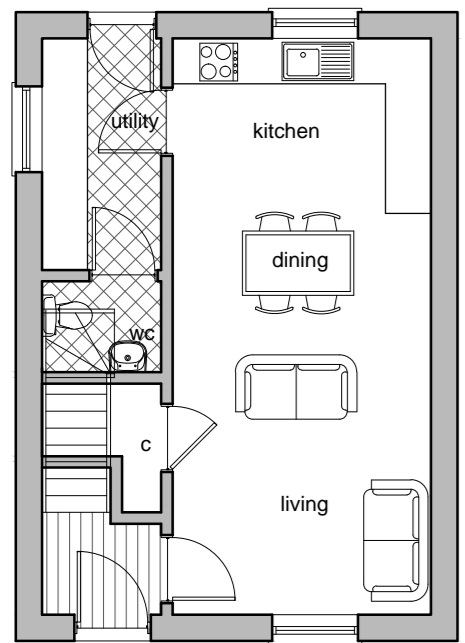
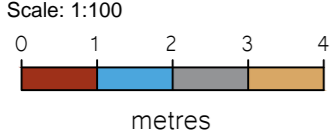




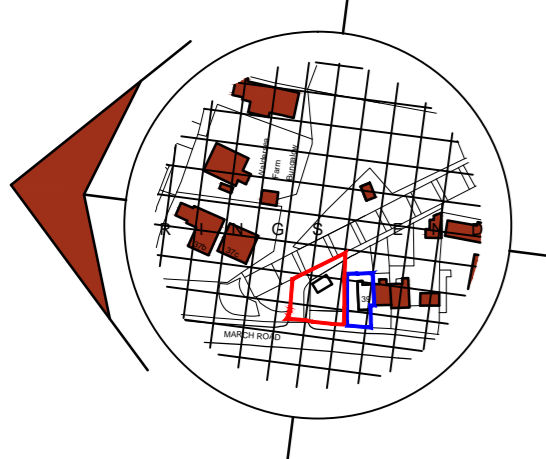
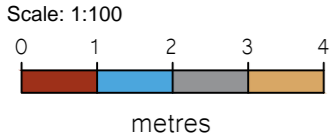
**March Road Elevation**  
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**First Floor Plan**  
Scale: 1:100



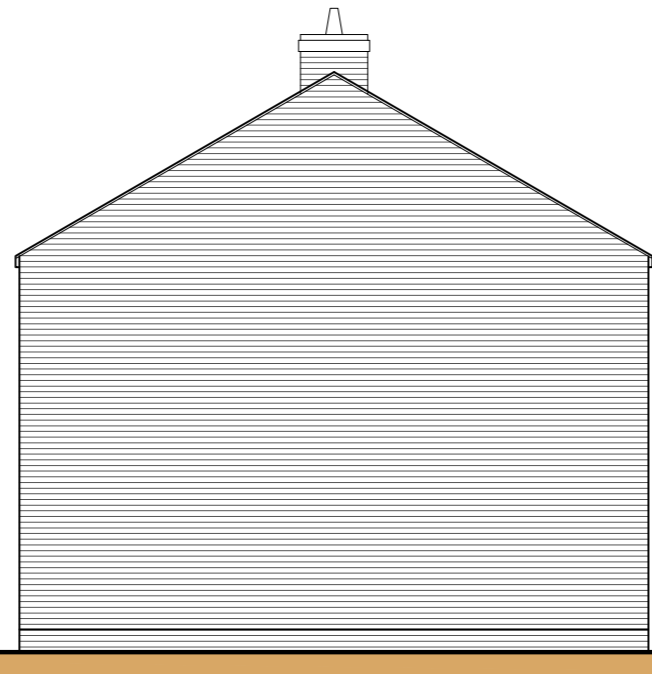
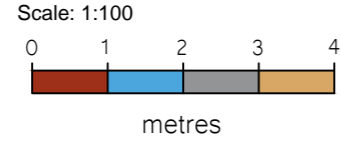
**Ground Floor Plan**  
Scale: 1:100



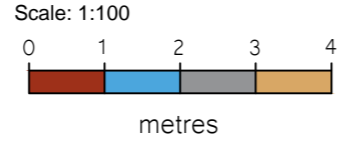
**Location Plan**  
Scale: 1:2500



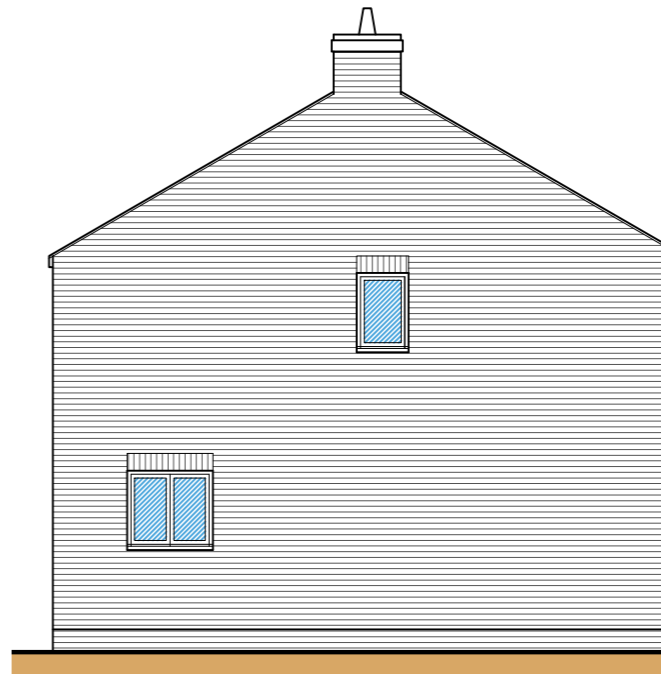
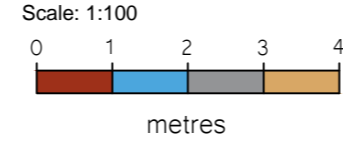
**Front (W) Elevation**  
Scale: 1:100



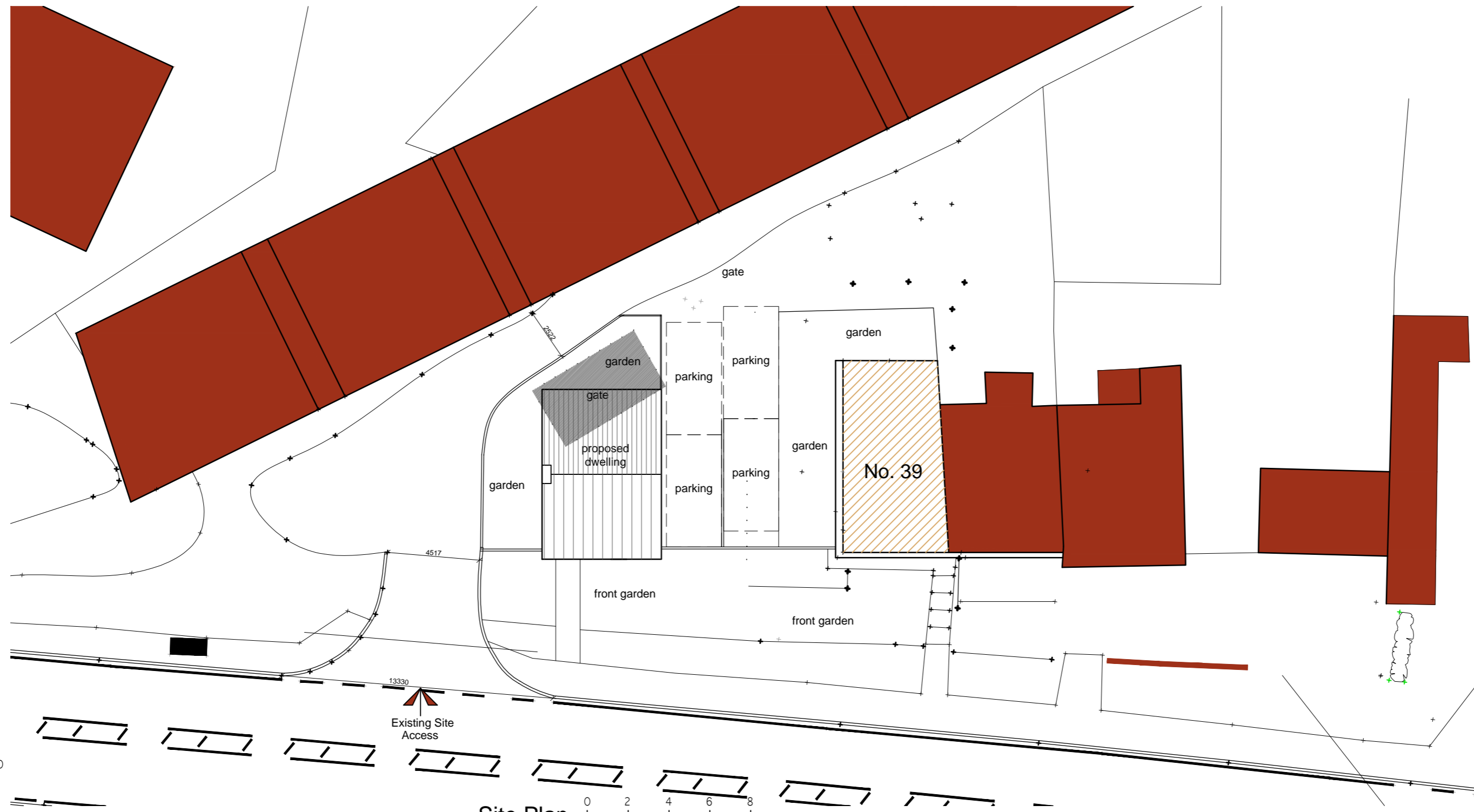
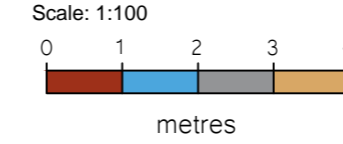
**Side (S) Elevation**  
Scale: 1:100



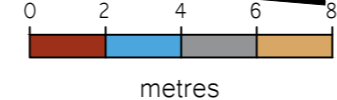
**Rear (E) Elevation**  
Scale: 1:100



**Side (N) Elevation**  
Scale: 1:100



**Site Plan**  
Scale: 1:200



**General Notes**

1. All dimensions are shown in 'mm' unless otherwise stated.
2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
4. Any discrepancies are to be brought to the designers attention.

**KEY**

- Indicates un-surveyed neighbouring buildings taken from OS map
- Indicates buildings on site surveyed
- Indicates existing structures on site to be demolished
- Indicates facing brickwork to be agreed
- Indicates roof tiles to be agreed

Joinery to be white UPVC to be agreed  
Gutters and down pipes to be black UPVC on white UPVC fascia to be agreed

**Revisions**

A	Oct 2020	Fencing amended
B	Nov 2020	Floor plans amended
C	Nov 2020	Revised Scheme
D	Dec 2020	Parking Location Updated Following Planning Comments
E	Jan 2021	Planning Comments and Submission Updates
F	Feb 2021	Invalid Updates

Status

**FOR APPROVAL**

**SWANN EDWARDS ARCHITECTURE**

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Job Title	Date	Drawn by
Proposed New Dwelling	October 2020	JB
Land North of 39 March Road, Rings End, Guyhirn		Checked by
For: LTS Consultancy Ltd		SJ
Drawing Title	Job No.	Sheet Size
Planning Drawing	SE-1399	A2
	Dwg No.	Revision
	PP1010	F