
F/YR21/1057/F

Applicant: Mr D Upton

**Agent : Mr Gareth Edwards
Swann Edwards Architecture Limited**

The Piggeries, Flaggrass Hill Road, March, Cambridgeshire

Erect 2 x 2-storey 4-bed dwellings with covered parking involving demolition of existing outbuildings

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

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| 1.1 | The site comprises c.0.25ha of agricultural land situated north east of March but outside of the main built settlement. The area of Flaggrasshill Road and Creek Road which encompass the site is characterised predominantly by relatively modest, single storey dwellings which front onto the highway. |
| 1.2 | The proposal seeks full planning permission for the erection of 2 large 2-storey 4-bed detached houses with attached double garages. The proposal would involve the demolition of the buildings at the site. |
| 1.3 | This application is effectively a resubmission of a proposal that was refused previously in March 2018 (F/YR17/1230/F) and December 2012 (F/YR16/0999/F), but includes an updated Design and Access Statement and initial biodiversity checklist. |
| 1.4 | The principle of residential development on this site is not supported by Policy LP3 of the Local Plan in that the site is located in the open countryside and is unsustainably linked, offering limited opportunities for non-car modes of travel contrary to LP15. The proposal would also unacceptably impact the character and appearance of the area owing to the location and scale of the proposed dwellings. In addition, the development also includes insufficient information with regard to biodiversity matters. |
| 1.5 | No material considerations have been advanced by the applicant to indicate that an alternative view should be reached further to the two previous refusal of this scheme and the policies that guided the Council on both previous applications are still relevant and should be afforded full weight. |
| 1.6 | The recommendation is to refuse the application. |

2 SITE DESCRIPTION

- 2.1 The site comprises c.0.25ha of agricultural land situated north east of March but outside of the main built settlement. The site was last in use as a piggery and comprises several dilapidated single storey structures – many of which are

currently overgrown and inaccessible. The site is accessed via a single track from the eastern side of Flaggrasshill Road. Flaggrasshill road connects to Creek Road approximately 130m from the site access

- 2.2 The area of Flaggrasshill Road and Creek Road which encompass the site is characterised predominantly by relatively modest, single storey dwellings which front onto the highway.
- 2.3 The site lies in Flood Zone 1 having regard to the latest Environment Agency 'Flood Maps for Planning'

3 PROPOSAL

- 3.1 The proposal seeks full planning permission for the erection of 2 x 2-storey 4-bed detached houses with attached open-fronted double garages. The proposal would involve the demolition of the buildings at the site.
- 3.2 The dwellings measure approximately 8.9m to the ridge and incorporate modern design features e.g., a large 2-storey front window and also traditional features e.g., arched headers over the windows. Both dwellings incorporate parapet walls at the gable ends.
- 3.3 The dwellings are proposed to be finished externally in natural slate roofs, Hoskins farmhouse blend facing brick to the main dwelling and timber boarding to the single-storey garages, and family room serving Plot 1.
- 3.4 This application is effectively a resubmission of a proposal that was refused previously in March 2018 (F/YR17/1230/F) and December 2012 (F/YR16/0999/F) but includes an updated Design and Access Statement and initial biodiversity checklist.
- 3.5 Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

4.1

Reference	Description	Decision
F/YR17/1230/F	Erection of 2 x 2-storey 4-bed dwellings with attached double garages involving demolition of existing outbuildings	Refused 01.03.2018
F/YR16/0999/F	Erection of 2no x 2-storey, 4-bed dwellings with attached double garages involving demolition of existing outbuildings	Refused 21.12.2016

5 CONSULTATIONS

Parish/Town Council

- 5.1 Recommend approval subject to adequate flood risk assessment.

FDC Environmental Health

- 5.2 *I have reviewed the above application and note the proposed scheme is similar to an earlier submitted application by the same applicant.*

As very little appears to have changed this service would agree the 'Unsuspected Contaminated Land' condition would remain relevant should consent be given due to the presence of structures to be demolished as part of this proposal.

I note from our earlier consultation under planning reference F/YR17/1230/F we advised the proposal was unlikely to have a detrimental effect on local air quality or the noise climate however it might be appropriate for construction hours to be imposed should permission be granted so as to protect the interests of existing residents and the local amenity. The hours should be in accordance with construction industry and pollution legislation guidelines.

CCC Highways

- 5.3 *Although there are other dwellings in the vicinity, the site is located in a rural area unlit area, remote from a village centre without footways. FDC to consider the sustainability of the site.*

I have no objections to planning permission being granted subject to the following conditions:

1. *Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.
Reason: In the interests of highway safety and to ensure satisfactory access into the site.*
2. *The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent surface water discharging to the highway.*
3. *Prior to the first occupation of the development the proposed on-site parking area 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.*

Senior Archaeologist (CCC)

- 5.4 *We would recommend that the same archaeological standard condition is placed on the development as was recommended for prior (refused) applications F/YR16/0999/F and F/YR17/1230/F within the same bounds, that is:
We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by MHCLG*

Middle Level Commissioners

- 5.5 No comments received

Local Residents/Interested Parties

5.6 Objections

15 letters of objection have been received from the following locations;
March

- 3 at Flaggrasshill Road
- 11 at Creek Fen

Other

- 1 at Church Lane, Freckenham

Raising the following concerns;

- Design/Appearance
- Devaluing property
- Light Pollution
- Loss of view/Outlook
- Out of character/not in keeping with area
- Backfill
- Overlooking/loss of privacy
- Shadowing/loss of light
- Access
- Agricultural Land
- Policy conflict
- Flooding / Drainage
- Noise
- Environmental Concerns
- Proximity to property
- Residential Amenity
- Traffic or Highways
- Loss of Trees/ Hedgerow
- Loss of rural character
- Visual Impact
- Waste/Litter
- Wildlife Concerns
- Would set a precedent
- No detail on sustainability of build
- Has previously been refused twice
- Adverse impact on health and wellbeing, stress
- Lack of pedestrian infrastructure and transport options
- Local services/schools - unable to cope
- Asbestos present
- Potential damage to foundations
- Will detrimentally affect the adjacent Bed and Breakfast through noise

5.7 **Supporters**

24 letters of support from the following locations;

March

- 2 at Creek Fen
- 4 at Flaggrasshill Road
- 1 at Berryfield
- 1 at Norwood Road
- 2 at Norwood Avenue
- 1 at St John Road
- 1 at Grounds Avenue
- 1 at Westwood Avenue
- 1 at Upwell Road
- 1 at Elwyndene Road
- 2 at Ellingham Avenue

- 1 at Blue Ridge Gardens
- 1 at Wisbech Road
- 1 at Cavalry Drive

Other

- 1 at Burret Road, Wisbech
- 1 at Hook Road, Wimblington
- 1 at St. Pauls Road, South Walton Highway
- 1 at New Road, Upwell

Making the following comments;

- Would enhance the area
- Creates opportunities for home buyers/ frees up smaller properties
- Regeneration opportunity
- Will not set any precedent
- Highways and parking issues will be minimal
- Should not be a drainage issue
- No ecology issues
- No access issues
- Thoughtful layout – no amenity issues
- Construction hours could be controlled
- There is already a 2-storey dwelling opposite the site
- There is a need for this type of development
- Excellent transport links
- There is a shortage of executive style homes
- Will enhance property prices
- Will provide work for local tradespeople
- Precedent has already been set with the building opposite the entrance
- Good sized plots
- A piggery is not compatible with the existing houses
- Will reduce trespassers/ fly-tipping

Representations

5.8 The applicant, Mr Upton has written in support of their application and makes the following comments;

- Refers to having had an ecological report carried out that concludes that no wildlife that will be affected by the development. Advises that if the development does not get approved, the site will be returned to its previous use as a pig farm which would destroy flora and fauna.
- Advises he would accept controls over hours of construction operation to limit noise nuisance. Advises that if the site were reverted to a piggery once more, vehicle movements would be more frequent.
- Does not consider that pedestrian movements would increase significantly.
- Does not consider that the development would result in overlooking.
- Considers that the development would enhance the area and increase property values, when compared to the current structures.

6 STATUTORY DUTY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan

for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Paragraph 79 to 80: Rural developments

Paragraph 120: Brownfield land

Chapter 8: Healthy and safe communities

Chapter 9: Sustainable Transport

Chapter 15: Natural Environment

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context

Identity

Built Form

Movement

Nature

Homes and Buildings

7.4 Fenland Local Plan 2014 (FLP)

LP1: A Presumption in Favour of Sustainable Development

LP2: Facilitating Health and Wellbeing of Fenland Residents

LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4: Housing

LP5: Meeting Housing Need

LP12: Rural Areas Development Policy

LP14: Flood Risk and Drainage

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

LP16: Delivering and Protecting High Quality Environments across the District

LP19: The Natural Environment

7.5 March Neighbourhood Plan 2017

H2 – Windfall Development - design

7.6 Supplementary Planning Documents/ Guidance

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

8 KEY ISSUES

- Principle of Development
- Impact on the Character and Appearance of the area
- Residential Amenity
- Ecology/ Biodiversity
- Access and Highway Safety
- Flood Risk and Drainage
- Health and wellbeing
- Economic Growth
- Planning Balance
- Other considerations

9 BACKGROUND

9.1 Two applications for this development have previously been refused (F/YR16/0999/F and F/YR17/1230/F), the former under Officer-delegated powers and the latter by the Planning Committee on 28 February 2018. Both applications were refused for the following reasons;

- 1. The proposed development is located in an unsustainable location outside the settlement limits of March where residential development is not normally supported unless justified. Development in this location would introduce additional development into an area that is currently open and has a strong relationship with the adjoining countryside. The proposal is therefore contrary to Local Plan Policy LP3 of the Fenland Local Plan 2014 and to the guidance contained in the National Planning Policy Framework.*
- 2. In accordance with Policy LP16 (b) and Policy LP19 of the Fenland Local Plan 2014 the proposed development should protect and enhance biodiversity on and surrounding the site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites. The application has failed to submit an appropriate biodiversity study and as such the Local Planning Authority is unable to assess any impacts of the proposal in this regard. As a result, the proposal is contrary to criteria (b) of Policy LP16 and Policy LP19 of the Fenland Local Plan 2014.*
- 3. Policy LP16 (d) requires all new development to make a positive contribution to the local distinctiveness and character of the area and responds to and improves the character of the built environment. The proposed two storey dwellings would be located in a detached position behind single-storey dwellings unrelated to existing road frontage development on Flaggrass Hill Road and as a result would appear incongruous when viewed in the context of the existing built form. Furthermore, it would unnecessarily extend built development into the open countryside which would unacceptably harm the rural character of the area. As such, the proposal is contrary to criteria (d) of Policy LP16 of the Fenland Local Plan 2014 which states that development will only be permitted which would make a positive contribution to the local distinctiveness and character of the area and responds to and improves the character of the built environment.*

10 ASSESSMENT

Principle of Development

10.1 Policy LP3 of the Fenland Local Plan, 2014 sets out the settlement strategies for the district and is an important part of the delivery of sustainable development in the area. LP3 identifies March as one of the main areas for growth. However, as with the previous conclusions of the Council, the site is considered to fall outside of the main settlement of March and sits within a small outlier of development served by a section of single track, unlit road. By virtue of the site location and characteristics, it is considered to fall in the countryside where policy LP3 dictates that development should be strictly limited, primarily to land-based enterprises. As the proposal does not propose any kind of land-based enterprise, there is clear conflict with LP3.

- 10.2 Paragraphs 78 to 80 of the NPPF address rural housing, noting that where there is an identified need to support rural communities, Local Authorities should support opportunities to locate housing where it will enhance or maintain the vitality of rural communities (Para.79), whilst avoiding isolated development in the countryside unless special circumstances apply (para.80).
- 10.3 The site would not be considered as 'isolated' having regard to NPPF paragraph 80, given the 20 or so dwellings in the immediate vicinity. With regards to paragraph 79 of the NPPF however; whilst the future occupiers of the development would likely support the existing facilities and services of March and would add to the existing outlier community at Flaggrasshill Road and Creek Fen, March town's facilities and the local community do not appear to be under any kind of threat to justify an exception to policy LP3 in this case, notwithstanding that this benefit would be very modest through the introduction of just 2 dwellings.

Brownfield Land

- 10.4 The applicant opines that the site is brownfield land, being previously used as a piggery. It is acknowledged that the NPPF (para. 120 (c)) sets out that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, supporting appropriate opportunities to remediate despoiled. Degraded, derelict, contaminated or unstable land.
- 10.5 In this regard, the NPPF defines Brownfield Land in its Annex 2: Glossary (p.65), setting out that this is defined as 'Previously Developed Land' (p.70) as ;

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 10.6 Given the last known use of the site was as a Piggery, which is an agricultural use, the site cannot be classed as brownfield land. Furthermore, and notwithstanding this, as the site sits outside of the settlement the substantial weight implied by NPPF para. 120 is not applicable, as its focus appears to be on sites within settlements. As such, the development cannot be given the substantial weight referred to under NPPF para.120.
- 10.7 As noted, the site comprises agricultural land and the development would result in the loss of this. However, given the overall scale of the development, the loss of agricultural and would not be so significant to warrant refusal on this ground.

March Neighbourhood Plan (MNP)

- 10.8 Policy H2 (Windfall Development) of the MNP sets out that proposals for residential development will be supported where they meet the provisions of the Fenland Local Plan plus additional criteria a) to g) covering amenity, open space

retention, flood risk, highway safety, infrastructure, design and retention of community facilities.

- 10.9 Whilst the criteria are nonetheless considered through policies of the FLP, the principal element of H2 sets out that all windfall development should accord with FLP policies. As such the proposal also appears to conflict with the principle of policy H2 of the MNP, in view of its conflict with the FLP policy LP3.
- 10.10 In conclusion, there is neither local nor national support for the principle of the development in regard to the spatial location of the development.

Five Year Housing Land Supply

- 10.11 The previous application was determined having regard to the fact that the Council at that time were unable to demonstrate a 5 year supply of housing land. Nonetheless, the application was found to result in significant and demonstrable harm despite the 'tilted balance' being applied.
- 10.12 At present, the Council is able to demonstrate a 6.69 year supply of housing land and therefore the 'tilted balance' does not apply, as it is considered that the housing policies of the FLP are up to date and should take precedent over the determination of planning applications for housing proposals.

Impact on the Character and Appearance of the area

- 10.13 The area is characterised by single-storey, generally modest and traditional dwellings that align the highway along the eastern edge of Flaggrasshill Road and wrap around the northern part of Creek Road, forming a relatively tight-knit row of single-storey properties, extending to countryside (with sporadic, modest structures) to the rear, which is a distinct part of the area's character. This is also distinctly different to the single, large 2-storey dwelling and farmstead associated structures opposite on the western side of Flaggrasshill Road and the linear arrangement of 2-storey dwellings c.300m west along Creek Road. Whilst it is acknowledged that one comment refers to the adjacent dwelling, Wood Paddock incorporating a dormer in its roof space, its overall scale is still generally that of a single storey structure, in keeping with the distinctive character of the area and substantially lower than those proposed here.
- 10.14 The proposed dwellings would be located behind the single-storey dwellings, set back approximately 50m from the highway and would be highly visible in the street scene, both above and in between gaps of the existing bungalows. Consequently, the character of the area would distinctly alter, introducing an incongruous design and scale. Accordingly, the proposal would conflict with Policy LP16 (d) of the Local Plan and DM3 of the Delivering & Protecting High Quality Environments in Fenland SPD in that it would fail to reinforce local identity or make a positive contribution to the local distinctiveness and character of the area. Consequently, as the development does not accord with FLP policies in respect of design and scale, the development would also conflict with policy H2 of the MNP.
- 10.15 Whilst it is noted that comments have been received concluding that the site would be tidied up if developed, given its rearward position the site is not actually overly noticeable from the street scene at present. This was also the conclusions of the Council's enforcement team in 2018 who investigated the site due to reports of untidy land. Notwithstanding this, the condition of a site due to neglect should not alone provide justification for development and as before, where

causing nuisance, can be resolved through enforcement action where in the public interest.

Residential Amenity

- 10.16 As concluded with the previous application, the introduction of the dwellings whilst resulting in a change to the character and appearance of the area, would be unlikely to result in severe harm to existing residential amenity e.g., through overlooking, outlook, overshadowing, loss of light, light pollution or noise. This is due to the separation distances and windows positions of the dwellings relative to existing properties. Furthermore, and as agreed to by the applicant, the construction hours could be limited to reduce disturbance during the build.
- 10.17 Furthermore, the development would likely achieve good levels of amenity for future occupiers, with a good area for private amenity and adequate on-site parking and manoeuvring.
- 10.18 The applicant has noted that the site is currently Rat-infested and whilst this is not a material planning consideration, it has been reported to the Council's Environmental Protection team for investigation.
- 10.19 One resident has raised concerns over the impact of the construction of the development on the foundations of their property. This is not a material planning consideration and any damage to property or possessions would constitute a civil matter between the relevant parties.
- 10.20 One resident has also raised concerns over the removal of the existing buildings indicating that they contain asbestos. The removal of such material is controlled under license via the Health and Safety Executive and the developer would be expected to contract specialists in its remove. Given that this is regulated under separate legislation, this is not a matter that the planning system can control.
- 10.21 The operators of the adjacent Bed and Breakfast have also raised concerns over the impact of the development on their business, citing construction noise and overlooking issues. Both of these issues have been considered as set out above and apply equally to existing residents as they would to businesses. The disruption through the construction should be short term and low-scale given the quantum of development. Likewise, the occupancy of the dwellings is unlikely to result in significant disturbance and the position of the dwellings are not anticipated to cause any severe harm in respect of overlooking, overshadowing or loss of outlook.
- 10.22 As such the development has not identified any conflict with policies LP2 or LP16 of the FLP.

Ecology/ Biodiversity

- 10.23 The Biodiversity Checklist completed by the applicant concludes that to the best of their knowledge, there are no protected species or suitable habitats for these within the site. Concerns are raised as to the reliability of this assessment.
- 10.24 The site is heavily overgrown with brambles and trees within and bordering the site as well as a number of dilapidated buildings. Question 5, as an example, asks; *"Does the proposal include modification, conversion, demolition or removal of any agricultural buildings (e.g., farmhouses and barns)?"* to which the applicant has responded "no".

- 10.25 The site plan clearly denotes that the current buildings will need to be removed to accommodate the proposal and therefore concerns are raised that the biodiversity checklist hasn't been completed by a competent person i.e. that a suitably qualified ecologist has surveyed the site. Therefore, the potential impact of the development cannot be properly assessed. Without detailed survey evidence the 'precautionary principle' should apply to safeguard the objectives of policies LP16 (b) and LP19 of the Local Plan.
- 10.26 The Council's Ecologist previously concurred with this view and objected to the proposal as it is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development is established before planning permission is granted. Given there has been no substantial change to site conditions since this previous conclusion, Officers consider that the same policy conflicts apply.
- 10.27 Concerns have been raised regarding the lack of detail over the apparent loss of some hedgerow and trees and indeed the plans denote some loss along the northern and southern boundaries, despite the application form declaring there will be no loss. Again, in the absence of an ecology survey it is not possible to measure the impact of this or to establish what mitigation may be required.
- 10.28 The applicant has advised that they are waiting for an ecology survey report from their consultant but has chosen to submit an incomplete application in any case, despite the Council's previous refusals on grounds of lack of biodiversity impact assessment. The application was received on 2nd August and yet an ecology report has not been provided. Whilst the LPA seeks to work proactively with applicants to overcome issues arising through an application where warranted, it is expected that information is provided in a timely manner, particularly where the applicant is fully appraised of the issues in advance, as is the case with the third submission of this proposal.

Access and Highway Safety

- 10.29 The Highway Authority has not objected to the proposal but has requested conditions securing the access arrangement (with suitable drainage) and the provision of the parking prior to first occupation. Subject to these measures therefore, the development is not anticipated to result in any highway safety issues, in-line with Policy LP15 of the FLP and NPPF para. 11.
- 10.30 The proposed garaging dimensions fall slightly short of the required measurements set out in Appendix A of the Local Plan. and would be able to accommodate parked vehicles. In any case there is sufficient space within the driveways to cater for parking appropriate to the size of the proposed dwellings.
- 10.31 It is noted that there are no footpaths or street lighting available for around 300m from the site, until you reach the row of terraced dwellings along Creek Road to the west. This means that occupiers would have to navigate highway which does not prioritise pedestrian movements, taking safe refuge on the highway verge when vehicles pass and would have poor visibility during darker periods, due to the lack of streetlighting in conflict with the aims of NPPF para. 112 and LP15 of the FLP. This further reinforces the unsustainable location of the site for new housing and provides an example for the rationale for the Council's settlement strategies under LP3 – in terms of placing people and property in the most

sustainable location to safely access services and facilities and improves accessibility for everyone by all modes of travel.

- 10.32 Therefore, whilst the unsustainability of the site is highlighted through the limitations of the highway network which serves it, the development itself is unlikely to have a significant adverse impact on the highway network.

Flood Risk and Drainage

- 10.33 The site lies in flood zone 1 and therefore at the lowest risk of flooding. Furthermore, the site is not identified as being at any risk from surface water flooding. The applicant proposes to treat surface water and foul drainage via soakaway and package treatment plant respectively. Given the scale of the development, it is not anticipated that it would lead to significant risk of flooding. Ultimately, the scheme would need to satisfy Building Regulations, demonstrating that the proposed drainage methods are suitable for the site. Likewise, through the Building Regulations process, the developer would need to demonstrate that the build would meet current sustainability criteria e.g., in terms of thermal, water and energy resource efficiency.

Health and wellbeing

- 10.34 Comments have been received referring to the development having a detrimental impact on their health and wellbeing, citing specific health issues. Whilst these have been considered, it is not anticipated that the long term existence of 2 homes would result in significant detriment to health. Whilst the construction operations may result in some unavoidable disturbance, the construction of 2 dwellings is not anticipated to result in long-term harm in respect of noise, vibration, dust and odour, notwithstanding that some controls could be imposed to limit this.

Other considerations

- 10.35 The following matters have been raised and are considered as follows;

Devaluation/ increase value of property

- 10.36 The planning system does not exist to protect or promote private interests such as value of land or property and as such no weight can be afforded to this matter.

Precedent

- 10.37 All applications are to be considered against the development plan as required by law (unless material considerations indicate otherwise). As such, should any future development proposals come forward, these would be dealt with on a case by case basis in accordance with the development plan having regard to the overall sustainability of the proposal.

Waste/ Litter

- 10.38 Waste produced and removed off-site during the construction of the development would be controlled under license through the Environment Agency. Furthermore, the District Council has a statutory duty to collect household waste and already operates in the area. The future layout reserved matters detail would be expected to provide details of adequate household waste collection arrangements.

Fly-tipping/ ASB/ Trespass

- 10.39 Concerns have been raised over previous incidents of trespass and fly-tipping at the site. It is noted that access to the site is currently unencumbered, save for the overgrowth. The owner may wish to consider erecting fencing or employing other

security measures in order to deter future trespass and to appease any local concerns.

Local services/schools - unable to cope

- 10.40 The scheme is for 2 dwellings and whilst the occupiers would likely rely on existing services or facilities in the settlement of March, it is not considered that 2 dwellings would place an undue burden on these, particularly given the vision for growth of the main settlement of March.

There is a shortage of executive style homes

- 10.41 Neither the development plan, housing needs assessments or indeed national policy specifies what constitutes 'executive-style' homes. Therefore, it is not possible to consider the proposal as such or give any weight to any claims of a shortage, as it wouldn't be possible to measure.

Will provide work for local tradespeople

- 10.42 Whilst the development of the 2 dwellings may rely on local employment, there would be no reasonable mechanism to ensure that this would be the case and therefore this assumption cannot be reasonably reached. Therefore, little weight can be afforded to this.

A piggery is not compatible with the existing houses

- 10.43 It is understood that whilst the piggery has not been operational for a number of years, nonetheless it did exist simultaneously with surrounding residential uses and appears to have been a relatively small operation, based on historic aerial photos. Notwithstanding this, should the piggery become operational once again, there are Environmental Protection controls which exist to protect amenity – this is notwithstanding that any new buildings required to support the enterprise would likely require planning permission, whereupon the impacts of these would be considered.

11 CONCLUSIONS

- 11.1 The principle of residential development on this site is not supported by Policy LP3 of the Local Plan in that the site is located in the open countryside. The proposal would also unacceptably impact the character and appearance of the area owing to the location and scale of the proposed dwellings and would be unsustainably linked to nearby services and facilities. In addition, the development also includes insufficient information with regard to biodiversity matters and therefore fails to demonstrate that the development would not result in unwarranted/ unmitigated harm to protected species.

- 11.2 It is well established case law that previous planning decisions are capable of being material considerations, meaning that they may need to be considered by those determining subsequent planning applications. Recent case law has established that;

“a local planning authority is not bound by its earlier decision, nevertheless it is required to have regard to the importance of consistency in decision-making.”

(R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050)

- 11.3 The Council has refused planning permission for this development on two previous occasions, both under the current Local Plan – importantly the latter, at

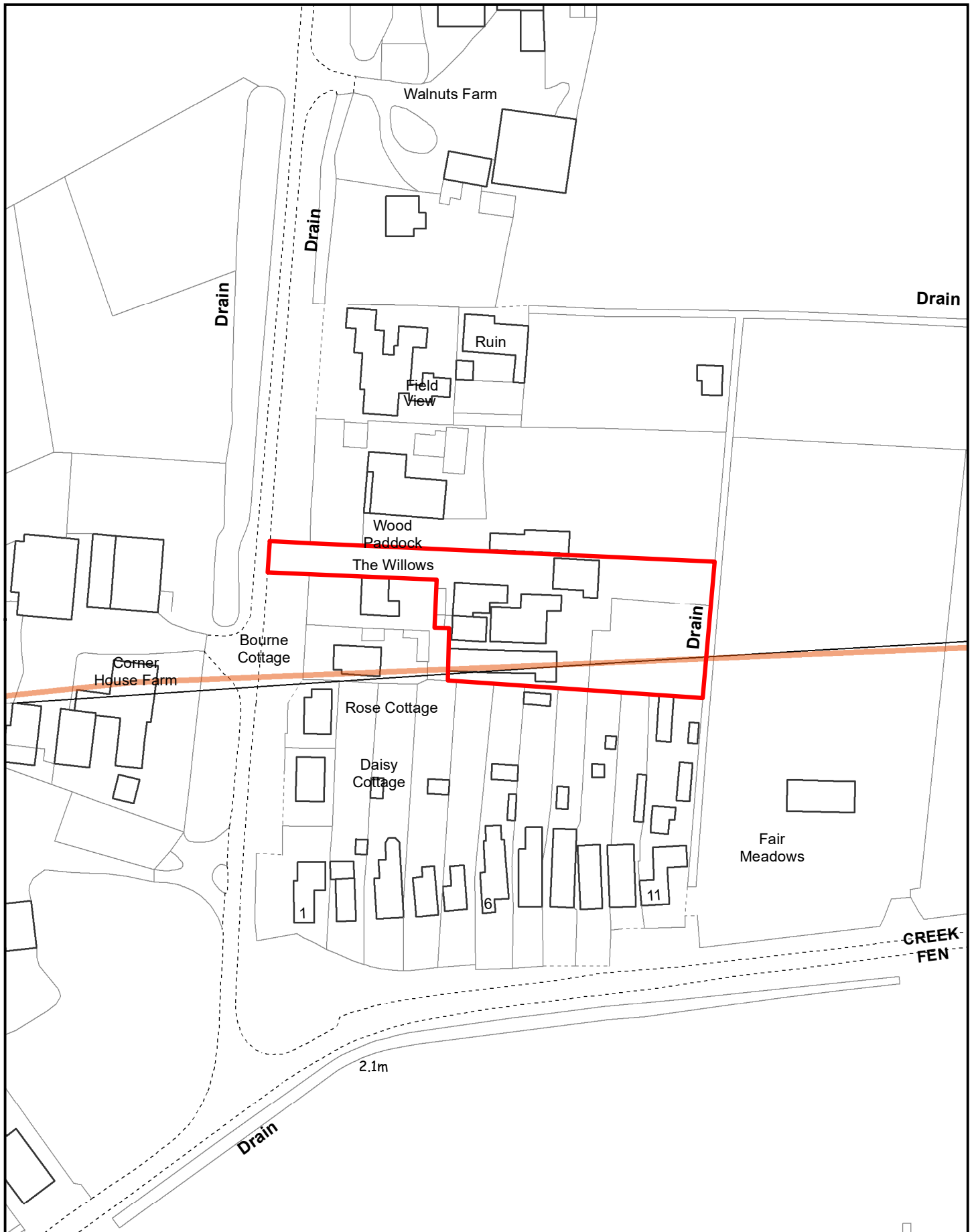
a time when the Council were unable to demonstrate a 5 year supply of housing, where the tilted balance applied but where the development was still found to amount to significant and demonstratable harm.

- 11.4 These are material considerations to which significant weight should be afforded. Furthermore, no appeal has been advanced for either of these previous refusals, to seek an alternative view. No material considerations have been put forward by the applicant to indicate that an alternative view should be reached on this occasion and the policies that guided the Council on both previous applications are still relevant and should be afforded full weight.

12 RECOMMENDATION

12.1 Refuse for the following reasons;

1.	The proposed development is located in an unsustainable location outside the settlement limits of March where residential development is not normally supported unless justified. Development in this location would introduce additional development into an area that is currently open and has a strong relationship with the adjoining countryside. Furthermore, the site by virtue of the lack of illuminated footpaths and single-track road would limit opportunities for sustainable modes of travel. The proposal is therefore contrary to Local Plan Policy LP3 and LP15 of the Fenland Local Plan 2014 and to the guidance contained in the National Planning Policy Framework, in particular; Chapter 9.
2.	In accordance with Policy LP16 (b) and Policy LP19 of the Fenland Local Plan 2014 the proposed development should protect and enhance biodiversity on and surrounding the site. The application is not supported by an adequate biodiversity study and as such the Local Planning Authority is unable to assess the impacts of the proposal in this regard. As a result, the proposal is contrary to criteria (b) of Policy LP16 and Policy LP19 of the Fenland Local Plan 2014 and Chapter 15 of the NPPF.
3.	Policy LP16 (d) requires all new development to make a positive contribution to the local distinctiveness and character of the area and responds to and improves the character of the built environment. The proposed two-storey dwellings would be located in a detached position behind single-storey dwellings unrelated to existing road frontage development on Flaggrass Hill Road and as a result would appear incongruous when viewed in the context of the existing built form. Furthermore, it would unnecessarily extend built development into the open countryside which would unacceptably harm the rural character of the area. As such, the proposal is contrary to criteria (d) of Policy LP16 of the Fenland Local Plan 2014 which states that development will only be permitted which would make a positive contribution to the local distinctiveness and character of the area and responds to and improves the character of the built environment, and Chapter 12 of the NPPF in respect of achieving well-designed places.



Created on: 15/09/2021

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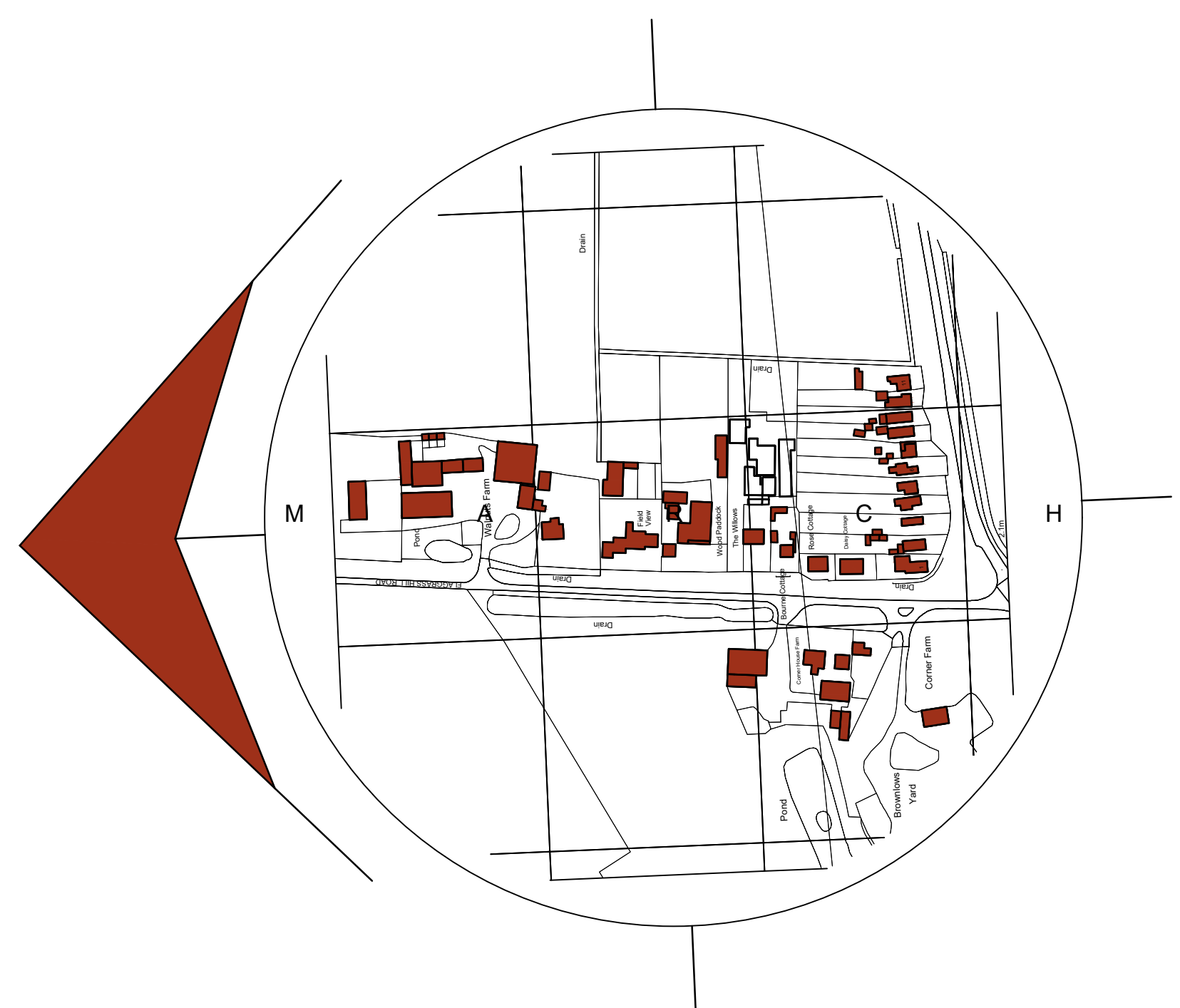
F/YR21/1057/F

Scale = 1:1,250





Site Plan
Scale: 1:250



Location Plan
Scale: 1:2500

SITE PLAN KEY

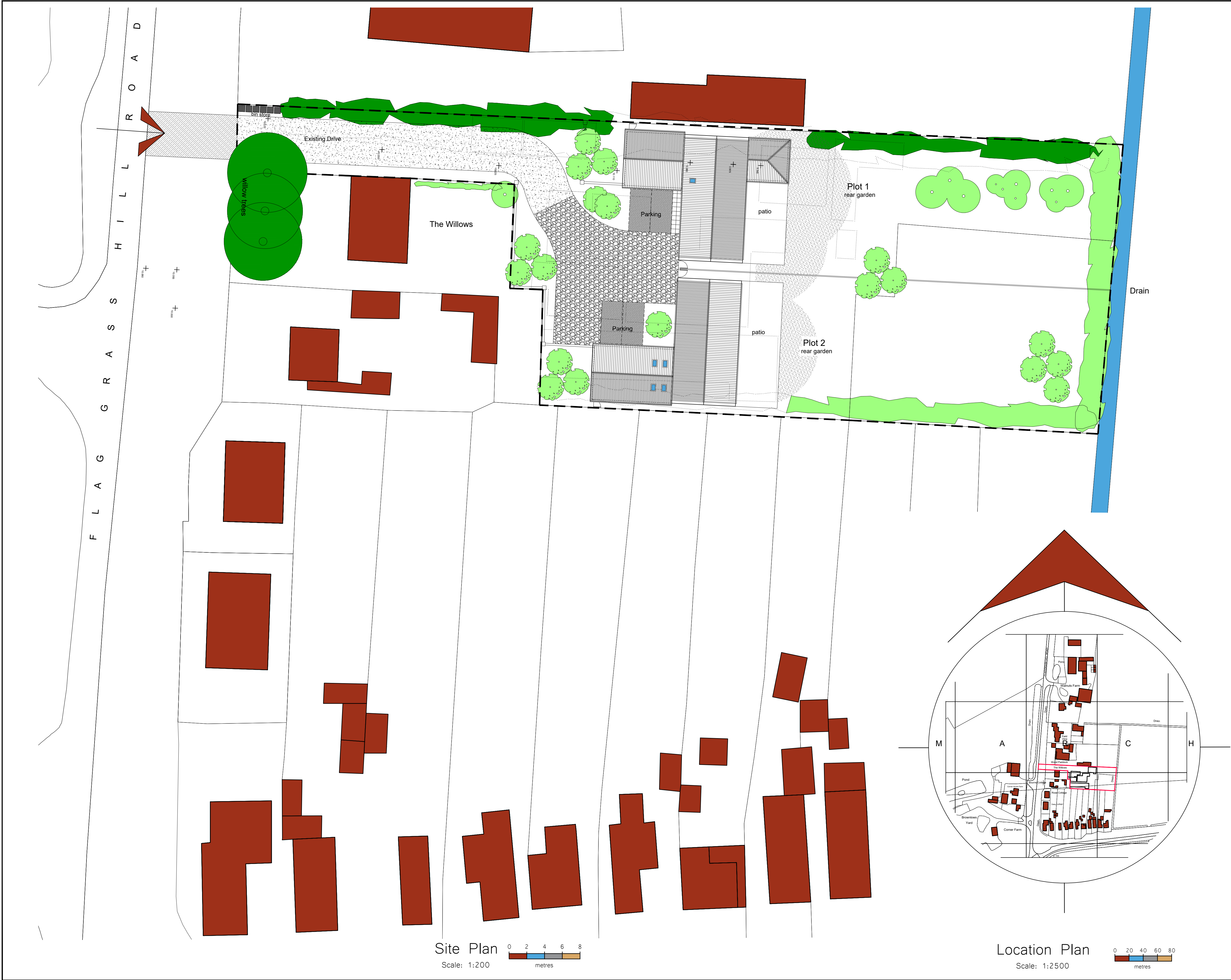
- Indicates existing buildings surveyed on site
- Indicates existing buildings un-surveyed on site
- Indicates neighboring properties (from ordinance survey location plan)
- Indicates existing drain
- Indicates surveyed trees and hedging
- Indicates un-surveyed trees and hedging (positions are approximate)
- Indicates existing site access

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

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Proposed Dwellings, The Piggeries Flaggrass Hill Road, March for Mr D Upton	Job Title	Date	Scale
		July 2021	As Shown Sheet Size A1
Drawing Title Survey Drawing	Job No.	Drawn by	
	SE-1644	G.E.	
	Dwg No.	Revision	
	100		



- 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.

SITE PLAN KEY

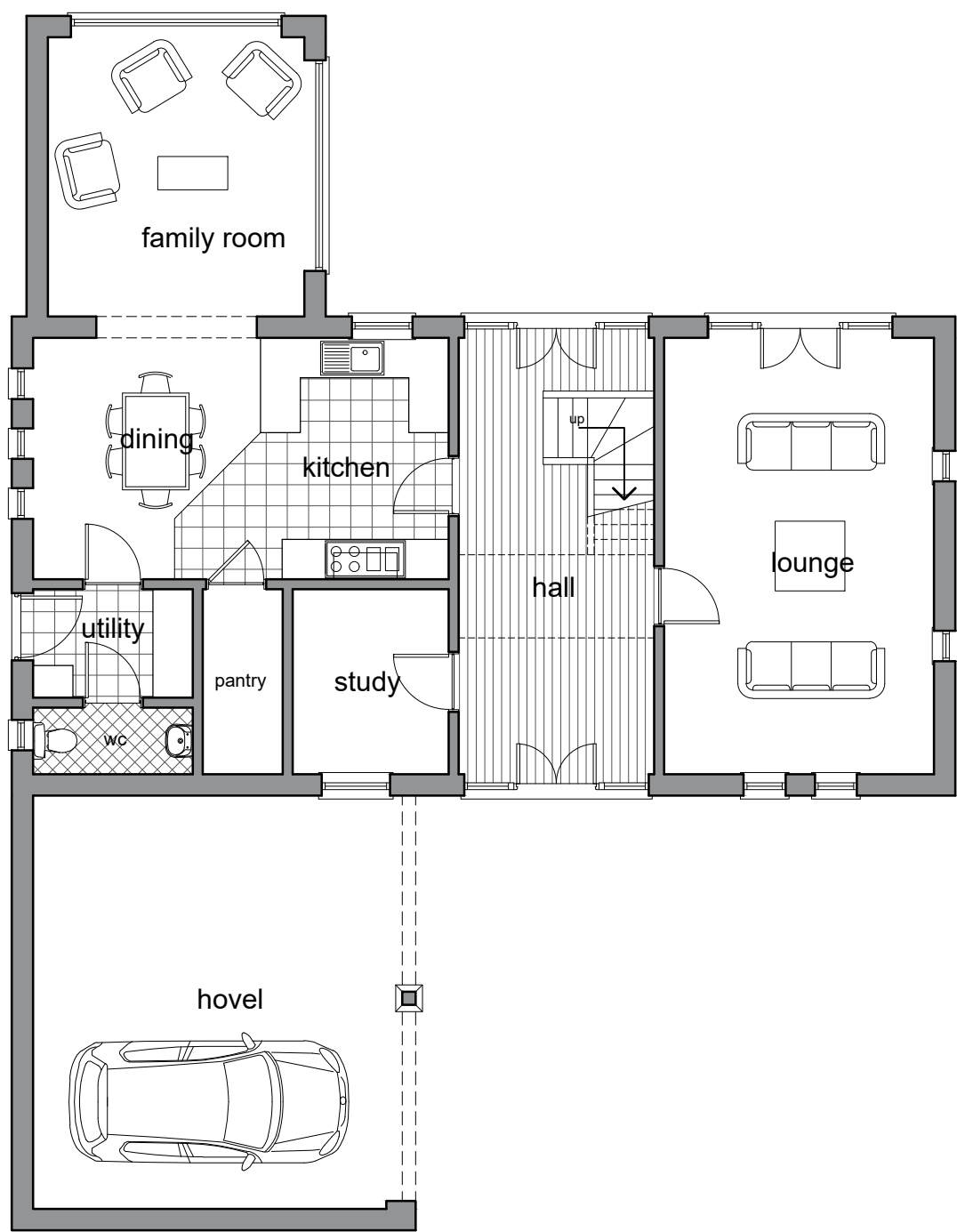
	Indicates positions of proposed buildings
	Hatch indicates new tarmaced driveway
	Hatch indicates new block paved parking areas
	Hatch indicates new grassed areas
	Indicates proposed specimen trees
	Indicates existing trees and hedges
	Indicates existing un-surveyed trees and hedges
	Indicates positions of existing buildings taken from OS map
	Hatch indicates new bound pea gravel driveway
	Hatch indicates new pea gravel driveway
	Indicates site access points
	Indicates positions of existing buildings, trees and hedges to be demolished
	Indicates site boundary line
	Indicates lockable gate
	Indicates bin collection point

Status
FOR APPROVAL

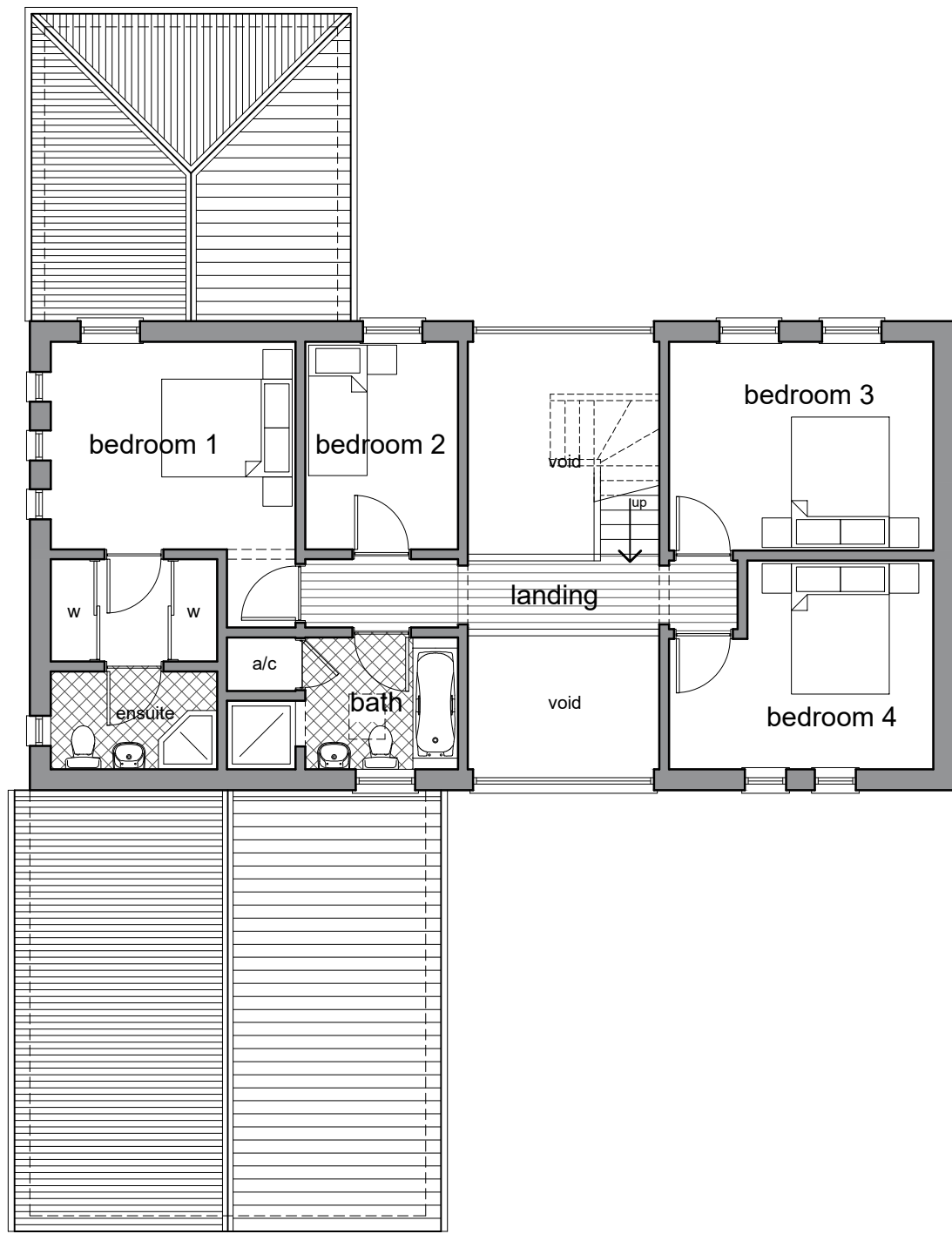
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Proposed New Dwellings The Piggeries, Flagg Grass Hill Road, March For : Mr D Upton	Job Title Date July 2021	Scale Various Sheet Size A1
Drawing Title Planning Drawing Site and Location Plans	Job No. SE-1644 Dwg No. PP1000	Drawn by G.E. Revision



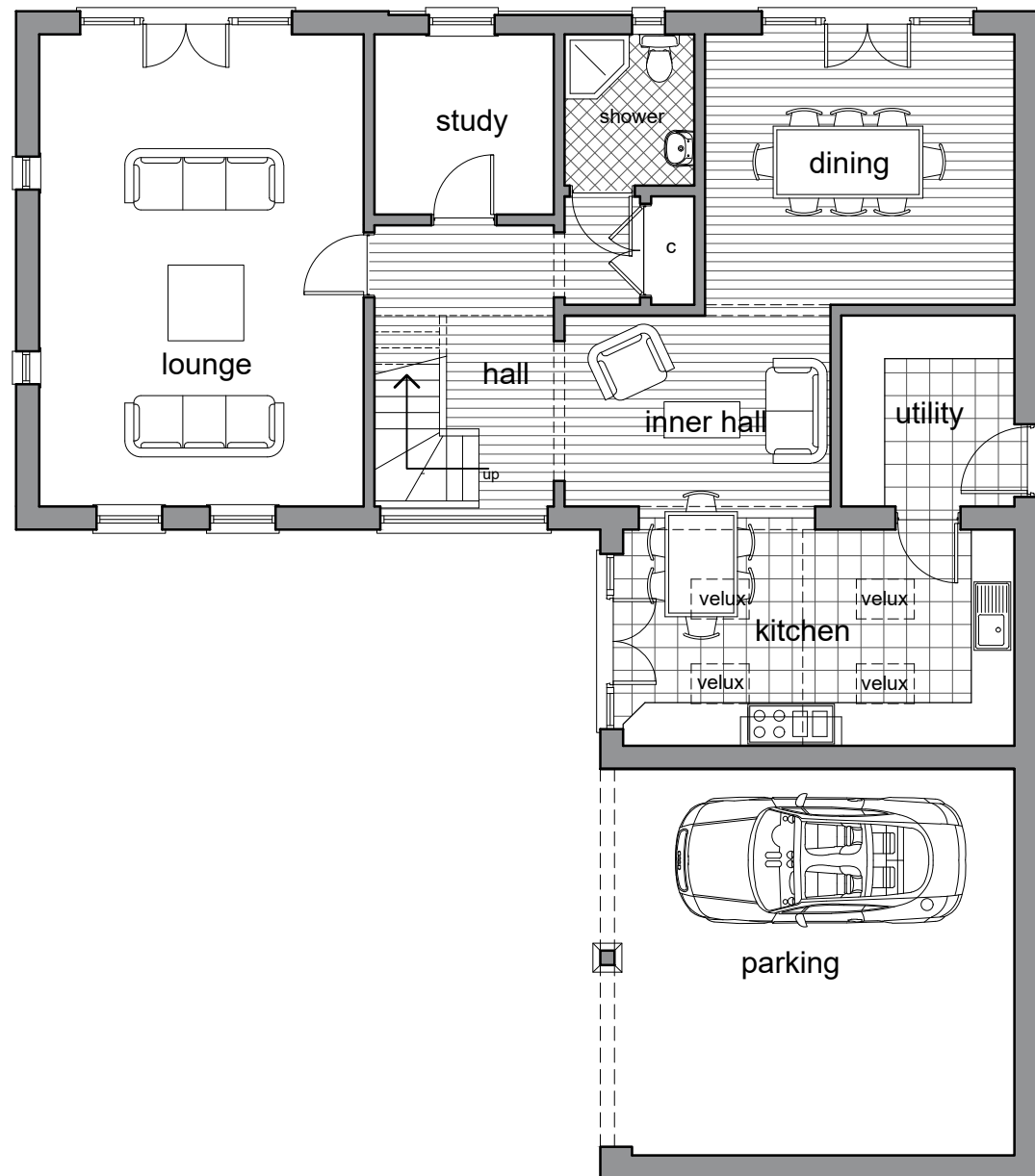
Ground Floor Plan
Scale: 1:100



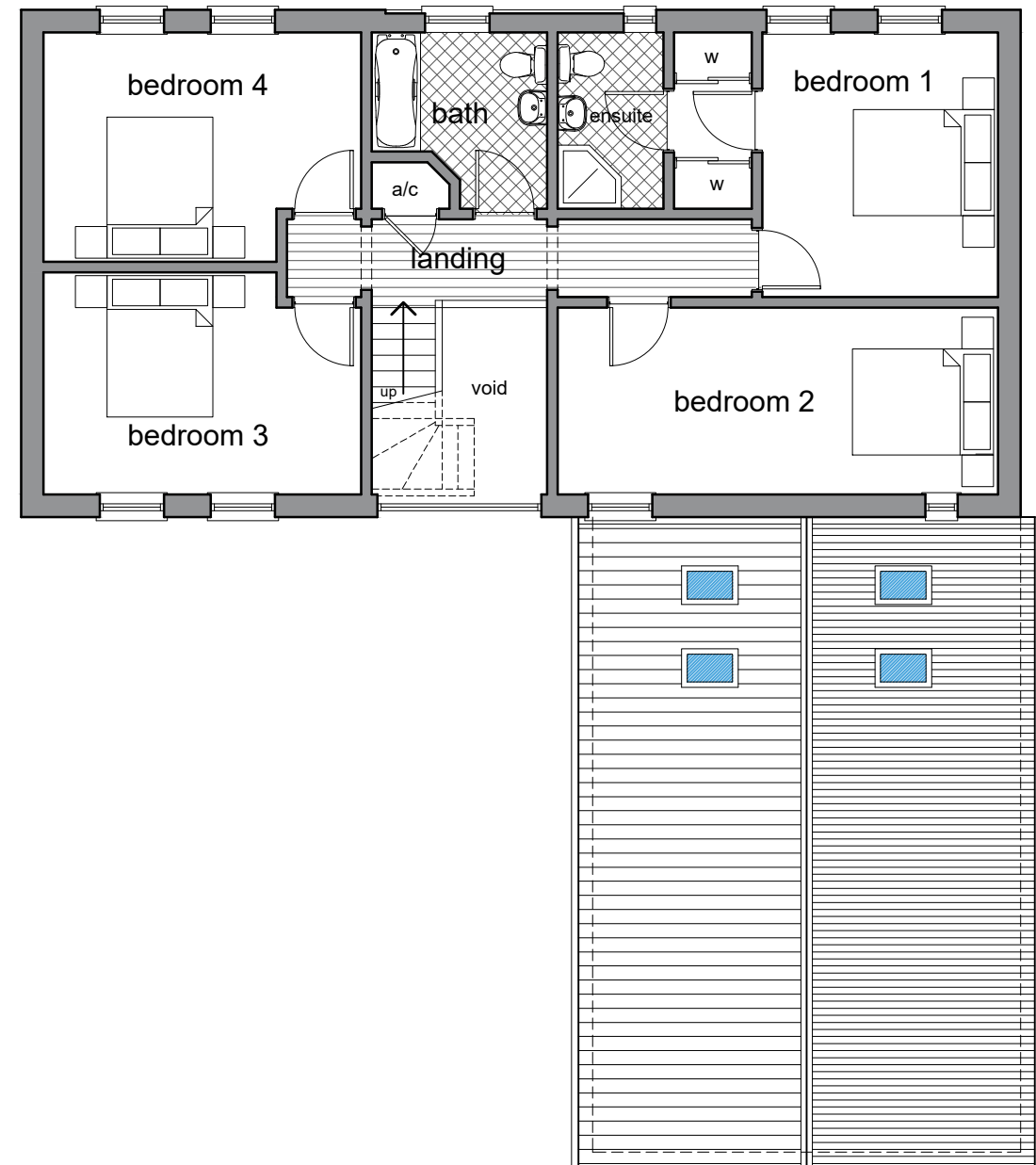
First Floor Plan
Scale: 1:100

PLOT 1

PLOT 2



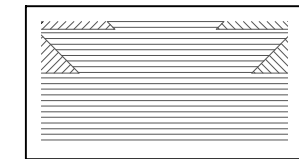
Ground Floor Plan
Scale: 1:100



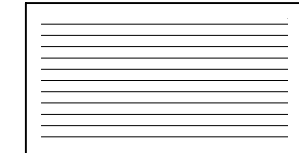
First Floor Plan
Scale: 1:100

- 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.

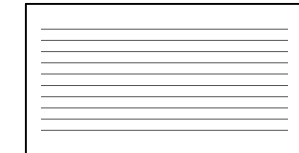
ELEVATION KEY



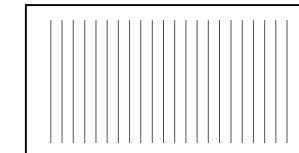
Hopkins Farm House Blend
Brickwork



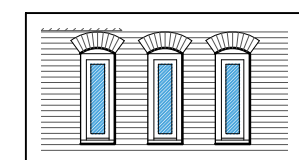
Timber Boarding



Natural Slate Roof



Red Pantile Roof



UPVC Casement Windows and
Doors

Rainwater goods - black half round gutters and black round downpipes



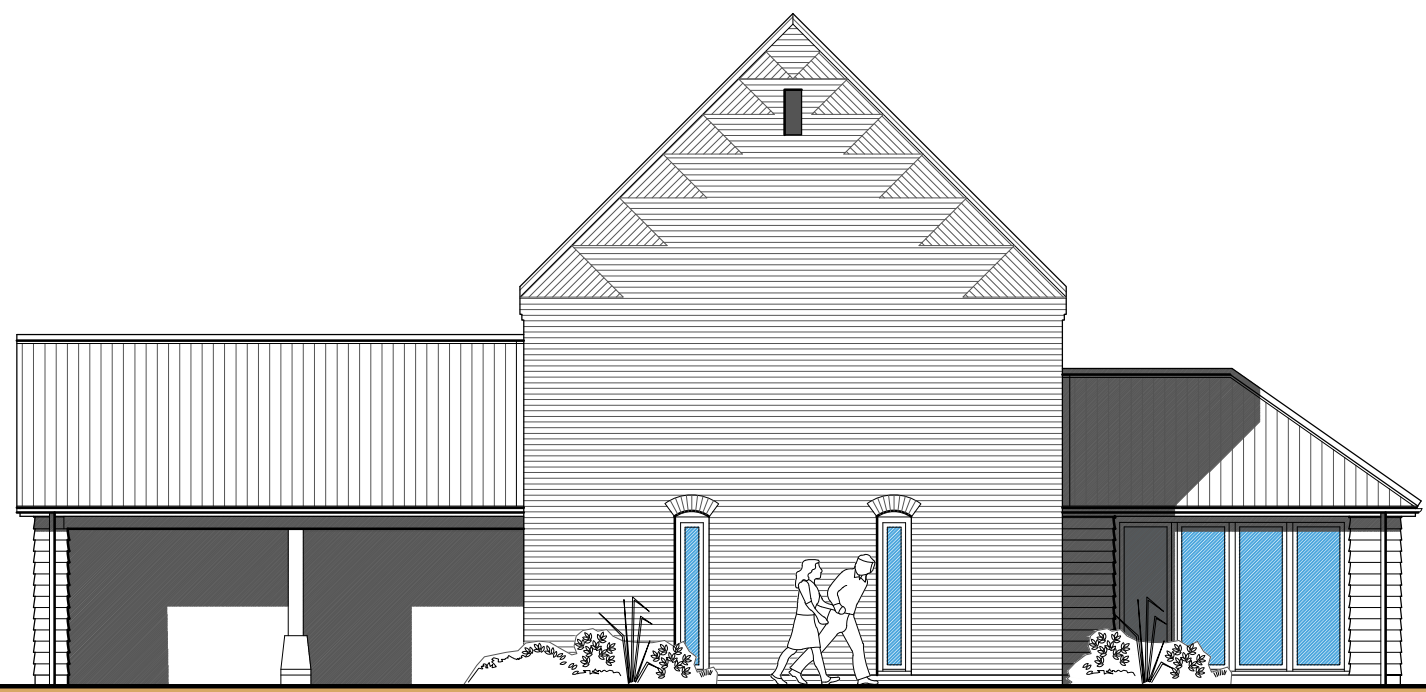
Front (W) Elevation
Scale: 1:100



Side (N) Elevation
Scale: 1:100



Rear (E) Elevation
Scale: 1:100



Side (S) Elevation
Scale: 1:100



Front (W) Elevation
Scale: 1:100



Side (N) Elevation
Scale: 1:100



Rear (E) Elevation
Scale: 1:100



Side (S) Elevation
Scale: 1:100

Status

FOR APPROVAL

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Proposed New Dwellings
The Piggeries,
Flagg Grass Hill Road, March
For : Mr D Upton

Job Title
Planning Drawing
Floor Plans and Elevations

Job No.
SE-1644
Dwg No.
PP-1100

Date
July
2021

Scale
Various
Sheet Size
A1

Drawn by
G.E.

Revision