
F/YR24/0845/FDC

Applicant: Fenland District Council

**Agent : Mrs Rebecca White
Rhochi Architecture & Design Ltd**

**Land North Of 84 Upwell Road Access From, Smiths Drive, March,
Cambridgeshire**

Erect 1x dwelling (single-storey 2-bed)

Officer recommendation: Refuse

**Reason for Committee: Referred by Head of Planning on advice of Committee
Chairman**

Government Planning Guarantee

Statutory Target Date For Determination: 16 December 2024

EOT in Place: Yes

EOT Expiry: 19 February 2025

Application Fee: £578

Risk Statement:

This application must be determined by 19th February 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1 This application is a full application for the erection of 1 dwelling on Land North of 84 Upwell Road accessed from Smiths Drive, March.
- 1.2 Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development which consists of 2-storey dwellings. The proposal would consequently create an incongruous and unattractive feature which fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014)
- 1.3 As such, the application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site is a parcel of land 395m² in extent, located to the rear of the dental surgery at 84 Upwell Road and to the south of a row of 5 terraced dwellings at Nos. 56 to 64 Smiths Drive, laid out on a north-south axis. The site is presently used as a formal parking area. The site is devoid of any noticeable vegetation and is generally flat.

- 2.2 A footpath runs along the western side of the site providing pedestrian access from Upwell Road to Smiths Drive. Alongside the northern part of the site is a legal right of way providing access to the rear of the properties at Nos 56 to 64 Smiths Drive.
- 2.3 There is an electricity substation to the west of the site.
- 2.4 The site is within Flood Zone 1 (low risk).

3 PROPOSAL

- 3.1 This application seeks full planning permission for the erection of 1x dwelling (single-storey 2-bed).
- 3.2 The footprint of the dwelling would be 8 x 9 metres. The roof proposed would be hipped with an eaves height of 2.25 metres and a ridge height of 4.8 metres.
- 3.3 2 parking spaces are proposed to the north of the dwelling, with turning space to the west. Private amenity space would be situated to the west of the dwelling.
- 3.4 The materials proposed include a red facing brick and a concrete red profile tile.
- 3.5 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR22/1190/FDC	Erect a dwelling (outline application with matters committed in respect of access)	Withdrawn 27/04/2023
21/0058/PREAPP	Erect 1x dwelling	Not favourable 27/05/2021

5 CONSULTATIONS

5.1 March Town Council

Recommendation; Approval

5.2 FDC Environmental Health

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal, as it is unlikely to have a detrimental effect on local air quality or be affected by ground contamination.

This service would however welcome a condition on construction working times due to the close proximity to existing noise sensitive receptors, with the following considered reasonable:

No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and

at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

5.3 Cambridgeshire County Council Highways Authority

Recommendation

On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.

Comments

The dwelling is proposed to be located on a private car parking area. As far as can be determined from the site boundary plan there is no works proposed to the highway to facilitate this development. The access road leading to the property is on private land and does not form part of the adopted highway. There has been no information on who uses the car park or if this development is permitted, where any vehicles currently using this area would be dispersed to i.e. on-street parking. As such Fenland District Council is the planning and parking authority they should ensure they are satisfied with the parking arrangements for this property and any vehicles currently parking in this location.

Informatives

Works in the Public Highway This development may involve works to be complete from the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

5.4 Local Residents/Interested Parties

Three letters of objection were received with regard to this application from address points at Elwyn Road, Upwell Road and Smiths Drive. The reasons for objection are summarised as follows:

- Public safety
- Vehicles parking on public highway
- Doesn't overcome reasons for previous refusal
- Access

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) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the March Neighbourhood Plan (2017).

7 POLICY FRAMEWORK

7.1 **National Planning Policy Framework (NPPF) 2024**

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 12 – Achieving well-designed places

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

Determining a Planning Application

7.3 **National Design Guide 2021**

Context

Identity

Built Form

7.4 **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP9 – March

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

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

LP16 – Delivering and Protecting High Quality Environments across the District

7.5 **March Neighbourhood Plan 2017**

H2 – Windfall Development

H3 – Local Housing Need

7.6 **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP4: Securing Fenland's Future

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP12: Meeting Housing Needs

LP20: Accessibility and Transport

LP22: Parking Provision

LP25: Biodiversity Net Gain

8 **KEY ISSUES**

- **Principle of Development**
- **Impact on Character and Amenity**

- **Residential Amenity**
- **Access and Parking**
- **Flood Risk**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

- 9.1 As detailed within the planning history section, application reference F/YR22/1190/FDC was withdrawn in April 2023.
- 9.2 The application was an outline application for the erection of a dwelling with matters committed in respect of access only. The application was heard at Planning Committee on 26th April 2023 and was recommended for refusal as per the officer's recommendation. The reason for refusal was as follows:

Policy LP16 (d) of the Fenland Local Plan (2014) requires that development demonstrates that it makes a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment and does not adversely impact on the street scene or landscape character of the surrounding area. The proposal is for the construction of a single dwelling on the land, with indicative plans showing a single-storey detached dwelling.

Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development which consists of 2-storey dwellings. The proposal would consequently create an incongruous and unattractive feature which fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).

- 9.3 Pre-application advice was also sought in May 2021 for the erection of 1 dwelling. The pre-application response noted that the site does not appear to be of a sufficient size to enable the required amenity space, parking and turning and would therefore fail to achieve a high-quality environment. The pre-application concluded that the scheme was unlikely to receive support from officers.

10 ASSESSMENT

Principle of Development

- 10.1 The main policy documents which are relevant to the consideration of the application are the Fenland Local Plan 2014 and the March Neighbourhood Plan 2017.
- 10.2 In terms of the Fenland Local Plan, the scheme will in principle accord with Policy LP3 given that March is identified as one of the market towns where the majority of the district's new housing should be focussed. It is however necessary to demonstrate that there will be no harm arising to the visual amenity of the area or residential amenity with regard to Policy LP16. In addition, it is necessary to demonstrate there is safe access to the site (Policy LP15), that the scheme is acceptable in flood risk (Policy LP14) and that there are no other site constraints which will render the scheme unacceptable.

Impact on Character and Amenity

- 10.3 Policy LP16 of the Fenland Local Plan (2014) is the primary policy governing the impact of development on its surroundings, requiring proposals to be able to demonstrate that they make a positive contribution to the local distinctiveness and character of the area.
- 10.4 Given the location of the site, the dwelling will be visible from Smiths Drive which is characterised by 2-storey dwellings. The dwellings immediately north of the application site along Smiths Drive are a row of 2-storey terraced dwellings. The scheme proposes a single-storey dwelling which will, in respect of scale appear at odds with this prevailing character in the immediate vicinity of the site. The overall proportions of the built structure are also at odds with the surrounding area given that the proposed roof would be hipped, whereas the row of terraced dwellings immediately north of the site and the dwellings within the wider street scene along Smiths Drive feature a pitched roof design. The resulting dwelling would consequently appear out of character with its surroundings. Due to the constrained nature of the plot this is considered to be only realistic form of development which could be achieved on the site.
- 10.5 The proposed site plan acknowledges application reference F/YR24/0372/F which is situated to the south-west of the application site and would be accessed by Upwell Road. This dwelling is single-storey, however has a ridge height of 6.7 metres which isn't significantly lower than the neighbouring dwellings on Upwell Road. As the dwelling faces onto Upwell Road, it is not considered that this application could be comparable to the dwelling proposed under this application.
- 10.6 The application is therefore considered to be contrary to Policy LP16 given that it fails to make a positive contribution to the local distinctiveness and character of the surrounding area.

Residential Amenity

- 10.7 Criterion a) of policy H2 of the March Neighbourhood Plan requires that the proposal will not result in unacceptable impact on levels of light, privacy and private amenity space for the occupants of the proposed dwellings. In addition, it states that the impact of proposals on existing neighbouring properties will be assessed against policy LP16 of the Local Plan.
- 10.8 Policy LP2 of the Local Plan states that development proposals should positively contribute to creating a healthy, safe and equitable living environment by, inter alia, promoting high levels of residential amenity.
- 10.9 Policy LP16 of the Local Plan requires that development proposals meet, inter alia, the following criteria:
- Does not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.
 - Provides sufficient private amenity space, suitable to the type and amount of development proposed; for dwellings other than flats, as a guide and depending on the local character of the area, this means a minimum of a third of the plot curtilage should be set aside as private amenity space.

- 10.10 Neighbouring residential properties are situated to the north, east and west of the application site with the dental surgery to the south. Given the single-storey nature of the development, it would unlikely introduce any adverse overlooking impacts. The rear of the site is proposed to be enclosed via a 1.8 metre close boarded fence which would also obscure the view of the proposed windows.
- 10.11 Similarly, given the single-storey nature of the dwelling and the separation from neighbouring properties, it is unlikely to introduce any adverse overbearing or overshadowing impacts upon neighbouring properties.
- 10.12 In terms of residential amenity space for future occupiers, the submitted site plan details that the private amenity space would have an area of 128m². Compared to the total site area (358m²), this private amenity space would be in excess of 1/3 of the site.
- 10.13 Therefore in terms of residential amenity, the scheme is considered to comply with Policy H2 of the March Neighbourhood Plan 2017 and Policy LP16 of the Fenland Local Plan 2014.

Access and Parking

- 10.14 Access will be achieved by using the existing access from Smiths Drive, an unclassified road to the north. Given that the site, and adjacent site, are used for informal car parking the development of the site to provide one dwelling will lead to a reduction in traffic movements to the site, albeit there could be a displacement of parking due to the loss of the site.
- 10.15 The proposed site plan details the provision of 2 tandem parking spaces which would have a depth of 10 metres and width of 2.5 metres. Tandem parking is commonplace along Smiths Drive and is therefore not considered to be unacceptable in this location.
- 10.16 The existing pedestrian access to the rear of properties at Nos. 56 to 64 Smiths Drive will be retained.
- 10.17 Based on the above there are no matters arising that indicate that planning permission should be withheld on the grounds of Policy LP15 of the Fenland Local Plan and Policy H2 (c) of the March Neighbourhood Plan in so far as they are related to parking, access and highway safety.

Flood Risk

- 10.18 The application site is situated within Flood Zone 1 and therefore issues of surface water disposal will be considered under Building Regulations.

Biodiversity Net Gain (BNG)

- 10.19 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.

10.20 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the development is de-minimis for the purposes of BNG.

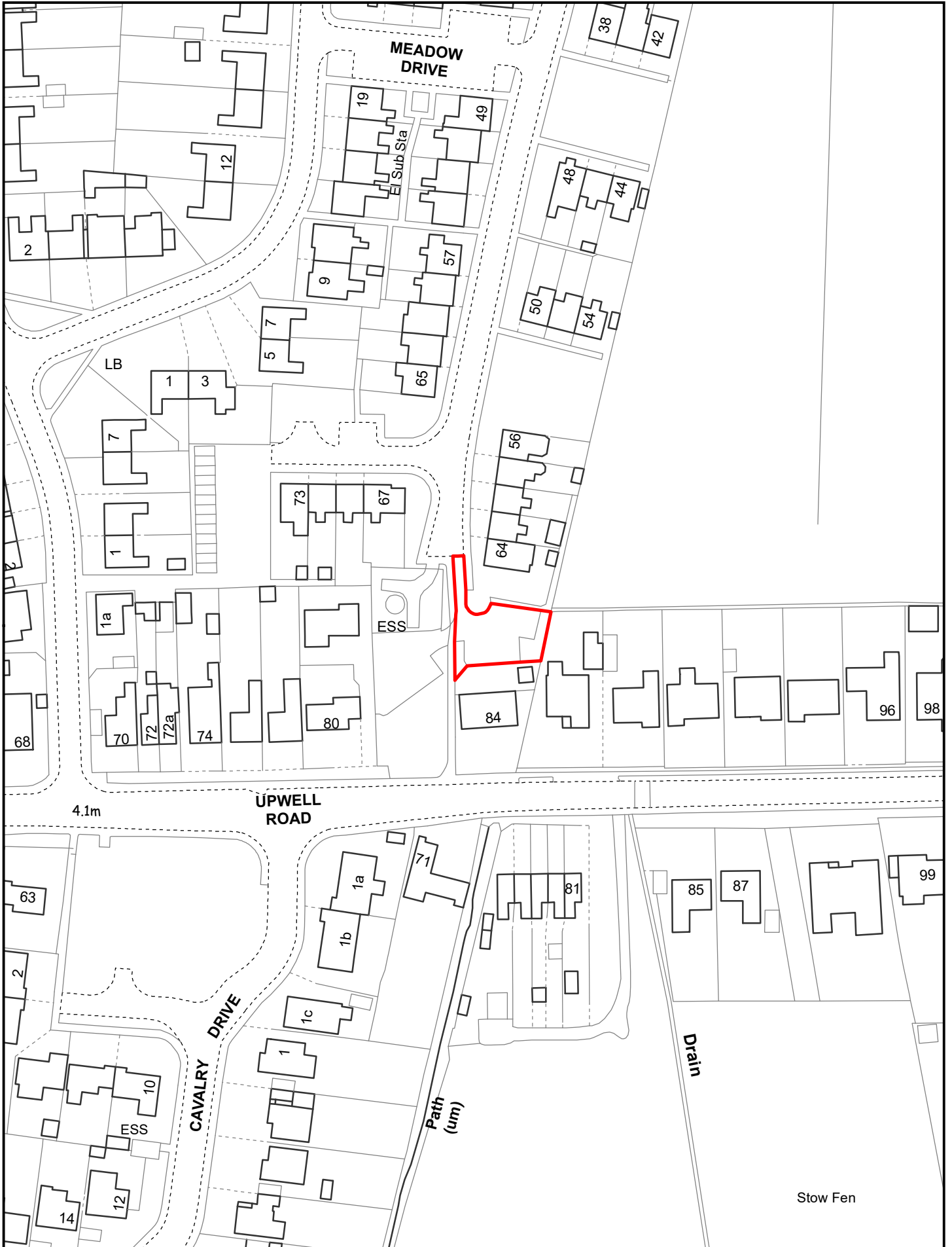
11 CONCLUSIONS

11.1 The proposal is located on a relatively constrained site that would impact on the character and appearance of the proposal to construct a dwelling on the land in such a way that it would detract from the distinctive character and appearance of the surrounding area, contrary to Policy LP16. There are no material considerations that outweigh the harm identified as being caused by the proposal in relation to the above matters sufficient to justify its approval contrary to the aforementioned policy.

12 RECOMMENDATION

12.1 **Refuse;** for the following reason:

1	<p>Policy LP16 (d) of the Fenland Local Plan (2014) requires that development demonstrates that it makes a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment and does not adversely impact on the street scene or landscape character of the surrounding area. The proposal is for a single-storey detached dwelling.</p> <p>Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development which consists of 2-storey dwellings. The proposal would consequently create an incongruous and unattractive feature which fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014)</p>
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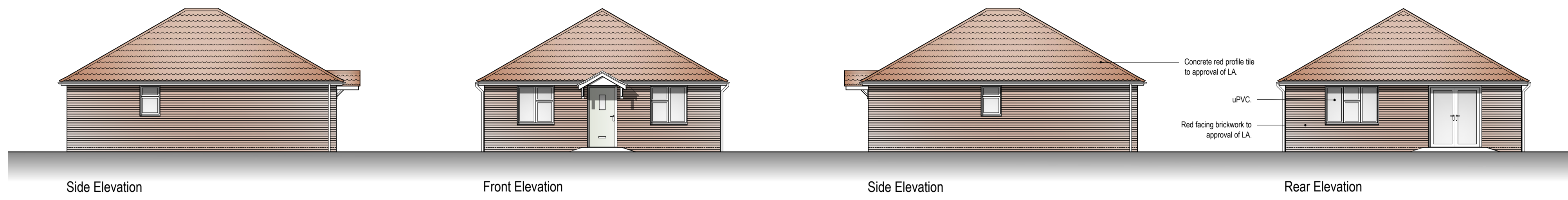
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Scale = 1:1,250



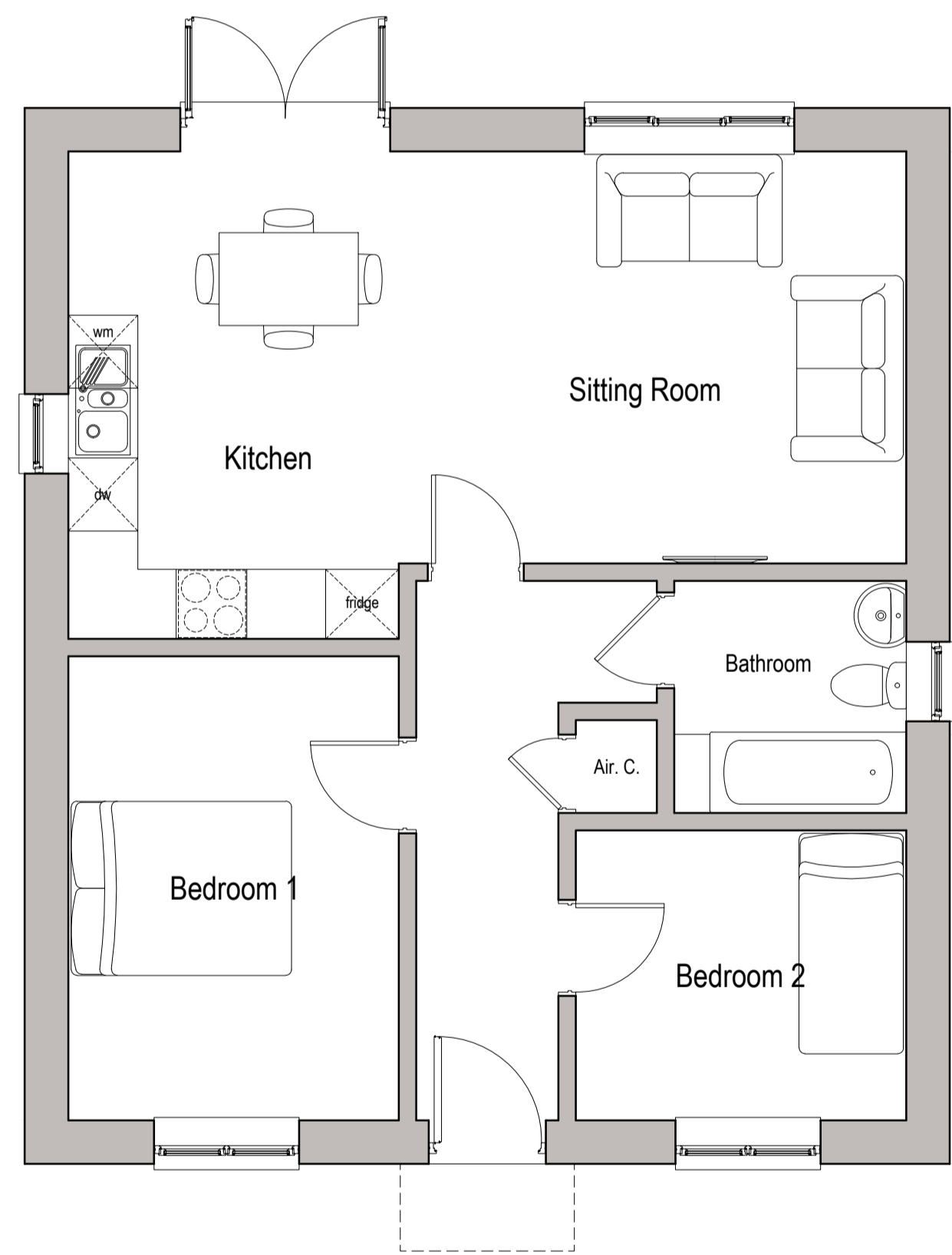


Side Elevation
Elevations - As Proposed
0 1 2 3 4 5m
scale - 1:100

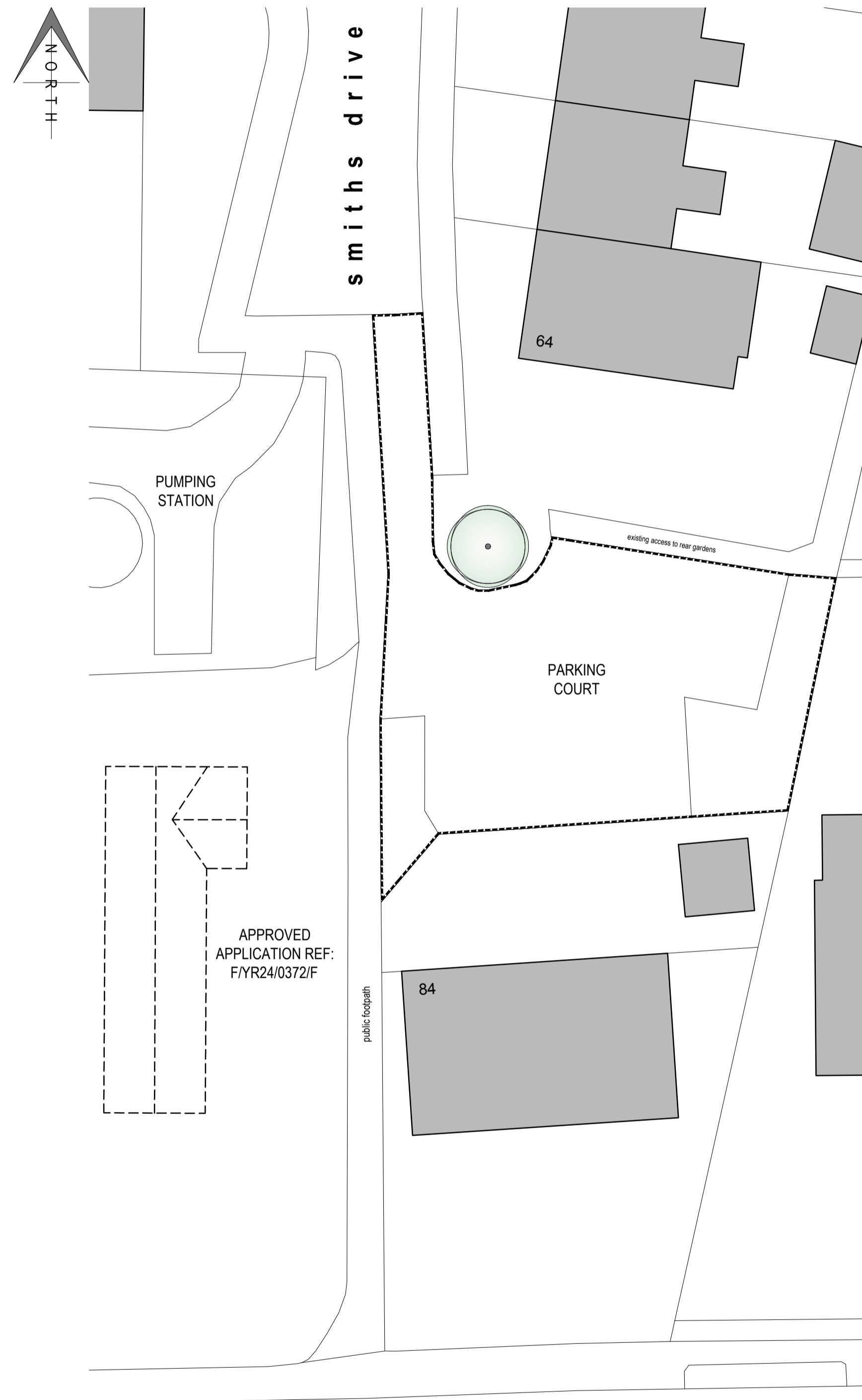
Front Elevation

Side Elevation

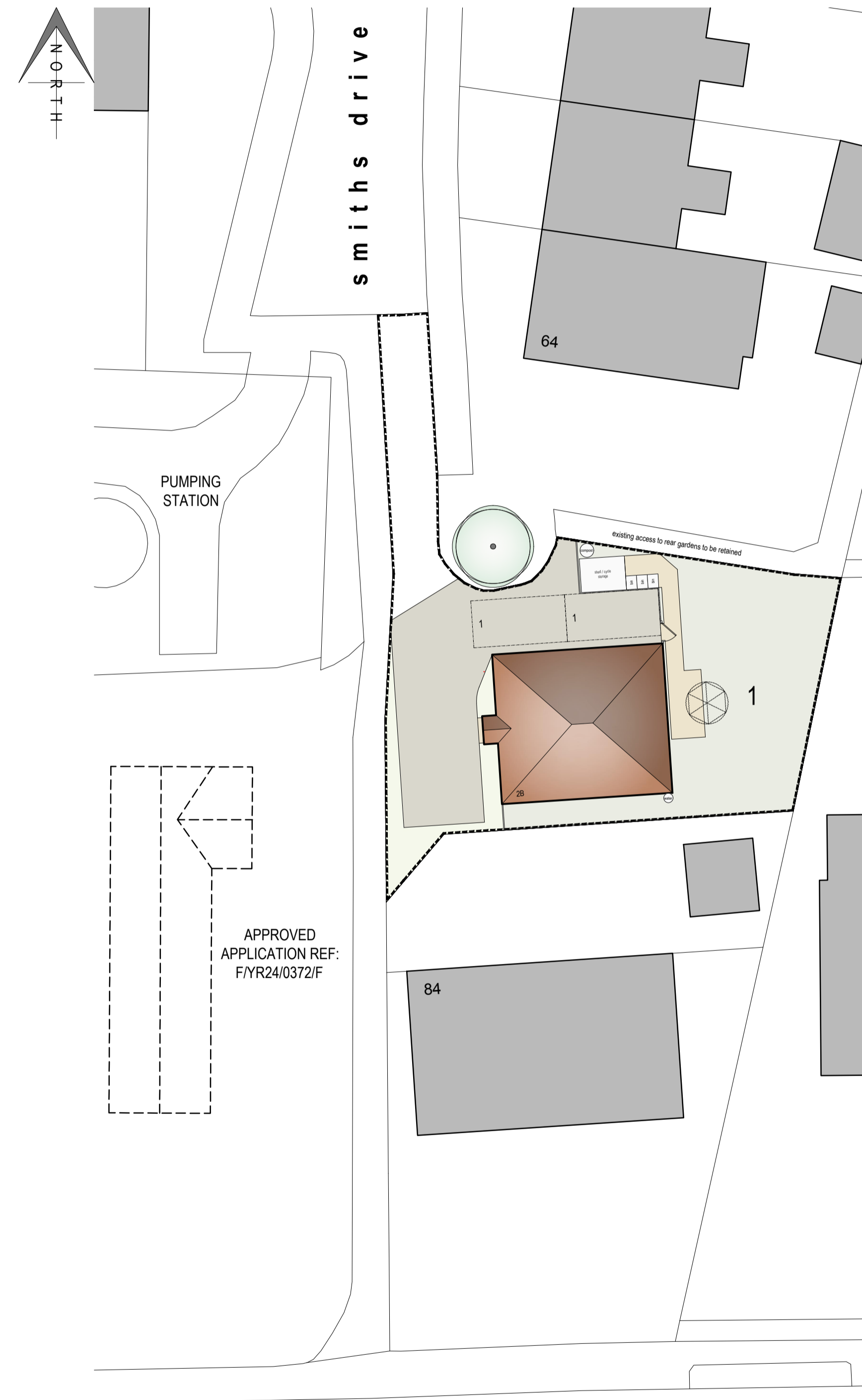
Rear Elevation



Floor Plan - As Proposed
0 0.5 1 1.5 2 2.5m
scale - 1:50



Site Plan - As Existing
0 2 4 6 8 10m
scale - 1:200



Site Plan - As Proposed
0 2 4 6 8 10m
scale - 1:200



Location Plan
0 1 2 5 10 12.5m
scale - 1:250

Key

- Existing access and rights of way retained.
- New driveway and parking.
- New private footpaths and patio.
- Rear garden - turf.
- Front garden - soft landscaping.
- Existing tree - indicative size and location.
- Fencing - 1.8m high close boarded timber fence.
- Fencing - 1.0m high railings.
- Garden - 6' x 8' timber shed with cycle storage.
- Garden - Three wheeled bins inline with LA Refuse Scheme.
- Garden - Compost Bin.
- Garden - Water Butt.
- Garden - Washing Line.

Development Summary

House Type: 2 bed 3 person
Gross Internal Floor Area: 60m²
Site Area: 355m²
Private Amenity: 128m²
Parking: 2 Spaces + Cycle Storage in Shed



Street Elevation - As Proposed

0 1 2 3 4 5m

scale - 1:100

PROJECT :

Proposed New Dwelling at Land to North of 84 Upwell Road, March
for Fenland District Council

DRAWING TITLE :

PLANNING SUBMISSION
Proposed Street Elevation

DATE :

Aug 24

SCALE :

1:100 @ A3

SHEET :

FD-188-P02

REV :

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