

**Application Number: FYR12/0249/F**  
**Smallscale Major Dwellings**  
**Parish/Ward: March Town Council**  
**Date Received: 28 March 2012**  
**Expiry Date: 27 June 2012**  
**Applicant: Mr H Fisher**  
**Agent: Peter Humphrey Associates**

**Proposal: Erection of 3 x 2-storey 3-bed dwellings with detached single garages, 6 x 2-storey 4-bed dwellings with detached double garages and 1 x 2-storey 4-bed dwelling with attached double garage**  
**Location: Land south east of Orchard Lodge, Jobs Lane, March**

**Site Area/Density: 0.81 ha**

**Reason before Committee: Wider concern proposal and prior Committee involvement**

**1. EXECUTIVE SUMMARY/RECOMMENDATION**

This application seeks full planning permission for the erection of 10 dwellings on land to the rear of Orchard Lodge, Jobs Lane, March.

The application raises the following main issues:

- Biodiversity issues
- Access
- Section 106 requirements
- Local resident's concerns

The proposal falls to be considered under Policies E8, H3, TR3 and E3 of the Local Plan, Policies CS1, CS2, CS10 and CS14 of the emerging Core Strategy and the National Planning Policy Framework.

The site is in a sustainable location and presently lies adjacent to the existing settlement limits of March. The site was previously developed land being a former chicken farm however the site has since been set with a large number of trees to form an orchard an extended garden.

The above issues have been addressed and given the sites sustainable location it is considered that development of this land will comply with the National Planning Policy Framework and also the Council's emerging Core Strategy.

**2. HISTORY**

Of relevance to this proposal is:

- |     |               |                             |                     |
|-----|---------------|-----------------------------|---------------------|
| 2.1 | F/YR11/0194/O | Erection of 5 No. dwellings | Refused 1 June 2012 |
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**3. PLANNING POLICIES**

**3.1 National Planning Policy Framework:**

Paragraph 2: Planning law requires that application for planning permission must

be determined in accordance with the development plan.  
Paragraph 14: Presumption in favour of sustainable development.

**3.2 East of England Plan 2008:**

ENV7: Quality in the Built Environment

**3.2 Draft Fenland Core Strategy:**

CS1: Spatial strategy, The settlement hierarchy and the Countryside

CS2: Growth and Housing

CS10: Rural Area Development Policy

CS14: Delivering High Quality Environments

**3.3 Fenland District Wide Local Plan:**

E8: Landscape and amenity protection

H3: Development Area Boundaries

TR3: Car parking standards

E3: Landscaping issues

**4. CONSULTATIONS**

**4.1 Parish/Town Council:**

Recommend approval.

**4.2 Local Highway Authority:**

Requested amendments to scheme relating to dimensioning of road, footway and verges. Also amendments to visibility splays requested.

All amendments have been submitted and accepted by the Local Highway Authority.

**4.3 Arboricultural Officer (FDC):**

There are 55 trees noted on site and the development requires the removal of over 50% of them. Whilst the density of trees on site would require long term management to prevent specimens of tall drawn form developing, this is a significant loss of tree cover. Additional planting on the east boundary would provide mitigation against those losses.

**4.4 FDC Scientific Officer (Land Contamination):**

Requests contaminated land condition.

**4.5 Cambridgeshire Fire and Rescue Service:**

Requests provision of fire hydrants.

**4.6 Police Architectural Liaison Officer:**

Considers that fencing on the south and west could be enhanced to reduce the potential for crime.

Requests boundary fencing details to be conditioned and also an external lighting scheme.

- 4.7 **Middle Level Commissioners:** Oppose the application as it is considered that the FRA does not fully assess flood risk issues.
- The applicant has not provided adequate evidence that a viable scheme for appropriate flood risk management that meets current design standards exist or could be constructed. Therefore further information required to clarify the method and location of surface water disposal devices.
- 4.8 **Anglian Water:** Considers that a surface water disposal condition should be imposed on any approval for the site.
- 4.9 **County Archaeology:** Requests a condition to be attached regarding archaeological investigation. The site records indicate that the site lies in an area of high archaeological potential. Our records indicate that the site lies in an area of high archaeological activity. Excavations in 2004 revealed extensive Romano-British settlement remains directly to the current applications east, with remains visibly running into the current application area (Historic Environment No. MCB15352).
- 4.10 **Local residents/interested parties:** 7 letters of objection from 3 households re:
- loss of living on the fringe of the town with open views;
  - loss of biodiversity as the area is considered a small nature reserve;
  - loss of privacy;
  - overlooking;
  - the DAB should be respected;
  - the development does not comply with policy as its outside the DAB;
  - precedent for further development outside the DAB;
  - the site has a variety of wildlife such as deer, foxes, owls, woodpeckers and bats;
  - noise and disturbance;
  - precedent;
  - no justification of need.

## 5. SITE DESCRIPTION

- 5.1 The site, with an area of 0.81 hectares, lies to the rear of Orchard Lodge with access served off an existing access off Jobs Lane. The site is the extended garden area associated with Orchard Lodge and is laid to grass and has the benefit of many trees, especially to the south of the site. Located along the eastern boundary of the site are residential 2-storey dwellings. To the south

and west of the site is open land.

## 6. **SITE HISTORY**

Members may recall visiting the site in July 2011 when an outline proposal for 5 dwellings was submitted. This application was subsequently refused for 3 reasons, namely, the site is located outside the Development Area Boundary; the proposal represented piecemeal development, and the loss of trees, hedgerows and other landscape features.

It should be noted that this refusal pre-dates the introduction of the NPPF which enables weight to be given to the emerging Core Strategy.

## 7. **PLANNING ASSESSMENT**

7.1 National planning policy and emerging local policy in the form of the National Planning Policy Framework (NPPF) and policy CS14 of the draft Core Strategy indicate that high quality environments should be delivered and protected throughout the District. Sustainable locations are generally found on the edge of established settlements which are well served with public transport systems and community facilities.

The site lies immediately adjacent to the existing settlement limits of March and is considered a sustainable location for dwellings. Whilst Policy H3 of the Local Plan states that housing development outside DAB's should not be supported, the NPPF and the draft Core Strategy is less restrictive and seeks to support sustainable development.

The comprehensive proposal allows for ten dwellings accessed off an access road which is shown suitable for adoption by the County Council. It provides a footpath and also provides satisfactory visibility splays onto Jobs Lane.

It is proposed that the collection of household waste will be carried out from within the site following the adoption of the road and therefore there will not be a requirement for a bin storage area at the entrance to the development.

### 7.2 Biodiversity Issues

The site was a former chicken farm and the applicant has over a number of years planted many trees on the site. The proposal does unfortunately require the removal of over 50% of the trees that are on the site. Whilst the density of the existing trees on site would require long term management to prevent specimens of tall drawn form developing, this is a significant loss of tree cover.

However the Council's Tree Officer has inspected the site and does not consider that any of the trees are worthy of protection, although as stated, their removal is regrettable. The removal of these trees is of major concern to residents of the adjoining properties on Saxon Way however following a recent extended Phase 1 Habitat Survey it appears that the site does not provide any significant habitat to protected species. Similarly the Council's Tree Officer considers that additional planting along the eastern boundary of the site (Saxon Way) will provide mitigation against the loss of these trees.

The recommendations of the Biodiversity report will form a pre-commencement condition relating to a suitable landscaping scheme to mitigate against habitat

loss and future enhancement of the site.

### 7.3 Access

Access into the site will be via the upgrading of the existing access off Jobs Lane. The access will be constructed to an adoptable standard with a footpath on one side of the estate which will join up with the footpath along Jobs Lane. Adequate visibility splays can be provided onto Jobs Lane.

### 7.4 Section 106 Requirements

The proposal is for 10 dwellings which require the applicant to enter into a Section 106 agreement. The following is a list of the District Council's requirements:

#### Affordable Housing

In accordance with policy CS1 of the Draft Core Strategy, the Council require the provision of 30% Affordable Housing on site, this equates to 3 units.

#### Public Open Space

The development falls below the threshold of 15 dwellings, which would trigger the need for Public Open Space, as such the Council do not require Public Open Space provision/contribution.

#### Waste Contribution

In accordance with the RECAP Waste Management Design Guide, the Council require the Waste Contribution of £600, i.e £60 per dwelling- this contribution will enable the Council to provide waste containers for each dwelling

County Council requirements:

#### Pre-School Contribution

According to County Council guidance the development is expected to generate a net increase of 1.4 pre-school places. In terms of pre-school education, there is enough capacity in the area in the next two years to accommodate the places being generated by this development. Therefore, no contribution for pre-school education is sought.

#### Primary School Contribution

According to County Council guidance the development is expected to generate a net increase of 4.4 primary school places. The catchment primary school is Burrowmoor Primary School. This has sufficient capacity over the next five years to accommodate the places being generated by this development. Therefore no contribution for primary education is sought.

#### Secondary School Contribution

According to County Council guidance the development is expected to generate a net increase of 3.1 secondary school places. The catchment secondary school is Neale-Wade Community College. This has sufficient capacity over

the next five years to accommodate the places generated by the development. Therefore no contribution for secondary education is sought.

### Waste Contribution

In accordance with the RECAP Waste Management Design Guide, a contribution is sought from all dwellings towards upgrading existing/providing new Household Recycling Centres (HRCs). This development lies within the catchment area for March HRC, the contribution is sought for a permanent replacement for an existing temporary site. The County Council require the Waste Contribution of £2,670, i.e £267 per dwelling.

### 7.5 Drainage Issues

The site lies within Flood Zone 1 and therefore there is no requirement to supply a Flood Risk Assessment. However the Middle Level Commissioners are concerned that surface water devices and flood risk mitigation have not been clarified and that soakaways or other similar infiltration devices might not be an effective means of surface water/treated effluent disposal. Therefore it is considered that a surface water disposal condition should be attached to any approval to enable the developer to prove that surface water can be dealt with appropriately and all matters relating to flood risk addressed prior to the commencement of development.

### 7.6 Local Resident's concerns

Local residents have raised a number of concerns which the Local Planning Authority acknowledge. With regards to the site being outside the DAB, consideration has been given to the proximity of the existing DAB which physically adjoins the site and the sustainable nature of the site. The LPA therefore considers that the location of the site and the proposal is in line with the guidance contained within the NPPF and the emerging Core Strategy.

Matters relating to the loss of the trees have been addressed above. The proposal does indicate that some of the more mature trees are to be replanted along the rear boundaries of the existing dwellings on Saxon Way which will also help to alleviate any visual dominance that may occur from Saxon Way.

Overlooking is one of the concerns of the adjoining neighbours and consideration has been given to the orientation of the new dwellings to help alleviate any significant overlooking. Plot 8, to the rear of No.14 Saxon Way, has one bedroom window at first-floor and one en-suite. The window to window distance is approximately 25 metres and best practice states that 22 metres is the optimum distance without causing overlooking. Therefore any potential overlooking could not warrant a reason for refusal.

With regards to precedent, it must be borne in mind that each site is assessed on its own merits and its own individual constraints. Therefore precedent is not a material planning consideration in this respect.

## 8. **CONCLUSION**

- 8.1 In reviewing the refusal for 5 houses in 2011, the LPA is content that refusal reasons 1 and 2 have been satisfactorily addressed by the current submission.

With regards to the previous refusal reason 3, the views sought from the Council's Arboricultural Officer together with the Phase 1 Habitat Survey clearly indicates that the removal of the trees can be mitigated against with a suitable landscaping scheme and that there are no important protected species on the site. Therefore it is unlikely that the reasons contained within refusal no. 3 could be upheld within the current submission as a stand alone reason for refusal.

The views of the residents have been taken into account and careful consideration given to issues raised relating to overlooking. Whilst it is regrettable that a number of trees will be lost as part of the development, a suitable landscaping scheme will mitigate against the loss of any habitats on site and will also help to alleviate any direct impact on the residential amenity of the occupiers of Saxon Way.

It is therefore proposed, that on balance, the development of 10 houses in this sustainable location is acceptable. The development provides an acceptable layout within the site, an adoptable road with the required visibility splays, footpath and adequate parking and turning.

The houses are of an acceptable design with a mix of mainly red bricks and roof tiles. 3 houses are to be for affordable housing with 7 open market houses.

The development is comprehensive in nature and the density of the site equates to 12 dwellings per hectare which cannot be considered overdevelopment of the site. The proposal complies with the NPPF and the emerging Core Strategy.

## **9. RECOMMENDATION**

**Grant, subject to**

**i) the prior completion of a Section 106**

**ii) suitable conditions**

- 1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.**

**Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.**

**2. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:**

- i) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);**
- ii) alterations including the installation of replacement or additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);**
- iii) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);**
- iv) the erection of any walls, fences or other means of enclosure to all boundaries forward of the front elevation of any dwelling (as detailed in Schedule 2, Part 2, Class A).**

**Reason**

**To prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity.**



- 3. Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-**
- a) all mitigation measures as outlined in the recommendations of the Extended Phase 1 Habitat Survey ref. RT-MME-112253 dated July 2012**
  - b) means of enclosure**
  - c) existing trees, hedges or other soft features to be retained**
  - d) existing trees, hedges or other soft features to be removed**
  - e) a method statement showing details of, and timings for the replanting of the trees detailed on drawing No. 4646-PL10 date stamped 28 March 2012**
  - f) planting plans, including specifications of species, sizes, planting centres number and percentage mix**
  - g) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife**
  - h) details of siting and timing of all construction activities to avoid harm to all nature conservation features**
  - i) full details of tree root protection areas of trees to be retained and a tree shadow plan of all retained trees**
  - j) location of service runs**
  - k) management and maintenance details**

**Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.**

- 4. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.**

5. **Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.**

**Reason - To ensure that retained trees are adequately protected.**

6. **If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**

**Reason - In the interest of visual amenity.**

7. **All vegetation clearance at the site shall only take place outside the bird breeding season of March to August inclusive.**

**Reason - To ensure compliance with Section 1 of the Wildlife and Countryside Act with respect to nesting birds and to provide biodiversity mitigation in line with the aims of Planning Policy Statement 9 Biodiversity and Geological Conservation.**

8. **Should development not commence before March 2014, then a new Extended Phase 1 Habitat Survey must be carried out and submitted to the Local Planning Authority prior to the commencement of any development on the site.**

**Reason – To ensure compliance with the Habitats Regulations 2010 and all other general legislation which underpins nature conservation.**

9. **No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.**

**Reason - To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy E7 of the Fenland District Wide Local Plan.**

- 10. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Local Authority in consultation with the Drainage Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.**

**Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding.**

- 11. Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall then be implemented on site in accordance with the approved timetable.**

**The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:**

- a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority.**

**IF during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:**

- b) A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:**
- (i) A desk-top study has been completed, satisfying the requirements of paragraph (a) above.**
  - (ii) The requirements of the Local Planning Authority for site investigations have been fully established, and**
  - (iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.**

**Following written LPA approval of the Site Investigation the LPA will require:**

- c) A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.**
- d) The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.**

**Reason- To control pollution of land or water in the interests of the environment and public safety.**

- 12. Prior to the commencement of development, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.**

**Reason - In order to ensure that the site meets the crime prevention guidelines**

- 13. Prior to the first occupation of the development hereby approved, visibility splays shall be provided on both sides of the vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2.4 metres x 4.3 metres measured along respectively the edge of the carriageway and retained in perpetuity.**

**Reason - In the interests of highway safety.**

- 14. Pedestrian visibility splays shall be provided on both sides of the access road and shall be maintained free from any obstruction over a height of 600mm within an area of 2 metres x 2 metres taken from the back edge of the highway in perpetuity.**

**Reason – In the interests of highway safety.**

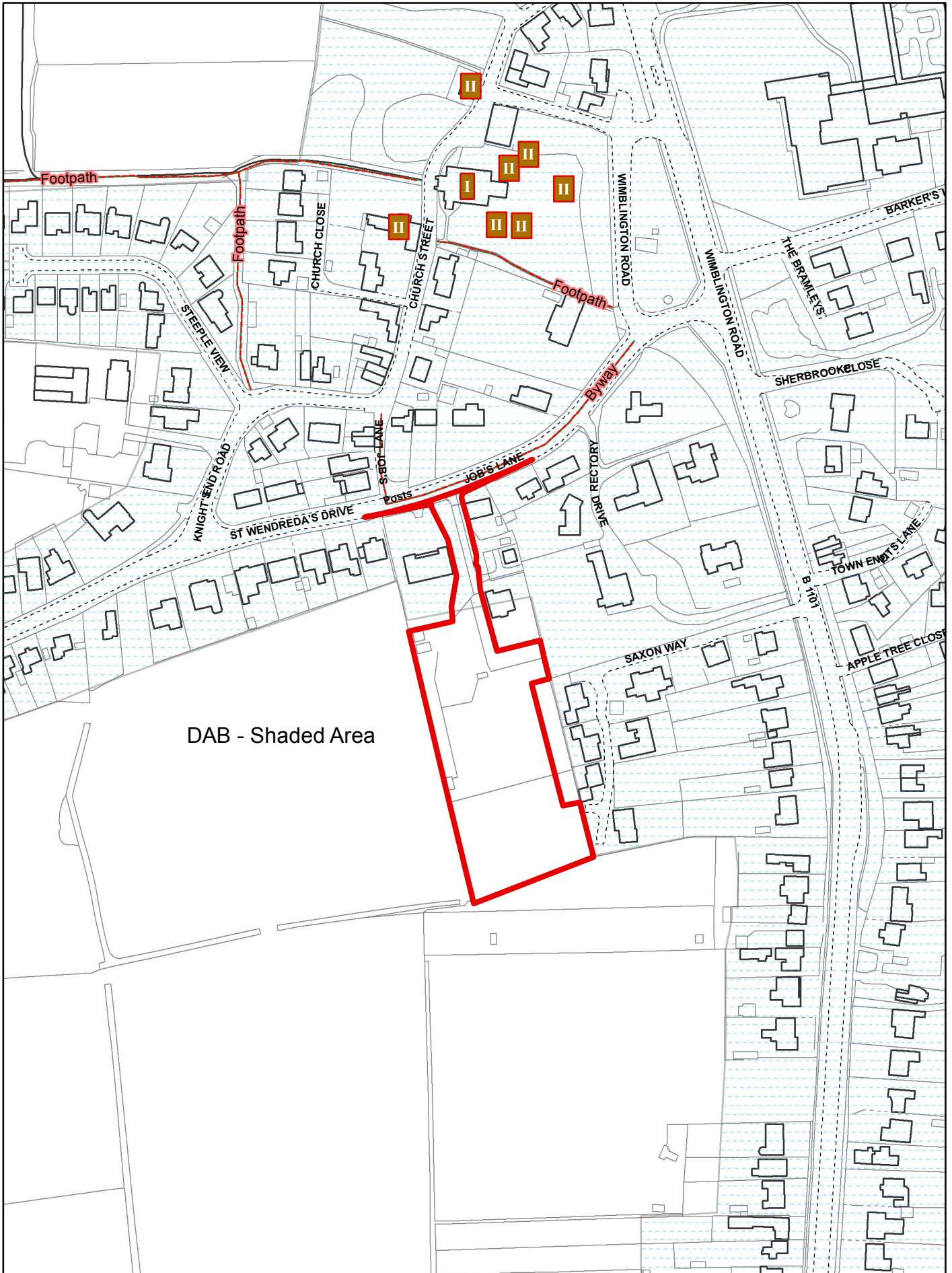
- 15. Visibility splays of 2 metres x 6 metres shall be provide on both sides of the access points to the existing dwellings along the access road and shall be maintained free from any obstruction over a height of 600 mm and thereafter retained and maintained.**

**Reason – In the interests of highway safety.**

- 16. Approved plans.**

**Informatives:**

**Policy justification**  
**Fire Hydrants**  
**Contaminated land**



DAB - Shaded Area

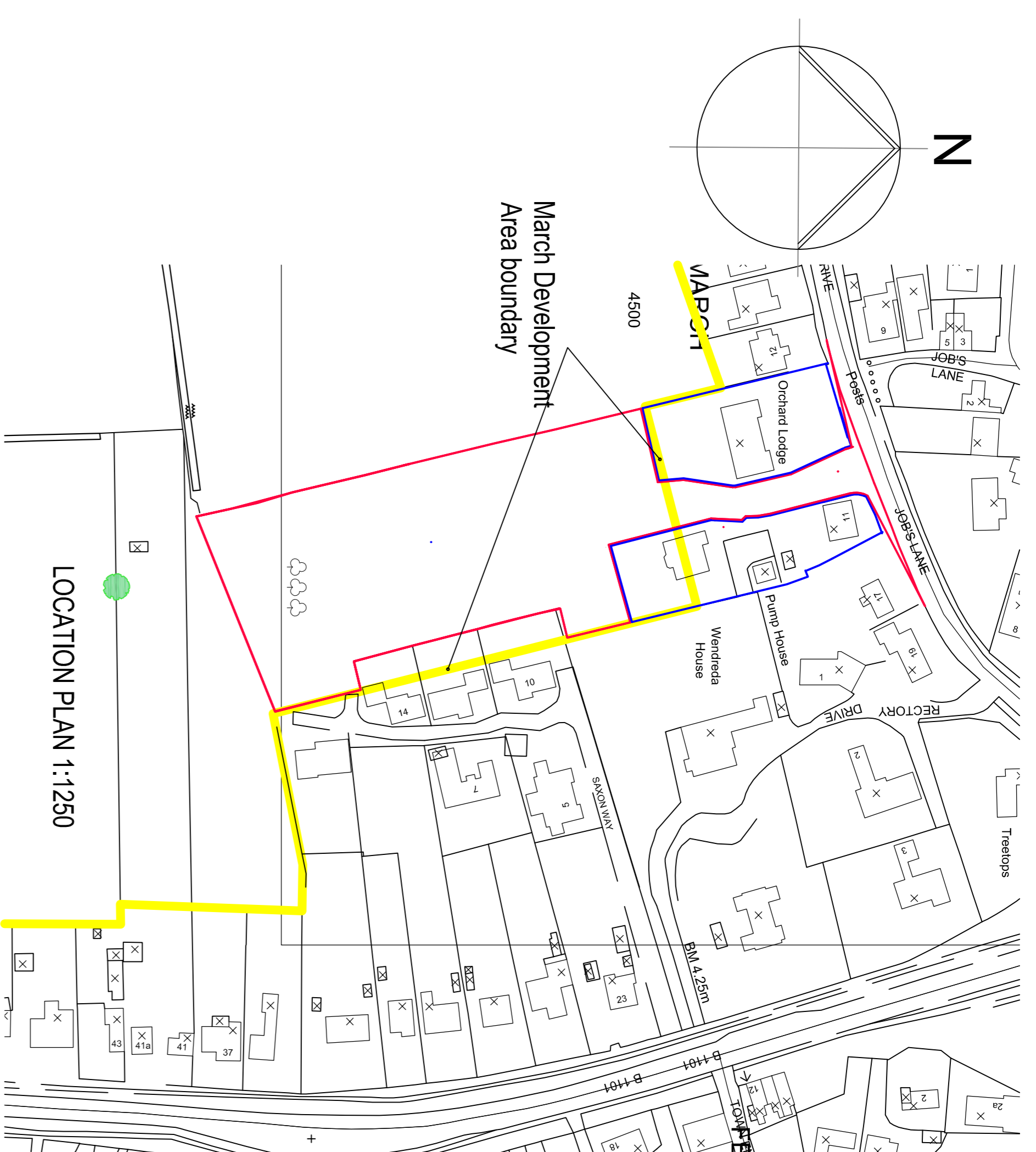
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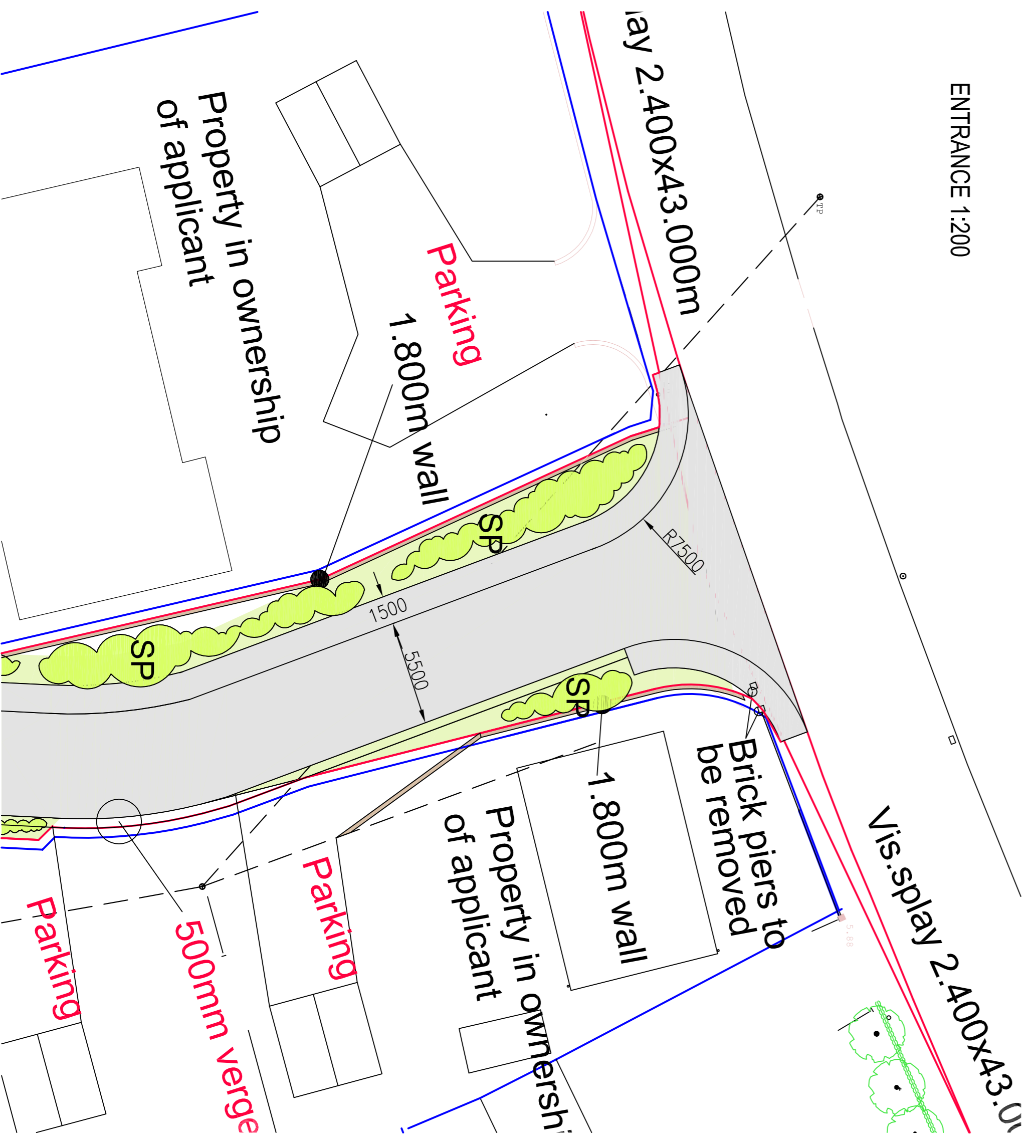




LOCATION PLAN 1:1250



SITE PLAN 1:500



ENTRANCE 1:200

**Deter Humphreys Associates Ltd.**  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
PROPOSED RESIDENTIAL DEVELOPMENT

SITE  
SOUTH OF ORCHARD LODGE  
JOBS LANE  
MARCH

DRAWING  
PROPOSED

CLIENT  
MR H FISHER

DATE FEB 2011 SCALE As Shown JOB No. 4646-PL01D

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**Deter Humphreys Associates**  
ARCHITECTURAL DESIGN AND BUILDING

TELEPHONE: 01945 466 433  
FAX: 01945 466 433  
EMAIL: info@deterhumphreys.co.uk

28 OLDMARKET MARCH CAMBS MK31 1NE

**Building**  
Approved Architect

01945 466 433  
01945 466 433  
01945 466 433

