

**Application Number: F/YR12/0305/F
Minor
Parish/Ward: March Town Council
Date Received: 23 April 2012
Expiry Date: 18 June 2012
Applicant: Mrs C Dean
Agent: Mr T Feary**

**Proposal: Erection of 2 x 3-storey 6/7 bed dwellings and 1 x 2-storey 4-bed dwelling with detached double garage
Location: Land south of Phoenix House, 341 Wisbech Road, Westry, March**

Site Area/Density: 1.3 ha

Reason before Committee: The application is a Departure from the Local Plan

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission for the erection of 3 detached houses on land associated with Phoenix House, Wisbech Road, March. The application site falls outside the existing settlement limits of March as identified in the 1993 Local Plan but is within the existing settlement of Westry.

The application is to be assessed in line with Policy E8 and H3 of the Local Plan and Policy CS14 of the emerging Core Strategy and advice contained with the NPPF.

Key issues relate to:

- Location of development
- Sustainability
- Residential amenity
- Trees
- Waste collection.

The site is within an established residential area and although outside the settlement limits is in a sustainable location with good links to services and public transport. The dwellings proposed are of a good design and will use a mix of materials to provide individual type dwellings.

The main concern relating to this proposal is the collection of waste from the site. The new dwellings will be served by a private drive approximately 175 metres long, which will mean householders will have to move their refuse considerably further than the guidance contained within the Recap Waste Management Design Guide, which is 30 metres.

To overcome this issue, the applicant proposes to include a private refuse collection as part of an overall management arrangement in respect of shared areas. A management company will be responsible for the road maintenance, service maintenance, sewage disposal, common open space areas, trees etc.

The LPA now considers that the development proposed can be carried out in a satisfactory manner and recommends approval.

2. HISTORY

Of relevance to this proposal is:

- 2.1 F/YR11/0418/F Erection of 2 x 4-bed dwellings and 3 x 6/7 bed dwellings Refused 25 August 2011

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 & Settlement Hierachy

CS2: Growth and Housing

CS14: Delivering and Protecting High Quality Environments across the District

3.3 Fenland District Wide Local Plan:

E8: Landscape and amenity protection

H3: Development Area Boundaries/Protection of Character and Amenity
/Highway Safety

E3: Retention of existing trees and hedgerows

4. CONSULTATIONS

- 4.1 **Parish/Town Council:** Recommend approval subject to adequate visibility splays onto Wisbech Road and suitable design.

- 4.2 **Conservation Officer (FDC):** No objection to the principle to the development which is an improvement in relation to the trees on site.

Notes that the designs have changed little since the previous refusal and would still recommend that plot 2 remain as brickwork instead of render.

- 4.3 **Arboricultural Officer (FDC):** Requires an Arboricultural Impact Assessment with tree constraints plan and tree protection plans plus method statements as cannot assess potential effects on the RPA's without that information.

This information has been supplied and the further observations of the Council's Arboricultural Officer are contained within the relevant section of this report.

- 4.4 **County Highways (CCC):** The existing access shall be improved to provide a minimum width of 5 metres for a minimum distance of 10 metres measured from the highway boundary prior to the first occupation of the new dwellings.
- Visibility splays of 2.4 m x 160 m should be provided and the LHA is satisfied that such visibility is achievable. Parking and turning can be provided and a common turning area at the end of the private drive will cater for visitors and deliveries.
- 4.5 **Environment Agency:** Site is located within Flood Zone 1 and an FRA is not required. No objections but makes advisory comments relating to method of foul sewage disposal and use of soakaways.
- 4.6 **Police Architectural Liaison Officer:** Does not consider that the development presents a significant crime risk and therefore would not object to the granting of permission for this development.
- 4.7 **Natural England:** The LPA should assess and consider possible impacts resulting from this proposal and request relevant survey information.
- A further update is provided in the relevant section of this report.
- 4.8 **Scientific Officer (FDC):** Requests an unsuspected contaminated land condition is attached to any approval.
- 4.9 **County Archaeology (CCC):** The site should subject to an archaeological investigation for the following reasons:
- Records indicate that the site lies in an area of high archaeological potential. Important archaeological remains survive on the site and that these would be severely damaged or destroyed by the proposed development. The plot lies in an area of Bronze Age settlement sites known in the area north-west of March, including Whitemoor Sidings (Historic Environment Record No. ECB2014, MCB16673) and another at Hundred Road (HER No. ECB3027).

In addition, the site is located just south of the line of the Fen Causeway, an important Roman route linking settlements across the Fens (HER No. CB15033). One such Romano-British settlement was excavated in the 1960s at Grandford Farm, to the north-west of the site (HER No. 02007, ECB485). The surrounding fields also bear evidence of Roman settlement and industry, including debris from saltworking sites, metal artefacts and cremations in the fields to the south and east of Grandford Farm (HER No.'s 08166, 08099, 09382, 03937, 03936). Further Roman settlement and activity has been identified to the south-east of the proposed development area, including a settlement site (HER No.08440), and field systems at Hundred Road (HER No. ECB3027).

4.10 Environment and Leisure (FDC):

To consider the refuse and recycling vehicles using the access road the surface would require construction to comply with gross vehicle weights of up to 26 tonnes and be adopted to avoid risk of damage claims. The current construction proposed does not appear to be robust enough to accommodate this weight of vehicle.

If not adopted, although supplied with individual bin stores to accommodate our 3 wheelie bin waste and recycling scheme, the bins would have to be presented at the curtilage of the Public Highway on the day of collection. They will not be collected from the bin stores.

Alternatively, consideration could be made to provide the bin storage at the entrance of the development at the point where the access road meets the Public Highway in order to comply with service requirements.

4.11 Middle Level Commissioners:

Considers that the applicant has not provided adequate evidence to prove that a viable scheme for appropriate water level/flood risk management that meets current design standards exists or could be constructed and maintained for the lifetime of the development. Requests further information relating to surface water disposal.

4.12 Local Residents:

No comments received.

5. SITE DESCRIPTION

- 5.1 The application site is 1.3 ha in size and currently forms part of the residential amenity area of Phoenix House and is presently laid to grass. The site is bounded by a group of TPO'd trees, which extends around the entire periphery of the site. An existing graveled access road is located on the northern edge of the site and is again bounded on each side by protected trees. Immediately to the west of the site is St Marys Church, which is a Grade II Listed Building. To the east of the site is a range of existing industrial buildings.

6. PLANNING ASSESSMENT

- 6.1 The proposal is to erect 3 detached houses served off the existing private drive together with associated parking and private amenity space.
- Location of development
 - Sustainability
 - Design considerations
 - Trees
 - Biodiversity
 - Refuse collection
 - Drainage.

Location of development

The development is located outside the existing settlement limits of March and within the area known as Westry, which is an established residential area on the periphery of March. Policy H3 of the Local Plan generally restricts development to within the settlement limits and, therefore, consideration has to be given to the best use of land and the sustainability of the site.

Sustainability

The purpose of the planning system is to contribute to the achievements of sustainable development. Therefore, consideration has been given to the proximity of the site, which is located close to local services such as shops, pub/restaurant etc. There is an existing footpath link to the town centre and the public transport route is located nearby.

Design considerations

The dwellings proposed are detached units each with detached garages. The plots are generous in size and have ample rear amenity space available. Each will be accessed off the existing private drive with individual drives leading to the garages. Plots 1 and 3 are of similar design, 3-storey in nature, using different brick types whilst plot 2 is 2-storey and rendered. The dwellings are positioned on the site to avoid any direct overlooking or overshadowing.

In design terms the scheme is considered acceptable and the inclusion of render highlighted by the Conservation Officer would not be reason in itself to withhold consent.

The plots will be divided by the use of 1.2 metre high post and rail fencing together with hedging to retain the rural feel of the area.

External lighting will be provided along the access road by means of 2.6 metre high lamp post lighting.

Trees

The site is heavily treed with all mature trees subject to a Tree Preservation Order. There is also a large amount of smaller self set trees, which will be removed and these are not protected. The retained trees will maintain the character of the area and minimise visual disruption and soften the overall development.

An Arboricultural Impact Assessment has been undertaken to ensure that the development will not have an adverse impact on the protected trees. Impact on the trees can result from the position of the houses, service runs and improvements to the access road. Therefore, the Assessment has taken into account the root protection areas of the trees and the type and construction method of the access road improvements.

Plans have been provided showing tree shadow areas around the proposed dwellings and a plan showing access road improvements next to the protected trees. Also a plan has been provided showing the root protection area fencing around all protected trees.

The tree shadow plan indicates that there will not be a significant adverse impact on the new dwellings although plot 3 has the most impact on the rear elevation.

Works within the root protection areas will be carried out using a 'no dig' technique. New service runs, where possible, will be located outside the protected root area of retained trees. Where this is not possible they will be installed in accordance with recommendations of NJUG 10 'Guidelines for the planning, installation and maintenance of utility services in proximity to trees'. Similarly all trees will have protection barriers erected.

The Council's Arboricultural Officer agrees with the recommendations contained within the methodology for the protection of the trees, however, considers that a condition is imposed to ensure that when the works around the trees are undertaken within the root protection areas, that the works are carried out with the presence of an arboricultural consultant to supervise the works and then confirm, via an appropriate report, that the works were carried out as per the method statement.

Biodiversity

An Ecological Assessment has been carried out on the site by Robert Stebbings Consultancy Ltd. A walk over survey showed the development area is an old garden, which has mature trees of many species and varieties with a large area of mown grass. No plants listed in Schedule 8 of the Wildlife & Countryside Act 1981 were recorded on the site.

A significant clone of Japanese Knotweed is evident to the south west of Phoenix House, which is a proscribed species under the same Wildlife & Countryside Act 1981. The applicant has been advised on how to treat this 'pest' species.

With regards to other protected species, there is no evidence of bats either roosting or foraging within the site. Common garden birds are present and there is a moderate sized rookery on the site with most nests around the boundaries and these trees are being retained.

There are no other constraints on the site in relation to wildlife and no licensing will be needed from Natural England.

Refuse collection

The new development will be served off a private drive and, therefore, bins will normally need to be presented at the edge of the public highway. This would entail the occupiers moving their bins approximately 175 metres from the dwelling to the highway. This distance far exceeds the recommendations contained within the adopted Recap Waste Management Design Guide, which states that 30 metres is the optimum distance.

Consideration has been given to providing an adopted road, but due to the number of dwellings served, the County Council would not consider adoption of the road. Given the road could not be adopted consideration was given to providing a road surface capable of accommodating a 26 tonne vehicle, which would allow the Council's refuse vehicle to enter the site and collect refuse from the householders. Such arrangements could only be achieved if the landowners are prepared to provide an indemnity statement to the Council to ensure that any wear and tear or damage would not result in a claim against the Council. It is considered that such a statement, whilst it could be agreed between the different parties, could not be conditioned and enforced and should not form part of the planning process.

Therefore, in order to ensure that the proposal will result in a satisfactory form of development that delivers acceptable amenity to the future occupiers, it has been agreed that an upgraded access road is provided and that a management agreement will be included as part of the sale of the dwellings to ensure that refuse is collected.

The applicant has confirmed that a management company will be employed who will oversee road maintenance, service maintenance, sewage disposal, common open space area and will include a private refuse collection service.

The LPA is content that refuse can be collected from the site with the upgrade to the access road and the use of a private refuse collection service.

To ensure that refuse collection can be satisfactory carried out, it is proposed to impose an appropriate condition to agree the refuse collection strategy for this site prior to the commencement of the development. This will entail the applicant providing the LPA with the proposed management agreement for the dwellings, which shows the inclusion of the refuse collection, and a commitment for such arrangements to be in place in perpetuity.

Drainage

The site is located within Flood Zone and, therefore, a Flood Risk Assessment is not required as part of the application. However, the applicant has to ensure that adequate measures are taken to alleviate any potential for flooding arising from the development. The effective disposal of surface water is a material

planning consideration and, therefore, in the absence of evidence of a viable scheme for appropriate flood risk management could be constructed and maintained for the lifetime of the development. Therefore, it is considered appropriate to impose a surface water condition in this respect.

7. CONCLUSION

- 7.1 The development proposed is for 3 detached dwellings located on land to the south of Phoenix House. The development is for low density housing, which is well shielded by the existing trees on the site. The site is considered to be sustainable and close to existing services and public transport and is also within an area of existing residential properties.

Issues relating to the collection of refuse have been overcome by the upgrading to the existing access road and the introduction of a maintenance agreement to ensure that the development is planned and maintained for future occupiers now renders the proposal acceptable.

8. RECOMMENDATION

Grant

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. **Prior to the occupation of the first dwelling hereby approved, the access road shall be improved and upgraded in line with the details shown on drawing No. S1834-100G date stamped 31 August 2012 and thereafter retained and maintained in perpetuity.**

Reason – To ensure satisfactory development.

3. **Prior to the occupation of the first dwelling hereby approved, the existing access road shall be altered to provide a minimum width of 5 metres for a minimum distance of 10 metres measured from the near edge of the highway carriageway and thereafter retained and maintained in perpetuity.**

Reason - In the interests of highway safety.

4. **Prior to the occupation of the first dwelling hereby approved visibility splays shall be provided at the junctions of the access road and shall be 2.4 metres x 160 metres in each direction and maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.**

Reason - In the interest of highway safety.

5. Prior to the occupation of the first dwelling hereby approved the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:

- a) enter, turn and leave the site in forward gear;
- b) park clear of the public highway;

shall be levelled, surfaced and drained and thereafter retained for no other purpose in perpetuity.

Reason - In the interests of satisfactory development and highway safety.

6. Prior to commencement of development a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection shall accord with the agreed details and thereafter be retained in perpetuity unless otherwise agreed in writing.

Reason - To ensure a satisfactory form of refuse collection.

7. No development or preliminary groundworks of any kind shall take place within the red line application site 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.

8. 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.

9. Prior to any works that are to be carried out within the root protection areas of the trees on the site, arrangements shall be made with an Arboricultural Consultant to carry out the supervision of the works in accordance with the details contained within the Arboricultural Impact Assessment received 8 September 2012. At least 7 days notice should be given to the Consultant prior to the works commencing.

Reason – To ensure adequate protection of the trees.

10. All works carried out around the root protection areas of the protected trees shall be carried out using a 'no dig' technique the method of which shall be submitted to and agreed in writing with the Local Planning Authority.

Reason – To ensure adequate protection of the trees.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.

Reason - To control pollution of land and controlled waters in the interests of the environment and public safety.

12. 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.

13. Approved plans



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F/YR12/0305/F

Scale = 1:2,500



LIGHTFOOT DESIGN

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Client Mrs Dean

Job Title
PHOENIX HOUSE
WISBECH ROAD,
MARCH, CAMBS

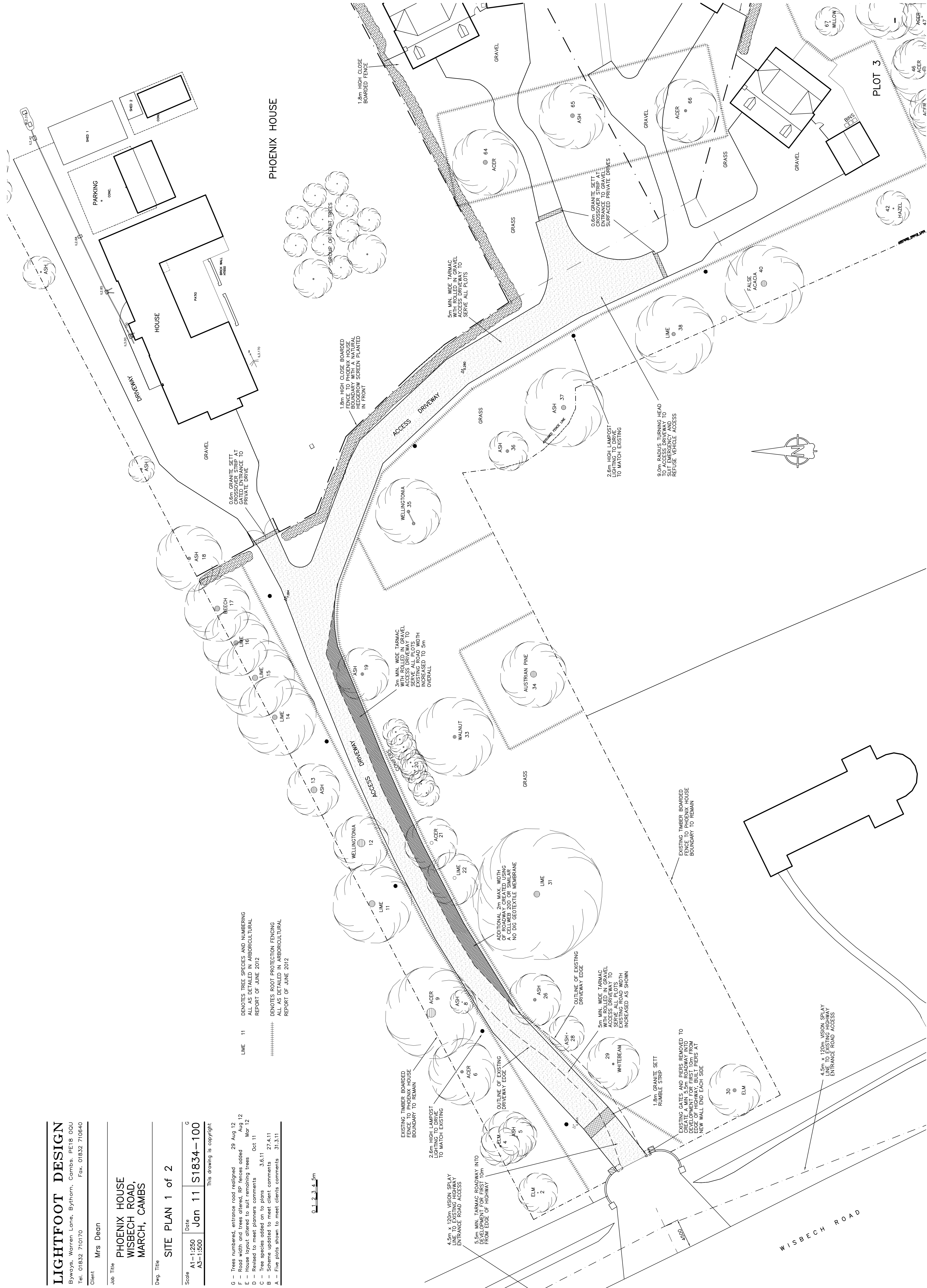
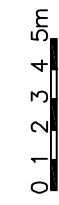
Dwg. Title
SITE PLAN 1 of 2

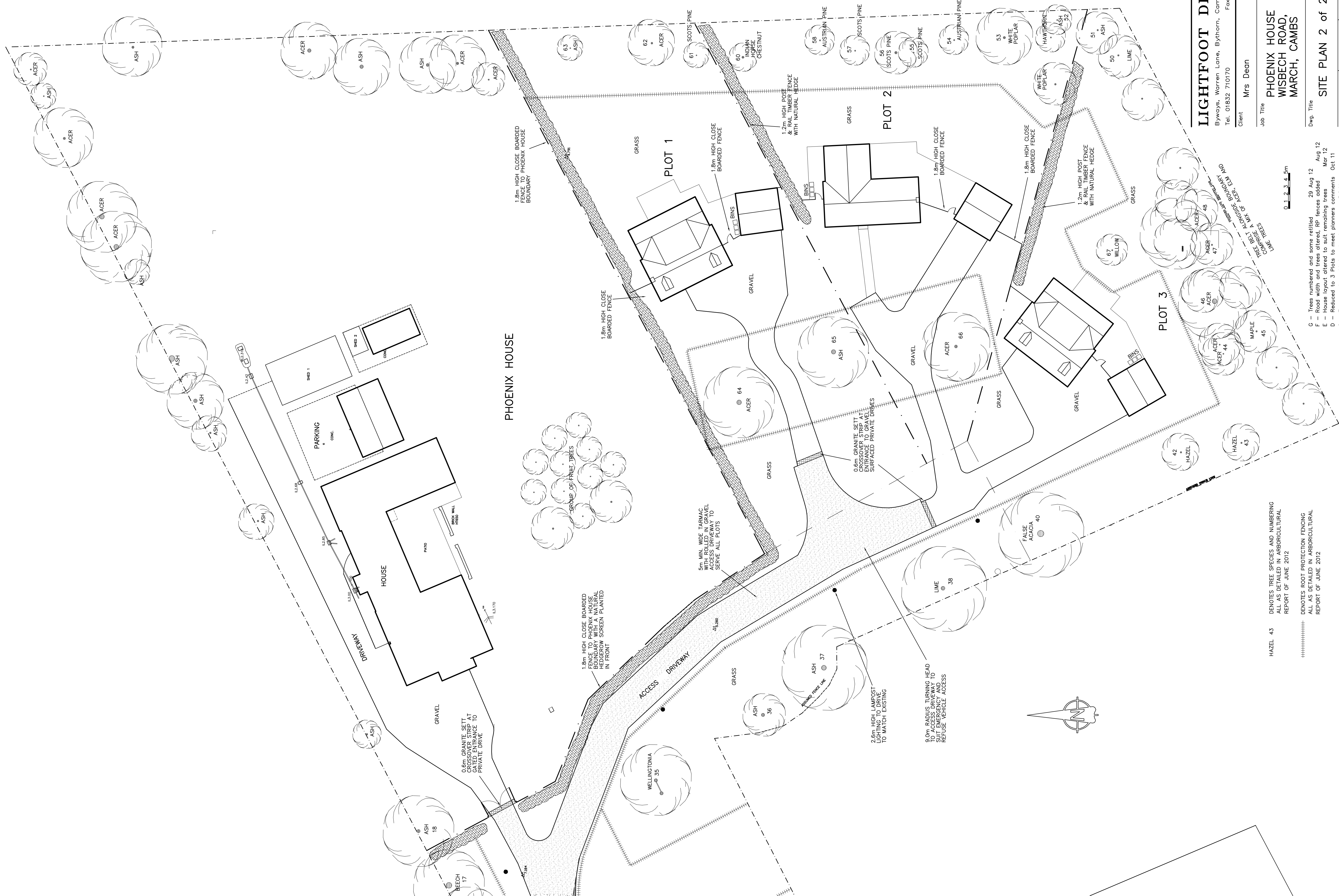
Scale	Date	Job No
A1-1:250	Jan 11	S1834-100
A3-1:500		

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- G - Trees numbered, entrance road realigned 29 Aug 12
- F - Road width and trees altered, RP fences added Aug 12
- E - House layout and trees altered, RP fences added Mar 12
- D - Revised layout altered to suit remaining trees Oct 11
- C - Tree species added on to plans 3.6.11
- B - Scheme updated to meet client comments 27.4.11
- A - Five plots shown to meet clients comments 31.3.11

- LIME 11 DENOTES TREE SPECIES AND NUMBERING
 ALL AS DETAILED IN ARBORICULTURAL
 REPORT OF JUNE 2012
- +++++ DENOTES ROOT PROTECTION FENCING
 ALL AS DETAILED IN ARBORICULTURAL
 REPORT OF JUNE 2012





PHOENIX HOUSE

LIGHTFOOT DESIGN

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Client Mrs Dean

Job Title
PHOENIX HOUSE
WISEBECH ROAD,
MARCH, CAMBS

Dwg. Title
SITE PLAN 2 of 2

Scale A1-1:250 Date Jan 11
 A3-1:500 S1834-101

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HAZEL 43 DENOTES TREE SPECIES AND NUMBERING
 AS DETAILED IN ARBORICULTURAL
 REPORT OF JUNE 2012

+++++ DENOTES ROOT PROTECTION FENCING
 AS DETAILED IN ARBORICULTURAL
 REPORT OF JUNE 2012

- G - Trees numbered and some settled 29 Aug 12
- F - Road width and trees altered ipf fences added Aug 12
- E - House layout altered to suit remaining trees Mar 12
- D - Reduced to 3 Plots to meet planners comments Oct 11
- C - Tree species added on to plans 3.6.11
- B - Scheme updated to meet client comments 27.4.11
- A - Five plots shown to meet clients comments 31.3.11

