

Application Number: F/YR14/0059/F

Minor dwellings

Parish/Ward: March Town Council/March East Ward

Date Received: 27 January 2014

Expiry Date: 24 March 2014

Applicant: Mr & Mrs J Pooley

Proposal: Variation of Condition 2 of planning permission F/YR13/0280/F in relation to occupancy of dwelling (Erection of a 4-bed 2-storey dwelling and detached workshop for B1, B2, B8 use, involving demolition of existing barn and outbuildings)

Location: Land west of Thirties Farm Upwell Road, March

Site Area: 0.133 ha

Reason before Committee: The original application was supported by Members at Planning Committee and therefore for consistency the application is to be determined by Planning Committee

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks a variation of condition 2 of planning permission F/YR13/0280/F which requires the occupation of the dwelling to be in conjunction with the operation of the existing groundwork contractors business at Thirties Farm.

A previous application to remove the condition was refused at planning committee on 15 January 2014.

The applicant has suggested revised wording for the condition, following a meeting with Officers, to remove reference to the specific business on site and to refer only to the business use on the associated site. Whilst this may prove acceptable, it is necessary to ensure that the condition is still precise and the associated site is clearly identified. This could be achieved by adding a clause into the condition identifying the location of the associated site whilst not specifying its actual use. The permission allows for B1, B2 and B8 use and the existing groundworks business fits into a B1 and B8 use.

The wording for the variation is as follows:

The dwelling hereby approved shall only be occupied by persons connected with the existing business use on the associated site (shown edged red and blue on drawing No.CH12/LBA/251/FP200) and the workshop shall only be used in connection with that existing associated business for B1, B2 and B8 uses and for no other purpose.

The suggested inclusion of the clause to identify the associated site is acceptable to the applicant and therefore the application is recommended for approval.

2. HISTORY

F/YR13/0886/F	Variation of condition 2 of planning permission F/YR13/0280/F to lift restrictive condition from dwelling only	Refused 17 January 2014 - Committee
F/YR13/0280/F	Erection of a 4-bed dwelling and detached workshop for B1, B2 and B8 use involving demolition of existing barn and outbuilding	Granted 9 October 2013 - Committee
F/YR12/0843/F	Erection of a 4-bed dwelling involving demolition of existing barn and outbuilding	Refused 21 December 2012 - Delegated

3. PLANNING POLICIES

3.1 National Planning Policy Framework:

Para 2: Planning law requires that applications for planning permission must be determined in accordance with the development plan.
Section 6: Delivering a wide choice of high quality homes.

3.2 Fenland Local Plan Core Strategy (September 2013):

CS1: A presumption in favour of sustainable development
CS3: Spatial strategy, the Settlement Hierarchy and the Countryside
CS12: Rural Areas Development Policy
CS16: Delivering and Protecting High Quality Environments across the District

3.3 Fenland District Wide Local Plan:

E8: Residential amenity
H3: Development within Development Area Boundaries

4. CONSULTATIONS

- 4.1 **March Town Council:** Recommend approval provided house can only be occupied in connection with an associated business.

5. SITE DESCRIPTION

- 5.1 The site is located to the east of March approximately 1.2 miles from the existing settlement limits. The site is presently open amenity land associated with Thirties Farm. There is a range of conifer trees on the western and northern boundary of the site with the frontage mainly open. The site is located in Flood Zone 3.

6. PLANNING ASSESSMENT

The key issues for consideration to this application include:

- Variation of wording of Condition 2
- Policy considerations

Variation of wording of condition 2

The applicant seeks to vary condition 2 of planning permission F/YR13/0280/F relating to the occupancy condition.

The original condition is worded as follows:

The dwelling and workshop hereby approved shall only be occupied by persons connected with the existing Groundwork Contractors business or a dependent of such a person residing with him or her, or a widow or widower of such a person. The workshop shall only be used for a use in connection with the requirements of the Groundwork Contractors business and for no other purpose.

The applicants consider this to be too restrictive and seeks the following variation:

The dwelling hereby approved shall only be occupied by persons connected with the business use on the associated site and the workshop shall only be used for use in connection with the associated business for B1, B2 and B8 uses and for no other purpose.

The Local Planning Authority, whilst trying to facilitate a solution for the applicant, considers that the condition, as submitted by the applicant, is not precise in relation to certain words i.e. where is the 'associated site' and also what is the 'associated business'.

Therefore the LPA has suggested a clause to identify where the existing business is as follows:

The dwelling hereby approved shall only be occupied by persons connected with the existing business use on the associated site (shown edged red and blue on drawing No.CH12/LBA/251/FP200) and the workshop shall only be used in connection with that existing associated business for B1, B2 and B8 uses and for no other purpose.

As members will recall, the application for the dwelling and workshop was approved in association with an existing business use, without which the dwelling would be unacceptable in Policy terms. Therefore it is important that there remains a tie between the dwelling and the business on the site.

The LPA has indicated that if the wording includes details of where the associated site is i.e. as shown edged blue on the approved plan, this would make the condition more precise and hence more acceptable.

Condition 2 of the original planning permission was necessary to ensure compliance with planning policy and relevant to the development. It is considered that the new wording, which identifies where the existing use is, satisfies the requirements of Circular 11/95 and retains a suitable occupancy condition and is therefore recommended for approval.

Policy Considerations

The application site lies outside the existing established limits of March where the development of new housing is normally only supported in association with agriculture, horticulture or forestry.

The original application was approved as additional housing required in connection with an existing business use on the site and as such it was considered necessary to ensure that a restrictive occupancy condition was imposed to ensure that approval of the dwelling did not result in a new house in the open countryside in order to comply with Local and National Policy.

Conclusion

An agreement to the rewording of the occupancy condition has been agreed and therefore the application is recommended for approval.

RECOMMENDATION

GRANT

- 1. The development hereby permitted shall begin not later than 9 September 2016.**

Reason - This permission is granted further to an application under s.73 of the Town & Country Planning Act 1990. The provision of s73(5) of the Town & Country Planning Act 1990 require that no grant of permission shall extend the time in which development may be commenced; the above date accords with the last date development may commence under planning permission F/YR13/0280/F.

- 2. The dwelling hereby approved shall only be occupied by persons connected with the existing business use on the associated site (shown edged red and blue on drawing No.CH12/LBA/251/FP200) and the workshop shall only be used in connection with that existing associated business for B1, B2 and B8 uses and for no other purpose.**

Reason – It would be against the Local Planning Authority’s rural planning policy to permit the erection of a dwelling on this site unconnected with the use of the adjoining business.

- 3. Prior to the commencement of the development hereby approved full details of the materials to be used for the external walls and roof of the workshop hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.**

Reason: To safeguard the visual amenities of the area.

4. **Prior to the commencement of the use hereby approved the access road shall be constructed to a minimum width of 5 metres for a minimum distance of 10 metres measured from the near edge of the highway carriageway and thereafter maintained in perpetuity.**

Reason - In the interests of highway safety.

5. **Prior to the first occupation of the development hereby approved any gate or gates to the vehicular access shall be set back 9 metres from the near channel line of the carriageway of Upwell Road, hung to open inwards, and retained in perpetuity thereafter.**

Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway.

6. **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 and thereafter retained in perpetuity.**

Reason – In the interests of highway safety and to ensure satisfactory access into the site.

7. **Prior to the commencement of use 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;**
- c) **load and unload;**

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.

8. **Prior to the commencement of the development hereby approved adequate temporary facilities (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.**

Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway.

9. Prior to the first occupation of the development visibility splays of 2.4 m x 172.0m to the east and 2.4m x 215m to the west measures along the centre line of the proposed access. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the carriageway of London Road.

Reason – In the interests of highway safety.

10. 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 to be submitted to and approved by the LPA.

Reason – In the interests of highway safety.

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 any development, a scheme and timetable for the provision and implementation of foul and surface water drainage shall be submitted and approved in writing by the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.**

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

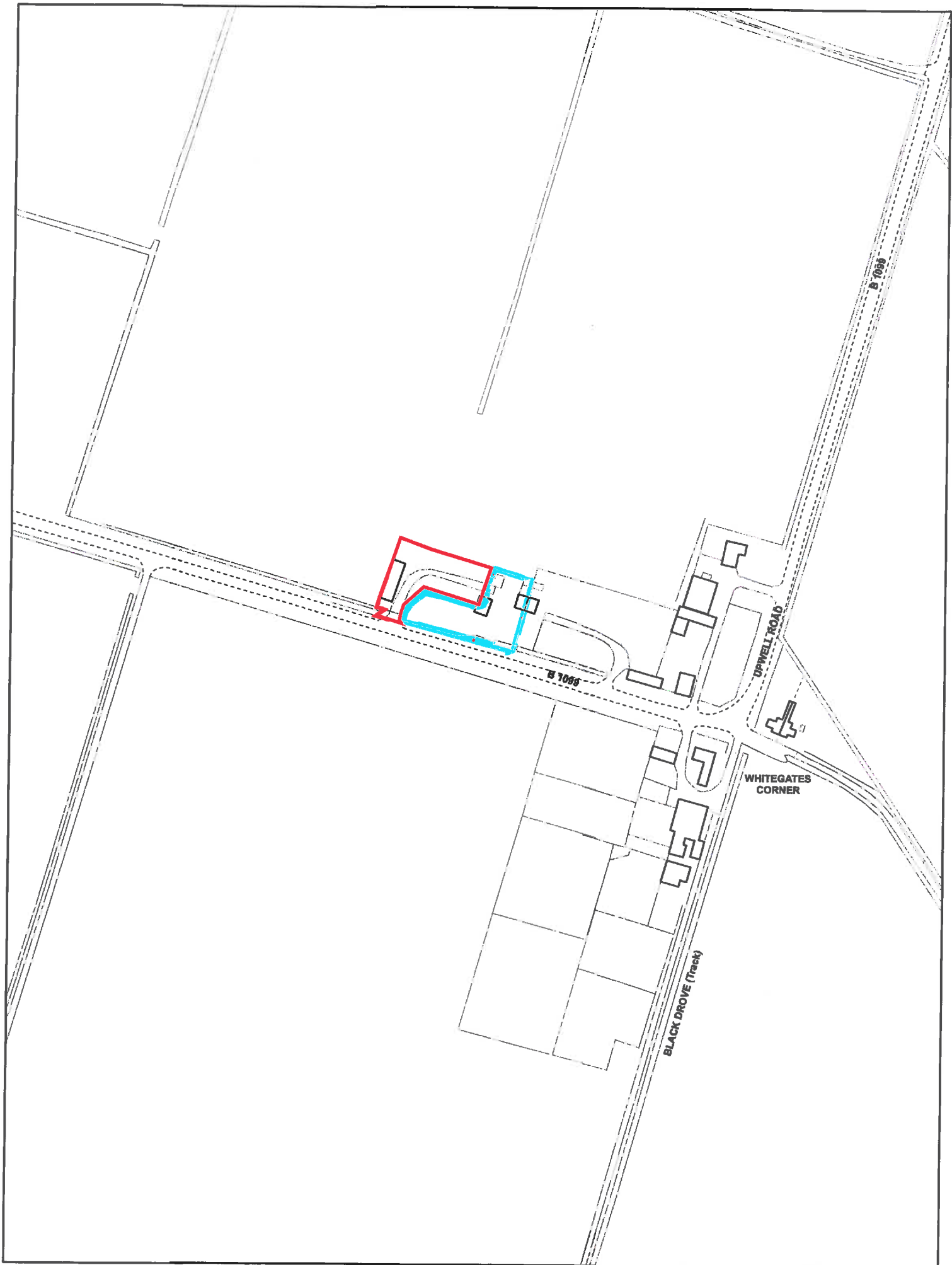
- 13. Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-**

- a) means of enclosure**
- b) hard surfacing, other hard landscape features and materials**
- c) existing trees, hedges or other soft features to be retained**
- d) planting plans, including specifications of species, sizes, planting centres number and percentage mix**
- e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife**

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.

- 14. 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.



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