F/YR22/1198/VOC

Applicant: Mr M Durant Agent: Mr Jordan Trundle

Lodge House Ltd Peter Humphrey Associates Ltd

Land East Of, 36 High Street, March, Cambridgeshire

Variation of conditions 4 (Brick and Roof Tiles), 5 (External Details), Condition 7 (Tree Protection Method Statement), Condition 8 (Surface Water Drainage), Condition 10 (Construction Method Statement), Condition 11 (Floor Slab Levels) and 12 (list of approved drawings) of planning permission F/YR15/0176/O (Erection of 7 x 2-storey 2-bed dwellings with bin and cycle stores (Outline application with matters committed in respect of access, appearance, layout and scale)) amendments to materials, and rewording of conditions to include in accordance with submitted details

Officer recommendation: Grant

Reason for Committee: Town Council objection contrary to officer

recommendation

1. EXECUTIVE SUMMARY

- 1.1. This application relates to a 0.12ha rectangular piece of land located behind No.36 High Street, March. The site benefits from extant consent for the erection of 7 dwellings with bin and cycle stores (F/YR15/0176/O). At the time of site inspection, the build had begun with some foundations and groundworks undertaken.
- 1.2. This submission is made under Section 73 of the Town and Country Planning Act 1990 (as amended) and seeks to amend conditions 4 (Brick and Roof Tiles), 5 (External Details), 7 (Tree Protection Method Statement), 8 (Surface Water Drainage), 10 (Construction Method Statement), 11 (Floor Slab Levels) and 12 (list of approved drawings) relating to planning permission F/YR15/0176/O.
- 1.3. The below evaluation considers the proposed amendments are minor in the context of the approved scheme, when considered individually and cumulatively and as such can be approved by virtue of Section 73 of the Town and Country Planning Act.

2. SITE DESCRIPTION

2.1. This application relates to a 0.12ha rectangular piece of land located behind No.36 High Street, March. The site benefits from extant consent for the erection of 7 dwellings with bin and cycle stores (F/YR15/0176/O). At the time of site inspection, the build had begun with some foundations and groundworks undertaken.

3. PROPOSAL

- 3.1. This submission is made under Section 73 of the Town and Country Planning Act 1990 (as amended) and seeks to amend conditions 4 (Brick and Roof Tiles), 5 (External Details), 7 (Tree Protection Method Statement), 8 (Surface Water Drainage), 10 (Construction Method Statement), 11 (Floor Slab Levels) and 12 (list of approved drawings) relating to planning permission F/YR15/0176/O.
- 3.2. New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, there are options for amending a proposal that has planning permission, these being:
 - A non-material amendment (a Section 96A application)
 - A minor material amendment (a Section 73 application)
- 3.3. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
- 3.4. In considering this current submission it is necessary to ascertain whether the amendments proposed are indeed minor in the context of the original approval.
- 3.5. The revisions proposed are as follows:

Condition	Proposed change
4 – Brick and Roof Tiles	Amendment from approved Roof Tiles (F/YR19/3066/COND): Sandtoft Neo Pantile (Flanders) on Plots 1, 2 & 7; and Sandtoft Cassius (Antique Slate) on Plots 3-6
	To: Redland Fenland Interlocking Pantile (Terracotta) on Plots 1, 2 & 7; and Redland Duo Plain Interlocking Plain Tile (Charcoal Grey) on Plots 3-6.
5 – External Details	Amendment from approved details (F/YR19/3066/COND): Kair gravity Grille 100mm; Terracotta Air Brick; Cascade Cast Iron Style Guttering; and Conservation Folding Doors and Velux CK04
	To: Black Brett Martin Cast Iron Effect Rainwater Goods. White UPVC windows; Black Composite Doors; and White Standard Flush Fitted (Built-in) Electric Meter Box.

7 – Tree Protection	This application applies to remove the pre-
Method Statement	commencement wording to an informative condition
	that references the Tree Protection Method Statement
	approved under application F/YR19/3066/COND.
8 – Surface Water	This application applies to remove the pre-
Drainage	commencement wording to an informative condition
	that references the Surface Water Drainage design
	and supporting documents approved under application
	F/YR20/3034/COND.
10 – Construction	This application applies to remove the pre-
Method Statement	commencement wording to an informative condition
	that references the Construction Method Statement
	approved under application F/YR19/3066/COND.
11 – Floor Slab	A plan (ref: T3167-10) was approved under
Levels	application ref: F/YR19/3066/COND, this application
	applies to vary this condition to approve plan ref:
	6471-PL20B as per the plans/documents submitted to
	vary Condition 12.
12 – Approved	This application seeks to vary the approved plans in
Plans	respect of the above amendments.

3.6. Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess

4. SITE PLANNING HISTORY

F/YR21/0250/RM	Reserved Matters application relating to the detailed matter of landscaping pursuant to outline permission F/YR15/0176/O	Approved 30.04.2021
F/YR20/3034/COND	Details reserved by Condition 8 (Drainage) of planning permission F/YR15/0176/O	Approved 17.04.2020
F/YR19/3066/COND	Details reserved by conditions 4, 5, 7, 10 and 11 of planning permission F/YR15/0176/O	Approved 01.11.2019
F/YR15/0176/O	Erection of 7 x 2-storey 2-bed dwellings with bin and cycle stores (Outline application with matters committed in respect of access, appearance, layout and scale)	Granted 06.04.2018

5. CONSULTATIONS

5.1. **March Town Council**

Recommendation: Refusal - lack of parking and unsatisfactory access/egress

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).

6.2. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

7. POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF) July 2021

Para 2 – applications to be determined in accordance with the development plan unless material considerations indicate otherwise

Para 11 – a presumption in favour of sustainable development

Para 111 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 119 – Promote effective use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Para 124 – Supporting efficient use of land, taking into account the: (d) desirability of maintaining an areas prevailing character and setting (including residential gardens); and (e) the importance of securing well-designed, attractive and healthy places.

Para 130 – achieving well-designed places

Section 16 - Conserving and enhancing the historic environment

7.2. National Planning Practice Guidance (NPPG)

Determining planning applications

7.3. National Design Guide 2019

Context

Identity

Built Form

Homes and Buildings

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

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 - Delivering and Protecting High Quality Environments

LP18 – The Historic Environment

LP19 – The Natural Environment

7.5. **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 48 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

LP7 – Design

LP8 – Amenity Provision

LP20 - Accessibility and Transport

LP22 – Parking Provision

LP24 – Natural Environment

LP23 – Historic Environment

LP32 – Flood and Water Management

7.6. March Neighbourhood Plan 2017

H2 – Windfall Development

8. KEY ISSUES

- Principle of Development
- Implications of changes and whether they are minor-material in the context of the approved scheme
- Other matters conditions to be imposed on VOC

9. ASSESSMENT

Principle of Development

9.1. The principle of development has been clearly established by virtue of the original grant of consent. It is merely the revised details and any implications of the amendments proposed that require consideration under Section 73; along with an evaluation as to whether the amendments proposed are individually and cumulatively minor in the context of the approved scheme.

9.2. Implications of changes and whether they are minor-material in the context of the approved scheme

Condition	Proposed change	Assessment
4 – Brick	Amendment from approved	The changes proposed are
and Roof	Roof Tiles	minor in respect of their
Tiles	(F/YR19/3066/COND):	impact to the character and
	Sandtoft Neo Pantile	appearance of the area when
	(Flanders) on Plots 1, 2 & 7;	compared with the original
	and	approved scheme. As such it
	Sandtoft Cassius (Antique	is considered that the
	Slate) on Plots 3-6	proposed roof materials will
		remain compliant with Policies
	To:	LP16 and LP18 of the
	Redland Fenland Interlocking	Fenland Local Plan 2014. –
	Pantile (Terracotta) on Plots	Vary to compliance
	1, 2 & 7; and	condition (Materials).
	Redland Duo Plain	
	Interlocking Plain Tile	
	(Charcoal Grey) on Plots 3-6.	

5 – External Details	Amendment from approved details (F/YR19/3066/COND): Kair gravity Grille 100mm; Terracotta Air Brick; Cascade Cast Iron Style Guttering; and Conservation Folding Doors and Velux CK04 To: Black Brett Martin Cast Iron Effect Rainwater Goods. White UPVC windows; Black Composite Doors; and White Standard Flush Fitted (Built-in) Electric Meter Box.	The use of uPVC windows and composite doors are regrettable. However given the locality of the development not within the immediate High Street streetscene, the impact of such materials will result in negligible impact to the Conservation Area. The remaining changes are minor when compared with the original approved scheme. As such it is considered that the proposed external details will remain compliant with Policies LP16 and LP18 of the Fenland Local Plan 2014. – Vary to compliance condition and incorporate into Materials condition above.
7 – Tree Protection Method Statement	This application applies to remove the pre-commencement wording to an informative condition that references the Tree Protection Method Statement approved under application F/YR19/3066/COND.	The methods proposed are the same as those previously agreed as acceptable under approved application F/YR19/3066/COND. Thus, it follows, that the submitted Tree Protection Method Statement can be considered acceptable. – Vary to compliance condition (Trees).
8 – Surface Water Drainage	This application applies to remove the pre-commencement wording to an informative condition that references the Surface Water Drainage design and supporting documents approved under application F/YR20/3034/COND.	The methods proposed are the same as those previously agreed as acceptable under approved application F/YR20/3034/COND. Thus, it follows, that the submitted Surface Water Drainage Strategy can be considered acceptable. – Vary to compliance condition (Surface Water).

10 – Construction Method Statement	This application applies to remove the pre-commencement wording to an informative condition that references the Construction Method Statement approved under application F/YR19/3066/COND.	The methods proposed are the same as those previously agreed as acceptable under approved application F/YR19/3066/COND. Thus, it follows, that the submitted Construction Method Statement can be considered acceptable. – Vary to compliance condition (CMP).
11 – Floor Slab Levels	A plan (ref: T3167-10) was approved under application ref: F/YR19/3066/COND, this application applies to vary this condition to approve plan ref: 6471-PL20B as per the plans/documents submitted to vary Condition 12.	The floor levels proposed are the same as those previously agreed as acceptable under approved application F/YR19/3066/COND. Thus, it follows, that the submitted plan can be considered acceptable. – Vary to compliance condition with updated plan reference (FFLs).
12 – Approved Plans	This application seeks to vary the approved plans in respect of the above amendments.	Vary to reflect new plan references.

Conditions to be imposed on VOC

9.3. The grant of a S73 approval necessitates the issue of a new planning permission and it is necessary to revisit the conditions imposed on the original consent to ensure that they are still relevant to the revised scheme, a summary of the original conditions and an evaluation of whether they remain relevant in their current format or require revision is provided below:

Original Condition	Impose on VOC?
1 – Approval of	Reserved Matters application relating to the detailed
Reserved	matter of landscaping pursuant to outline permission
Matters	F/YR15/0176/O was approved 30.04.2021 – Condition
	no longer necessary.
2 – Expiry date	Reserved Matters application relating to the detailed
of Reserved	matter of landscaping pursuant to outline permission
Matters.	F/YR15/0176/O was approved 30.04.2021 – Condition
	no longer necessary.
3 –	Work on the site had begun within the 2 year requirement
Implementation	 Condition no longer necessary.
of Reserved	
Matters.	

4 – External Materials	 Vary to compliance Condition 1 (Materials): The development hereby approved shall be finished externally as detailed on the approved Development Materials Schedule, utilising: Vandersanden Cottage Mixture Brick; Redland Fenland Interlocking Pantile in Terracotta (plots 1, 2 & 7) Redland Duo Plain Interlocking Plain Tile in Charcoal Grey (plots 3 - 6); Black Brett Martin Cast Iron Effect Rainwater Goods. White UPVC windows; Black Composite Doors; and White Standard Flush Fitted (Built-in) Electric Meter Box. Reason: To safeguard the visual amenities of the area and ensure compliance with Policy LP16 and LP18 of the
	Fenland Local Plan, adopted May 2014.
5 – External Details	Vary and incorporate into compliance Condition 1 (Materials) as above.
6 – Tree Protection	Re-impose as condition remains relevant: Condition 2 - Trees All trees that are to be retained shall be protected during the course of construction in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented prior to the storage of materials or commencement of work on the site and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development. Reason - To ensure that retained trees are adequately protected and in accordance with Policy LP16 of the Fenland Local Plan 2014.
7 – Tree Protection Method Statement	Vary to compliance condition as per 9.2 above: Condition 3 – Tree Protection Method Statement All trees that are to be retained shall be protected during the course of construction in accordance the methods within the approved Tree Survey, Arboricultural Impact Assessment and Method Statement. Reason - To ensure that retained trees are adequately protected and in accordance with Policy LP16 of the Fenland Local Plan 2014.

8 – Surface Water Drainage	Vary to compliance condition as per 9.2 above and include new plan reference: Condition 4 – Surface Water Drainage The development hereby permitted will be include a surface water drainage implemented in accordance with the approved Surface Water Drainage Plan 2465-02 before the development is completed and thereafter retained in perpetuity. Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with the National Planning Policy Framework and Policy LP14 of the Fenland Local Plan 2014.
9 – No Additional	Re-impose as condition remains relevant:
Windows	Condition 5 – No additional windows Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order revoking or re-enacting that Order with or without modification), no additional first-floor windows other than those shown on the plans hereby approved shall be placed in the southern elevations of the development hereby approved. Reason - To protect the amenities of the adjoining properties in accordance with Policy LP16 of the Fenland
10 –	Local Plan 2014.
Construction Method Statement	Vary to compliance condition as per 9.2 above: Condition 6 – Construction Method Statement The development hereby permitted will be constructed and managed in accordance with the approved Construction Management Plan throughout the construction period. Reason - In order to avoid hazard and obstruction being
	caused to users of the public highway and in the interest of public safety and amenity in accordance
11 – Site Levels	Vary to compliance condition as per 9.2 above and include new plan reference: Condition 7 – Site Levels The ground floor level of the development hereby permitted shall be set as depicted on approved plan 6471-PL20B and shall thereafter be retained as such in perpetuity.
	Reason: To ensure that the precise height of the development can be considered in relation to adjoining dwellings to protect and safeguard the amenities of the adjoining occupiers in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.

12 – Approved	Vary to reflect new plan references: Condition 8 –
Plans	Approved Plans.

10. CONCLUSIONS

10.1. As per the evaluation above the proposed amendments are considered minor in the context of the approved scheme, when considered individually and cumulatively and as such can be approved by virtue of Section 73 of the Town and Country Planning Act.

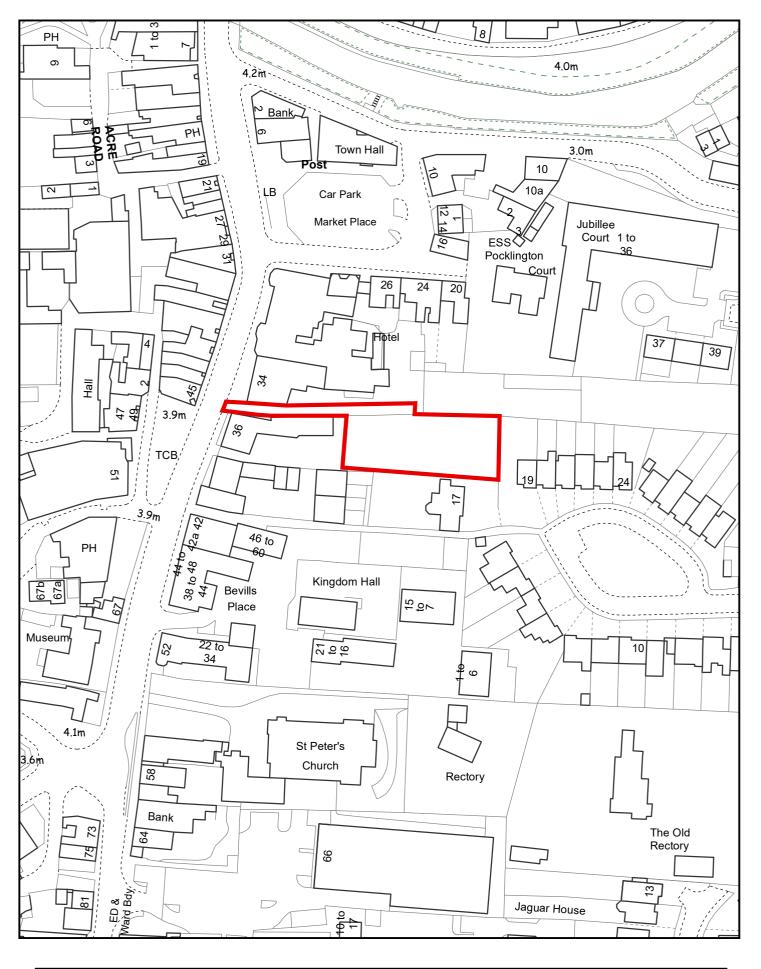
11. RECOMMENDATION

Grant, subject to the below conditions (as set out in 9.3 above);

Conditions

1	Materials The development hereby approved shall be finished externally as detailed on the approved Development Materials Schedule, utilising:
	 Vandersanden Cottage Mixture Brick; Redland Fenland Interlocking Pantile in Terracotta (plots 1, 2 & 7)
	- Redland Duo Plain Interlocking Plain Tile in Charcoal Grey (plots 3 - 6);
	Black Brett Martin Cast Iron Effect Rainwater Goods.White UPVC windows;
	Black Composite Doors; andWhite Standard Flush Fitted (Built-in) Electric Meter Box.
	Reason: To safeguard the visual amenities of the area and ensure compliance with Policy LP16 and LP18 of the Fenland Local Plan, adopted May 2014.
2	Trees All trees that are to be retained shall be protected during the course of construction in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented prior to the storage of materials or commencement of work on the site and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development.
	Reason - To ensure that retained trees are adequately protected and in accordance with Policy LP16 of the Fenland Local Plan 2014.
3	Tree Protection Method Statement All trees that are to be retained shall be protected during the course of construction in accordance the methods within the approved Tree Survey, Arboricultural Impact Assessment and Method Statement.

	Reason - To ensure that retained trees are adequately protected and in accordance with Policy LP16 of the Fenland Local Plan 2014.
4	Surface Water Drainage The development hereby permitted will be include a surface water drainage implemented in accordance with the approved Surface Water Drainage Plan 2465-02 before the development is completed and thereafter retained in perpetuity.
	Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with the National Planning Policy Framework and Policy LP14 of the Fenland Local Plan 2014.
5	No additional windows Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order revoking or re-enacting that Order with or without modification), no additional first-floor windows other than those shown on the plans hereby approved shall be placed in the southern elevations of the development hereby approved.
	Reason - To protect the amenities of the adjoining properties in accordance with Policy LP16 of the Fenland Local Plan 2014.
6	Construction Method Statement The development hereby permitted will be constructed and managed in accordance with the approved Construction Management Plan throughout the construction period.
	Reason - In order to avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity in accordance with Policy LP15 and LP16 of the Fenland Local Plan 2014.
7	Site Levels The ground floor level of the development hereby permitted shall be set as depicted on approved plan 6471-PL20B and shall thereafter be retained as such in perpetuity.
	Reason: To ensure that the precise height of the development can be considered in relation to adjoining dwellings to protect and safeguard the amenities of the adjoining occupiers in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.
8	Approved Plans



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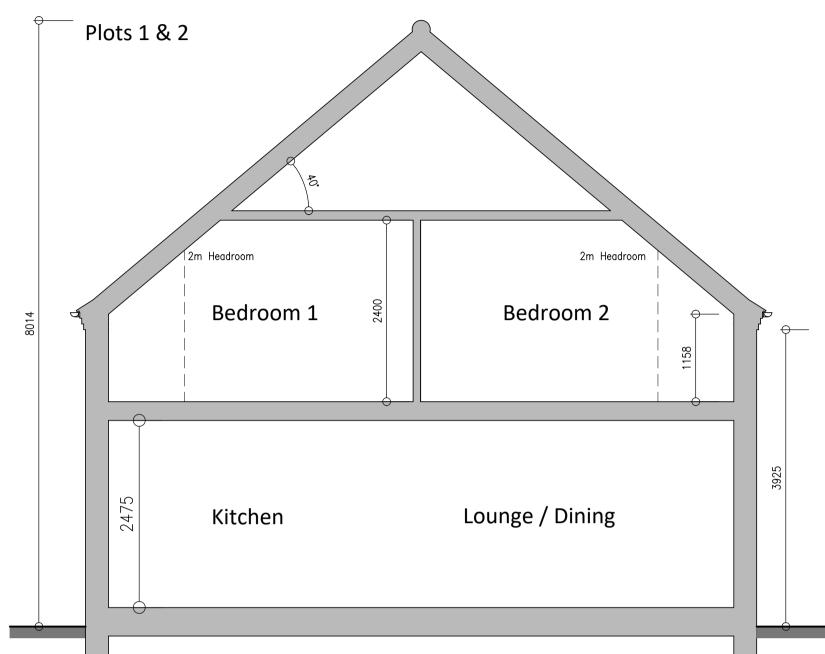
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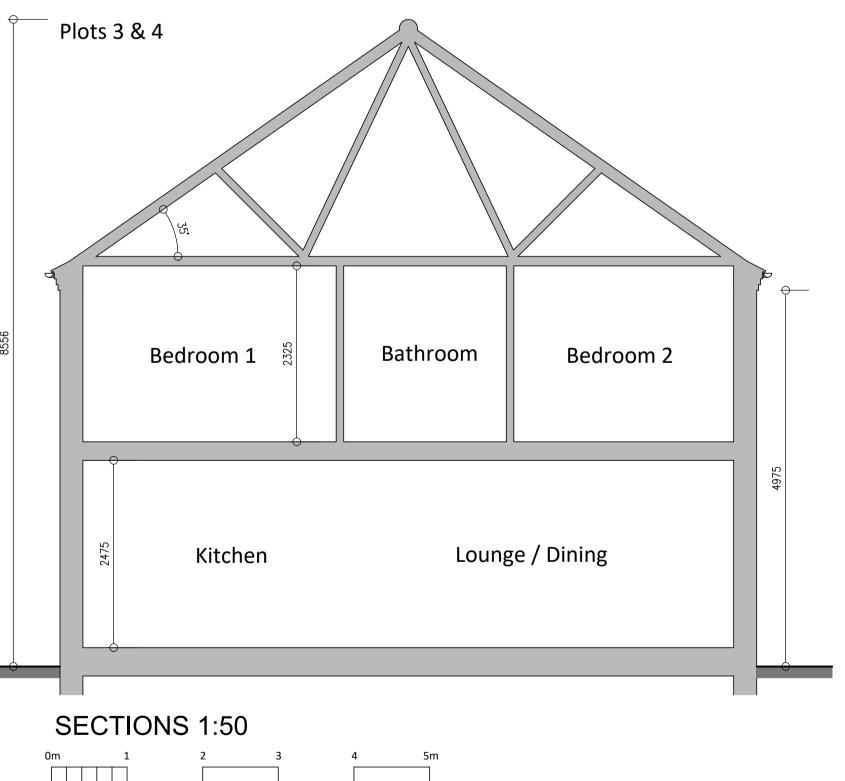
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(AMBRIDGES HIRE Fenland District Council







B - 10.10.22 - Amendments following planning validation comments. A - 03.10.22 - Amendments following applicant comments. REVISIONS



PETER HUMPHREY

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CLIENT

MR M DURANT

PROJECT

RESIDENTIAL DEVELOPMENT

LAND EAST OF 36 HIGH STREET MARCH

MARCH CAMBS PE15 9JR

DRAWING

PLANNING DRAWING 1

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 PAPER SIZE
 DATE

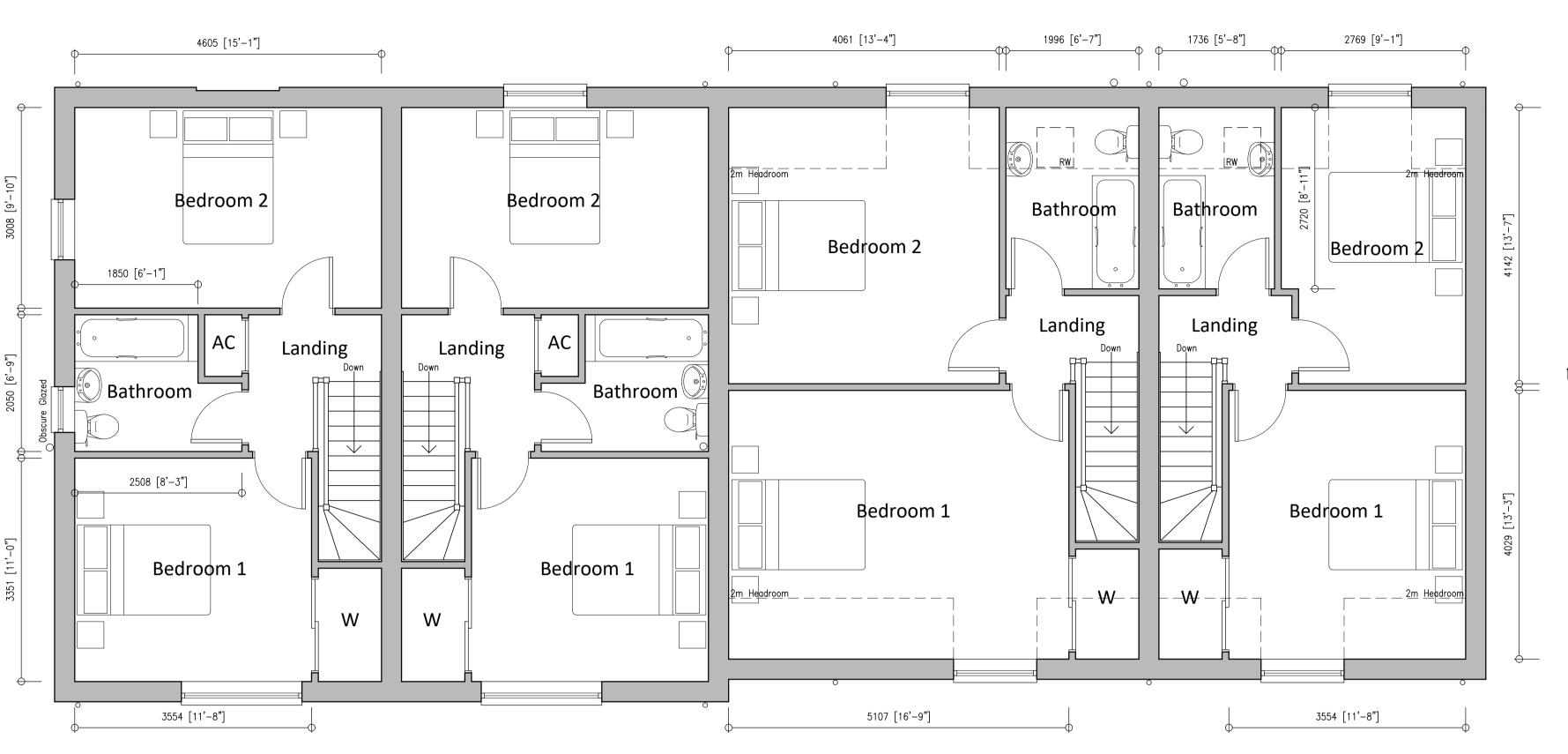
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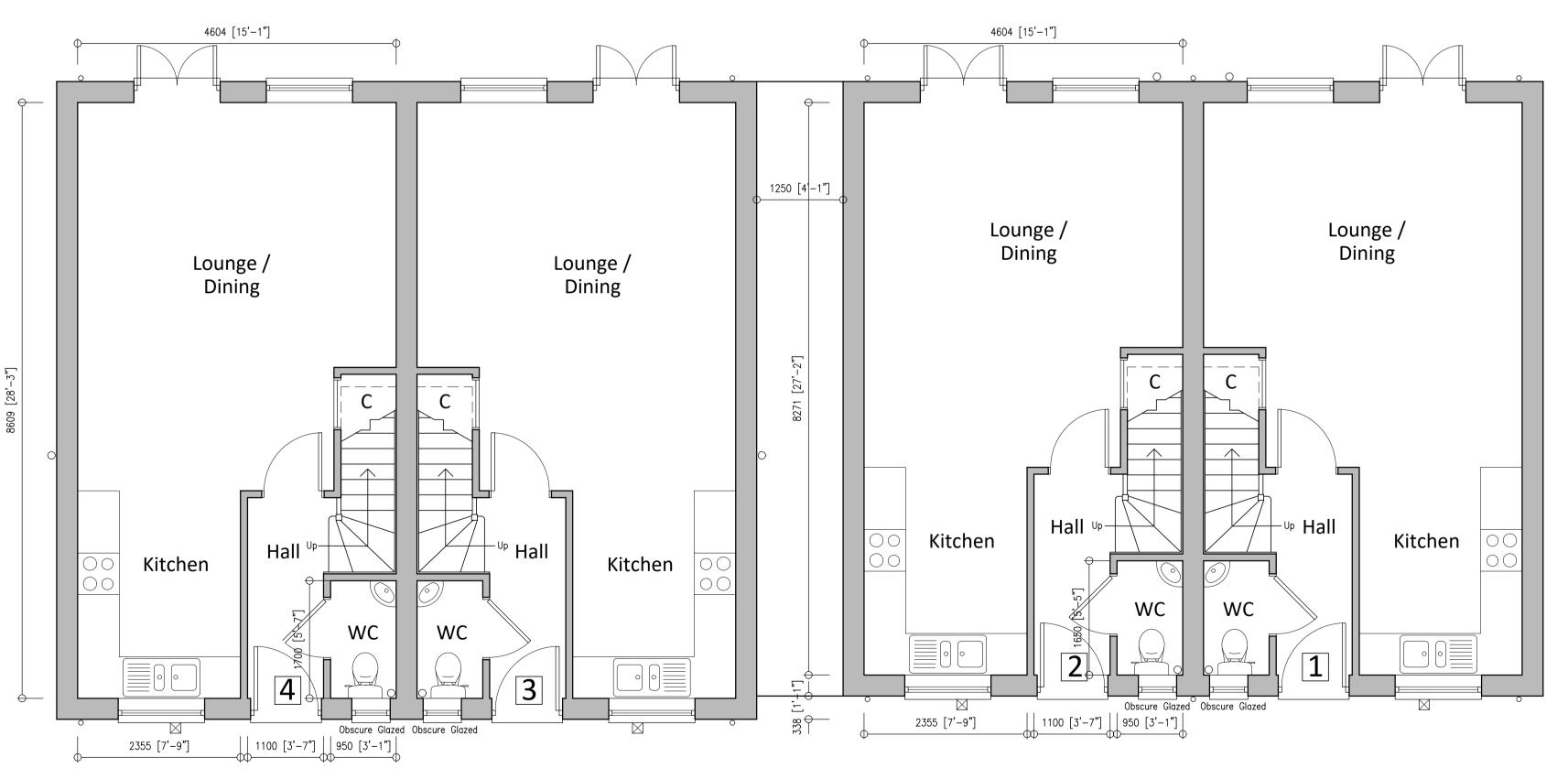
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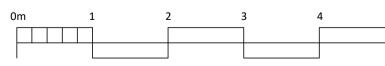
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FIRST FLOOR PLANS 1:50









B - 10.10.22 - Amendments following planning validation comments. A - 03.10.22 - Amendments following applicant comments.

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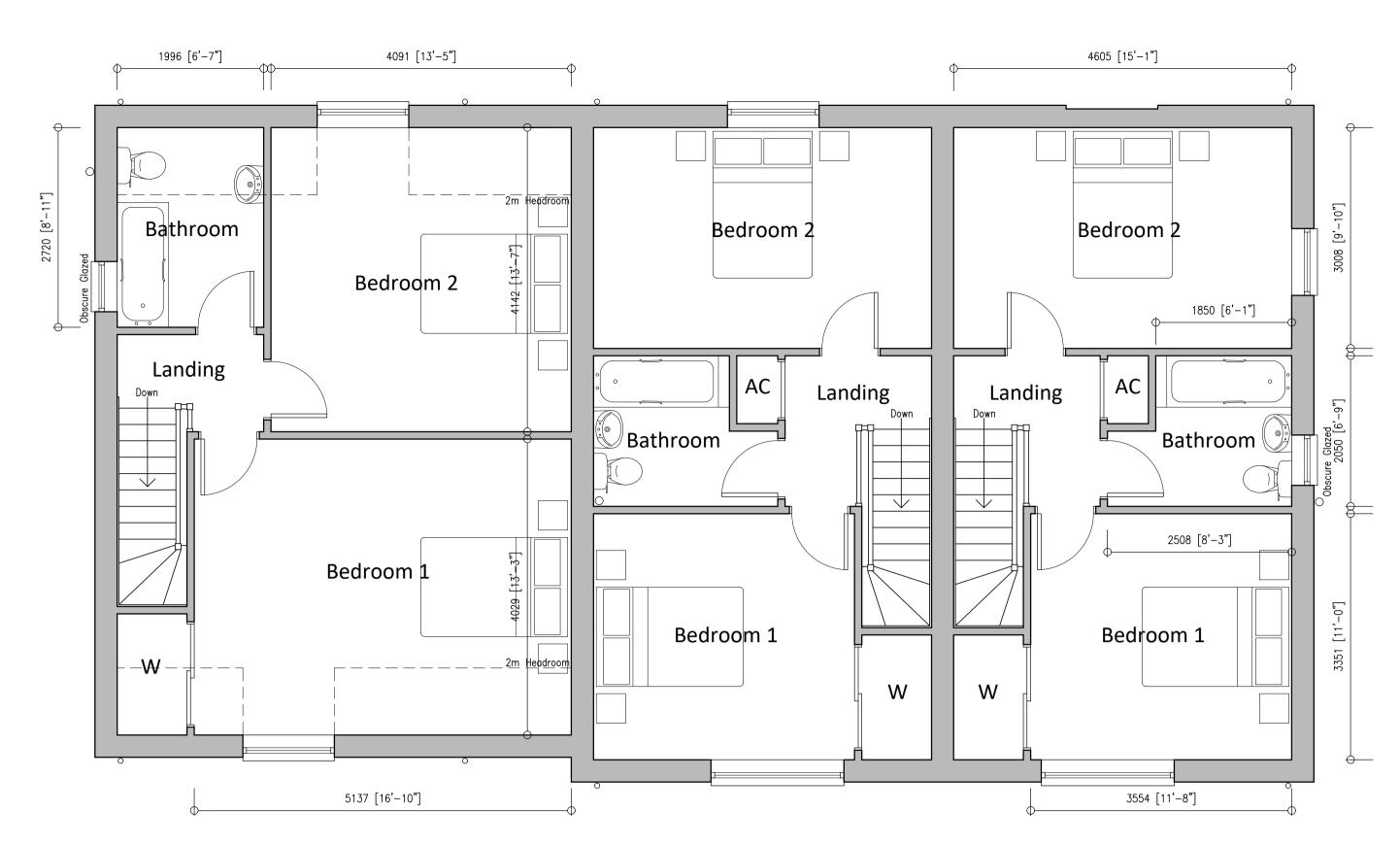
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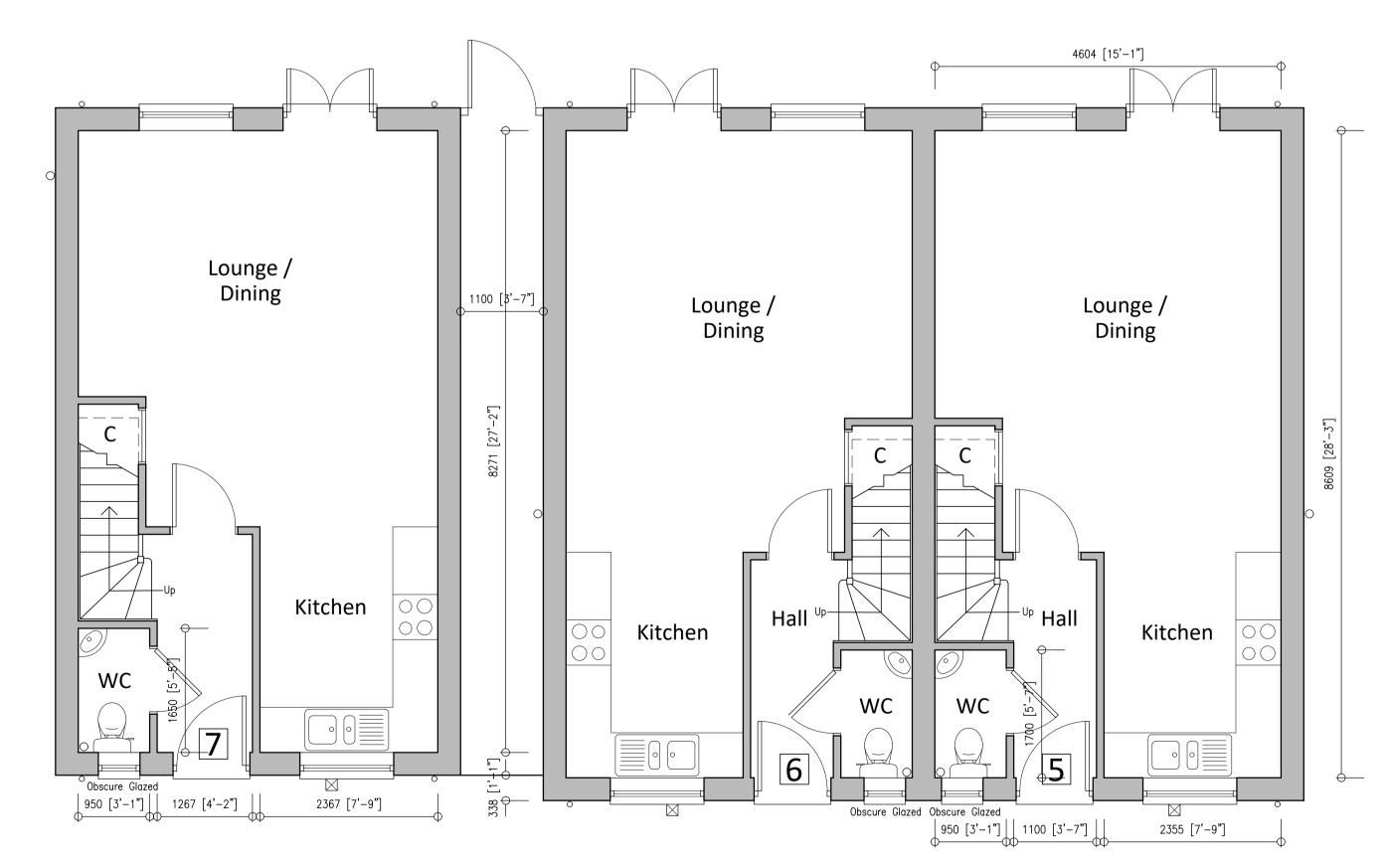
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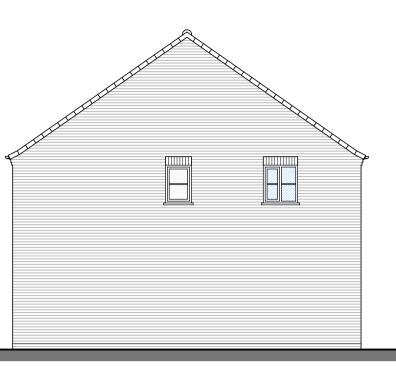


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WEST ELEVATION



EAST ELEVATION

C - 19.10.22 - Amendments following planning validation comments.
B - 10.10.22 - Amendments following planning validation comments.
A - 03.10.22 - Amendments following applicant comments.
REVISIONS

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CLIENT

MR M DURANT

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DRAWING PLANNING DRAWING 3 (PLOTS 5 TO 7)



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