F/YR22/0890/F

Applicant: Miss C Marshall

Agent :	Mr Craig Brand
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Land South Of Field View, Mill Hill Lane, March, Cambridgeshire

Erect 4 self/custom build dwellings with garages (2-storey 4-bed)

Officer recommendation: Refuse

Reason for Committee: Number of representations received contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for 4 x 2-storey 4-bed self/custom build dwellings with garages, involving works to Mill Hill Lane from the adopted section of the road up to the access with plot 1.
- 1.2 There are no issues to address in relation to residential amenity or flood risk, and tree and hedge impacts are considered acceptable subject to conditions.
- 1.3 However, the proposal is located outside the defined edge of the built form and is considered an incursion into the open countryside, which would erode the open character and rural nature of the area to its significant detriment, with potential to set a precedent for further incremental encroachment and therefore harm.
- 1.4 This erosion of the undeveloped agricultural backdrop to the grade II listed building of Owl Barn Lodge, is considered to have a negative effect on its setting, resulting in less than substantial harm and it is not considered that the works to a section of Mill Hill Lane and the provision of four additional dwellings on this site, would outweigh the harm created, particularly when this site is allocated for a new urban extension which specifically refers to retaining the setting and character of Owl Barn Lodge.
- 1.5 Mill Hill Lane is a single track in a poor state of repair, with large potholes, it is also a public byway. There is no separate pedestrian/cycle path, hence the access is shared and narrow, there are no formal passing places and a lack of turning areas. The existing infrastructure is not considered suitable for further development; the proposed works to Mill Hill Lane are not considered adequate to mitigate this and may not be achievable.
- 1.6 Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species, or identify any mitigation which may be necessary to make the development acceptable.
- 1.7 The recommendation is therefore one of refusal.

2 SITE DESCRIPTION

- 2.1 The application site is located on the eastern side of Mill Hill Lane, a single track road in a poor state of repair with a number of large potholes, it is also a public Byway. The adopted section of Mill Hill Lane extends as far as the southern boundary of No.5.
- 2.2 The scheme proposes to utilise a shared private road for 3 of the dwellings (plots 2-4), which is also a public right of way and currently serves Caswell House and Birch Lodge. This is block paved at the junction with Mill Hill Lane leading to a gravelled surface (some of which is showing wear). The remaining plot (plot 1) has a separate access off Mill Hill Lane itself, utilising the existing field access.
- 2.3 The application site is located to the south east of the existing development on Mill Hill Lane, on what appears to be grassed paddock land, there is an existing gated access with an area of hardstanding and hedges/trees to the boundaries. To the north east of the site is the adjacent grade II listed building of Owl Barn Lodge.

3 PROPOSAL

- 3.1 The application seeks full planning permission for 4 x 2-storey 4-bed self/custom build dwellings with garages, involving works to Mill Hill Lane from the adopted section of the road up to the access with plot 1.
- 3.2 Plot 1 A detached, 2 storey dwelling with a detached double garage:

The dwelling measures 17.7m x 9.4m and 8.7m in height, with accommodation on the ground floor comprising lounge, kitchen/morning room, utility, study and WC, at first-floor level there are 4-bedrooms (1 with en-suite and dressing room), bathroom and landing with library area. Solar PV Panels are proposed to the south eastern roof slope.

The garage measures 7.3m x 6.5m and 5.5m in height.

3.3 Plot 2 - A detached, 2 storey dwelling with attached double garage:

Measuring 19.9m x 12.1m and 8.8m in height, with accommodation on the ground floor comprising garage, dining room, lounge, kitchen/morning room, utility, study and WC, at first-floor level there are 4-bedrooms (1 with en-suite and dressing room) and bathroom. Solar PV Panels are proposed to the south eastern roof slope.

3.4 Plot 3 - A detached, 2 storey dwelling with a detached single garage:

The dwelling measures 14.35m x 12.1m and 8.7m in height, with accommodation on the ground floor comprising, dining room, lounge, kitchen/morning room, utility, study and WC, at first-floor level there are 4-bedrooms (1 with en-suite and dressing room) and bathroom. Solar PV Panels are proposed to the south eastern roof slope.

The garage measures 3.7m x 9m and 4.3m in height.

3.5 Plot 4 - A detached, 2 storey dwelling with a detached single garage:

The dwelling measures 14.3m x 12.9m and 8.8m in height, with accommodation on the ground floor comprising, dining room, lounge, kitchen/morning room, utility, study and WC, at first-floor level there are 4-bedrooms (1 with en-suite and

dressing room) and bathroom. Solar PV Panels are proposed to the eastern roof slope.

The garage measures 3.7m x 9m and 4.3m in height.

3.6 Full plans and associated documents for this application can be found at:

F/YR22/0890/F | Erect 4 dwellings with garages (2-storey 4-bed) involving works to Mill Hill Lane | Land South Of Field View Mill Hill Lane March Cambridgeshire (fenland.gov.uk)

4 SITE PLANNING HISTORY

Relating to the development site only:

F/YR21/0265/O	Erect up to 4 dwellings (outline	Refused
	application with matters committed in	2/7/2021
	respect of access)	

Relating to the shared access:

F/YR18/0996/F	Construction of a shared access (in	Granted
	relation to F/YR18/0210/O)	21/1/2019

There are no conditions restricting the use of the access.

5 CONSULTATIONS

5.1 Town Council (16/8/2022 and 22/11/2022)

Recommendation: Refusal – Over-development at the location.

5.2 Cambridgeshire County Council Archaeology (31/8/2022)

On the previous application on the site (F/YR21/0265/O) we recommended that archaeological works would not be necessary in advance of development due to archaeological investigations to the north revealing only evidence of post-medieval agricultural activity (Cambridgeshire Historic Environment Record reference ECB5341).

Therefore we have no objection or requirements on archaeological grounds to the development proceeding as proposed.

5.3 Cambridgeshire County Council Archaeology (16/11/2022) We have reviewed the amendments and can confirm that they do not alter the advice given by this office previously, namely that we have no objection or requirements in regards to this development.

5.4 Conservation Officer (FDC)

The following comments were received on the previous application (F/YR21/0265/O) however are still considered to remain relevant:

This application seeks Outline consent for the erection of 4 2-storey houses to land to the south of 'Field View' which currently marks the furthest extent of residential development along Mill Hill Lane. The site lies to the south west of a grade II listed barn, listed as 'Barn, Rear of Numbers 29 and 31' off Knights End Road. Dating from the 1700s with early 19th century additions, the barn was listed on 22nd February 1985. To the immediate north of the redline, a footpath cuts across between Mill Hill Lane and Knights End Road. Long glimpse views of St Wendreda's church spire are visible from along Mill Hill Drove and the footpath.

Consideration is given to the impact of the proposal on the architectural and historic interests of a listed building with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.

Due regard is given to relevant planning history. There has been recent incremental development of detached executive style homes along Mill Hill Lane, however consultation from a conservation officer has not been sought for these developments. This current application stretches the residential boundary and pushes the development further into the setting of the nearby listed building.

The following comments are made.

'Owl Barn' 33 Knights End Road, listed as 'Barn, Rear of Numbers 29 and 31' currently sits within a large triangle of undeveloped, agricultural land. It is bounded to the north to Knights End Road, to the east by Wimblington Road and to the south and west by the Isle of Ely Way. This area is segmented by Mill Hill Lane, which merges with Mill Hill Drove, along which there are residential dwellings for a short distance, giving way to a sparse scattering of agricultural yards and low-level buildings. Broadly, the wider setting is unchanged since the 19th century (as illustrated by historic OS maps). The listed barn once sat in a wide and open rural landscape, presumably associated with a nearby farmstead, but appearing to be isolated in its landscape. That sense of isolation has just about been retained with development encroaching along those roads mentioned above and creeping along Mill Hill Lane, but with the land to the south and west remaining undeveloped. This survival of historic agricultural and rural landscape setting contributes to the special interest of the barn in that it serves to illustrate a relationship between a building and the surrounding farmland thereby enhancing an understanding of rural society in the post-mediaeval/ early modern periods. It is within this context that this proposal is considered.

The proposed development will see an extension of the current residential boundary, with houses beginning to encroach into agricultural land, rather than following the predominant building line which currently faces directly on to Mill Hill Lane. This encroachment begins to erode the open character of that land to the south and west of the listed barn. It is acknowledged that immediately to the rear of the barn there are modern sheds and barns which largely obscure the rear elevation and in addition to this, there are mature trees and hedging that offer further screening. However, it must not be assumed that either of these will have any permanent presence and must not be relied upon as buffering or screening of the listed building from the proposed development. The impact of the development is therefore one which will further encroach upon and erode the setting of the listed building, in addition to the impact of the new builds now adjacent to the site, thereby impacting on its significance.

The proposed plots will enclose the existing footpath and block potential views to the rear of the barn as well as potentially, long glimpse views of St Wendreda's church spire, further impacting on the setting in which both listed assets can be experienced. There is a concern that if this development is granted approval the existing clear boundary for development and the linear development pattern will be eroded, setting an uncomfortable precedent for future development. This would have the result of enclosing the setting of the listed barn to within that section of land bounded by Mill Hill Drove and Wimblington Road, divorcing it from its wider setting which currently stretches to the Isle of Ely Way.

It is felt that the heritage statement submitted with this outline application fails to fully appreciate the setting of the barn and how this setting contributes to its special interest and significance, and therefore how the development will impact upon that significance. It therefore fails to comply with policy LP18 or paragraph 189 of the NPPF.

The approval of four new two storey four bedroomed houses, will amount to less than substantial harm to the significance of the listed barn, but no assessment has been made of how that harm may be outweighed by the public benefit of new dwellings. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation....irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 193). It is felt that in order to avoid harm and preserve the setting of the listed building, no development ought to be granted beyond that which has been permitted under F/YR17/0819/O.

5.5 Cambridgeshire County Council Highways (3/2/2023)

Mill Hill Lane at the point of access is a Byway. You should therefore consult with CCC's Definitive Map Officer to determine if:

1) access for the four additional dwellings along the Byway is acceptable and 2) if the proposed works (reconstruct with compacted Type 1 overlaid with 50mm road planings) as annotated on the site layout plan CAD 572/1 Rev A are acceptable.

While it is strictly speaking outside of my remit, planings may become rutted over time due to the regular passage of vehicles, particularly four wheeled drive vehicles or agricultural vehicles. I would welcome Katherine's (Definitive Map Team) views on the impacts this could have on the Byway.

As a general principle, Mill Hill Lane is ill suited for further development due to the narrow width and lack of footways. Each additional dwelling increases the risk of vehicles meeting whereby one will need to reverse long distances or they will pass over the soft verge (which is a hazard). Further development also increases the risk of vehicle and pedestrian conflict.

That being said, Mil Hill Lane already provides access to circa 20 dwellings and various agricultural land parcels. The intensification which will be associated with four more dwellings is unlikely to make a material difference to the operation of the highway, so in planning terms is not objectionable.

There is a wider issue of incremental development as the negative safety impacts of each dwelling (or small grouping of dwellings) is negligible, but cumulatively over time the impacts could become severe. Should there be further development, at some point carriageway widening and a footway will be needed, but the burden of the infrastructure delivery is likely to be too great for one small development to foot.

5.6 Cambridgeshire County Council Highways (13/2/2023)

In regards to Plot 1, my recommendation would be that it is accessed from the existing private drive to the north-west side rather than from Mill Hill Lane. This would reduce impact on the drain and minimise the risk of ambiguous interaction with the bellmouth immediately to the north. It would also be the less trafficked of the two options.

If this cannot be accommodated, I would at least remove the 6m radius and replace it was a crossover style access i.e., a traditional driveway layout. This would help distinguish the access from the shared private drive and would force vehicles to turn in and out more slowly.

The access to Plots 3 and 4 joins the private road at a skewed angle which can enable vehicles to enter / exit faster than desirable with limited visibility of traffic from Birch House of the adjoining path. But that being said, the risks in safety terms are minimal. Ideally the connection would be closer to perpendicular with some level of pedestrian visibility (a 1.2m hedge could obscure a child).

No issue with Plot 2.

While I don't object, I do agree that the layout is unnecessarily complex.

5.7 Cambridgeshire County Council Definitive Map Team (18/10/2022) The site is proposed to be accessed via public Byway 22, March, and Public Footpath 18, March. To view the location of the Byway and Footpath please view our interactive map online which can be found at <u>http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx</u>.

Whilst the Definitive Map Team has no objection to this proposal, the Byway and Footpath must remain open and unobstructed at all times.

Informatives were also recommended.

5.8 Cambridgeshire County Council Definitive Map Team (13/2/2023)

The site is proposed to be accessed via public Byway 22, March, and Public Footpath 18, March. To view the location of the ROW please view our interactive map online which can be found at http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx.

Whilst my previous response from the 18th of October, listing our standard informatives, remains pertinent, the surfacing of the entrance to the development has been considered by my colleague, Mark.

• Please note this is a byway, we will only maintain it to a standard that is used for walkers, equestrians and cyclists, and authority will only maintain it to that level.

• If any improvements to the surface are proposed, then it will be the responsibility of the landowners of the said development to pay for and maintain the improved surface, any surface changes to the byway would have to be authorities by the Local Highways Authority, Cambridgeshire County Council.

Should you be minded to grant planning permission we would be grateful that the following informatives are included:

• Public Byway 22, March, and Public Footpath 18, March, must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).

• The Public Byway and Footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public footpath without lawful authority)

• No alteration to the Byway or Footpath's surfaces are permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).

• Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).

• The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).

• Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them

• The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surfaces of the byway or footpath are damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain them to a byway or footpath standard (respectively). Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.

Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/

5.9 Cambridgeshire County Council Definitive Map Team (15/2/2022)

The applicant would need to apply for this through a Change of Surface Authorisation form. Further factors such as type of surfacing, structure and widths will need to be considered and discussed with both the Definitive Map Team, our Rights of Way Officer, and Highways Development Management, before it can be approved, and changed via legal process.

5.10 The March Society

This is over-development in this area.

Stance: Object

5.11 Environmental Health (FDC) (23/8/2022)

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

5.12 Environmental Health (FDC) (17/11/2022)

The Environmental Health Team note and accept the submitted re-consultation information in respect of the above application and have 'No Objections'.

5.13 Refuse Team (FDC)

No Objections from a waste collection view point. Shared bin collection point at the end of the private driveway suitable to allow collections.

5.14 Arboricultural Officer (FDC) (13/2/2023)

Regarding the access, if the intention is to only widen the lane to the access for the proposed development then I do not consider that there will be a major impact on the hedge in that area.

The problem with hedges being taken into residential developments is that once the hedge is within or marks the boundary of a private garden, it is not protected.

Referencing the group of 3 trees in the northeast corner, bit difficult to see if they are within the plot or only one within the plot or all outside, so could do with a site plan with the trees plotted. Either way it is likely that the RPAs will be within the plot and therefore protection measures will be required to prevent the use of plant within the RPA.

Wouldn't want to lose that group as they are clearly established trees and would make no sense to remove and replant. The trees are away from the main building so there is little conflict.

The tree is the ditch is unlikely to be implicated as it is growing at a lower level and adjacent to an existing track that has been compacted over the years, it is unlikely that there will be too many roots beneath the track.

5.15 Arboricultural Officer (FDC) (27/2/2023)

The placement of the post and rail fence along the east boundary and adjacent to the plotted Willow tree should not be an issue. In the case of the Willow it is a matter of adjusting spacing so that posts are not against the trunk to reduce the possibility of root damage.

All retained trees will require protective fencing to ensure there is no damage to the trunks or compaction of the soil. The applicant will need a tree protection plan to ensure that contractors are aware of their obligation to preserve the trees/hedges.

5.16 Wildlife Officer (FDC)

It looks like fundamentally that the biodiversity checklist has been filled out incorrectly, with question 6 being a yes as a linear feature is being directly impacted and question 2 as works are being completed within 5m of a ditch. This should have meant they got a Preliminary Ecological Appraisal completed.

The PEA should have then flagged up the fact there is a known population of newts near and Fenlands GCN are often found in features they would normally avoid elsewhere.

The ditch does look alright for Watervoles.

My recommendation is that a PEA is completed.

5.17 Local Residents/Interested Parties

1 objection/1 representation have been received (from Mill Hill Lane, March) in relation to:

- The development is very close to the boundary hedge leading up to Caswell House and Birch Lodge/the location of the boundary fence in relation to the hedge would make maintenance impossible
- Is the private drive suitable for additional traffic/existing drive is around 4m wide only allowing 1 way traffic, no room to park and potential for congestion and restriction of footpath, only a small turning area
- Mill Hill Lane is in a terrible state of repair with huge potholes, and is narrow will the road be adequately repaired/widened to take into account the extra traffic and ongoing farm vehicles
- Development close to boundary with Birch Lodge resulting in a feeling of being overcrowded and this part of the development out of character with the existing dwellings (suggestions made to amend plot 4)
- Impact of additional traffic on residential amenity

10 supporting comments have been received (2 from Upwell Road, 1 from Burrowmoor Road, 2 from High School Close, 4 from Mill Hill Lane, 1 from Linwood Lane, March) in relation to:

- In keeping with other new builds in the vicinity/will enhance area
- Will produce work for local people, assisting economy
- Housing for local families/assist with lack of housing/high quality housing needed
- Good use of land

Matters where they relate to material planning considerations will be addressed in the sections below.

It is noted that suggestions have been made regarding potential amendments to the scheme; the development submitted is what is being applied for and amendments would only be requested by the Council if the impacts were considered significantly adverse and/or the amendments would result in the development being considered acceptable. Nevertheless, the site plan has been updated to relocate the fence serving plot 4 away from the existing hedge to allow for maintenance.

6 STATUTORY DUTY

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).

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context – C1, Č2 Identity - I1, I2 Built Form – B2 Movement – M3 Homes and Buildings – H1, H2, H3

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
- LP7 Urban Extensions
- LP9 March

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

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

LP16 – Delivering and Protecting High Quality Environments across the District LP18 – The Historic Environment

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
- LP5 Health and Wellbeing
- LP7 Design
- LP8 Amenity Provision
- LP12 Meeting Housing Needs
- LP13 Custom and Self Build
- LP18 Development in the Countryside
- LP20 Accessibility and Transport
- LP21 Public Rights of Way
- LP22 Parking Provision (Appendix 6)
- LP23 Historic Environment
- LP26 Carbon Sinks and Carbon Sequestration
- LP27 Trees and Planting
- LP28 Landscape
- LP32 Flood and Water Management
- LP39 Site Allocations for March

Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM3 – Making a Positive Contribution to Local Distinctiveness and Character of the Area

DM4 - Waste and Recycling Facilities

March Neighbourhood Plan 2017

H1 – Large Development Sites

- H2 Windfall Development
- H3 Local Housing Need

8 KEY ISSUES

- Principle of Development
- Heritage
- Design considerations and visual amenity of area
- Residential Amenity/Health and wellbeing
- Highways and Parking
- Flood Risk and Drainage
- Trees/Hedges
- Ecology

9 BACKGROUND

- 9.1 Whilst not material to the determination of the application it should be noted that the applicant is a Fenland District Council employee.
- 9.2 The application site has been subject to a previous outline application for 4 dwellings on a smaller site (F/YR21/0265/O), which was refused by Planning Committee in June 2021 for the following reasons:
 - 1 Policies LP9, LP16 (a) and LP18 of the Fenland Local Plan 2014, paras 189, 193 and 196 of the NPPF 2019 and chapter C2 of the NDG 2019 seek to retain the setting and character of Owl Barn Lodge, protect and enhance affected heritage assets and their settings, ensure that the potential impact on the significance of any heritage asset is assessed and weighed against the public benefit of a proposal whilst giving great weight to an assets conservation.

The Heritage Statement submitted fails to fully appreciate the setting of the barn and how this setting contributes to its special interest and significance and is not considered that the provision of four additional dwellings on this site would outweigh the harm created, particularly when this site is allocated for a new urban extension which specifically refers to retaining the setting and character of Owl Barn Lodge. As such, the proposal is considered contrary to the aforementioned policies.

2 Policy LP2 and LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 127 of the NPPF 2019 and chapters C1 and I1 of the NDG 2019 seek to ensure that developments avoid adverse impacts, make a positive contribution to the local distinctiveness and character of the area and that the local built environment and landscape setting inform proposed development.

The proposed development does not retain a presence fronting Mill Hill Lane at odds with the predominant character of the area and is considered to erode the open character and rural nature of the area to its significant detriment, with potential to set a precedent for further encroachment and therefore harm. As such, the proposal is considered contrary to the aforementioned policies.

3 Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 108 of the NPPF 2019 which seek to achieve a safe and suitable access for all users.

Mill Hill Lane is a single track in a poor state of repair, with a poor surface and

large potholes, it is also a public byway. There is no separate pedestrian/cycle path, hence the access is shared and narrow, there is also a lack of turning areas. The existing infrastructure is not considered suitable for further development in its current form and as such the proposal is considered contrary to the aforementioned policies.

9.3 The current submission seeks to overcome the above reasons for refusal, however it should be noted that the impact of developing the site in relation to the setting of the Grade II listed Owl Barn Lodge and the encroachment into the open countryside and resultant significant detrimental impact on the character of the area remains, in fact the application site has now extended creating additional incursion and Mill Hill Lane remains unsuitable for further development.

10 ASSESSMENT

Principle of Development

- 10.1 The application site is located on the edge of the settlement of March which is identified within the Settlement Hierarchy as a Primary Market Town; Market Towns are identified within Policy LP3 as the focus for housing growth, accordingly there is a presumption in favour of development within this location. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of heritage, residential or visual amenity, highways and parking, flood risk and drainage and ecology.
- 10.2 The site is located within the south-west March broad location for growth. Policy LP7 advises that urban extensions such as this must be planned and implemented in a co-ordinated way through an agreed overarching broad concept plan (BCP). A preliminary BCP was put forward as part of application FYR15/0961/F, however this fell short of the requirements of LP7 and as such was not endorsed.
- 10.3 Policy LP5, Part C seeks to provide, in appropriate circumstances, housing solutions that meet market expectations including self-build homes, which is supported by para 62 of the NPPF. Under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Weight would therefore be given to this, the amount dependant on identified demand.
- 10.4 Self-build or custom build housebuilding covers a wide spectrum, however LPA's must be satisfied that the initial owner of the home will have primary input into its design. Off plan housing is not considered to meet the definition of self and custom build. This application provides full details of all 4 plots and as such it is not considered to meet the definition, however, even if the proposal was considered to meet the definition, the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and as such very limited weight can be afforded to this.
- 10.5 Whilst the policies of the emerging local plan carry extremely limited weight in decision making:

Policy LP1, Part A identifies March as a Market Town; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement. LP39 defines residential site allocations in March and this site does not have such an allocation. As such the proposal would also be considered contrary to the aforementioned policies of the emerging local plan.

Heritage

- 10.6 Policy LP9 indicates that any comprehensive development of the area (south-west March broad location for growth) is expected to be predominately residential (around 500 dwellings) with some business development towards the south of the area. The policy states that the 'setting and character of Owl Barn Lodge should be retained'. The proposal is considered to be located within the setting of the Grade II listed Owl Barn Lodge.
- 10.7 Policy LP18 of the Fenland Local Plan 2014 and para 194 of the NPPF 2021 require proposals which affect heritage assets to describe and assess the significance of the asset, identify the impact of the proposed works on the special character of the asset and provide a clear justification of the works, to enable any harm created to be weighed against any public benefits of the proposal. A detailed Heritage Statement has been submitted to accompany the application which is considered to comply with the aforementioned policies and as such overcomes that element of the previous reason for refusal.
- 10.8 However, para 199 of the NPPF states that when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm. The Heritage Statement acknowledges that '*The dwellings would lead to a further erosion of part of the undeveloped agricultural backdrop to the listed building having a negative effect on the setting of the listed building*' and considers the proposed development to have less than substantial harm on the significance of the listed barn, which is concurred with.
- 10.9 Para 202 of the NPPF states that where a development would have less than substantial harm, this harm should be weighed against the public benefits of the proposal. The proposal is for self/custom build dwellings, however the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and a sufficient supply of housing (6.69 years), hence there is no overriding need for the development. It is acknowledged that the development proposes works to Mill Hill Lane (Byway 22, March), from the southern boundary of No.5 to the access serving plot 1, an extent of approximately 65m. Cambridgeshire County Council's Definitive Map Team have advised that the Byway would be maintained by them to a standard use for walkers, equestrians and cyclists, which are likely to be the majority of users; hence these works are only of real benefit to the existing/approved dwellings which are accessed beyond the adopted highway and the proposal, rather than a benefit to the wider public.
- 10.10 As such, Officers do not agree with the conclusion of the submitted Heritage Statement in respect of this matter, and do not consider that the provision of four additional dwellings on this site would outweigh the harm created, particularly when this site is allocated for a new urban extension which specifically refers to retaining the setting and character of Owl Barn Lodge. The proposal is therefore considered contrary to Policies LP9, LP16 (a) and LP18 of the Fenland Local Plan

2014, paras 194, 199 and 202 of the NPPF 2021 and chapter C2 of the NDG 2021.

- 10.11 Whilst it is acknowledged in the Minutes of Planning Committee on 30/6/2021 regarding the previous application on this site (F/YR21/0265/O) that some Members did not agree with Officers' assessment of heritage impact, the Committee ultimately agreed with the Officer recommendation of refusal and the reasons for refusal put forward, there has been no material change in circumstance since this time which would overcome these reasons.
- 10.12 Cambridgeshire County Council Archaeology have no objection or requirements in relation to the scheme, advising that archaeological works would not be necessary in advance of development, due to archaeological investigations to the north revealing only evidence of post-medieval agricultural activity.

Design considerations and visual amenity of area

- 10.13 The design of existing dwellings along Mill Hill Lane is diverse with a mix of singlestorey and 2 storey properties of a range of eras and architectural detailing, constructed in a variety of materials. Those in the immediate vicinity of the site are modern, detached 2-storey dwellings constructed in a mix of red, red multi and buff bricks with red and grey roof tiles. The Barn, 7 Mill Hill Lane, and the approved dwelling on the plot to the north of the site (F/YR22/0936/F) feature detached garage in front of the dwellings. The application proposed 4 large detached 2storey dwellings of a design and scale comparable to the recently constructed dwellings to the north. Plot 1 has been slightly amended to provide an access from and therefore a frontage presence with Mill Hill Lane, though this does not face directly towards the byway, but at an angle so the side elevation has a more direct relationship. The applicant's agent has withdrawn details of materials from the submission and as such these would be subject to a condition should the application be successful.
- 10.14 Mill Hill Lane is characterised in the main by large, detached dwellings on plots of varying sizes, development is largely linear facing Mill Hill Lane, though there is some in depth development either built or granted at Mulberry Close and to the rear of Field View and No.s 4-5 Mill Hill Lane. These developments were located within established residential gardens (such as the development to the north of the application site) or on land which is surrounded by gardens and which does not extend any further south than the existing built form and would therefore not have a significant impact on the character of the area as a result of encroachment into the open countryside.
- 10.15 The developments furthest south on Mill Hill Lane are separated from the wider countryside by boundaries of hedges, trees and/or ditches, there is a clear character change beyond this as the byway narrows further, enclosed by high hedges and the area is characterised by open fields with sporadic development, indicating where the settlement ends, and open countryside begins. The proposal is located outside the defined edge of the built form and is considered an incursion into the open countryside, which would erode the open character and rural nature of the area to its significant detriment. It is acknowledged that the site is located in a broad location for growth, however that would come forward as a planned, comprehensive development and not piecemeal erosion which would set a precedent for further encroachment and therefore harm. As such the proposal is considered contrary to Policy LP2 and LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 130 of the NPPF 2021 and chapters C1 and I1 of the NDG 2021.

Residential Amenity/Health and wellbeing

- 10.16 The relationships and distances between proposed dwellings and proposed and existing/approved dwellings is considered to be acceptable, subject to ensuring that en-suite windows to plots 3 and 4 are obscure glazed (a condition could be imposed). It is acknowledged that overlooking from plot 1 to plot 2 would be slightly more direct due to the siting of plot 1 and that outlook from plots 2 and 4 would be impacted by the garages of the adjoining plots.
- 10.17 The closest relationship between the proposal and existing dwellings would be with Birch House and plot 4; Birch House has 2 secondary windows serving the lounge on the ground floor and 2 en-suite windows on the first floor which face towards the application site, the proposed garage serving plot 4 is located approximately 4.7m from Birch House and the closest point of the proposed dwelling is approximately 9m distant. The southern boundary of Birch House is in very close proximity to the boundary fence and as such the lounge windows would already experience a poor outlook and loss of light, this would also limit any potential loss of privacy from the proposed development to these windows, and the first floor windows are obscure glazed (as indicated on the approved plans for F/YR19/0563/RM under which Birch House was built).
- 10.18 It is acknowledged that the use of the existing private access road by 3 additional dwellings would result in some additional noise and disturbance, particularly as the surface is gravel, however this is not considered to be significantly adverse and any loss of privacy would already be experienced as a result of visitors to the site and users of the public right of way, which runs along the access and then alongside Birch House.
- 10.19 The proposed dwellings have in excess of a third of the plot for private amenity space in accordance with Policy LP16 (h) of the Fenland Local Plan 2014.
- 10.20 It has verbally been confirmed that the refuse team currently collect from Mill Hill Lane using a small 7.5 tonne refuse truck due to the narrowness of the road, and that a further 4 dwellings would not compromise their ability to provide this service. The proposed site layout indicates a bin collection area of a suitable size to serve the proposed development, however due to the location of the plots this would result in distances of in excess of 30m for future residents of some plots to carry bins between storage and collection areas, across a mainly gravelled surface contrary to the advice within Policy DM4 and RECAP guidance. It does not appear that a formal bin collection point was established for Caswell House and Birch House and unfortunately this cannot be secured as part of this application as it does not relate to it.

Highways and Parking

10.21 Mill Hill Lane is a single track in a poor state of repair, with large potholes, it is also a public byway. There is no separate pedestrian/cycle path, hence the access is shared and narrow, of varying widths however there are no formal passing places and a lack of turning areas, consequently there is potential for vehicle to vehicle conflict and for pedestrians, cyclists and equestrians to conflict with vehicles. Mill Hill Lane currently serves 19 dwellings at the top of the road with a further 2 mobile homes, a farm and associated bungalow further south. There is also planning permission for 2 dwellings west of 4-5 Mill Hill Lane (F/YR20/0335/O and F/YR21/1192/RM) and a plot south of Field View for which permission for 1 dwelling has recently been obtained (F/YR22/0936/F). Hence the potential for this

to be used by up to 25 dwellings and a farm (there may be other uses for which there are no postal address records).

- 10.22 The LHA have raised concerns regarding the impact of further incremental development increasing the likelihood of conflict, with potential for impacts to become severe, and questioning the suitability of the existing infrastructure to support further development. It is considered that in its current form Mill Hill Lane has reached its limit in terms of development.
- 10.23 It is acknowledged that the development proposes works to Mill Hill Lane (Byway 22, March), from the southern boundary of No.5 to the access serving plot 1, an extent of approximately 65m. This involves resurfacing and minimal widening, which would provide some improvement, albeit primarily to the existing/approved dwellings which are accessed beyond the adopted highway and the proposal, rather than a benefit to the wider public. Cambridgeshire County Council's (CCC) Definitive Map Team have advised that the Byway would be maintained by them to a standard use for walkers, equestrians and cyclists and any improvement to the surface would be the responsibility of the landowner of the proposed development to pay for and maintain going forward. Furthermore, an application to CCC for these works would be required and factors such as the type of surfacing, structure and widths would need to be considered and discussed with both the Definitive Map Team, Rights of Way Officer, and Highways Development Management, before it could be approved, and changed via legal process. As such, there are no guarantees that the works indicated could be achieved and if minded to grant the application a pre-commencement condition would be required in this respect, with the development unable to go ahead if a suitable solution cannot be achieved.
- 10.24 Nevertheless, the fundamental issue of the suitability of Mill Hill Lane for further development and thereby potential for conflict remains. As such the proposal is considered contrary to Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 110 of the NPPF 2021 which seek to achieve a safe and suitable access for all users.
- 10.25 The development proposes to share the access road constructed under F/YR18/0996/F in relation to the development of Caswell House and Birch House. This access is 5m wide for the first 10m allowing for cars to pass one another at the junction, narrowing to 4.3m for the remainder and a turning head is provided. The access is also a public footpath, hence any number of pedestrians may use this in addition to residents. If permitted this private drive would serve 6 dwellings. Whilst this situation is not ideal, there is space for cars to pass/wait at the junction and turn and sufficient width for vehicles and pedestrians to pass safely, it would also be possible to view vehicles/pedestrians using the private road and wait accordingly if necessary. The private drive is currently utilised by 2 existing dwellings, it is already showing signs of wear and was finished less than 2 years ago, it does not appear that a management and maintenance strategy was established under the previous permissions, hence if would be necessary to condition this should the application be successful to ensure that a suitable access is achieved going forward.
- 10.26 The access arrangement for each of the proposed dwellings is convoluted and whilst the LHA have no objections, they do agree that the layout is unnecessarily complex; amendments suggested by them to provide some improvement to the scheme have however been incorporated.

- 10.27 Each proposed dwelling has parking for at least 3 vehicles in accordance with Policy LP15 and Appendix A of the Fenland Local Plan and turning is available, albeit again it is acknowledged this arrangement, in particular for plots 3 and 4, is convoluted.
- 10.28 It is considered that due to the constraints of the area, if the application is successful, a Construction Management Plan would be required, which could be secured by condition.

Flood Risk and Drainage

- 10.29 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development in this respect and does not require the submission of a flood risk assessment or inclusion of mitigation measures.
- 10.30 Whilst some surrounding areas are at high risk of surface water flooding, the most recent data (Learn more about this area's flood risk GOV.UK (flood-warninginformation.service.gov.uk)) confirms the site to be at low/very low risk of surface water flooding. Ultimately issues of surface water will be considered under Building Regulations, as such there are no issues to be address in relation to Policy LP14.

Trees/Hedges

- 10.31 The application site is bounded by trees and hedges and there is a Tree Preservation Order (TPO 10/1974) on the western side of Mill Hill Lane. The Council's Arboricultural Officer has no objections to the scheme, however makes recommendations in relation to the proposed post and rail fencing, advises that all retained trees will require protective fencing and a tree protection plan would be required to ensure that contractors are aware of their obligations, full details of which could be secured by condition.
- 10.32 The existing hedge which forms the boundary of the site and Mill Hill Lane is currently protected, however should the application be successful it would form the boundary of a private garden (plot 1) which would remove this protection, as such it is considered necessary to impose a condition to secure its retention.

Ecology

- 10.33 Public Authorities have a duty under Section 40 of the Natural Environment and Rural Communities Act 2006 to have regard to conserving biodiversity in policy and decision making.
- 10.34 Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2021 seek to conserve, enhance and promote biodiversity. Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.
- 10.35 Paragraph: 018 of the NPPG (Reference ID: 4-018-20170728) states that:

Information on biodiversity and geodiversity impacts and opportunities needs to inform all stages of development (including site selection and design, preapplication consultation and the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate. Even where an Environmental Impact Assessment is not needed, it might still be appropriate to undertake an ecological survey, for example, where protected species may be present or where biodiverse habitats may be lost.

- 10.36 The Council's Wildlife Officer considers that the submitted biodiversity checklist has been completed incorrectly, that the development has potential to impact protected species and as such a Preliminary Ecology Appraisal should have been undertaken.
- 10.37 Hence, insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species, or identify any mitigation which may be necessary to make the development acceptable, as such the application is considered contrary to the aforementioned policies.
- 10.38 It should be noted that the development site differs from the previously submitted application (F/YR21/0265/O) and additional data is now available from Natural England in relation to Great Crested Newt Zones, for which this site is amber, advice was therefore sought from the Wildlife Officer regarding the necessity for further information in this regard.
- 10.39 The applicant's agent has advised that a survey is proposed to be undertaken, however at the time of writing this was not available. Should further information be forthcoming an update will be provided to Members. Given that there are other issues with this application resulting in a recommendation of refusal it was considered prudent to progress the application with an additional reason for refusal in this regard. Please be advised that to grant this application without the necessary consideration of this matter would result in the Council failing to meet its legal duty.

11 CONCLUSIONS

- 11.1 There are no issues to address in relation to residential amenity or flood risk, and tree and hedge impacts are considered acceptable subject to conditions.
- 11.2 However, the proposal is located outside the defined edge of the built form and is considered an incursion into the open countryside, which would erode the open character and rural nature of the area to its significant detriment, with potential to set a precedent for further incremental encroachment and therefore harm.
- 11.3 This erosion of the undeveloped agricultural backdrop to the grade II listed building of Owl Barn Lodge, is considered to have a negative effect on its setting, resulting in less than substantial harm and it is not considered that the works to a section of Mill Hill Lane and the provision of four additional dwellings on this site, would outweigh the harm created, particularly when this site is allocated for a new urban extension which specifically refers to retaining the setting and character of Owl Barn Lodge.
- 11.4 Mill Hill Lane is a single track in a poor state of repair, with large potholes, it is also a public byway. There is no separate pedestrian/cycle path, hence the access is shared and narrow, there are no formal passing places and a lack of turning areas. The existing infrastructure is not considered suitable for further development; the proposed works to Mill Hill Lane are not considered adequate to mitigate this and may not be achievable.

11.5 Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species, or identify any mitigation which may be necessary to make the development acceptable.

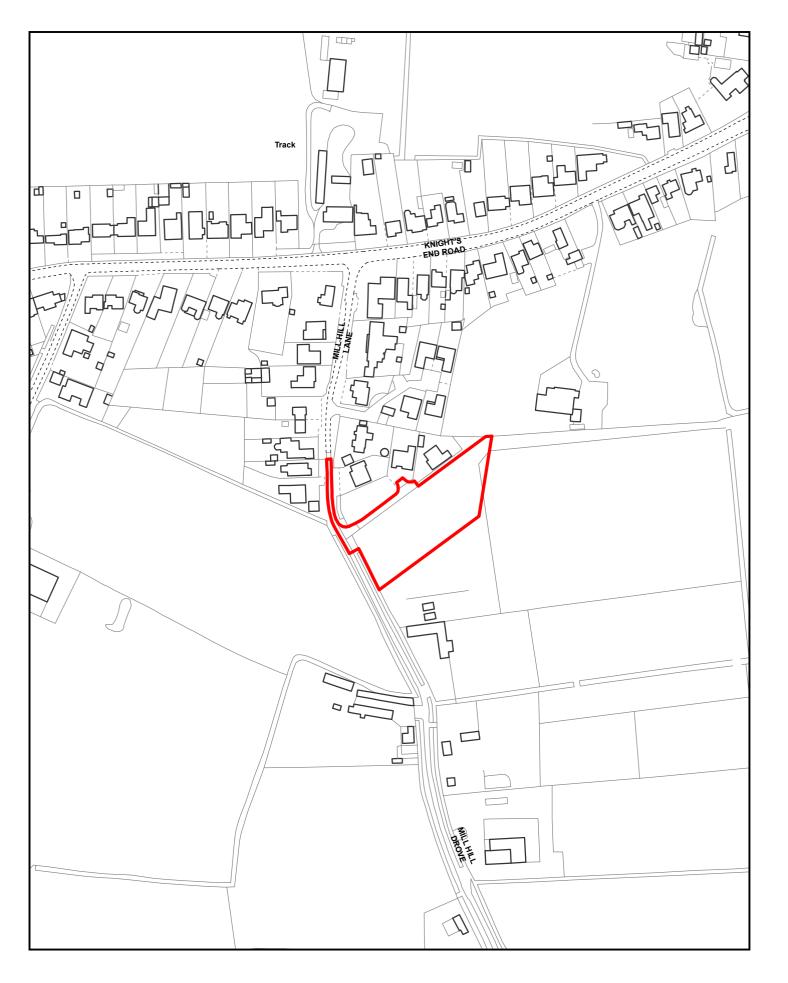
12 RECOMMENDATION

Refuse; for the following reasons:

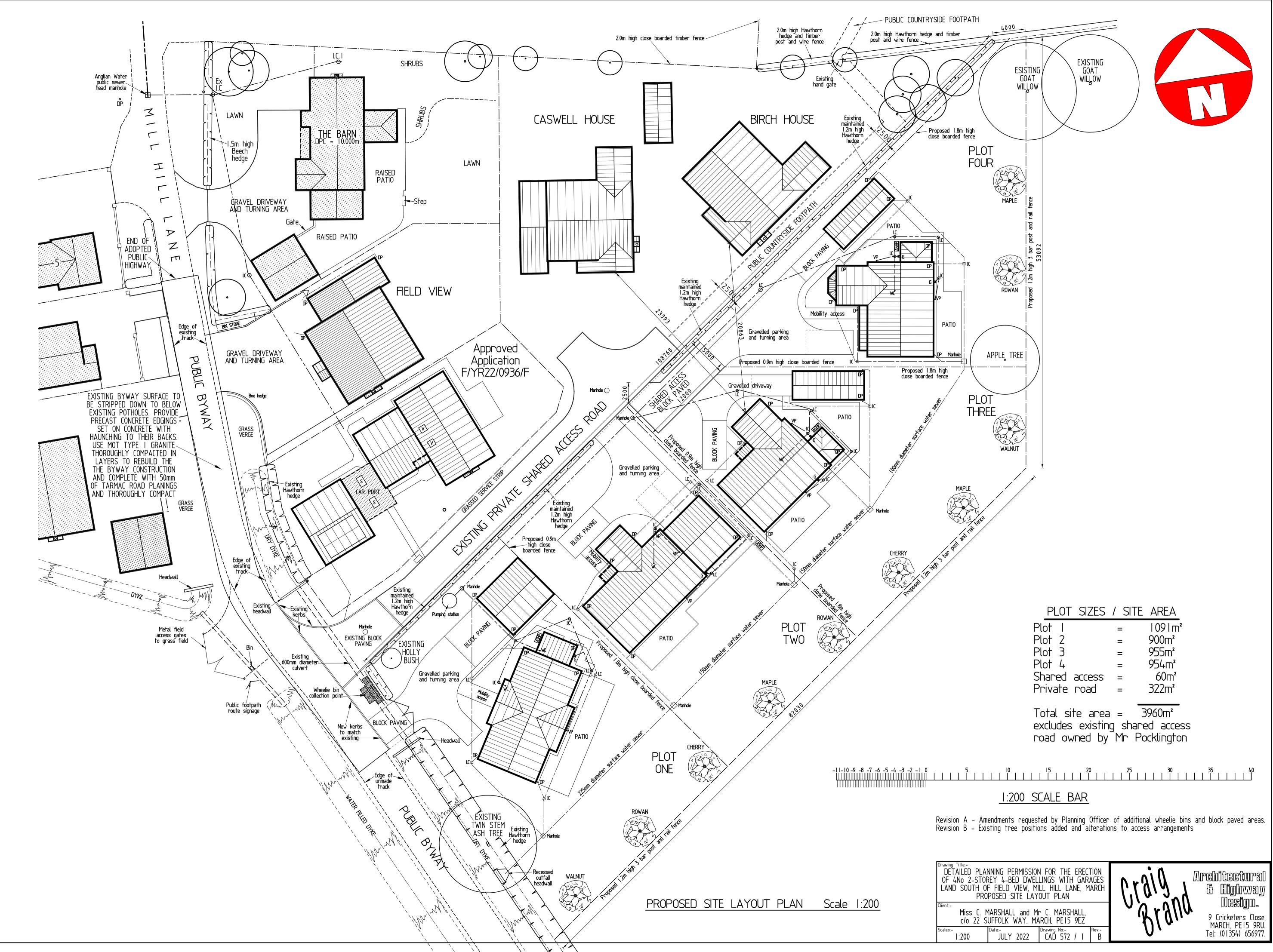
1.	Policies LP9, LP16 (a) and LP18 of the Fenland Local Plan 2014, paras 194, 199 and 202 of the NPPF 2021 and chapter C2 of the NDG 2021 seek to retain the setting and character of Owl Barn Lodge and protect, conserve and enhance heritage assets and their settings.
	The proposed development is located outside the defined edge of the built form and is considered an incursion into the open countryside, which would lead to a further erosion of the undeveloped agricultural backdrop to the listed building, having a negative effect on its setting, resulting in less than substantial harm.'
	It is not considered that the works to a section of Mill Hill Lane and the provision of four additional dwellings on this site, would outweigh the harm created, particularly when this site is allocated for a new urban extension which specifically refers to retaining the setting and character of Owl Barn Lodge. As such, the proposal is considered contrary to the aforementioned policies.
2.	Policy LP2 and LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 130 of the NPPF 2021 and chapters C1 and I1 of the NDG 2021 seek to ensure that developments avoid adverse impacts, make a positive contribution to the local distinctiveness and character of the area and that the local built environment and landscape setting inform proposed development.
	The proposal is located outside the defined edge of the built form and is considered an incursion into the open countryside, which would erode the open character and rural nature of the area to its significant detriment, with potential to set a precedent for further incremental encroachment and therefore harm. As such, the proposal is considered contrary to the aforementioned policies.
3.	Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 110 of the NPPF 2021 seek to achieve a safe and suitable access for all users.
	Mill Hill Lane is a single track in a poor state of repair, with large potholes, it is also a public byway. There is no separate pedestrian/cycle path, hence the access is shared and narrow, there are no formal passing places and a lack of turning areas. The existing infrastructure is not considered suitable for further development; the proposed works to Mill Hill Lane are not considered adequate to mitigate this and may not be achievable, as such the proposal is considered contrary to the aforementioned policies.
4.	Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2021 seek to conserve, enhance and promote biodiversity.

Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.

Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species, or identify any mitigation which may be necessary to make the development acceptable, as such the application is considered contrary to the aforementioned policies.



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MARCH, PEI5	9R
Tel: (01354) 6	5697

