

F/YR25/0328/F

Applicant: Mr John Clark

**Agent : Mr R Papworth
Morton & Hall Consulting Ltd**

108 High Street, March, Cambridgeshire, PE15 9LP

Erect 1 x self-build/custom build dwelling involving demolition of shed within a Conservation Area

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full permission for the erection of one self-build/custom build dwelling involving demolition of shed within a Conservation Area.
- 1.2 The proposed development would result in the subdivision of the existing curtilage of No. 108, which forms the setting of the Grade II Listed Building. The carving up of the plot would introduce harm to this setting and to the Conservation Area, exacerbated by the unsympathetic appearance of the proposed dwelling. The application does not include clear or convincing justification to justify the harm introduced, nor does the development provide any public benefit. The development is therefore considered contrary to Policy H2 of the March Neighbourhood Plan 2017, Policies LP16 and LP18 of the Fenland Local Plan and Paragraphs 213 and 215 of the NPPF.
- 1.3 The proposed development would also utilise the existing access associated with No. 108. The access drive itself is of limited width, as little as 2.9 metres at the narrowest point. The increase in traffic proposed as a result of the application, combined with the narrowness of the access road would result in an access drive that fails to meet the requirements of Policy H2 of the March Neighbourhood Plan 2017 and Policy LP15 of the Fenland Local Plan 2014.
- 1.4 The Council can demonstrate that the number of permissions for self/custom builds currently exceeds identified demand. The Council can also demonstrate an excess of a five-year supply of available housing land. Very limited weight should therefore be given to these factors when considering the planning balance.
- 1.5 As such, the application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site is situated on the eastern side of High Street, within the market town of March. The site is also situated within March Conservation Area.

The dwelling to the front of the site is a Grade II Listed Building and adjacent Grade II and Grade II* Listed Buildings are situated to south of the application site.

- 2.2 The Maze (108 High Street) was listed on 16th December 1974. The dwelling on site is a mid C18 and C19 2-storey, L shaped dwelling constructed of a narrow gault brick.
- 2.3 To the rear of the dwelling is a long linear rear garden, with an existing summer house situated adjacent to the northern boundary of the site. An existing shed is situated adjacent to the southern boundary of the site. The rear garden of the site is enclosed by a mixture of brick built walls and close boarded fencing. There is an existing 14 metre high (approx) tree within the rear garden.
- 2.4 The application site is situated within Flood Zone 1.

3 PROPOSAL

- 3.1 This application seeks to erect one dwelling, including the demolition of the existing shed.
- 3.2 The proposed dwelling would be a 3 bedroom, U-shaped dwelling. The dwelling would have a width of 14.9 metres and a maximum depth of 16 metres. The roof proposed would be dual-pitched with an eaves height of 2.6 metres and a ridge height of 5 metres.
- 3.3 The materials proposed to the dwelling include a Traditional Brick and Stone Cambourne Buff Brick, Photovoltaic Tiles/Slate Tiles, Cream uPVC joinery and Black Cast Aluminium Gutters and Downpipes.
- 3.4 Access to the site would be via the existing access serving No. 108, with parking and turning detailed on the proposed site plan. 2 parking spaces are also detailed to the front of the proposed dwelling. Private amenity space would be situated to the rear of the proposed dwelling.
- 3.5 Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision
24/0050/PREAPP	Erect 1x dwelling	Unfavourable

5 CONSULTATIONS

5.1 March Town Council

Recommendation: Approval.

5.2 CCC Highways

The highways authority objects to this application and would recommend refusal for the following reasons:

- *The existing vehicle access with the highway is not sufficiently wide enough to allow two vehicles to pass simultaneously. The current accepted standard access width by the highway authority is 5m for a min of 6m in to the curtilage of the property. If approved vehicles will have to stop and manoeuvre on the highway to allow others vehicles entering/leaving the property. This would likely therefore lead to the detriment of safety for users of the highway and highways safety.*

5.3 CCC Archaeology

No comment or requirement for the scheme.

5.4 FDC Conservation Officer

Raised an objection to the scheme and recommended that the application be refused. The Conservation Officer highlighted that the proposed development would erode the long linear curtilage, which forms the setting of the Grade II Listed Building, thus resulting in harm to the setting of the Listed Building and setting a precedent for further development.

The Conservation Officer also raised concerns regarding the substantial reduction in curtilage and the awkward development layout and noted that the design of the development does not respect or reflect the setting of the host Listed Building.

Within their comments, the Conservation Officer acknowledges that whilst most of the application site is shielded from public view, the impact upon setting of private areas is also a factor for consideration when assessing the impact of a development upon the Conservation Area. The linear curtilage of the application site and neighbouring sites is an important historic feature. The development is also considered to therefore cause harm to the character and historic settlement form of the Conservation Area.

5.5 FDC Environmental Health

No objections to the scheme, however, have recommended a working times condition due to close proximity of existing noise sensitive receptors.

5.6 FDC Ecology

No objections to the application. Suggested informatives regarding vegetation clearance and bats.

5.7 FDC Tree Consultant

Raised no objections to the scheme, however acknowledged that no arboricultural assessment had been submitted. Recommended a pre-commencement condition be secured requiring an Arboricultural Impact Assessment and Tree Protection Plan to be submitted.

5.8 Historic England

No advice provided. Suggest seeking views of specialist conservation and archaeological advisors.

5.9 Environment Agency

No objection to the proposed development on flood risk grounds.

5.10 Local Residents/Interested Parties

14 letters of support were received with regard to this application (three from Jobs Lane and High Street, two from Station Road and one each from The Causeway, Binnimoor Road, The Avenue, Elwyndene Road, Stonecross Way and St Peters Road, March). The reasons for support are summarised as follows:

- Ideal site for development
- Would not introduce overlooking
- Character
- Flooding
- Private amenity space
- Proximity to Town Centre

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) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the March Neighbourhood Plan (2017).
- 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) 2024**
Chapter 2 - Achieving sustainable development
Chapter 4 – Decision-making
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 - Conserving and enhancing the historic environment
- 7.2 **National Planning Practice Guidance (NPPG)**
Determining a Planning Application
- 7.3 **National Design Guide 2021**
Context
Identity
Built Form
- 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 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
- LP19 – The Natural Environment

7.5 March Neighbourhood Plan 2017

- H2 – Windfall Development

7.6 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 49 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
- LP22: Parking Provision
- LP23: Historic Environment
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Self-build and Five-Year Land Supply**
- **Design, Appearance and Impact on Historic Environment**
- **Residential Amenity**
- **Access and Parking**
- **Flood Risk**
- **Ecology and Trees**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

- 9.1 Pre-application advice was sought in August 2024, for the erection of a dwelling within the rear garden of 104 High Street. The design and layout of the proposed development under this application differ from that submitted under the pre-app.
- 9.2 Notwithstanding this, the advice provided within this pre-application noted that the subdivision of the site would result in harm to the setting of the Listed Building due to the substantial erosion of historic linear curtilage, as well as setting a precedent for further development within the gardens of the adjacent Listed Buildings.

- 9.3 Additionally, in the interests of transparency it should be noted that the applicant is an elected Member of Fenland District Council.

10 ASSESSMENT

Principle of Development

- 10.1 The application site is located within the settlement of March which is identified within the Settlement Hierarchy as a Market Town. Market Towns are identified within Policy LP3 as the focus for housing growth, therefore, the principle of residential development is considered acceptable, in view of planning policy. Policy H2 of the March Neighbourhood Plan 2017 supports the provision of residential development.
- 10.2 It should be noted that this point of general principle is subject to broader planning policy and other material considerations which are discussed in more detail in the following sections.

Self-build and Five-Year Land Supply

- 10.3 Policy LP5, Part C of the Fenland Local Plan 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. The proposal is for a self/custom build dwelling, however 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.
- 10.4 Additionally, at present the Council can demonstrate in excess of a five-year supply of available housing land and therefore very limited weight can be afforded to the delivery of housing when considering the planning balance.

Design, Appearance and Impact on Historic Environment

- 10.5 Policy LP16 and LP18 of the Fenland Local Plan support the principle of development subject to development respecting and enhancing the character and identity of the surrounding area and that the development does not have any adverse impacts on the surrounding Conservation Area or introduce harm to the setting of Listed Buildings.
- 10.6 Policy H2(f) of the March Neighbourhood Plan 2017 requires developments to be of a high standard of design.
- 10.7 Paragraph 213 of the NPPF states that '*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*'.

- 10.8 Paragraph 215 of the NPPF states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 10.9 Setting of a heritage asset is defined within the NPPF as *'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'*
- 10.10 The setting of a Listed Building encompasses the surrounding environment in which the building is experienced and appreciated, including both its visual and physical context. The application site is situated within existing garden land, associated with a Grade II Listed Building, 108 High Street. The proposed development would therefore be situated within the setting of this Listed Building.
- 10.11 The proposed development within the garden land of No. 108, including the erection of fencing and creation of a driveway would carve up the existing plot, removing a substantial amount of private amenity space and eroding the long linear curtilage, which forms part of the setting of the Grade II Listed Building.
- 10.12 Whilst it is acknowledged that the original setting of the listed building has been truncated during the mid to late C20, with the construction of the modern housing estate to the rear of the site, in comparison to the adjacent Listed Buildings at No 110 and 112, the proposed development would be the furthest incursion into the curtilage of these Listed Buildings. The loss of the long linear curtilage associated with the dwelling is therefore considered to introduce harm to the setting of the Listed Building.
- 10.13 The proposed development would be somewhat obscured from view from the wider public realm, when considering the impact upon the Conservation Area, both public views and the impact on the setting of private areas are factors to be considered. Consideration should be given to the morphology of the built form of the Conservation Area. In this case, the linear curtilage of the application site and neighbouring sites is an important historic feature. It is therefore also considered that the development would introduce harm to the character and historic settlement form of the March Conservation Area.
- 10.14 In terms of the design of the dwelling, the proposed development would be a modern bungalow, with cladded gables which does not respect or reflect the design of the host Listed Building. As such, the unsympathetic design of the proposal is considered to introduce further harm to the setting of the Listed Building.
- 10.15 Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, as set out within Paragraph 215 of the NPPF. The application is for a self-build/custom dwelling for the applicants to live in, this is not considered to be clear or convincing justification to justify the harm introduced to the significance of the Listed Building. The private occupation of the development does also not provide any public benefit which would justify the harm introduced.

10.16 As such, the proposed backland development, which would introduce a modern style dwelling, is considered to significantly erode what is left of the historic linear curtilage of the Listed Building to the detriment to historic layout and setting, introducing harm to the setting of the Listed Building and the character of the March Conservation Area. The development is therefore considered to be contrary to Policy H2(f) of the March Neighbourhood Plan 2017, Policies LP16 and LP18 of the Fenland Local Plan and Paragraphs 213 and 215 of the NPPF.

Residential Amenity

10.17 Policy H2(a) of the March Neighbourhood Plan 2017 requires developments to consider levels of light, privacy and private amenity space for the occupants of the proposed dwellings.

10.18 Policies LP2 and LP16 of the Fenland Local Plan seek to ensure that development does not detrimentally impact upon the residential amenity of neighbouring or future occupiers.

10.19 Neighbouring buildings are situated to the north, east, south-east, south and west of the application site. To the north of the site is the Three Lions Sports Bar & Restaurant. The proposed dwelling would not adversely impact upon this neighbouring property.

10.20 To the east of the site is private amenity space, which appears to be associated with No. 46 Elwyndene Road. The proposed development would retain a clearance of approximately 10 metres between the rear elevation of the dwelling, and the eastern boundary of the site. Due to the single-storey nature of the dwelling, the retained clearance and the presence of a 1.8 metre high close boarded fence, it is unlikely that the proposed development would introduce any adverse overbearing, overshadowing or overlooking impacts upon this neighbouring amenity space.

10.21 The dwelling to the south-east of the site, 38 Stonecross Way, would be situated approximately 7.6 metres from the proposed dwelling. Whilst the proposed development would be somewhat visible to this neighbouring property, it is unlikely to introduce any adverse overbearing, overshadowing or overlooking impacts due to the single-storey nature of development and existing boundary treatments.

10.22 With regard to the dwelling to the south of the development, the proposed dwelling would be situated adjacent to private amenity space associated with this dwelling. Similarly, given the existing 2.7m high brick wall separating the sites and the single-storey nature of development, it is unlikely that any adverse overbearing, overshadowing or overlooking impacts would be introduced.

10.23 The host dwelling to the west of the site, 108 High Street, would be situated approximately 61 metres from the proposed dwelling and therefore it is unlikely that this dwelling would be adversely affected.

10.24 With regard to bin collection, it is acknowledged that bin storage will be in excess of the recommended 30m drag distance between storage and collection areas. However, given that this arrangement has been accepted for other dwellings along High Street, it would in part, be inconsistent to raise issue with this aspect. It does however have to be acknowledged that this element carries negative weight to be applied in the planning balance.

10.25 The scheme is therefore considered to be compliant with Policy H2 of the March Neighbourhood Plan 2017 and Policies LP2 and LP16 of the Fenland Local Plan 2014 in this regard.

Access and Parking

10.26 Policy H2(d) of the March Neighbourhood Plan 2017 requires development to include a safe and vehicular access that would not result in severe impacts on the road network.

10.27 Policy LP15 of the Fenland Local Plan 2014 requires development to provide well designed, safe and convenient access for all and well-designed car parking in accordance with Appendix A.

10.28 The submitted site plan indicates the provision of 2 parking spaces and turning space for both the proposed dwelling and the host dwelling on site. This is considered to be acceptable.

10.29 The proposed development would utilise the existing access to No. 108, including the provision of a driveway to the new dwelling. The existing access at its narrowest point measures approximately 2.9 metres.

10.30 CCC Highways have been consulted on this application and have raised an objection to the scheme on the basis that the access is not wide enough to allow two vehicles to pass simultaneously. If approved the Highway Authority have concerns that “vehicles will have to stop and manoeuvre on the highway to allow others vehicles entering/leaving the property. This would likely therefore lead to the detriment of safety for users of the highway and highways safety”.

10.31 The applicant has submitted a statement in response to these comments, essentially highlighting the number of similar constrained accesses in the vicinity as well as planning permission which have been granted. These permissions appear to be based on somewhat historic decisions, pre-dating the current local plan. Notwithstanding this, each application should be considered on its own merits, it is considered that allowing further potentially unsafe accesses to proliferate in this location is not acceptable, especially given the highway authority's concerns regarding this proposal.

10.32 As such, the intensification of the narrow access through the provision of an additional dwelling would exacerbate the potential for conflict between vehicles using the access. As such, the application has failed to demonstrate that it is able to provide convenient and safe access for the proposed dwelling and is therefore considered contrary to Policy H2(d) of the March Neighbourhood Plan 2017 and Policy LP15 of the Fenland Local Plan 2014.

Flood Risk

10.33 The proposal is located within Flood Zone 1 and issues of surface water disposal will be considered under Building Regulations

Ecology and Trees

10.34 The application is accompanied by a Preliminary Ecological Appraisal Report. The report concludes that the habitats on site are of low conservation value and that no further surveys are required. Mitigation measures are suggested which could

be conditioned should permission be granted. Consultation was undertaken with the FDC Ecology Officer who raised no objections to the application, subject to suggested informatives and a condition requiring biodiversity enhancement.

10.35 Consultation was also undertaken with the FDC Tree Officer who confirmed that the proposed development could be implemented without detriment to the retained trees, however this would be subject to pre commencement conditions should permission be granted to ensure an Arboricultural Impact Assessment and Tree Protection Plan are submitted and approved by the LPA.

10.36 As such, there are no issues to address with regard to Policy LP19 in this regard.

Biodiversity Net Gain (BNG)

10.37 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.

10.38 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the nature of the development being self / custom build is exempt from statutory net gain.

11 CONCLUSIONS

11.1 The application seeks full permission for the erection of one self-build/custom build dwelling involving demolition of shed within a Conservation Area.

11.2 The Council can demonstrate that the number of permissions for self/custom builds currently exceeds identified demand. The Council can also demonstrate an excess of a five-year supply of available housing land. Very limited weight should therefore be given to these factors when considering the planning balance.

11.3 Whilst the proposed development accords with the settlement hierarchy of Policy LP3 of the Local Plan, both the unsympathetic design and the subdivision of the existing curtilage of No. 108, would introduce harm to the setting of the Grade II Listed Building and the character of the March Conservation Area. The application does not include clear or convincing justification to justify the harm introduced, nor does the development provide any public benefit to outweigh that harm and is therefore considered to be contrary to Policy H2 of the March Neighbourhood Plan 2017, Policies LP16 and LP18 of the Fenland Local Plan and Paragraphs 213 and 215 of the NPPF.

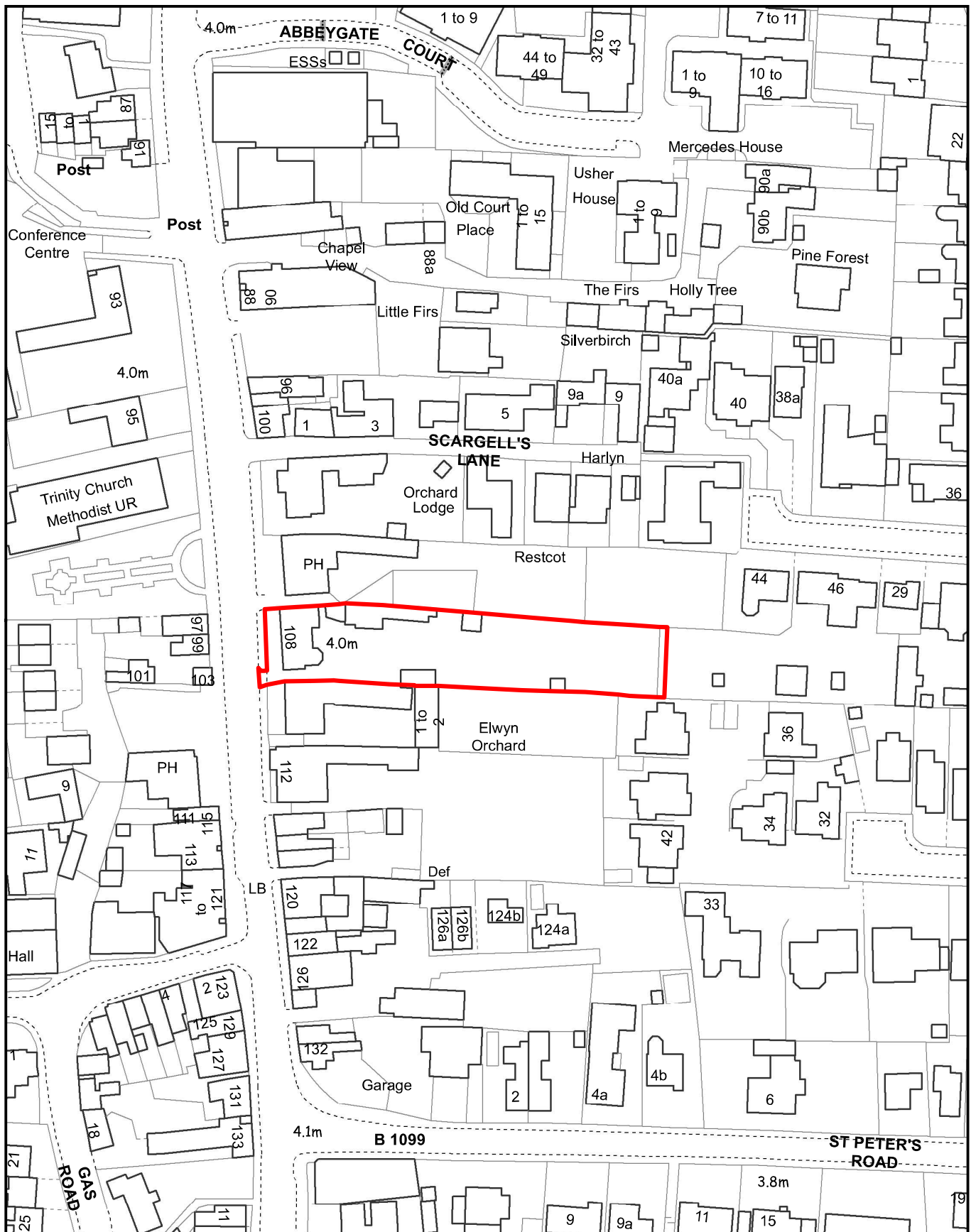
11.4 In addition to the above, the proposed utilisation of the existing access is considered unacceptable due to the increase of traffic proposed and the narrowness of the existing access road which would result in unacceptable highway safety impacts. While the development would provide some economic and social benefits through the delivery of a single dwelling in a largely sustainable location these would inherently be limited given the scale of

development and would not outweigh the harm identified to heritage and highway safety. The application is therefore considered to be contrary to Policy H2 of the March Neighbourhood Plan 2017 and Policy LP15 of the Fenland Local Plan 2014.

12 RECOMMENDATION

12. **Refuse;** for the following reasons:

1	<p>The application would result in development within the setting of a Grade II listed building, 108 High Street, and would result in less than substantial harm to this setting and the Conservation Area, by virtue of introducing built form into currently undeveloped open land forming the historic context to the listed building, separating the Listed Building from its historic curtilage, without adequate justification, and without any public benefits outweighing this harm. The linear curtilage of the site is an important historic feature and its loss would also introduce harm to the character and historic settlement of the Conservation Area. This harm is exacerbated by the modern design of the proposed dwelling, which does not seek to respect or reflect the design of the host Listed Building</p> <p>As such, if permitted, the development would be contrary to Policy H2 of the March Neighbourhood Plan 2017, Policy LP16 and LP18 of the Fenland Local Plan 2014 as well as Paragraphs 213 and 215 of the National Planning Policy Framework.</p>
2	<p>Policy LP15 of the Fenland Local Plan (2014) requires that developments provide "well designed, safe and convenient access for all". The access drive itself is of limited width, as little as 2.9 metres at the narrowest point. The increase in traffic proposed as a result of the application, combined with the narrowness of the access road would result in an access drive that fails to meet the above requirements of policy H2 of the March Neighbourhood Plan 2017 or Policy LP15 of the Fenland Local Plan (2014).</p>



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