F/YR19/0146/O

Applicant: Mr Michael Topping Agent: Morton & Hall Consulting

Ltd

Morton & Hall Consulting Ltd

Land South and West Of, 4 - 5 Mill Hill Lane, March, Cambridgeshire

Erection of up to 3no dwellings (outline application with matters committed in respect of access)

Reason for Committee: 6 or more unresolved responses contrary to the recommendation. Recommendation contrary to Town Council comments and the proposal is for more than 2 dwellings.

1. EXECUTIVE SUMMARY

The application is made in outline for the construction of 3 new dwellings on land south and west of 4-5 Mill Hill Lane. Only the access to the site is submitted for approval at this stage.

The application site is located in flood zone 1

The access to the site is located between two existing properties in close proximity to those dwellings and would result in a detrimental impact on their amenity.

2. SITE DESCRIPTION

- 2.1. The application site is an existing piece of open land to the rear of the dwellings on Mill Hill Lane, and forms approximately one half of the land surrounded by the existing gardens located to the rear of the dwellings on Mill Hill Lane, and Knight's End Road.
- 2.2. The land is flanked to the south by an existing dyke, beyond which are a group of trees protected by a tree preservation order. These trees overhang the southern part of the site when in full leaf.
- 2.3. The site is enclosed by existing post and rail fencing on three sides, and at the western end is overlooked by the rear elevation of a single-storey dwelling. Similarly the existing dwelling to the eastern end of the site to the south of the access is located in close proximity and looks west over the proposed driveway.
- 2.4. The site is located in flood zone 1; however it is noted on the Environment Agency Flood Risk Mapping website as being at high risk of surface water flooding.

3. PROPOSAL

3.1. The proposal is made in outline for the construction of 3 new dwellings on the site. All matters are reserved for later approval with the exception of access, which is indicated by the application as being located between the two dwellings to the east of the site, numbers 6 and 7 Mill Hill Lane.

- 3.2. Indicative plans are provided showing a potential site layout, floor plans and elevations. These indicative details show a private driveway extending along the southern boundary of the site with the adjacent dyke, one dwelling at the western end of the site, with plots two and three located to the north of the driveway. The front elevations of the buildings are shown facing the access driveway, with the rears of plots two and three backing onto the existing paddocks to the north of the site, and the rear elevation of plot one looking towards the dwelling to the west.
- 3.3. The indicative floorplans and elevations show two dwellings with 3 bedrooms and a single plot with 4 bedrooms. All the dwellings are shown as being single-storey with sufficiently low profiles to prevent the later addition of any practical floorspace within the roof, although this could be controlled by condition if considered necessary. Each dwelling is shown as benefitting from a single detached garage.
- 3.4. The application site is accessed via Mill Hill Lane, and the adopted highway ends approximately 15 metres to the north of the driveway access between 6 and 7 Mill Hill Lane.
- 3.5. Full plans and associated documents for this application can be found at: https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PMRSJRHE0D800

4. SITE PLANNING HISTORY

F/YR15/0311/F	Erection of 1 x 4-bed 3-storey detached dwelling with detached double garage and 1 x 2-bed single-storey dwelling with detached single garage	Granted 28/8/15
F/YR13/0561/F	Erection of 1 x 3-bed 2-storey dwelling and 1 x 4-bed 2-storey dwelling with integral double garages	Granted 11/5/13
F/YR12/0448/F	Erection of 1 x 3-bed 2-storey dwelling and 1 x 4-bed 2-storey dwelling with integral double garages	Refused 8/7/12
F/YR11/0785	Erection of 1no x 3-storey 5/7-bed with integral garage and 2no x 4-bed dwellings with integral garages	Withdrawn 25/11/11
F/0364/75/O	The erection of a dwelling	Refused 18/7/75
M/72/187/O	The erection of two agricultural bungalows and garages	Refused 20/11/72
M/72/188/O	Residential development	Refused 10/2/72
M/67/92/O	The erection of dwellings	Refused 7/8/67

5. CONSULTATIONS

March Town Council

5.1. Recommend approval

Cambridgeshire County Council Highways Authority

5.2. No highways objections.

Mill Hill Lane is devoid of separate footways, cycleways and street lighting. Incremental development such as this posts a greater demand upon the existing infrastructure. Mill Hill Lane should not be subject to continuous incremental development in the absence of any highway infrastructure improvements that address some of the highways concerns above.

Access should be widened to 5 metres sealed and drained away from the Byway Open to All Traffic for the first 10 metres.

Cambridgeshire Definitive Map Officer

5.3. No objection. Informative notes to the applicant requested to be attached to the decision should permission be granted.

FDC Environmental Health

- 5.4. No objections
- 5.5. 18 separate responses have been received to the application, 10 in favour and 8 opposed. One of the letters in support of the application is from a resident outside the Ward or adjacent Ward.
- 5.6. The letters of objection raise the following points:
 - The road is in poor condition and has not been upgraded as part of the development that has been undertaken and is accessed from it.
 - Major concerns regarding the risk of surface water flooding on the site and neighbouring properties, concerned that soakaways will not be sufficient.
 No calculations provided and no percolation tests have been undertaken to see if soakaways are viable.
 - The land is outside the district plan for housing and is infill agricultural land
 - The access road to the site has been built for some time.
 - Where will foul sewage go.
 - The unmade road will not support additional traffic.
 - There are no footpaths along the lane to allow safe usage by pedestrians.
 - Tree Preservation Orders are not being adhered to.
 - Birds of Prey and Bats have been seen in the area.
 - Traffic congestion at the access to Knights End Road increased.
 - No bin collections arrangements.
 - Unsustainable site
 - Over development.
 - No turning facilities for HGVs.
 - Previous planning decisions not being adhered to.
 - No tree or hedge survey.
 - Site area hasn't been provided.
 - Previous applications on this site either refused or withdrawn.
 - Not in keeping with the other dwellings in the area.
 - Noise (unspecified).
 - Devaluation of other property.
 - Development would set a precedent.
 - Waste/litter (unspecified)
 - Overlooking/loss of privacy (unspecified)
 - Backfill (unspecified)
- 5.7. The letters of support made the following points:
 - Seems to be a lack of new build properties on the south side of March.
 - Sympathetic proposals.

- Will enhance the area.
- Application demonstrates that the site is suitable for the type, scale and size of development proposed.
- Surface water drainage can be dealt with through a suitably designed drainage scheme.
- Bungalows should ensure no privacy issues.
- Site access drive is suitable for vehicular traffic.
- Site is adjacent to land identified in development plan for future development.
- More bungalows should be constructed where possible.
- Layout shows no intention to overdevelop the land.
- Site is within the built up area.
- Utilises unproductive land.
- Should be more positive about meeting the needs of todays and future generations.
- Most of us live in properties that were opposed in the past.

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).

7. POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration

Para 11: Presumption in favour of sustainable development

Para 78: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 130: Permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.

Para 155: Development should be directed away from areas at highest risk of flooding.

Para 158: Development should not be permitted if there are reasonably available sites in areas at lower risk of flooding.

Para 163: Thresholds for allowing development in areas at risk of flooding.

National Planning Practice Guidance (NPPG)

Determining a planning application

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

LP9 – March

LP12 - Rural Areas Development Policy

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

March Neighbourhood Plan 2017

Policy H2 – Windfall Development

8. KEY ISSUES

- Principle of Development
- Access and Highway Safety
- Access and Amenity Impacts
- Flood Risk
- Biodiversity
- Other Issues

9. BACKGROUND

9.1. This particular proposal has not been subject to any pre-application enquiry, but is made following the approval of a substantial number of dwellings along Mill Hill Lane in recent history.

10. ASSESSMENT

Principle of Development

10.1. The application site is located on the southern side of March, adjacent to the built up section of land along the south side of Knight's End Road. The application site is located within flood zone 1 and there are no ecological or heritage designations on the land that would indicate a presumption against development as a matter of principle.

Access and Highway Safety

- 10.2. The proposed access into the site is located to the south of the existing adopted highway, and runs between 6 and 7 Mill Hill Lane. The access is in existence at the time of the application serving 7 Mill Lane and the application site and although it is currently a gravel surface the application details do indicate that a 5 metre wide by 10 metre long section at the junction of the site with the Byway Open to All traffic (BOAT) over which it is accessed will be surfaced to Cambridgeshire County Council Highways requirements. The BOAT allows for travel by both pedestrians and vehicles as well as other methods of travel, however no segregation is in place to improve the safety of its use between vehicular and other traffic. Notwithstanding that, there are 18 existing dwellings (including dwellings granted consent and dwellings under construction) along Mill Hill Lane that use the road to access their property in addition to the farm businesses further to the south, and as a result, there is a limited additional burden placed on it by the proposal for three new units.
- 10.3. Cambridgeshire County Council Highways Authority and the Definitive Map Team have both assessed the proposal and have not raised objections on highway safety grounds and therefore whilst the comments of the residents are noted, there is no specific identified harm that will arise in relation to highway safety as a result of the proposal and on that basis it is not justified to refuse permission on those grounds.

Access and Amenity Impacts

10.4. In addition to the highway safety issues identified above, the access proposed to be used in relation to the scheme passes between numbers 6 and 7 Mill Hill Lane, with separation of 1 metre and 0.5 metres respectively between the side elevations of those dwellings.

- 10.5. 6 Mill Hill Lane benefits from 5 existing windows along its southern elevation that are separated from the proposed access driveway by only 1 metre, and a 1.8 metre high closeboard fence alongside the vehicular route. 7 Mill Hill Lane only has a single window facing this driveway, however there is currently no boundary treatment separating the driveway from the window in question.
- 10.6. Although the access driveway is in existence at the time of the application, it is currently only used by 7 Mill Hill Lane to access the land beyond the site, and their parking provision is located to the front of the site thus ensuring that use of the access is extremely low level in intensity. The proposal would result in 3 family homes being accessed along this route with a parking requirement of 7 spaces and a proportionate level of vehicular movements.
- 10.7. Should the application be approved both the existing properties flanking the access would have limited amenity space associated with them. The proposed scheme results in their private amenity spaces being located directly adjacent to the access to the proposed new dwellings and therefore subject to the detrimental impact on those areas of vehicular and pedestrian traffic passing by on a regular basis with all the associated negative impacts that will bring, including the transfer of waste and recycling bins from those plots along the access driveway to the collection points at the front of the site.
- 10.8. Should the proposed layout be brought forward utilising the bin storage and collection points indicated, the proposed dwellings would be required to move their bins between 75 and 110 metres from their storage points to the collection point, which is more than twice the distance specified within the RECAP guidance for such matters. The proposed collection point is located alongside the access to the site, in front of 7 Mill Hill Lane.
- 10.9. On that basis, it is considered that the proposal would have a detrimental impact on the residential amenity standards of the neighbouring properties, contrary to the provisions of policy LP16 (e) and of a sufficient scale to justify refusal of the scheme.

Flood Risk

- 10.10. The application site is located within flood zone 1, the zone of least flood risk and the preferred location for residential development in flood risk terms. The site adjoins an existing dyke and in principle therefore there is no objection to the proposal on flood risk grounds, however the site is also identified by the Environment Agency on their website as being at high risk of flooding from surface water, and photographic evidence provided by representations received in relation to the application supports this, albeit the photograph is not dated and does not provide any evidence as to the regularity of such flooding/waterlogging.
- 10.11. It is noted that despite this evidence, there is no statutory basis for opposition to the principle of consent on the basis of the surface water flooding of the site, although it would be reasonable in that case to require that the applicant demonstrate that an acceptable solution to the surface water drainage of the site is available. Should members be minded not to refuse the application it would be appropriate to require demonstration that the surface water drainage proposed is satisfactory given the risk of surface water flooding on the site.
- 10.12. Given the issues identified above however it is considered that it would be unreasonable to require the applicant to undertake to provide such evidence at

this time when other matters in relation to the proposal would justify refusal of the scheme regardless. The applicant therefore has not been requested to undertake to provide a scheme demonstrating acceptable drainage of the site.

Biodiversity

10.13. A biodiversity report has been produced and submitted alongside the application by Hillier Ecology Limited. This survey and report concludes that although enhancements to the site should be provided as part of any development, there were no protected species likely to be affected by the proposal at the time of the survey.

Other Issues

- 10.14. The applicant was requested to provide a tree survey at the time of validation of the application due to the proximity of the trees along the southern boundary of the site and the potential impact of the development on those trees and their contribution to the area. This survey has not been provided. Whilst this would normally be a requirement of a scheme and its absence result in a recommendation for refusal as an outline proposal and with layout and landscaping reserved for later approval, combined with the detachment of the trees in question from the site, it is considered that it would be possible for the detailed layout of the site and its landscaping to be informed by such a survey at the reserved matters stage should the principle of the development be considered acceptable in outline.
- 10.15. A range of additional matters have been raised as part of the public consultation, including several that were not subject to any explanation as to how they were deemed to be relevant to the scheme.
- 10.16. For the sake of completeness, these issues not considered above are addressed as follows:-
- 10.17. The current 'agricultural' use of the site and its location are not factors that would indicate the scheme should be refused as a matter of course, there are no pre-defined edges to the Town of March and although the site is flanked by open land to the south, this land is identified as potential future development land. The current use of the land is agricultural in name only, and the land is not used for agricultural purposes.
- 10.18. Compliance of other developments taking place along Mill Hill Lane with their approved plans is not relevant to the current scheme, enforcement of such matters is a separate matter from the planning permission process at the application stage, and the same is true of works to trees within the area and any preservation orders on those trees.
- 10.19. Although the site area section of the application form has not been completed this is not itself a matter justifying any opposition to the scheme, and the site falls below the thresholds for which Environmental Impact Assessment is required.
- 10.20. Devaluation of other properties in the vicinity is not a matter for consideration under the terms of a planning application, and it is not clear how matters such as waste/litter and backfill are relevant to the proposal. Noise has been identified as a ground for objection however there is no suggestion how noise associated with a residential development is likely to adversely affect the

- surroundings. Noise specifically associated with the use of the access has been addressed above.
- 10.21. Finally, overlooking/loss of privacy is a matter that is material to the consideration of the planning application however as the floorplans, elevations and layout are indicative only at this stage it is not possible to evaluate specific impacts or conclude that there would be any adverse impact in this regard.

11. CONCLUSIONS

- 11.1. The principle of the proposal is in accordance with the relevant planning policies as regards residential development in March, and the proposed access would not result in unacceptable impacts on highway safety.
- 11.2. Further work would be required with regard to ensuring appropriate treatment for surface water and tree protection, however the proposed access to the site results in unacceptable impacts on the residential amenity of the dwellings flanking it at the entrance to the site and it would not therefore be reasonable to require that work to be undertaken at this time.

12. RECOMMENDATION

REFUSE, for the following reason:

1. The proposal is a backland development scheme that results in unacceptable amenity impacts to the neighbouring properties at 6 Mill Hill Lane and the host dwelling 7 Mill Hill Lane. In particular, the access, its length and the volume of traffic required to pass along it to access the new dwellings would result in unacceptable amenity impacts on the specified properties and substandard facilities for the collection of waste contrary to paragraphs e) and f) of policy LP16 of the Fenland Local Plan (2014) and policy DM4 of the Delivering and Protecting High Quality Environments in Fenland supplementary planning document 2014.





