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**F/YR20/0335/O**

**Applicant: Mr Michael Topping**

**Agent : Morton and Hall Ltd**

**Land south and west of 4-5 Mill Hill Lane, March**

**Erect up to 2x dwellings (outline application with matters committed in respect of access)**

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

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## **1. EXECUTIVE SUMMARY**

- 1.1. The application is an amended scheme following a previous refusal of outline permission for three dwellings on the site. The current scheme is also made in outline but proposes the construction of two dwellings.
- 1.2. The application site is a backland location at the rear of two recently constructed dwellings on Mill Hill Lane, and is proposed to be accessed between those dwellings.
- 1.3. Mill Hill Lane is only partially adopted with the adopted section stopping some distance to the north of the access to the proposed dwellings
- 1.4. The proposed access driveway to the properties would be 3.6m wide for much of its length, and would adjoin the rear gardens of the dwellings flanking it, which would be separated by a 1.8m close boarded fence from the new driveway.
- 1.5. The scheme has failed to address previous refusal reasons for development on the site relating to amenity levels within the dwellings flanking the access, and the amendments to the access driveway have resulted in additional issues relating to the safety of the access driveway and its enclosure and lack of places to pass.

## **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.
- 2.5. Mill Hill Lane provides access to the site, and is also the route of a public right of way.

### 3. PROPOSAL

- 3.1. The proposal is made in outline for the construction of 2 new dwellings on the site. All matters are reserved for later approval with the exception of access, which shown 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 running between 6 and 7 Mill Hill Lane and then turning north to run parallel the southern boundary of the site with the adjacent dyke. One of the proposed plots flanks this driveway to the north, and the second is located at the western end of the site. Each dwelling is shown with detached garaging, and a turning head is provided at the western extent of the site to allow refuse and emergency vehicles to access the development when required.
- 3.3. 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.
- 3.4. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=Q8XNS4HE03000>

### 4. SITE PLANNING HISTORY

F/YR19/0146/O	Erection of up to 3no dwellings (outline application with matters committed in respect of access)	Refused 25/4/19
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

- 5.1. **March Town Council**  
Recommend refusal due to over-development
- 5.2. **FDC Environmental Health**  
No objections
- 5.3. **Cambridgeshire County Council Highways Authority**  
No highway objections. Conditions requested regarding laying out of the access and provision of vehicle turning and parking
- 5.4. **Cambridgeshire County Council Definitive Map Team (Public Rights of Way)**  
*“No objection. The applicant should be aware of the presence of the byway, however there is no legally defined and recorded width for it. There is no guarantee that it would be possible to improve the byway to secure a road and footway to an adoptable standard. Permission would be required to improve the surface of the byway in the future, which should remain open and unobstructed at all times.”* Request informatives are attached if planning permission is granted.
- 5.5. **Local Residents/Interested Parties** 16 responses have been received from separate sources in support for the proposal and 9 responses from separate sources are noted in opposition to the scheme.

The matters raised are as follows.

### Support

- Sympathetic to the neighbouring properties, will enhance the neighbourhood
- Fulfils a need for bungalows as March has a shortage of these
- Shows there is no desire to overdevelop the infill land
- Will likely increase the value of the neighbouring properties
- Other infill sites granted in the area
- Developer demonstrates a high standard of workmanship
- Opportunity for young people or retirees to live in a modern, energy efficient home
- Scale reduced from the previous scheme
- Drainage design will deal with any surface water issues there may be
- Bungalows would not be overbearing nor result in privacy issues
- Driveway and access are suitable and turning/bin collection has been provided for.
- Ample parking provision for the dwellings
- National housing shortage
- Sites are in flood zone 1
- Previous report stated the site was suitable for residential development

### Objection

- Mill Hill Lane will not support additional traffic, and currently floods
- Mill Hill Lane doesn't allow two-way vehicle flow
- Increased congestion
- There are no segregated footways on Mill Hill Lane
- Tree preservation orders are not being adhered to
- Ecological impacts
- The land floods and is noted by the EA as being susceptible to flooding

- The land is infill development on agricultural land
- The access road to the plots has been built for some time
- Bin collections
- Sewerage disposal
- Will result in a loss of quality and living conditions in the local environment
- Negative impact on safety of children walking along the lane
- Conditions have changed since the ecology survey was undertaken
- Still no tree survey undertaken
- No flood risk assessment provided
- Soakaways not suitable for the site
- Backland development that will result in unacceptable amenity impacts on the neighbouring properties
- Overdevelopment of the lane

## **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

### **National Design Guide 2019**

Context

Built Form

Movement

Homes and Buildings

### **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 Matters**

### **9. BACKGROUND**

- 9.1. Development in relation to the land in question began with the granting of consent for the two dwellings flanking the now proposed access to the current site. Consent for the properties as built was granted in 2015.
- 9.2. Permission was then sought for the construction of three dwellings on the current site in 2019, with that application being refused by the Planning Committee in April of that year. The reason given for that refusal is as follows:
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.*
- 9.3. Following that refusal, the agent sought pre-application advice with regard to revisions to the scheme, including reduction in the number of proposed units to 2, the relocation of the access road further from the dwelling to the north of the entrance to the site, along with internal alterations to the scheme to facilitate bin collections. The response to the enquiry indicated that the concerns regarding impact on neighbouring amenity with regard to the access remained.

### **10. ASSESSMENT**

#### **Principle of Development**

- 10.1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy. March is a Primary Market Town, one of two settlements within the highest level of the hierarchy where the majority of the development within the District is expected to take place over the plan period
- 10.2. The application site is located on the southern side of March, near 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**

- 10.3. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.
- 10.4. 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 currently serves 7 Mill Hill Lane as a driveway. It is proposed to alter the existing access to provide a 5m wide by 10m long section at the junction with Mill Hill Lane with the new, narrower driveway joining it at its western end.
- 10.5. The Byway Open to All traffic (BOAT) that runs along Mill Hill Lane 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 relationships 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 two new units compared to the existing load.
- 10.6. 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.
- 10.7. Within the application site, the proposed two new dwellings are served by a single shared private drive, approximately 90m in length. The driveway is indicated as being 5m wide for the first 10 metres into the site, however it then narrows to 3.6m wide as it passes the two dwellings flanking it (6 and 7 Mill Hill Lane). This has been narrowed from 4m in the previous application in an attempt to overcome the reason for refusal. From this point, the driveway is flanked on either side by 1.8m high closeboard fencing for a distance of approximately 45m, which includes a bend in the driveway to align the road to the site. This is not wide enough to allow two vehicles to pass each other and that narrowness is exacerbated by the enclosure of the driveway by the proposed fencing, and would therefore require vehicles to reverse either back up to the hammerhead section at the western end of the driveway, or out to the wider entrance point with Mill Hill Lane. Neither would be conducive to the provision of a safe and convenient access as required by policy LP15 of the Fenland Local Plan (2014) and would result in a scheme of lesser quality in this respect than the previous refused application.

### **Access and Amenity Impacts**

- 10.8. 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 1.7 metres and 1 metre respectively between the side elevations of those dwellings.

- 10.9. 6 Mill Hill Lane benefits from 5 existing windows along its southern elevation flanking the proposed access, with 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, with a 1.8m close boarded fence proposed.
- 10.10. 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 2 family homes being accessed along this route with a likely parking requirement of 6 spaces and a proportionate level of vehicular movements.
- 10.11. 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 those 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.
- 10.12. The proposal is an improvement in amenity terms in relation to the previously refused scheme for three dwellings, however the impacts arising from narrowing the access by 0.4m are still considered to be unacceptable and 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) of a sufficient scale to justify refusal of the scheme.

### **Flood Risk**

- 10.13. 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.
- 10.14. 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. If the application were to be granted 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.
- 10.15. 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**

- 10.16. 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 Matters**

- 10.17. Several other matters have been raised in relation to the proposed scheme however the majority of concerns have been addressed in the above consideration of the scheme, and the remainder, such as impacts on property values, works to other preserved trees in the vicinity, the existence of part of the access road, the infill nature of the plot and the amount of other development undertaken along Mill Hill Lane recently are not material to the consideration of the current application, which must be assessed on its own merits.

## **11. CONCLUSIONS**

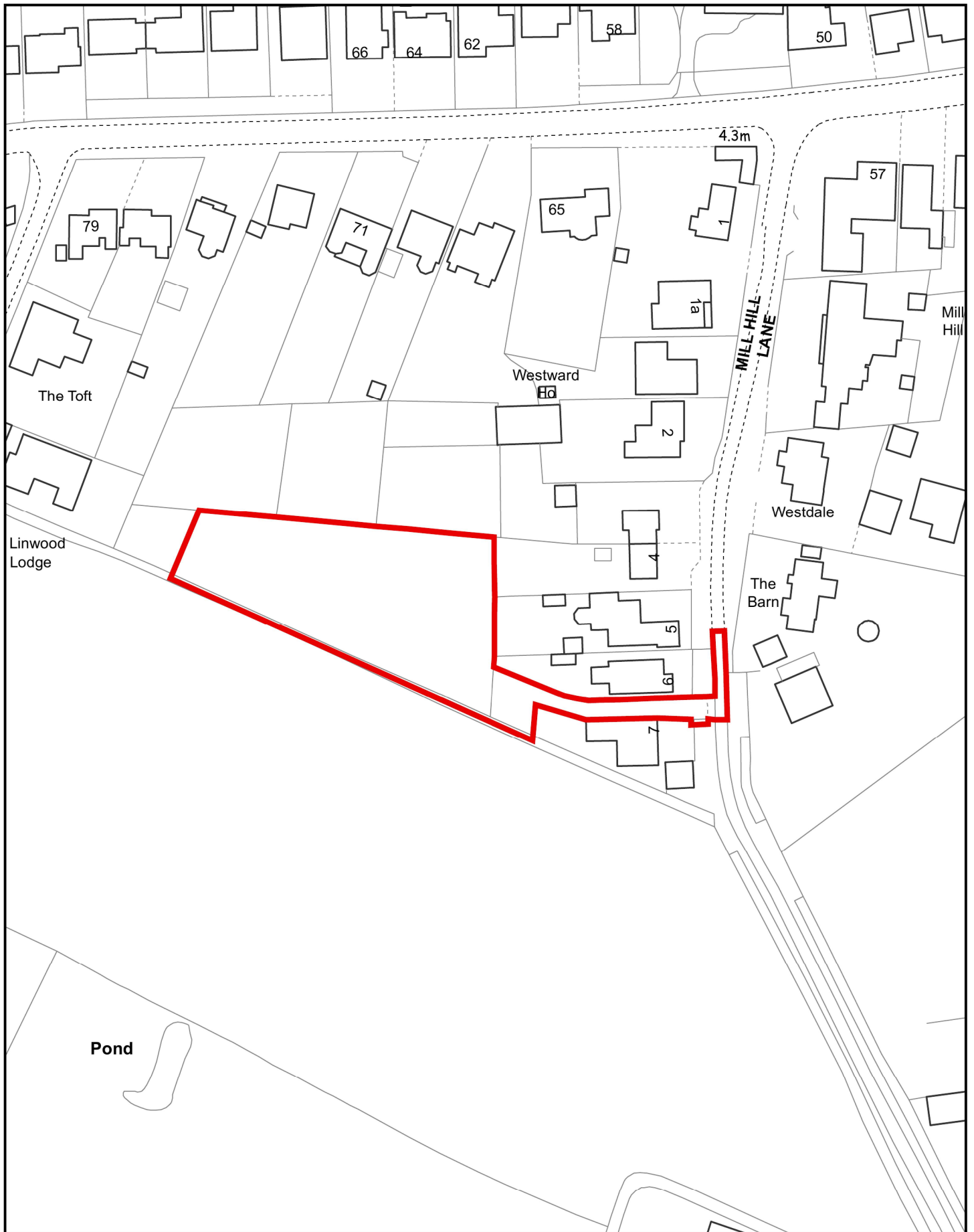
- 11.1. The broad principle of development of the site is not at odds with the relevant policies of the development plan, however the specific details submitted with regard to access arrangements to the site have failed to overcome concerns identified previously regarding unacceptable impacts on the amenity of the neighbouring dwellings and the proposed dwellings, and although attempts have been made to reduce these impacts, they will result in further harm to the amenities and safety of the use of the proposed access to serve the dwellings within the site, contrary to the relevant policies of the development plan.

## **12. RECOMMENDATION**

- 12.1. Refuse, for the following reason

- |  |
|--|
| <p>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 and its width combined with the number of properties it is intended to serve would result in unacceptable amenity impacts to the specified properties and would fail to provide a safe and convenient access to the proposed dwellings. The scheme would therefore be contrary to policies LP16 (e) and LP15 of the Fenland Local Plan (2014).</p> |
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Created on: 23/04/2020

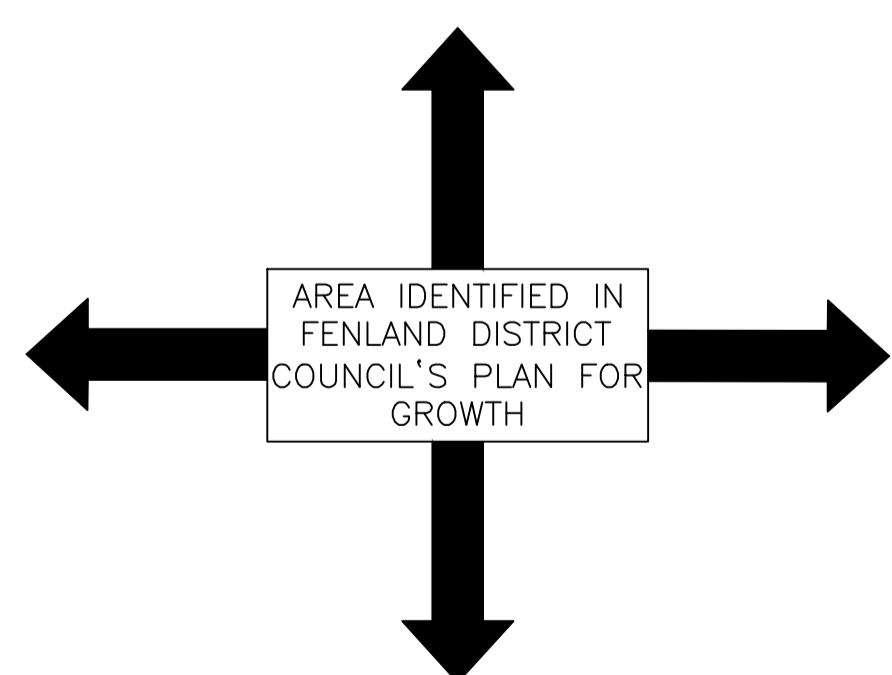
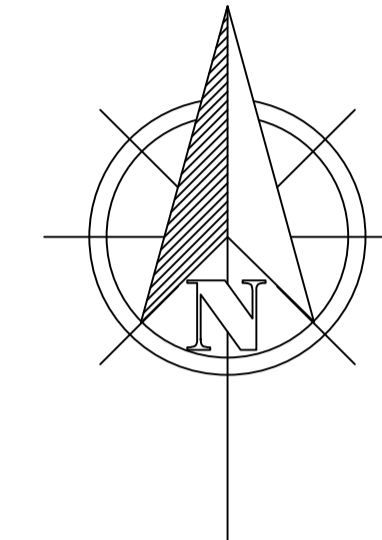
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**F/YR20/0335/O**

Scale = 1:1,250



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 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer  
 All finishes, insulation and damp-proofing to architect's details



PROPOSED LOCATION PLAN  
(1:500)

INDICATIVE DRAWING

REVISIONS	DATE
F ACCESS AMENDED	MAY 2020
E SCHEME REDUCED	APR 2020
D DRIVEWAY UPDATED	FEB 2019
C PLANNERS COMMENTS	FEB 2019
B PLANNERS COMMENTS	FEB 2019
A SCHEME REVISED	JAN 2019

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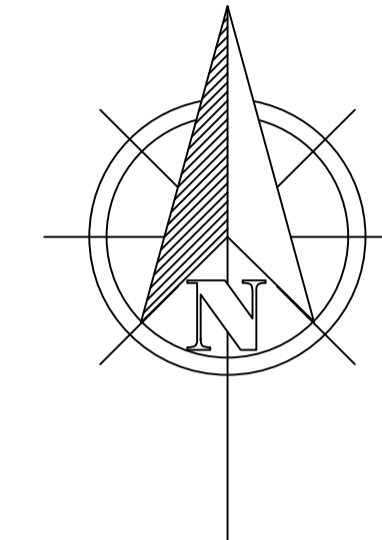
CLIENT  
 Mr and Mrs Topping

PROJECT  
 Site Off Mill Hill Lane  
 March  
 Cambs  
 PE15 9QB

TITLE  
 Proposed Location Plan

DRAWN	DATE OF ISSUE
M. Halmshaw	
CHECKED	
DATE	DRAWING NUMBER
January 2018	H3848/101F
SCALE	
As Shown	

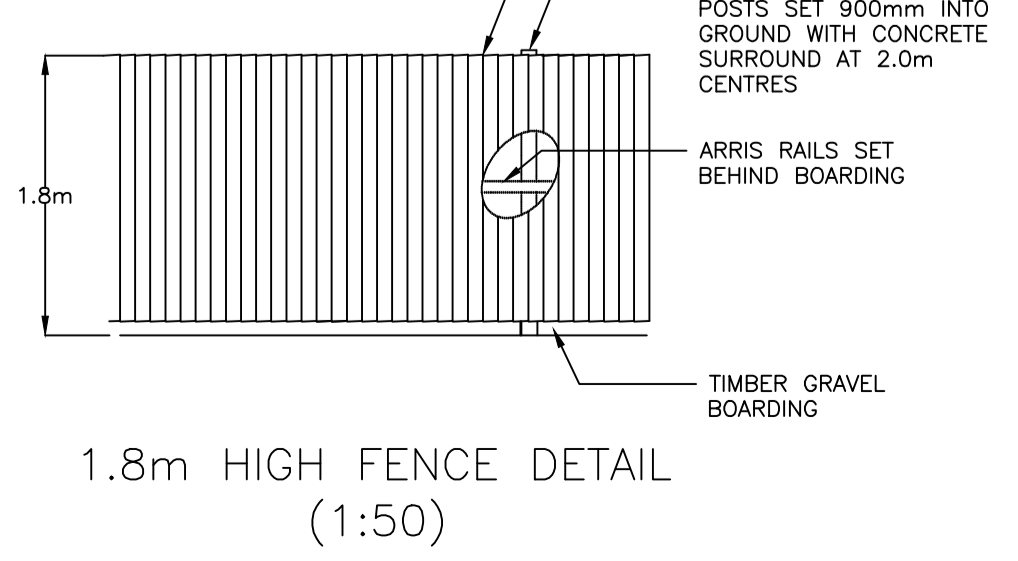
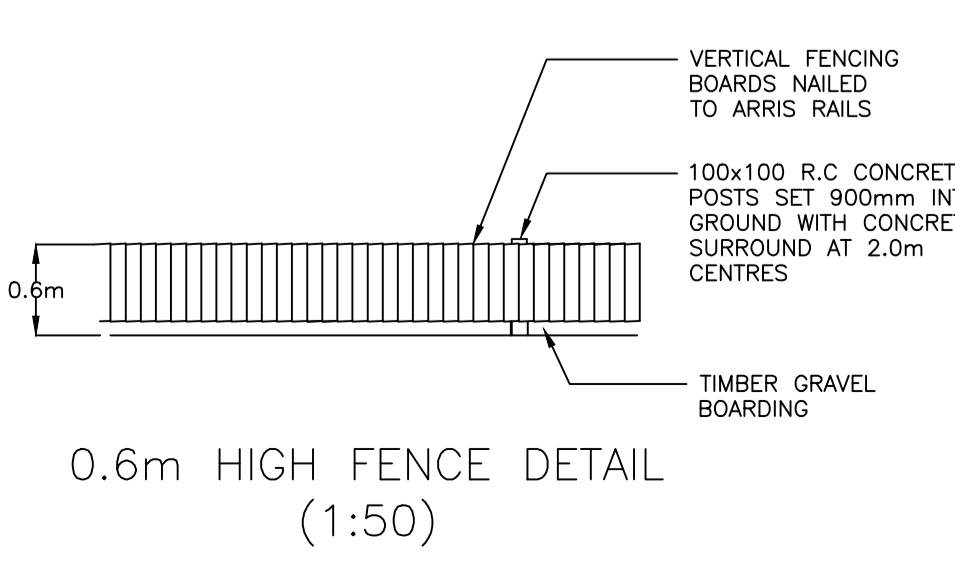
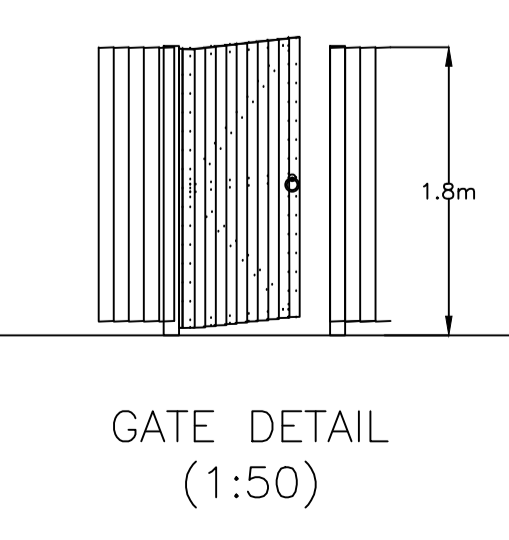
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 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer  
 All finishes, insulation and damp-proofing to architect's details



PROPOSED SITE PLAN (1:200)

INDICATIVE DRAWING

SITE PLAN KEY	
	PERMEABLE BLOCK PAVING (NON SLIP)
	CONCRETE SLABS (NON SLIP)
	GRASS
	VEGETATION
	HEDGING
	GRAVEL
	WATER COURSE
	WASTE BINS
	SITE ENVELOPE
	LAND CLIENT OWNS
	PAVEMENT
	TARMAC
	EXISTING DWELLINGS
	FOUL DRAINAGE
	SURFACE WATER DRAINAGE
	SB: 2m HIGH SILVER BIRCH
	CH: 2m HIGH CHERRY TREE



REVISIONS	DATE
H	MAY 2020
G	MAR 2020
F	NOV 2019
E	JUL 2019
D	MAR 2019
C	FEB 2019
B	FEB 2019
A	JAN 2019

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Fenland District Council  
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 Mr and Mrs Topping

PROJECT  
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TITLE Proposed Site Plan	
DRAWN M. Halmshaw	DATE OF ISSUE
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DATE January 2018	DRAWING NUMBER H3848/102_H
SCALE As Shown	