#### F/YR21/0265/O

Applicant: Miss C Marshall Agent: Mr Craig Brand

**Craig Brand Architectural Design** 

**Services** 

Land South Of Field View, Mill Hill Lane, March, Cambridgeshire

Erect up to 4 dwellings (outline application with matters committed in respect of access)

Officer recommendation: Refusal

Reason for Committee: Number of representations contrary to Officer

recommendation

## 1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for up to 4 dwellings with matters committed in relation to access only.
- 1.2 The application site is adjacent to and within the setting of Grade II Listed Owl Barn Lodge. It is not considered that the provision of four additional dwellings on this site would outweigh the harm created to the significance of the listed barn, particularly when this site is allocated for a new urban extension which specifically refers to retaining the setting and character of Owl Barn Lodge.
- 1.3 The proposed development is set back from the road due to the retention of the existing field access and as such does not retain a frontage presence to Mill Hill Lane at odds with the predominant character of the area. It 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 incremental encroachment and therefore harm.
- 1.4 The application is in outline form with only, nevertheless it is considered due to the scale of the site a policy compliant scheme could be put forward which would not have a significant detrimental impact in relation to residential amenity.
- 1.5 Mill Hill Lane is a narrow single track with no separate footpath, in a poor state of repair, with a poor surface and large potholes devoid of passing places, turning, it is also a public byway. The Mill Hill Lane infrastructure is not considered suitable for further development in its current form due to increased likelihood of conflict.
- 1.6 The proposal is therefore considered unacceptable due to its failure to accord with Policies LP2, LP9, LP15, LP16 (a and d) and LP18 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 108, 127, 189, 193 and 196 of the NPPF 2019 and chapters C1, C2 and I1 of the NDG 2019.

## 2 SITE DESCRIPTION

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 and hedges/trees to the boundaries. When the site was visited the new properties to the north west were nearing completion, however the private access road was still unmade. Mill Hill Lane itself is a single track in a poor state of repair, with a poor surface and large potholes, it is also a public byway. A public footpath runs alongside the private access road and the boundary of the site, leading north east passed the adjacent grade II listed building of Owl Barn Lodge.

# 3 PROPOSAL

- 3.1 The application seeks outline planning permission for up to 4 dwellings with matters committed in relation to access only. Details in relation to appearance, landscaping, layout and scale are reserved for future consideration.
- 3.2 Whilst drawings have been provided these have been supplied for illustrative purposes and do not form part of the consideration of the scheme.
- 3.3 Full plans and associated documents for this application can be found at:

F/YR21/0265/O | Erect up to 4 dwellings (outline application with matters committed in respect of access) | Land South Of Field View Mill Hill Lane March Cambridgeshire (fenland.gov.uk)

# 4 SITE PLANNING HISTORY

F/YR19/3119/COND	Details reserved by condition 4 of planning permission F/YR18/0210/O (Erection of up to 2no dwellings (outline application with matters committed in respect of access))	Approved 2/12/2019
F/YR19/0563/RM	Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR18/0210/O to erect 2 dwellings (2-storey, 4no beds) (outline application with matters committed in respect of access)	Approved 24/10/2019
F/YR18/0996/F	Construction of a shared access (in relation to F/YR18/0210/O)	Granted 21/1/2019
F/YR18/0210/O	Erection of up to 2no dwellings (outline application with matters committed in respect of access)	Granted 22/6/2018
F/YR17/0819/O	Erection of up to 2no dwellings (outline application with all matters reserved)	Granted 18/12/2017

Issue 14/11/2016

History above relates to the shared access, there is no planning history on the application site itself.

#### 5 **CONSULTATIONS**

#### 5.1 **Town Council**

Recommend refusal: Over-development of this particular area.

#### **Conservation Officer (FDC)** 5.2

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 22<sup>nd</sup> 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.

## 5.3 Environmental Health (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' as the proposal is unlikely to have a detrimental effect on local air quality or the noise climate.

Given limited previous use contamination is unlikely to be an issue at this application site.

# 5.4 Cambridgeshire County Council Definitive Maps Team

Public Footpath No. 18, March runs along the access road to the site and continues along the northern boundary of the site. The legal width of the public footpath in this location is 2 metres. The footpath must remain open and unobstructed at all times. Building materials must not be stored on the Public Right

of Way and contractors' vehicles must not obstruct it. Should the applicant need to temporarily close it for safe works, you should apply to the Streetworks Team online at https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/cambridgeshire-permit-scheme-for-street-works.

The Definitive Map service has no objection to the proposals. Should you be minded to grant planning permission then we would also be grateful that the following informatives are included:

- Public Footpath No. 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 granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
- 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).
- Members of the public on foot have the dominant right of passage along the public footpath; 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 surface of the public footpath is damaged as a result of increased usage, the Highways Authority is only liable to maintain it to a footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.

# 5.5 Cambridgeshire County Council Highways

Mill Hill Lane is a narrow laneway with no formal turning head. It is also devoid of separate footways. FDC need to consider the impact of allowing incremental development to take place along Mill Hill Road. Allowing more development without widening Mill Hill Lane is likely to promote verge overrun, and in the absence of any segregated pedestrian provision there is likely to be more pedestrian and vehicle conflicts.

Whilst I am unable to raise any highway objections (based on genuine safety concerns), I would question the suitability of the Mill Hill Lane infrastructure to support further development.

If you are minded to grant permission, please re-consult for highway conditions.

# 5.6 Local Residents/Interested Parties

Nine supporting comments have been received (2 from Linwood Lane, 3 from Mill Hill Lane, 1 from Burrowmoor Road, 2 from High School Close and 1 from Percheron Drive, all in March) in relation to:

- Good quality family/executive homes
- Good use of existing roadway
- Sufficient parking/amenity and in keeping with the area
- Continuation of existing development
- Enhance the area
- Building land in short supply and most only available to large developers, more land of this kind needed

Two objections have been received from Mill Hill Lane in relation to:

- Outside area prioritised for development
- Overdevelopment
- Highway is narrow without footpaths and kerbs or turning and insufficient width for cars to pass
- Road surface poor and not constructed to take the current level of vehicular movement from recent developments/will not support additional traffic
- High risk of surface water flooding/concerns with method of surface water disposal/increase risk of flooding elsewhere
- Overlooking/loss of privacy
- 5.7 Matters where they relate to material planning considerations will be addressed in the sections below.

## **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 (NDG) 2019

Context – C1, C2

Identity – I1

## 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

# 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

# Cambridgeshire Flood Risk Management Partnership, March Surface Water Management Plan 2012

## 8 KEY ISSUES

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

## 9 BACKGROUND

Whilst not material to the determination of the application it should be noted that the applicant is, and is also related to, a Fenland District Council employee.

## 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 residential or visual amenity, design, parking, highways and flood risk.
- 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.

## Heritage

- 10.3 Policy LP9 indicates that any comprehensive development of the area is expected to be predominately residential (around 500 dwellings) with some business development towards the south of the area. The policy states, "Important archaeological features should be retained" and become uses which preserve their integrity, and "The setting and character of Owl Barn Lodge should be retained. Views of St Wendreda's Church should be preserved".
- 10.4 Policy LP18 of the Fenland Local Plan 2014 and para 189 of the NPPF 2019 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. The Heritage Statement submitted fails to fully appreciate the setting of the barn and how this setting contributes to its special interest and significance.
- 10.5 Para 193 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 proposed development is considered to have less than substantial

harm on the significance of the listed barn. Para 196 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. It 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. The proposal is therefore considered contrary to 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.

- 10.6 Planning application F/YR18/0210/O to the north of the site, and which it is proposed to share an access advised the following in relation to archaeological implications:
  - No formal response has been received in relation to the application with regard to archaeological matters, however advice was given during the consideration of the adjacent outline application that due to its proximity to existing features of archaeological interest, including a Roman settlement and a Roman coin hoard, that a programme of archaeological work should be secured by condition. Given the location of this site closer to those features of interest, it would be reasonable to provide a similar condition in relation to the current proposal.
- 10.7 Given the above if it is minded to grant this application advice would need to be sought from, Cambridgeshire County Council Archaeology in relation to the necessity of such a condition being imposed.

# Design considerations and visual amenity of area

- 10.8 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.
- 10.9 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. Furthermore, notwithstanding the fact that design matters are reserved, the proposed development is set back from the road due to the retention of the existing field access and as such it is not possible to retain a frontage presence to Mill Hill Lane at odds with the predominant character of the area. 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 127 of the NPPF 2019 and chapters C1 and I1 of the NDG 2019.

- 10.10 The application is in outline form with only matters committed in respect of access, illustrative drawings have been provided in relation to the site layout and proposed dwellings, however these have not been assessed due to their illustrative nature. Nevertheless, it is considered due to the scale of the site a policy compliant scheme could be put forward which would not have a significant detrimental impact in relation to residential amenity.
- 10.11 A scheme for bin storage and collection would be required, and could be secured by way of a condition, it is acknowledged that drag distances recommended in DM4 and RECAP guidance are unlikely to be achievable. 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.

# **Highways**

- 10.12 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 are no passing places and a lack of turning areas, consequently there is potential for vehicle to vehicle conflict and pedestrians, cyclists and horse riders 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 outline planning permission for 2 dwellings west of 4-5 Mill Hill Lane (F/YR20/0335/O) and a plot south Field View for which outline permission has expired (F/YR17/0819/O) but the principle is established. 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). Highways have raised concerns regarding the impact of further incremental development increasing the likelihood of conflict and questions the suitability of the existing infrastructure to support further development. It is considered that in it's current form Mill Hill Lane has reached its limit in terms of development, it would not be reasonable to request upgrade works for 4 additional dwellings and any works are likely to compromise the rural character of the area and would therefore not be considered favourably. As such the proposal is considered contrary to 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.
- 10.13 The development proposes to share the access road constructed under F/YR18/0996/F in relation to F/YR18/0210/O. 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 with potential for a 7<sup>th</sup> should the plot to the south of Field View come forward. 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.
  - 10.14 Cambridgeshire County Council Definitive Map Team have advised that the legal right of way along the private drive is 2m wide and this should not be obstructed. Hence, if minded to grant permission a condition will be required to ensure that adequate temporary facilities are provided during construction to prevent this occurring.

# Flood Risk and Drainage

- 10.15 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures.
- 10.16 Concerns have been raised regarding surface water flooding at this site. Whilst the March Surface Water Management Plan 2012 indicates the area to be at risk of flooding the most recent data from the flood warning information services confirms the area to be at low risk of surface water flooding (<u>Learn more about this area's flood risk GOV.UK (flood-warning-information.service.gov.uk)</u>) some surrounding areas are indeed at high risk. 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.

## 11 CONCLUSIONS

The principle of development on the edge of the settlement of March is considered acceptable and there are no issues to address regarding flood risk. However, it is not considered that the public benefit of four additional dwellings on this site would outweigh the harm created to the setting of the heritage asset of Owl Barn Lodge. 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. The development is set back from the road due to the retention of the existing field access and as such it is not possible to retain a frontage presence to Mill Hill Lane, at odds with the predominant character of the area. Furthermore, the Mill Hill Lane infrastructure is not considered suitable for further development in its current form.

## 12 RECOMMENDATION

# Refuse 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 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. Furthermore, the development is set back from the road due to the retention of the existing field access and as such it is not possible to retain a frontage presence to Mill Hill Lane, at odds with the predominant character of the area. 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 are no passing places and 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.







