Agenda Item 6

F/YR18/0233/F

Applicant: Ms S Fink Agent: Mr C Walford

Peter Humphrey Associates Ltd

Land North Of Allendale, Mill Hill Lane, March, Cambridgeshire

Erection of 2 x 2-storey 4-bed dwellings with attached garages involving demolition of outbuildings

Reason for Committee: More than six representations contrary to the officer recommendation

1. EXECUTIVE SUMMARY

The application proposes the construction of 2 new 2-storey dwellings on garden land associated with the host property.

The application site is located within flood zone 1, the zone of least flood risk, and amendments to the design have been made to address concerns raised in relation to the original scheme, including the reduction of the scale of the proposal from 3 new dwellings to 2.

The proposal is considered to be acceptable in planning terms, with no policy or material consideration reasons to refuse it.

2. SITE DESCRIPTION

- 2.1. The application site is a large residential garden to the north of the host dwelling, surrounded on all sides by timber closeboard fencing. This fencing is supplemented in places by hedgerows, although the mature evergreen hedge to the eastern boundary has been removed from the site during the course of the consideration of the application.
- 2.2. The site is surrounded on all sides by residential development, although the listed barn conversion to the east boasts a considerable amount of green space associated with it that separates the property from the site.
- 2.3. There are several mature trees on the site, however the only example of note is a weeping willow on the north western side of the site.

3. PROPOSAL

3.1. The proposal was originally submitted for the construction of 3 new dwellings. Following negotiation with the case officer the scheme has been amended and now proposes the construction of 2 new dwellings, with the third plot (which occupied the north western part of the site where the weeping willow is located) having been deleted from the scheme.

3.2. Full plans and associated documents for this application can be found at: https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage

4. SITE PLANNING HISTORY

F/YR16/0419/F	Alterations and extension to existing outbuilding to form 2-bed annexe ancillary to the main dwelling; erection of a detached triple garage and store with store/playroom above; formation of new driveway; demolition of existing shed and removal of swimming pool.	Granted
F/YR09/0319/TRT	Works to 1no Ash covered by TPO 10/1974	Granted
F/YR05/0427/TRT	Felling of 1 Ash Tree covered by TPO 10/74	Granted
F/0913/78/F	Retention of a refrigerator for the storage of maggots off Mill Hill Lane	Granted
F/0557/77/F	Installation of a refrigerator for the storage of maggots (retrospective)	Granted

5. CONSULTATIONS

5.1. March Town Council

Recommend approval

5.2. Peterborough City Council Wildlife Officer

No objection subject to condition regarding conditions regarding surveys and mitigation works for protected and other species.

5.3. FDC Environmental Health

No Objections. Condition requested regarding unsuspected contamination.

5.4. Cambridgeshire County Council Highways Authority (revised plans) No objections. Conditions requested regarding surface water run-off, provision of on-site parking/turning and construction of vehicular access.

5.5. Cambridgeshire County Council Archaeology

Programme of archaeological investigation required.

5.6. **FDC Tree Officer**

Support retention and reinforcement of the boundary hedging. Main concern would be the loss of the weeping willow. If the tree is to be removed replacement would be required on the basis of a semi-mature replacement 5-6 metres in height.

Officer note – subsequent amendment of the scheme now shows retention of the weeping willow.

5.7. Local Residents/Interested Parties

Original Plans

- 5.8. Twelve representations were received in relation to the original plans from 9 separate properties raising the following concerns.
 - History of surface water flooding and no surface water drainage details provided.

- The application is invalid as the biodiversity checklist is not filled in correctly (no address or reference number on it).
- Increase in traffic will cause the lane to be blocked more often and cause a hazard at the junction with Knights End Road.
- Unsustainable and overdevelopment of the area.
- Proposal is within sight of 3 listed buildings and next to a public right of way.
- Mill Hill Lane is only partially a public highway, is narrow and does not have footpaths or kerbing
- Surface of the access road is poor, and traffic levels and nature exacerbate this.
- Proposal indicates removal of several trees subject to Tree Preservation Orders but with no replanting plan.
- Concerned about the effect development will have on flooding. No reference is made to the March Surface Water Management Plan.
- No consultation with Cambridgeshire County Council Flood and Water.
- Pre-application response submitted with the application is out of date.
- Layout will result in a loss of privacy to the properties along Knights End Road.
- Archaeological work has not been undertaken.
- No turning provision for HGVs.
- Insufficient parking provision.
- Siting is ill-considered with no thought for other residents regarding noise, pollution and dust.
- Proposal will not integrate with the surroundings as it is residential development within a garden, whereas the character of the area is one of frontage development.
- Proposed dwellings out of scale (2-storey) with the majority of local dwellings.
- Bin storage area does not comply with RECAP Waste Management Design.

Revised Plans

- 5.9. Six further objections were received in response to the revised drawings, from 6 properties and raising the following points.
 - Contrary to the statement submitted there are windows in the adjacent listed barn facing west, and the screening trees could be removed at any time.
 - Concerned about the effect development will have on flooding. No reference is made to the March Surface Water Management Plan.
 - No consultation with Cambridgeshire County Council Flood and Water.
 - Should have been included in pre-application discussions.
 - Increasing traffic using Knights End Road causing a safety hazard.
 - Recent developments are already causing a decline in wildlife due to removal of trees and hedges and this will exacerbate the matter.
 - Unsustainable and overdevelopment of the area.
 - Proposal is within sight of 3 listed buildings and next to a public right of way.
 - Mill Hill Lane is only partially a public highway, is narrow and does not have footpaths or kerbing
 - Surface of the access road is poor, and traffic levels and nature exacerbate this.
 - Proposal will not integrate with the surroundings as it is residential development within a garden, whereas the character of the area is one of frontage development.
 - Proposed dwellings out of scale (2-storey) with the majority of local dwellings.

- Intensification of development along Mill Hill Lane affecting quality of life of the existing residents.
- Plot 2 appears squeezed onto the site, with parking and manoeuvring concerns.
- Overlooking of nearby premises.
- The application states it is for 2 dwellings but the drawings show 3.
- The proposal suggests the removal of a number of trees covered by a preservation order.
- No soil assessment with the application.
- Does not conform to the March Town Plan.
- New Tarmac surface shows only drainage onto the public highway.

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).
- 6.2. 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

7.1. National Planning Policy Framework (NPPF)

Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants, and encourage the effective use of land

Paragraph 49: Housing to be considered in the context of presumption in favour of sustainable development

Paragraph 53: Resisting inappropriate development of residential gardens

Paragraphs 56-57: Good and inclusive design

Paragraph 60: Reinforcing local distinctiveness

Paragraph 94: Need to consider flood risk

Paragraph 128-136 Heritage assets and impacts on significance

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

7.3. 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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

LP19 – The Natural Environment

7.4. March Neighbourhood Plan 2017

H2 – Windfall development

8. KEY ISSUES

- Principle of Development
- Character of the Area
- Amenity
- Highways & Access
- Flooding and Flood Risk
- Heritage Impact
- Impact on Trees
- Wildlife
- Other Matters

9. BACKGROUND

- 9.1. Pre-application advice was given in respect of the proposal in November 2016 and was generally supportive, identifying matters of scale, number of dwellings, visual detailing and amenity space as being of particular relevance to the scheme.
- 9.2. The advice given notes that it was valid for 1 year, and is thus 'out of date'. No policy changes have taken place in relation to the proposal in the intervening period however.

10. ASSESSMENT

Principle of Development

- 10.1. The application site is located within the built up area of March, which is categorised as a Primary Market town within the Fenland Local Plan, a settlement within which the majority of the district's new housing should take place. On that basis the principle of residential development is not opposed.
- 10.2. The application site is part of an existing residential garden, however there are no policies within the development plan that oppose such types of development as a matter of principle, and therefore the specific impacts of the scheme must be considered.

Character of the Area

10.3. The proposed development is one relating to the development of the rear garden of the property, with the assertion made that the character of the area is one of frontage development. Allendale itself is to all intent and purpose a backland development site (albeit one where the frontage property was constructed more recently than the host dwelling), and consent has also been recently granted for a similar type of development on the land to the south. The character of the area would not be adversely affected by the development of the site.

Amenity

- 10.4. Given the location of the application site within an existing residential garden and surrounded by other residential properties, one of the key considerations in relation to the proposed scheme is the impact of the proposal on the amenity of the surrounding dwellings.
- 10.5. Plot 1 of the revised scheme is orientated with its front elevation facing south, towards plot 2. Its rear elevation therefore faces north towards the adjacent dwellings on Knight's End Road, at a distance of between 15 and 18 metres. There is existing mature landscaping between the site and the adjacent dwelling, and the first floor windows open onto two bedrooms and the main bathroom. To the west of plot 1 lies Mill Hill Lodge. A single window is proposed facing this property from the main bedroom over the garage, approximately 19 metres from the boundary to the west with the retained weeping willow located between the dwellings. Two windows are proposed on the eastern elevation looking out over the adjacent land associated with the barn conversion, however these are both noted as being obscure glazed on the submitted plans and both lead onto toilet/bathrooms and it is therefore unlikely that there will be any significant impact. A single ground floor door on this elevation is also proposed. The front elevation of the dwelling faces the front elevation of plot 2, but at a distance of approximately 30 metres and with an existing ash tree located between the two properties and detailed for retention as part of the scheme.
- 10.6. Plot 2 is located to the south of the site, adjacent to the host dwelling. It has a similar relationship to the eastern boundary of the site as plot 1, again with only 2 first floor obscure glazed windows and a door at ground floor on this elevation. Its rear elevation is located approximately 10 metres from the southern boundary of the site, with its west elevation flanking the existing east elevation of Allendale. Allendale does have several windows facing east towards the new dwelling, however only one of these is in a position to overlook the garden of the new property, and there are no windows in the west elevation of the new dwelling that would overlook the private rear garden of the host dwelling. The solitary window facing west from plot 2 relates to the main bedroom over the garage, which looks out over the shared driveway leading to the dwellings.
- 10.7. On the basis of the above the relationships between the proposed dwellings and the existing properties in the area, including the host dwelling and the neighbouring sites, are considered to be acceptable, with a condition regarding no new openings not required as this is already controlled by the General (Permitted) Development Order 2015.

Highways & Access

- 10.8. The proposed scheme utilises the existing access point onto Mill Hill Lane, which is currently a wide gravel driveway leading to the parking area associated with the property.
- 10.9. The proposed access would retain the existing boundaries, but replace the loose gravel surface with a hardbound tarmac driveway leading to two parking spaces for Allendale, with a block paved shared driveway branching to the north

- and leading to individual gravel parking/turning areas for the proposed dwellings.
- 10.10. Comments have been received from residents with regard to the additional traffic burden resulting from the scheme, however the Local Highways Authority have confirmed that they have no objection in this regard, subject to the imposition of certain conditions regarding details of surface water treatment, and the provision of the upgraded access and the parking/turning prior to the occupation of the development.
- 10.11. The intensification of the use of the access has the potential to increase its impact on the neighbouring dwellings, however given the proposal also involves the removal of the existing gravel surface and its replacement with a tarmac driveway, the overall impact on neighbouring amenity remains neutral.

Flooding and Flood Risk

10.12. The application site is located within flood zone 1, the area of least flood risk and therefore a preferential location in this regard. Some small areas of Mill Hill Lane are noted as being at risk from surface water flooding, however in the vicinity of the application site this is categorised as low-medium risk with the majority of the site and its surroundings categorised as very low risk. On that basis there is no need for a specific flood risk assessment associated with the proposal, however as noted above, the Local Highways Authority has requested confirmation of a surface water drainage scheme with regard to the access drive, which should be designed so as to avoid draining into the public highway.

Heritage Impact

- 10.13. There is an existing grade II listed building to the east of the site, set within substantial open ground. Recent works to the evergreen trees along the eastern boundary of the site have opened more significant views of this building from the application site since the original submission of details, and the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority pay special attention to the desirability of preserving its setting. In this regard the key aspect of the listed building's setting is its isolated nature, surrounded by significant open space. It is already flanked by residential development to the north along Knights End Road and to a lesser extent to the west by Allendale itself. More open agricultural land lies to the south and east. On that basis, whilst the proposal would involve the provision of two dwellings in close proximity to the western boundary, these would not have a significantly different effect upon the setting than the dwellings to the north and therefore it is considered that there would be no material effect on the setting of the listed building.
- 10.14. There are no other listed buildings or non-designated heritage assets affected by the proposal.

Impact on Trees

10.15. Two trees on the site are covered by an existing Tree Preservation Order, and the weeping willow to the north west of the site is of significance and worthy of retention. The scheme has been amended to retain the willow, and shows the layout giving adequate space to allow for the retention of the trees subject to the preservation order. On that basis the scheme is considered to give adequate

protection to the trees on site, subject to a condition requiring appropriate protection measures to be in place prior to commencement.

Wildlife

- 10.16. The application is accompanied by a biodiversity checklist but no formal ecological report. A previous planning application however was accompanied by a Preliminary Ecological Assessment that has informed the proposed scheme.
- 10.17. That assessment found that there was no evidence of use of the site by bats, but that the hedgerows could support nesting birds, and habitat was evident that could support hedgehogs, and common toads and frogs. Mitigation measures could be implemented to minimise the impact of the scheme on biodiversity on the site.
- 10.18. Subsequently to the production of that report, the hedgerow to the east of the site has been largely felled, for which consent was not required.
- 10.19. Given the removal of habitat for nesting birds, and the potential of the surroundings to support bats, it would be appropriate to include a condition regarding the provision of nesting boxes for a variety of bird species and bats. Similarly a condition mitigating impacts on hedgehogs and amphibians would be appropriate. Conversely, site clearance works do not constitute development and therefore it would only be appropriate to advise the applicant of their responsibilities in this regard prior to development commencing with respect to the relevant legislation.

Other Matters

10.20. Several other matters have been raised in relation to the proposal by representations made on the application, and are addressed below.

Unsustainable and overdevelopment of the area.

10.21. As noted above, March is one of the two primary market towns within Fenland, and whilst not located towards the centre of the settlement, the application site is in a sustainable location. The application site extends to 0.22Ha in size, and therefore the density of the development is in the region of 9 dwellings per hectare, which is low. Existing densities across the dwellings in Mill Hill Lane are approximately 12 dwellings per hectare. The proposed scheme is therefore appropriate to the surroundings in this respect.

Archaeological work has not been undertaken.

10.22. Archaeological investigation in relation to sites such as this is rarely undertaken prior to the submission of a planning application due to the costs incurred. It is normal therefore for a condition to be attached to any permission requiring the agreement of a scheme and the undertaking of works at an appropriate point in the development process.

No turning provision for HGVs and siting is ill-considered with no thought for other residents regarding noise, pollution and dust.

10.23. Matters relating to the construction period of any works are not a material consideration in relation to a planning application as they are controlled by alternative legislation, including the Control of Pollution Acts.

Insufficient parking provision.

10.24. The parking provision indicated within the application is sufficient to meet the required parking standards within the Development Plan. Subject to the requested condition relating to provision of parking and turning prior to occupation of the properties there is no need to consider the matter further.

Proposed dwellings out of scale (2-storey) with the majority of local dwellings.

10.25. Mill Hill Lane and its surroundings demonstrate a variety of scales, from single-storey dwellings, through modest two-storey cottage style properties to large two-storey developments. In that regard, there is no consistent development scale in the immediate vicinity of the application site, and the proposal is considered to be appropriate in this regard.

Bin storage area does not comply with RECAP Waste Management Design.

10.26. It is accepted that the indicated bin store is in excess of the RECAP Waste Management Design guidelines regarding distance of the bin store from the dwellings to which it relates. Whilst this is not advised, it is not sufficient to warrant refusal of the application.

Should have been included in pre-application discussions.

10.27. There is no requirement for an applicant to include neighbouring residents in pre-application discussions, though this is recommended.

11. CONCLUSIONS

11.1. The proposal is for two dwellings within a residential area of one of Fenland's Primary Market Towns. The scheme is located on land identified as being at the lowest risk of flooding, and limits its impact on surrounding dwellings. There are no policies that oppose the principle of the development, and its impacts are or can be made acceptable through the use of appropriate planning conditions.

12. RECOMMENDATION

Grant planning permission subject to conditions

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2. No demolition/development shall take place until a written scheme of investigation (WSI) for a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI which shall include:
 - a) the statement of significance and research objectives;

- b) the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works:
- c) the programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason - To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation

3. Prior to the commencement of development, unless development has commenced within a period of 2 years from the date of this permission, an updated Ecological Report shall be submitted to and approved in writing by the Local Planning Authority; this report shall propose appropriate mitigation along with an implementation strategy for the site. The approved scheme shall then be implemented in accordance the updated Ecological Report, mitigation and implementation strategy.

Reason - In the interests of Biodiversity and in accordance with policy LP19 of the Fenland Local Plan (2014).

4. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Local Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.

Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding.

5. Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.

Reason - To ensure that retained trees are adequately protected.

- 6. Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:
 - a) means of enclosure
 - b) hard surfacing, other hard landscape features and materials
 - c) existing trees, hedges or other soft features to be retained
 - d) planting plans, including specifications of species, sizes, planting centres number and percentage mix
 - e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
 - f) details of siting and timing of all construction activities to avoid harm to all nature conservation features

- g) location of service runs
- h) management and maintenance details

Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan, 2014.

7. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan, 2014.

8. Prior to the occupation of the dwellings hereby approved, bird nesting boxes and bat boxes/bat tiles shall be installed on the site. The bird nesting boxes shall cater for a number of different species such as House Sparrow, Starling and House Martin, and details regarding numbers, design and locations of all the boxes/tiles shall be provided to and agreed in writing by the Local Planning Authority prior to their installation.

Reason - To safeguard biodiversity in line with the aims of the National Planning Policy Framework and Policy LP19 of the Fenland Local Plan, adopted May 2014.

9. Prior to the occupation of the development, the access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that satisfactory access is available into the site at the time of occupation and to prevent surface water from discharging into the highway and causing harm to highway safety.

10. Prior to the first occupation of the development the proposed on-site parking/turning shall be laid out in accordance with the approved plan and thereafter retained for that specific use.

Reason - To ensure the permanent availability of adequate parking/turning facilities on site to ensure that the development is not detrimental to highway safety.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

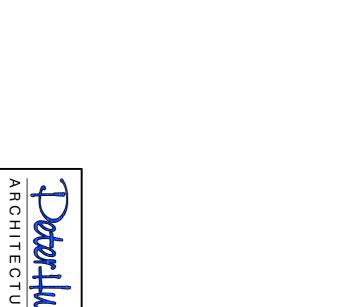
writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a Method Statement detailing how this unsuspected contamination shall be dealt with. The development shall then proceed in accordance with the approved Method Statement.

Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

12. The development hereby permitted shall be carried out in accordance with the approved plans and documents









PROPOSED DEVELOPMENT

LAND AT 'ALLENDALE'
MILL HILL LANE
MARCH
PE15 9QB PROPOSED SITE PLAN SARA FINK

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DATE JAN 2018 SCALE As Shown

JOB NO. 5808/01F



