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**F/YR24/0424/F**

**Applicant: Mr Sean Saxby  
MJS Investments (March) Ltd**

**Agent: Mr Marcus Vanner  
TMV Architects**

**Land East of Mill Hill Roundabout, Wimblington Road, March, Cambridgeshire**

**Change of use of land to dog exercise area, installation of secure fencing up to 1.8m high (max), erect shelters and formation of new access and car parking**

**Officer recommendation: Refuse**

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

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**Government Planning Guarantee**

**Statutory Target Date For Determination: 17 September 2024**

**EOT in Place: Yes**

**EOT Expiry: 22 November 2024**

**Application Fee: £578**

**Risk Statement:**

**This application must be determined by 22 November 2024 otherwise it will be out of time and therefore negatively affect the performance figures.**

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**1 EXECUTIVE SUMMARY**

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| <p>1.1. This application seeks full planning approval for the change of use of land to a dog exercise area, including the installation of secure 1.8m high fencing, shelters, and the formation of a new access and car park on 3.9Ha of undeveloped agricultural land east of Mill Hill roundabout in March.</p> <p>1.2. The scheme is considered acceptable on balance with respect to technical matters regarding highway safety, residential amenity, environmental health, flooding, ecology and biodiversity, subject to appropriate conditions.</p> <p>1.3. However, by virtue of its intended scale, in such a prominent position at the convergence of a major roundabout and owing to the fact that the scheme will include significant incongruous fencing, lighting and infrastructure, it is considered that the proposal will result in a detrimental urbanising impact to the currently open countryside character of the area, contrary to Policies LP12 (a), (c), (d) and LP16 (d) of the Fenland Local Plan 2014 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014.</p> <p>1.4. As such the scheme is recommended for refusal.</p> |
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## **2 SITE DESCRIPTION**

- 2.1. The application site is a 3.9ha area of undeveloped agricultural land to the south of March, on the corner of the roundabout forming the junction between the A141 and Wimblington Road. The land is bounded to the south by the A141 and west by Wimblington Road, with drains bounding to the north and east.
- 2.2. The site falls partly within flood zone 1, and partly within flood zones 2 and 3.
- 2.3. Opposite the site to the west is Mill Hill Garage, along with three residential dwellings: "Tarn Hows" and nos. 1 & 2 Linwood Lane.

## **3 PROPOSAL**

- 3.1. The application seeks a change in use of the land from undeveloped agricultural farmland to use as a dog exercise area. The land will be bounded by 1.8m fencing and separated into four separate exercise areas separated by 1.8m fencing, screening netting and native hedge planting. Each area will include a shelter, lighting, dog waste bin and gate. A specific disabled area will also include a footpath for accessibility. The development also includes the creation of a lit parking area and will be accessed by a new access into the site proposed from Wimblington Road.
- 3.2. Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 **SITE PLANNING HISTORY**          None

## **5 CONSULTATIONS**

### **5.1. March Town Council**

*Recommendation; Approval subject to satisfactory highways/access arrangements in line with the Highways Authority's requirements and recommendations. The junction/site access remains dangerously close to the roundabout on a 60mph stretch of road.*

### **5.2. CCC Ecology**

*The proposal is acceptable on ecology grounds, providing that mandatory biodiversity net gain is secured through suitably worded conditions / obligations:*

- 1. Informative regarding national condition for Biodiversity Gain*
- 2. Planning condition / Section 106 agreement to monitor delivery of "significant" on-site BNG, including 30 years management*
- 3. Detailed landscape scheme*

*Please find further details below:*

#### *Mandatory Biodiversity Net Gain*

*Mandatory Biodiversity Net Gain requirement apply to this planning application because it was submitted after BNG took effect on 12 February 2024 (or 2 April 2024 for small sites) and does not meet any exemption criteria.*

*A well written Biodiversity Net Gain (BNG) Metric - Assessment Report has been submitted as part of the application. The report:*

- confirms no irreplaceable habitats or statutory designated areas will be adversely impacted as a result of the proposed development (which could affect BNG assessment)*
- provides baseline habitat condition assessment for pre-development*
- demonstrates how the BNG hierarchy has been implemented*
- provides realistic post-development habitat types and condition*
- outlines the proposed 30-year habitat management and monitoring*
- is supported by the submission of the Statutory Metric calculator*

*We are satisfied that the scheme will achieve “on-site” BNG much greater than the mandatory 10% biodiversity net gain “on-site” (minimum).*

*Therefore, there are no ecological grounds to refuse this application. If permission is granted, consideration must be given as to how the LPA intends to manage / monitor the delivery of the biodiversity net gain scheme. [...]*

*We recommend that the planning condition / S106 includes the implementation of the Habitat Management and Monitoring Plan (which should form part of the Biodiversity Gain Plan secured by the national planning condition) and monitoring its successful delivery, with BNG audit / monitoring reports submitted to the LPA at the monitoring intervals recommended in the Biodiversity Report:*

- modified grassland - years 1, 3 and 5 to ensure establishment, then every 3 years*
- hedgerows - years 1, 3 and 5 to ensure establishment, then every 5 years*

*Consideration should also be given as to how to deal with applications if delivery of BNG has failed and remedial actions are required.*

*[...]*

*We can confirm that this issue [regarding light overspill] could be addressed through a suitably worded condition to require a detailed lighting scheme that is sensitively designed for wildlife to be submitted to and approved by the LPA which will avoid light-spill onto the neighbouring ditch network. [...]*

**5.3. Arboricultural Officer (FDC)**

*I have no objection to this. No tree will be impacted. I note that the ecologist has included native hedge planting as part of BNG. If you are minded to approve this, I would suggest that tree planting is included as part of this. There is sufficient space on site to support numerous tree planting with space where species such as Oak, Field Maple and other large trees could be established to benefit future landscape amenity.*

**5.4. CCC (Lead Local Flood Authority)**

*We have reviewed the following documents:*

- *Flood Risk Assessment and Outline Sustainable Drainage Strategy, Roy Lobley Consulting, Ref: RLC/1618/FRA+OSDS01, Rev: 1, Dated: 26th July 2024*

*Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.*

*The above documents demonstrate that surface water from the proposed development can be managed through the use of gravel surfacing.*

*We request the following condition is imposed:*

*Condition*

*No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.*

*The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Outline Sustainable Drainage Strategy prepared by Roy Lobley Consulting (ref: RLC/1618/FRA+OSDS01) dated 26th July 2024 and shall also include:*

- a) *Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) plus climate change storm events, inclusive of all collection, conveyance, storage, flow control and disposal elements together with an assessment of system performance;*
- b) *Full detail on SuDS proposals (including location, extent, and depths);*
- c) *Site Investigation and test results to confirm infiltration rates;*
- d) *Full details of the maintenance/responsibility of the surface water drainage system;*
- e) *Measures taken to prevent pollution of the receiving groundwater and/or surface water*

*Reason*

*To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.*

**5.5. Environment Agency**

*This application falls down to advice note 6 of our local flood risk standing advice and as such we have provided the following advice:*

*We consider that the main source of flood risk at this site is associated with watercourse under the jurisdiction of the Internal Drainage Board (IDB). As such, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.*

*In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.*

#### *NPPF Flood Risk Sequential Test*

*In accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the sequential test needs to be applied and whether there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.*

#### **5.6. Middle Level Commissioners**

*Change of use of land to dog exercise area, installation of a secure fencing up to 1.8m high (max), erect shelters and formation of new access and car parking on land east of Mill Hill Roundabout, Wimblington Road, March*

*We have been made aware of the above planning application which has recently been submitted to your authority for consideration.*

*Please be advised that neither the Middle Level Commissioners nor the Internal Drainage Boards within our district are, in planning terms, statutory consultees and, therefore, do not actually have to provide a response to the planning authority and we receive no external funding to do so.*

*However, the above application appears to involve development within the Board's 9m byelaw strip.*

*During the decision-making process both the applicant and your Council must acknowledge the close proximity of important watercourses and/or associated maintenance access strips to the application site. These watercourses are protected by Byelaws made in accordance with the Land Drainage Act.*

*Development within, over, or under a Board's maintained watercourse, or within the Board's maintenance strip, requires the Board's prior written consent.*

*It must not be assumed that consent will be given for any development within, over or under these watercourses and/or any associated maintenance access strips or that the issuing of planning permission by your authority means that the relevant works will be consented.*

*Please be advised that a more detailed response concerning other relevant Conservation, Environmental, Biodiversity Enhancement and Net Gain Issues; Navigation (where appropriate); Water level and flood risk management matters may be issued to supplement this reply and better inform the parties concerned.*

*In view of the above, the applicant is urged to contact us to discuss the proposed works via the post-application consultation process as a matter of urgency.*

**5.7. Anglian Water**

*Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.*

**5.8. Cambridgeshire County Council Highways Authority**

*Recommendation*

*On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable, subject to the condition(s) listed below.*

*Comments*

*The amended access drawing KMC24085 / 001 Rev B addresses the outstanding matters raised by the Local Highway Authority in its previous consultation response dated 29th August 2024.*

*In the event that the LPA are mindful to approve the application, please append the following Conditions and Informatives to any consent granted.*

*Conditions*

*Highway Drainage*

*The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity*

*Reason: To prevent surface water discharging to the highway in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014.*

*Non-Standard Condition*

*Prior to commencement of use, the proposed vehicular access shall be constructed using a bound material, for the first 5 metres from the boundary of the public highway into the site, to prevent debris spreading onto the public highway.*

*Reason: in the interests of highway safety.*

*Informatives*

*Works in the Public Highway*

*This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.*

**5.9. Designing Out Crime Officers**

*Thank you for the opportunity to comment on this revised proposal planning*

application. I have viewed the documents and note my colleagues' comments dated 30th May 2024 relating to operating hours and lighting. Having viewed the lighting proposals, I do have some concerns over the solar options. Please see recommendations below.

Lighting:

Lighting columns - would be our preferred system, whilst I note there is a S38 streetlight on the public highway, with a proposal to relocate this, I'm not sure what coverage this would provide over the parking facility. Taking into consideration the length of the 4 proposed exercise areas and the operating times particularly during the winter months there will be a requirement for sufficient lighting across the whole site. Our recommendation for any location would be column lighting to BS5489:1 2020 standards however, if this requirement conflicts with local conditions such as within a conservation area or where there is a dark sky policy, the implications should be discussed with the DOCO and the local lighting authority. A variable lighting system, which increases and decreases lighting levels in accordance with local circumstances/usage, is preferred to any total switch off policy employed to reduce CO2 emissions. The Institution of Lighting Professionals does not encourage switch off unless a full risk assessment has been carried out and, in any case, it should never be implemented purely on the grounds of cost savings. (There are column lights fitted with a back shield that are sympathetic to the environment and work alongside wildlife ecology and light pollution!). A qualified lighting engineer will be able to produce a lighting plan appropriate for the safety and security of residents and their property as well as ecology and wildlife.

- Solar Lighting - Due to the low levels of sunlight during winter months in this country it is likely that the Solar lights will either fade or go out completely overnight.
- Bollards - The use of bollard lights can be useful for way finding they are insufficient for security. Lights placed at lower levels can fail to illuminate the facial features of pedestrians which will then leave those areas in darkness and increase the vulnerability of crime, fear of crime and reduce feelings of safety. If the planning authority is of a mind to accept this perhaps there should be signs placed in the areas concerned explaining that they may not always be lit.

I am happy for the above to be conditioned. I currently have no further comments.

**5.10. Environment & Health Services (FDC)**

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development as it is unlikely to have a detrimental effect on local air quality, the noise climate or be affected by ground contamination.

**5.11. Local Residents/Interested Parties**

Objectors

The LPA received one letter of objection to the scheme from a purported agricultural tenant of the site, noting that they had not been formally notified of the proposals. As such, Officers requested that the applicant provide appropriate notice, which was duly completed, and the application was

redated accordingly. Further to this, a letter of objection was received from the tenant noting concerns over highway safety owing to the potential for congestion and traffic flows being affected owing to the access being near to the roundabout along with concerns over animal welfare from dogs 'bolting' into the road.

### Supporters

The LPA received 21 letters of support for the scheme from 20 address points, including 11 addresses from within the FDC District such as March, Wimblington, Chatteris and Whittlesey and further afield outside the District such as Holbeach, Spalding, Peterborough, Market Deeping, Yarwell (Greater P'boro), Greatford (Lincolnshire), Wilburton (Ely), Wymondham (Norfolk) and Walkern (Stevenage). Two of the letters received were from the applicant/applicant's address.

Reasons for supporting the scheme can be summarised as:

- A much needed service, a safe and secure dog walking area would be of benefit to the community;
- A positive addition to the area;
- Handy when visiting local family;
- Helpful to keep local open areas free of dog mess and/or safety risks from dogs in public areas;
- Well located for ease of access and has potential to be well supported by locals. Minor concerns over turning right into access from Wimblington Road owing to proximity to roundabout.
- Convenient place to stop and a safe area for exercising dogs;
- Offers good access for disabled people who have dogs;

11 letters received included no reasons for support.

## **6 STATUTORY DUTY**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014), the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the March Neighbourhood Plan (2017).

## **7 POLICY FRAMEWORK**

### **7.1. National Planning Policy Framework (NPPF)**

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 6 – Building a strong, competitive economy

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed and beautiful places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change



## Chapter 15 – Conserving and enhancing the natural environment

- 7.2. **National Planning Practice Guidance (NPPG)**  
Determining a Planning Application
- 7.3. **National Design Guide 2021**  
Context  
Identity  
Built Form  
Movement  
Nature  
Public Spaces  
Uses  
Lifespan
- 7.4. **Fenland Local Plan 2014**  
LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP6 – Employment, Tourism, Community Facilities and Retail  
LP12 – Rural Areas Development Policy  
LP14 – Responding to Climate Change and Managing the Risk of Flooding  
LP15 – Facilitating the Creation of a More Sustainable Transport Network  
LP16 – Delivering and Protecting High Quality Environments  
LP17 – Community Safety  
LP19 – The Natural Environment
- 7.5. **March Neighbourhood Plan 2017**  
There are no specific policies relating to developments such as this, however the visions, aims and objectives of the Plan is that the quality of the built and natural environment is improved.
- 7.6. **Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021**  
Policy 5 – Mineral Safeguarding Areas  
Policy 14 – Waste management needs arising from residential and commercial Development
- 7.7. **Delivering and Protecting High Quality Environments in Fenland SPD 2014**  
DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area
- 7.8. **Cambridgeshire Flood and Water SPD 2016**
- 7.9. **Emerging Local Plan**  
The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the

policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

- LP1: Settlement Hierarchy
- LP4: Securing Fenland's Future
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP11: Community Safety
- LP17: Culture, Leisure, Tourism and Community Facilities
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP27: Trees and Planting
- LP28: Landscape
- LP31: Open Space and Recreational Facilities
- LP32: Flood and Water Management

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and Appearance**
- **Highway Safety and Parking**
- **Residential Amenity and Environmental Health**
- **Flooding and Drainage**
- **Ecology and Biodiversity Net Gain (BNG)**
- **Other Matters**

## **9 ASSESSMENT**

### **Principle of Development**

- 9.1. The application site is located approximately 0.8km to the south of the periphery of the built form of March, and approximately 1km to the north of the main built form of Wimblington. Notwithstanding the presence of the convergence of significant transport routes between the two settlements, it falls within an area of sporadic development and as undeveloped agricultural land is part of the countryside separation between them. Given this locale and character, the application site is considered to fall within an 'Elsewhere' location, as set out within the Settlement Hierarchy in Policy LP3. Policy LP3 supports proposals where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. It is considered that the proposed development, intended as a dog exercise area, complies with Policy LP3 by way of outdoor recreation.
- 9.2. The principle of the development is therefore acceptable subject to the policy considerations set out below.

### **Character and Appearance**

- 9.3. Policy LP12 seeks to protect the character and appearance of the countryside, requiring development proposals to accord with specific criteria (a) – (k). The proposal is considered to be contrary to the following criteria:
- 9.4. Criteria (a) requires that the site be in or adjacent to the existing developed footprint of the village.
- 9.5. Criteria (c) seeks to ensure that developments do not have an adverse impact on the character and appearance of the surrounding countryside.
- 9.6. Criteria (d) seeks to ensure that the proposal is of a scale and location that is in keeping with the core shape and form of the settlement and will not adversely harm its character and appearance.
- 9.7. In addition, Policy LP16 (d) of the Fenland Local Plan seeks to ensure development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area, supported by Delivering and Protecting High Quality Environments in Fenland SPD 2014.
- 9.8. In this instance, the scheme is divorced from the main settlements of both March and Wimblington, on undeveloped agricultural land within a sparsely developed area located on a highly prominent highway junction. The development proposes alteration to an area of land to the front of the site to create a 1.8m fenced parking area approximately 65m wide by 21m deep, with additional gates and holding pens, along with the formation of a substantial access. Furthermore, the scheme will see the erection of 4 shelters, albeit these will be modest in scale and height, with mono-pitched roofs reaching a maximum height of approximately 2.5m. In addition, the scheme will see the separation of land into 4 large enclosures, separated and bounded by 1.8m fencing stretching approximately 140m along Wimblington Road to the west and approximately 200m along the Isle of Ely Way A141 to the south. The scheme also includes the erection of lighting to various points around the car park and the entire 3.9Ha site. Given the prominence of the site, views will be apparent on approach to the site from all sides regardless of the direction of travel on the adjoining highways.
- 9.9. Ultimately, this scale of development, in such a prominent position, that will include significant lengths of incongruous fencing, lighting and infrastructure will result in a detrimental impact to the currently open countryside character of the area, contrary to Policies LP12 (a), (c), (d) and LP16 (d) of the Fenland Local Plan 2014 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014.
- Highway Safety and Parking**
- 9.10. Policy LP15 seeks to ensure safe and convenient access for all. Concerns have been raised regarding the impact of traffic entering/exiting the site on the nearby highway network.

- 9.11. The scheme was originally objected to by the Highways Authority, noting concerns over visibility, proximity to the roundabout, and geometry. Consequently, a number of amendments were made to the position and geometry of the access, parking areas and turning spaces to address comments made supported by a Transport Technical Note. Further to this, additional minor adjustments were made in response to consultations with the Highways Authority.
- 9.12. Following a review of the final amended scheme, which includes a left turn only exit route, an appropriate pedestrian/cycle crossing and signage to limit impacts to highway safety, the Highway Authority raise no objection, recommending the inclusion of conditions regarding compliance with the approved plans, drainage and surfacing.
- 9.13. Accordingly, whilst concerns over traffic and highway safety are noted, the revised access arrangement and supporting data suggest that the scheme is compliant to Policy LP15 with respect to highway safety, subject to conditions.
- 9.14. With respect to parking, the scheme proposes to provide 27no. 2.5m x 5m parking spaces, with a minimum of 6m clearance behind to enable manoeuvrability. Within the car park, four separate parking compounds are proposed (including three spaces each) with gates and fencing to enable pedestrians and dogs to enter and exit vehicles safely whilst being segregated from the roadway or remaining parking areas. This is considered an acceptable arrangement and will minimise the risk of dogs running loose into the highway or within the parking area. Given the proposed scale and nature of the scheme the volume and arrangement of parking provision is acceptable with respect to Policy LP15.
- 9.15. Notwithstanding, whilst technically acceptable in respect of Policy LP15, the proposed access arrangement, level of parking and fencing to the front of the site further reinforces concerns over the urbanising impact the scheme will have on the surrounding countryside character as discussed above.

#### **Residential Amenity and Environmental Health**

- 9.16. Policies LP2 and LP16 (e) seek to ensure development proposals do not adversely impact on the amenity of neighbouring users such as by virtue of noise, light pollution, loss of privacy and loss of light.
- 9.17. The nearest residential dwellings to the site include "Tarn Hows", and nos. 1 & 2 Linwood Lane, ranging between 35m and 55m from the site, positioned on the opposite side of Wimblington Road to the west. To the south, 68 March Road is the nearest dwelling at approximately 115m from the site.
- 9.18. The use of the site as a dog exercise area may increase noise in respect of vehicle movements and/or dog barking. However, it is considered that the impact of disturbance from noise will likely be limited given the separation from the nearest dwellings.

9.19. The submitted design and access statement suggests that the facility is intended to be operational between 5am and 11pm every day. These hours of operation are significant, however, it should be noted that Mill Hill Garage located adjacent to the residential dwellings Tarn Hows and Nos. 1 & 2 Linwood Lane is open as follows:

- 5am - 7pm Monday to Friday;
- 6am - 5pm on Saturdays;
- 9am - 5pm on Sundays

As such, given that the potential for noise from the adjacent garage, at much closer proximity to the dwellings (e.g. around 15m from Tarn Hows) is likely to cause more obvious disturbance than the proposed dog exercise area, the proposed extended hours are, on balance, acceptable in this instance.

9.20. The proposal also seeks to include Solar Powered PIR Sensored Lighting on poles within the car park and at various points along the exercise areas, baffled downwards and away from the highway and/or mature vegetation. Some concern has been raised from the Designing Out Crime team of Cambridgeshire Constabulary with respect to the suitability of solar powered lighting to offer appropriate security, noting that “*A qualified lighting engineer will be able to produce a lighting plan appropriate for the safety and security of residents and their property as well as ecology and wildlife.*” As such, notwithstanding the lighting scheme submitted, it is considered appropriate to ensure a full lighting scheme is secured by condition to ensure that the scheme is appropriate whilst balancing its impacts to neighbouring residential amenity, highway safety, and biodiversity whilst ensuring appropriate safety and security for users.

9.21. Dog waste bins are intended to be provided at various points around each exercise area and alongside the shelters. It is understood that users will be reminded to clean up after their dog whilst using the facility. With respect to waste emptying, the Design and Access statement states:

*Waste management within the dog park will be carried out by a licensed waste carrier in accordance with local regulations and best practices. The licensed waste carrier will be responsible for the collection and disposal of dog waste from designated waste disposal stations located throughout the park. Regular waste removal schedules will be established to ensure cleanliness and hygiene within the park, promoting a pleasant environment for visitors and reducing environmental pollution.*

9.22. A condition can be applied to ensure the waste management strategy is acceptable prior to commencement of use of the facility.

9.23. It is noted that no objections are raised by the Environmental Health team highlighting any concern with respect to light pollution, noise disturbance, nor any additional environmental health concerns such as waste management; nor did any adjacent residents object on the grounds of amenity impact.

9.24. Notwithstanding, should the Environmental Health Team receive substantiated complaints in respect of noise, lighting, or waste as a result of

the development, appropriate nuisance action can be taken where necessary under separate Environmental Legislation.

### **Flooding and Drainage**

- 9.25. Policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework set out the policy approach towards development in areas of flood risk. Both of these policies seek to encourage development first within areas of lower flood risk, before considering development in areas at higher risk of flooding.
- 9.26. The application site includes areas within flood zones 1, 2 & 3, with the car park and shelters located within flood zone 1. Flood zones 2 & 3 appear to only affect the dog enclosure fields.
- 9.27. It is considered that the change of use will not constitute any additional flood risk to users of the site or adjacent land and or properties than the existing agricultural use, by virtue that in the event of flooding, water will be able to flow unimpeded across the site by virtue of the use of permeable fencing. There have been no objections to the scheme in respect of flood risk or drainage from the LLFA or Environment Agency, subject to conditions regarding a suitable surface water drainage scheme to be submitted.
- 9.28. Middle Level Commissioners offered comment on the application, seeking to ensure that the 9m byelaw strip to the drains bordering the east and southern boundaries of the site are maintained. Further to this comment, the applicant provided revised site layout drawings safeguarding this strip to allow the IDB access for maintenance to their managed watercourses as required.
- 9.29. Given the above, there are no issues to address with regard to flood risk, in accordance with Policy LP14.

### **Ecology and Biodiversity Net Gain (BNG)**

- 9.30. The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 9.31. The application was supported by appropriate ecological assessment and no objections were raised by the ecological officer or arboricultural officer with respect to the proposals, subject to appropriate conditions.
- 9.32. In this instance a Biodiversity Gain Condition is required to be approved before development is begun. Consultation with CCC Ecology note the requirement to impose planning conditions to secure the landscaping scheme, and a Habitat Management and Monitoring Plan, and appropriate lighting scheme for biodiversity (as discussed above), to be approved to ensure the site is appropriately managed to achieve Biodiversity Net Gain in

perpetuity and ensure the scheme complies with Policies LP16, LP19 and the Environment Act 2021.

### **Other Matters**

- 9.33. A number of the letters of support came from areas outside the District, and thus local appetite for the scheme cannot be fully substantiated. The application was scant on justification and/or evidence with respect to market appetite for the proposal, with section 4.1 of the Design and Access Statement, entitled “Justification and Use of Development” stating:

*The application seeks to gain the planning consent for a change of use from agricultural land to dog field facilities including access arrangements, boundary treatments, parking and amenities. This being an appropriate use of the site to provide additional recreational space for locals.*

- 9.34. Notwithstanding, any benefits from the scheme are not considered to outweigh the harm caused to the character and appearance of the area as discussed above.

## **10 CONCLUSIONS**

- 10.1 On the basis of the consideration of the issues of this application, conflict predominately arises through the detrimental impact of development on the countryside character of the area, rather than as a result of technical matters.
- 10.2. The application site, as undeveloped agricultural land contributes to the wider countryside character of the area separating the main built forms of March and Wimblington on a prominent roundabout junction. The obvious intrusion of the development, by virtue of its significant scale of the proposal, and the use of significant lengths of incongruous fencing, the erection of lighting, parking infrastructure and access, it is considered that the proposal will result in a detrimental urbanising impact to the currently open countryside character of the area, contrary to Policies LP12 (a), (c), (d) and LP16 (d) of the Fenland Local Plan 2014 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014.
- 10.3. Whilst the scheme is considered acceptable on balance with respect to technical matters regarding highway safety, residential amenity, environmental health, flooding, ecology and biodiversity, subject to appropriate conditions, the overall scheme will result in a significant visual impact to the character of the area and thus is recommended for refusal on this basis.

## **11 RECOMMENDATION**

- 11.1 **Refuse**, for the following reasons;

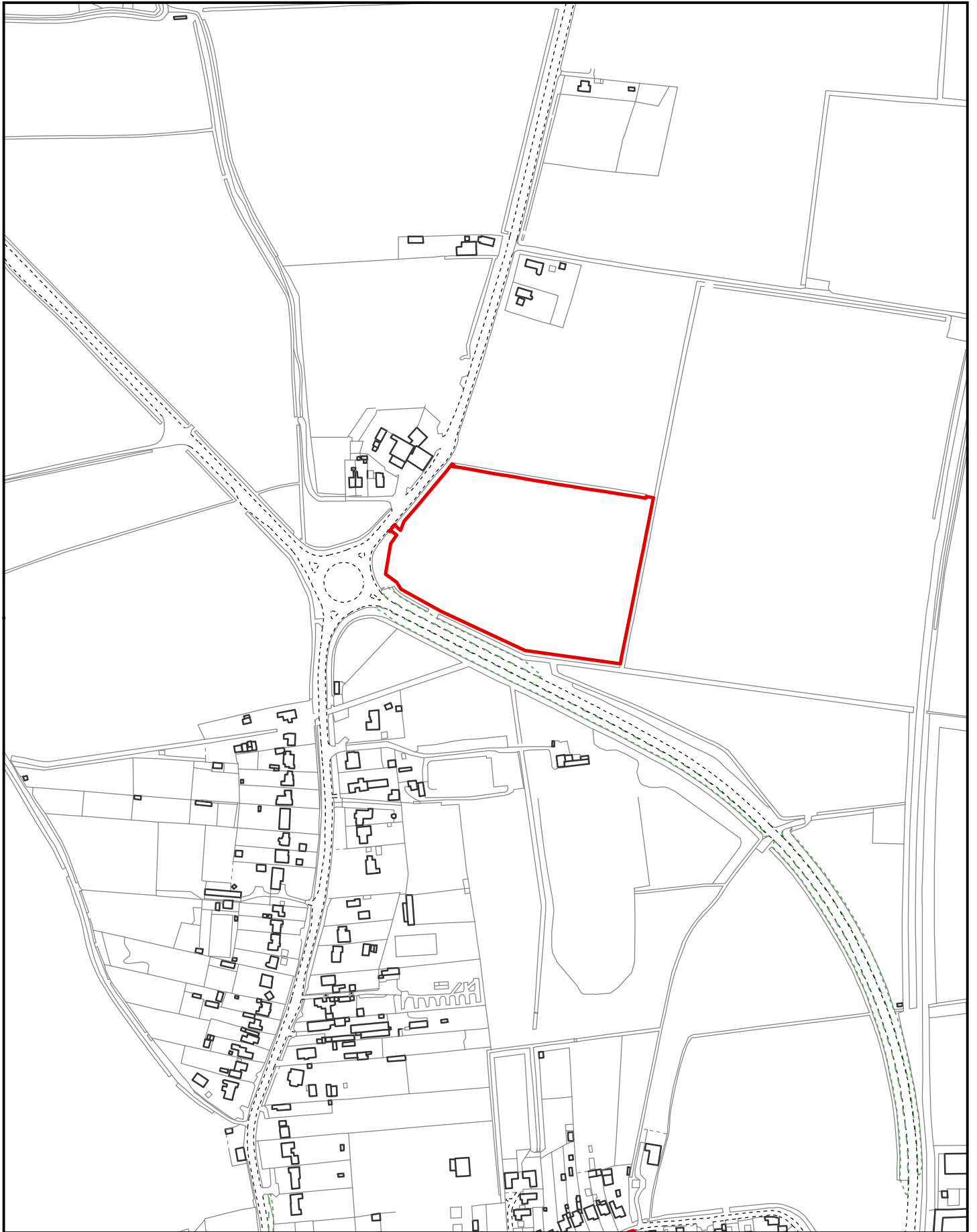
### **Reasons**

1	Policy LP16 (d) of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD
---	---

2014 seek to ensure development makes a positive contribution to the local distinctiveness and character of the area, and does not, either in design or scale terms, adversely impact on the street scene, settlement pattern or landscape character of the area. Policy LP12 seeks to ensure that development respects the character and appearance of the surrounding countryside and farmland.

The development includes the installation of significant lengths of fencing, parking provision, shelters and lighting and positioned in a prominent location visible on all approaches on current undeveloped agricultural land. Thus, by virtue of the overall scale and siting of the proposed development, the scheme does not respect the character and appearance of the surrounding countryside and farmland as development on this land would result in a distinct urbanisation of existing open and undeveloped agricultural land and will adversely impact and dominate the existing street scene, settlement pattern and landscape character of the area, contrary to Policies LP12 (a), (c) and (d), LP16 (d), of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014.





Created on: 29/05/2024

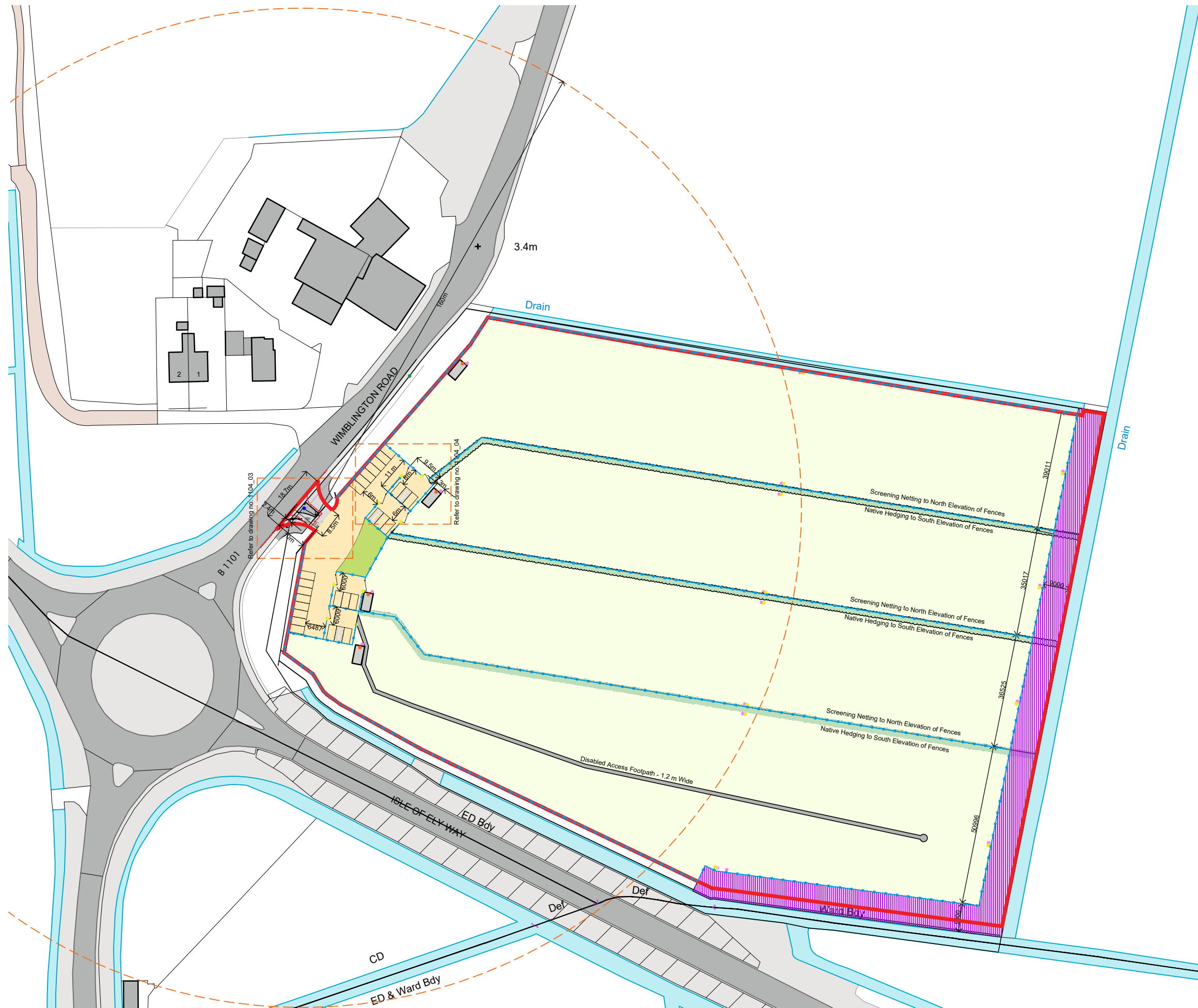
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**F/YR24/0424/F**

Scale = 1:5,000



 **Fenland**  
CAMBRIDGESHIRE  
Fenland District Council



- Bin
- Gravel
- Tarmac
- Entrance Vegetation and Logo
- Grass
- Footpath
- Native Hedging
- MLC 9m Buffer

**Lighting Strategy**

Flood Lights at each Gate and Parking Area  
 Linear Lights inside each Shelter  
 Flood Lights above each Waste Bin  
 All lights to be solar powered/charged and operated only by PIR Sensor.

- PIR Sensor NexSun 5000 Flood Light
- PIR Sensor NexSun 2500 Linear Light (Inside Shelter)
- Existing Streetlight
- New Streetlight to replace existing

**TMV**

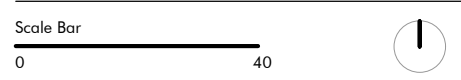
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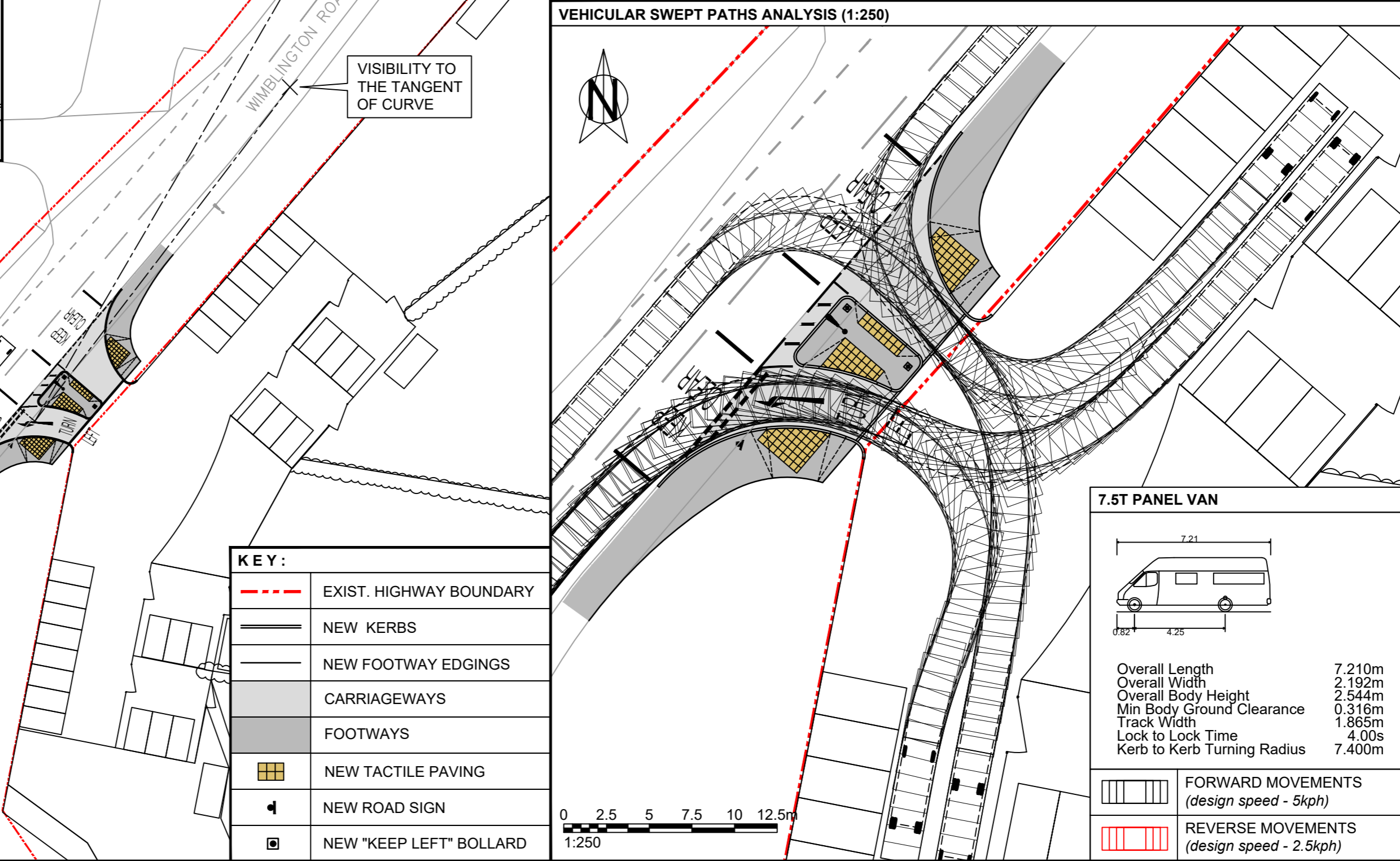
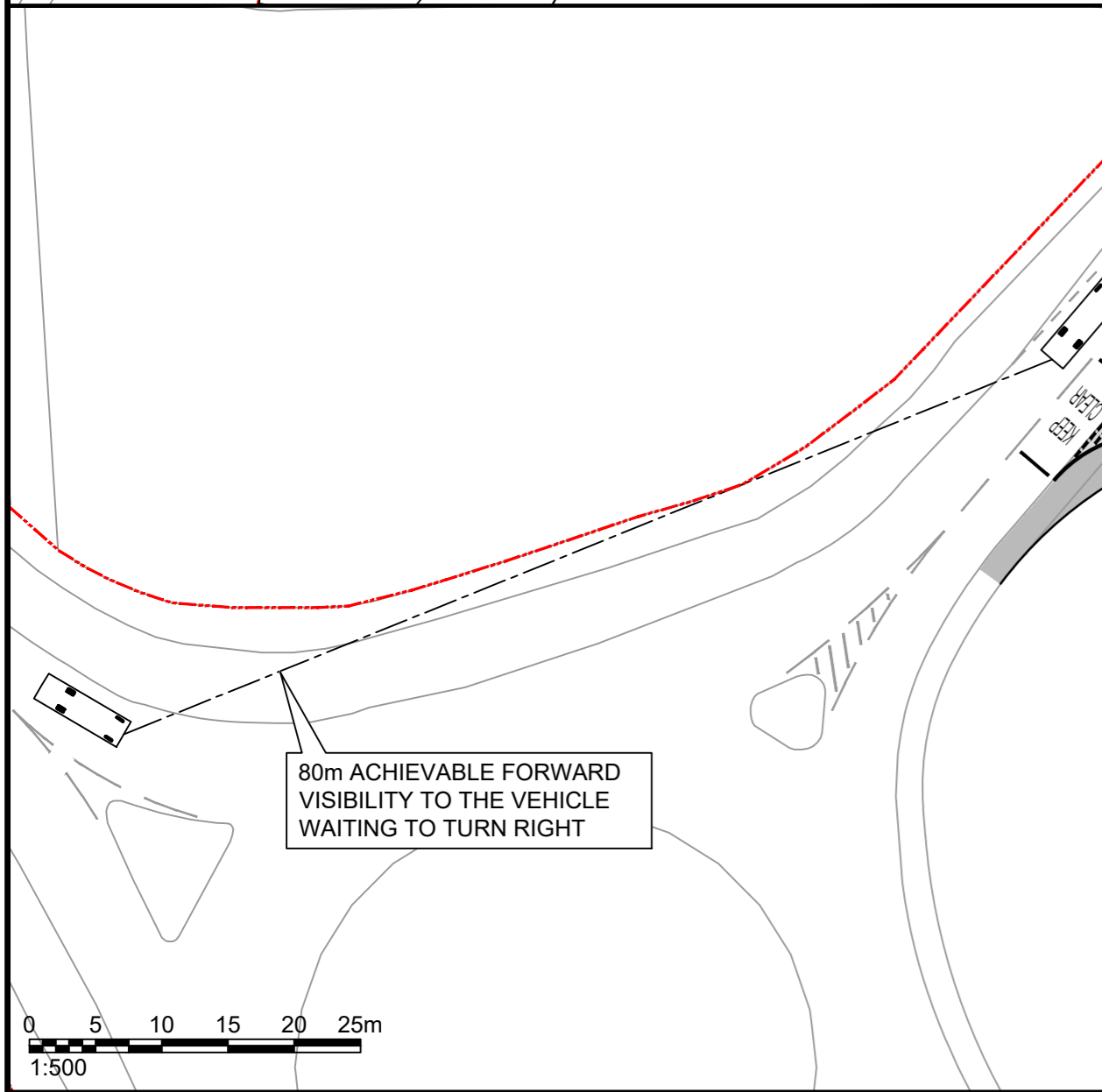
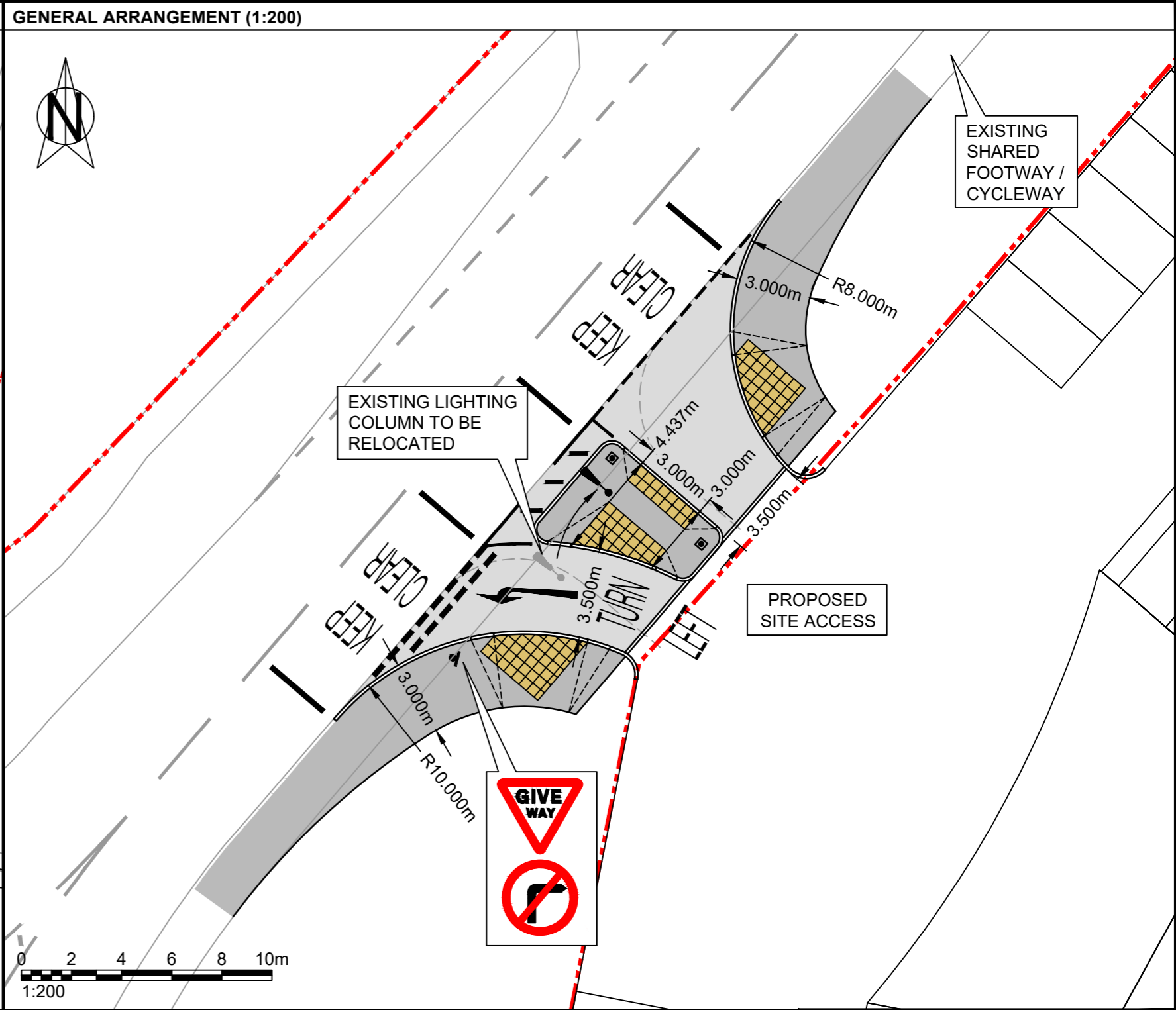
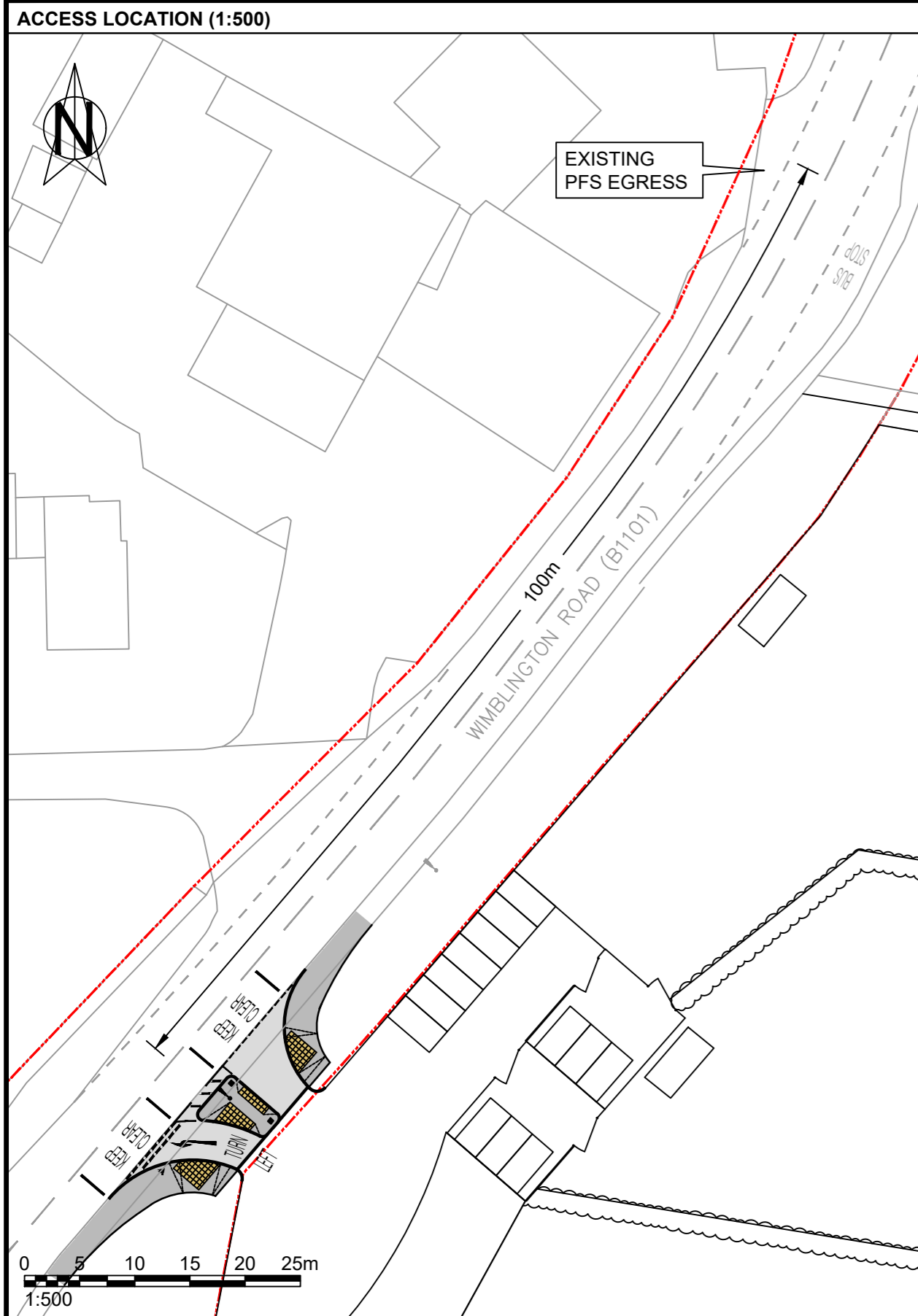
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Rev.	Date	Details
E	26.07.24	Street Lighting added

Planning		
Drawing Name		
Proposed Site Block Plan		
Project Name	Project No.	Dwg No.
Land Adj. Mill Hill Roundabout, March	1104	02
Rev.	Scale	
E	1:1250 @ A3	
Drawn	Date	
MV	02.24	

**Proposed Site Block Plan**



**KEY:**

	EXIST. HIGHWAY BOUNDARY
	NEW KERBS
	NEW FOOTWAY EDGINGS
	CARRIAGEWAYS
	FOOTWAYS
	NEW TACTILE PAVING
	NEW ROAD SIGN
	NEW "KEEP LEFT" BOLLARD

**7.5T PANEL VAN**

Overall Length	7.210m
Overall Width	2.192m
Overall Body Height	2.544m
Min Body Ground Clearance	0.316m
Track Width	1.865m
Lock to Lock Time	4.00s
Kerb to Kerb Turning Radius	7.400m

	FORWARD MOVEMENTS (design speed - 5kph)
	REVERSE MOVEMENTS (design speed - 2.5kph)

**NOTES:**

- (C) This drawing is copyright.
- All dimensions to be checked on site.
- Do not scale from this drawing; only figured dimensions are to be worked from.
- Any discrepancies must be reported immediately before proceeding.
- This drawing to be read & printed in colour.

REV	DATE	DESCRIPTION	DRN	CHKD	APRD
B	02.09.2024	Site access revised to comments.	DW	DS	KMcM
A	25.07.2024	Site layout updated.	DW	DS	KMcM

Issue Status

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<input checked="" type="checkbox"/>	PRELIMINARY	<input type="checkbox"/>	AS BUILT
<input type="checkbox"/>	TENDER	<input type="checkbox"/>	H&S FILE ISSUE

Client  
MJS Construction (March) Ltd

Project  
Land East Of Mill Hill Roundabout, Wimblington Road

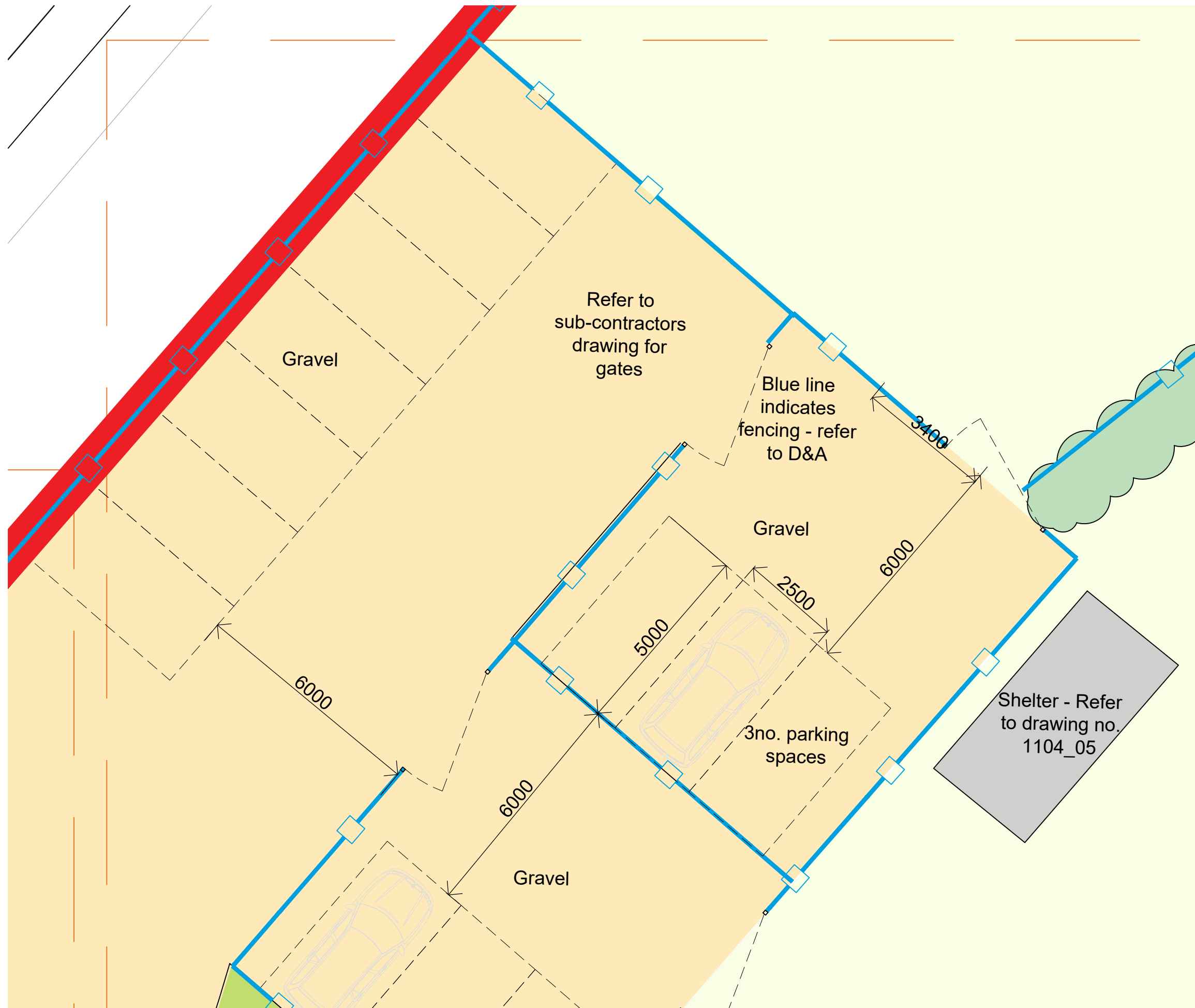
Drawing Title  
Proposed Site Access

Scale @ A2	Drwn	DW	Chkd	DS
Var.	Aprd	KMcM	Date	17.07.2024

Drawing Ref  
KMC24085 / 001

Rev	B
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**kmc**  
transport planning



Proposed Parking Plan



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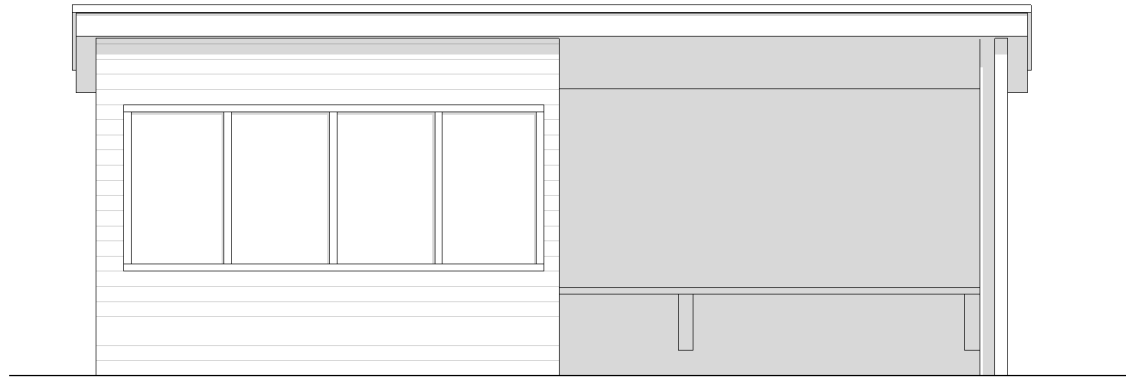


Rev.	Date	Details
C	22.07.24	Boundary Amended to Highways / General Update

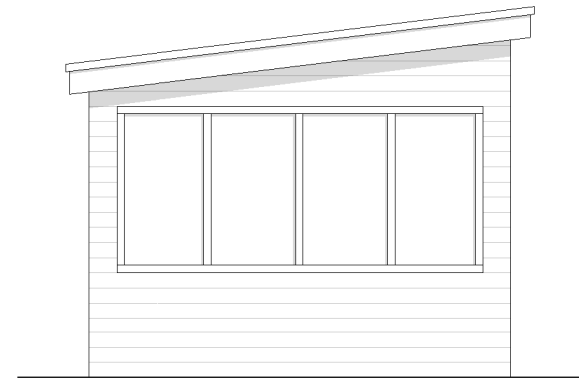
**Planning**

**Drawing Name**  
 Proposed Parking Plan

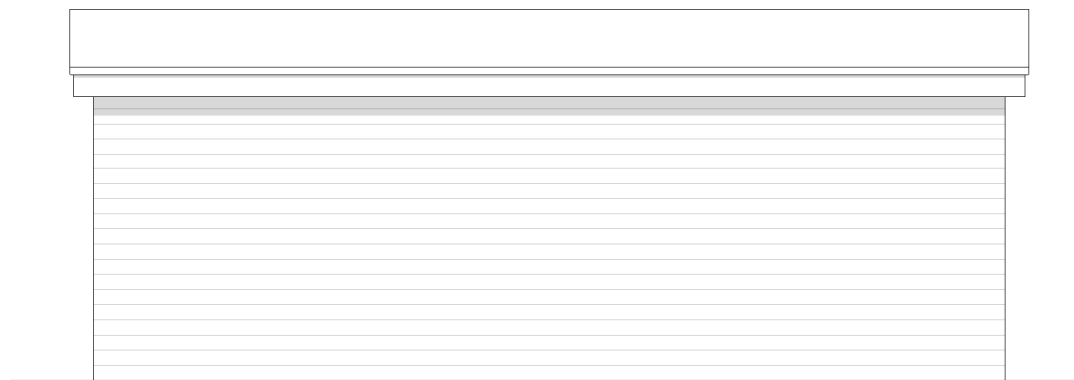
Project Name	Project No.	Dwg No.
Land Adj. Mill Hill Roundabout, March	1104	04
Rev.	Scale	
C	1:100 @ A3	
Drawn	Date	
MV	02.24	



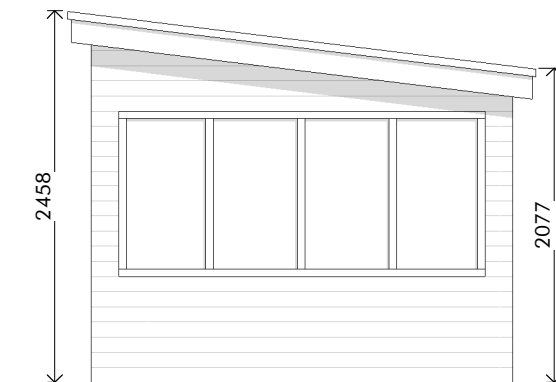
Elevation 1



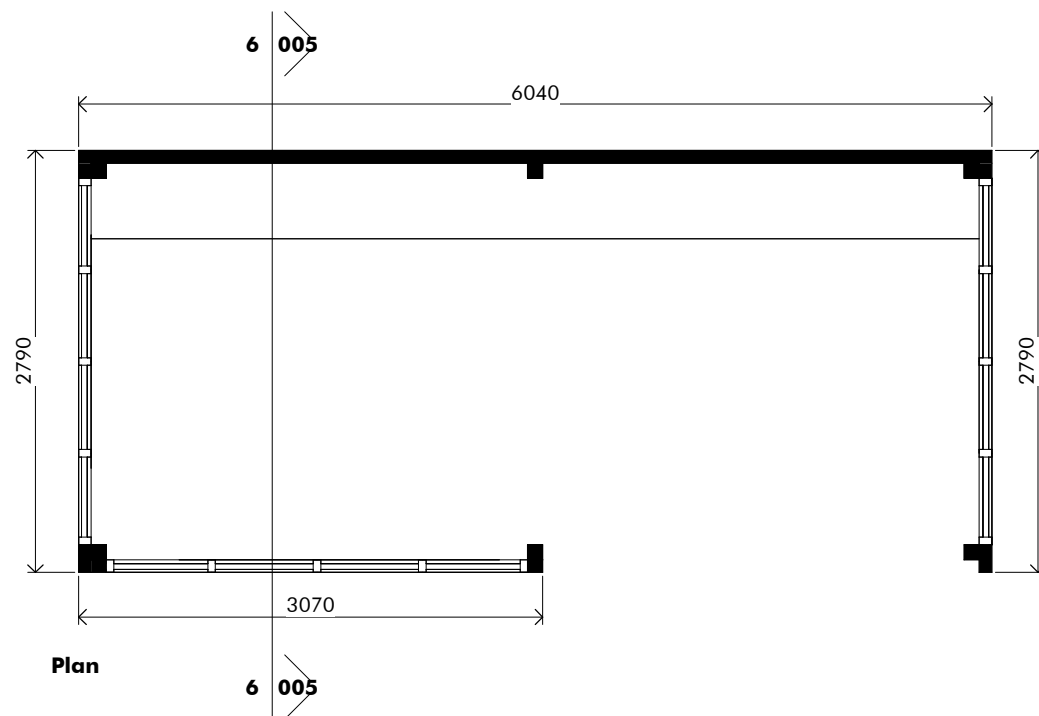
Elevation 2



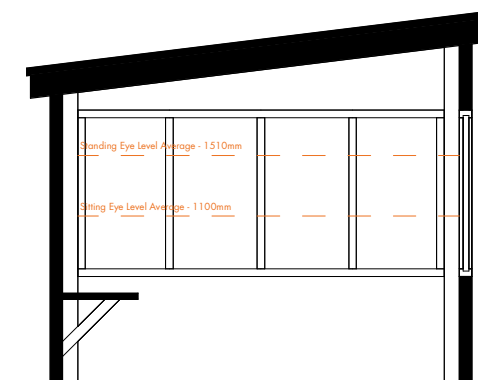
Elevation 3



Elevation 4



Plan



Section



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Rev.	Date	Details
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**Planning**

<b>Drawing Name</b> Proposed Shelter Plans and Elevations		
<b>Project Name</b> Land Adj. to Mill Hill Roundabout March	<b>Project No.</b> 1104	<b>Dwg No.</b> 005
<b>Rev.</b>	<b>Scale</b> 1 : 50 @ A3	
<b>Drawn</b> TWT	<b>Date</b> 09.02.24	