

---

**F/YR23/0766/F**

**Applicant: Mrs Anne Dew  
Persimmon Homes East Midlands**

**Agent :**

**Land North Of 129, Knights End Road, March, Cambridgeshire**

**Construction access for the construction of the first 201 dwellings at West March (outline planning application F/YR21/1497/O refers)**

**Officer recommendation: Refuse**

**Reason for Committee: The Head of Planning considers that the application merits Committee consideration on the grounds of wider planning interest, in particular regarding the determination of planning application reference F/YR21/1497/O**

---

### **Government Planning Guarantee**

**Statutory Target Date for Determination: 20 October 2023**

**EOT in Place: Yes**

**EOT Expiry: 2<sup>nd</sup> December 2024**

**Application Fee: £234**

**Risk Statement:**

**This application must be determined by 2<sup>nd</sup> December otherwise it will be out of time and therefore negatively affect the performance figures.**

---

## **1 EXECUTIVE SUMMARY**

- |  |
|--|
| <p>1.1 The application seeks planning permission for a construction access to serve the first 201 dwellings to be built in association with the current outline planning application F/YR21/1497/O which is currently pending a decision (erection of up to 1,200 dwellings with associated infrastructure, public open space, allotments, local centre and primary school at Land West of The Avenue, March).</p> <p>1.2 The proposed location of the construction access is to the north of Knights End Road, close to its western end where it meets the Isle of Ely Way (A141) that runs north to south around the western side of March. The construction access currently proposed under F/YR21/1497/O is further eastwards, along Knights End Road on its northern side between number 58 and 50 Knights End Road.</p> <p>1.3 The principle of an alternative construction access to serve the proposed development submitted under application F/YR21/1497/O is considered acceptable should that application be approved and would reduce the impact of the construction traffic on residents between the proposed access and the one currently proposed between number 58 and 50 Knights End Road. However, the Local Highways Authority (LHA) have made it clear that due to proximity of the</p> |
|--|

proposed access in this application to the Isle of Ely Way the proposals would have a high likelihood of causing highway safety problems. Furthermore, their latest response to planning application F/YR21/1497/O notes that they are satisfied with the development proposals, subject to the mitigation measures including a construction management plan.

1.4 It is therefore concluded that the unmitigated highway safety concerns associated with the proposed access are in direct conflict with key policies of the development plan. There are no material considerations worthy of sufficient weight that indicate that a decision should be made other than in accordance with the development plan.

1.5 As such, the application is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1 The Site is located to the north of Knights End Road close to its western end where it meets the Isle of Ely Way (A141) that runs north to south around the western side of March.
- 2.2 The Site currently comprises an existing field access to the field immediately north of Knights End Road and to the east of Isle of Ely Road. To the immediate east of the Site is Tree Preservation Order (TPO) on a small parcel of land between Knights End Road and the field before 114 Knights End Road. The TPO in this area of land (reference TPO 04/2015) is made of 28 separate trees.

## **3 PROPOSAL**

- 3.1 The application seeks planning permission for a construction access to serve the first 201 dwellings to be built in association with the outline planning application F/YR21/1497/O which is currently pending a decision (erection of up to 1,200 dwellings with associated infrastructure, public open space, allotments, local centre and primary school at Land West of The Avenue, March).
- 3.2 Following initial comments made by the Local Highways Authority the applicant has submitted a Construction Access Plan that illustrates removal of the dedicated southbound give-way / slip lane from the Isle of Ely Way on Knights End Road with water barriers. As a result, only traffic able to access Knights End Way from Isle of Ely Way would be northbound traffic turning east. The applicant also provided tracking and visibility plans for rigid and articulated trucks.
- 3.3 To provide for the necessary visibility coming out of the proposed new access in an easterly direction there would be a need for some of the TPO trees to cut back. The applicant has submitted an Arboricultural Assessment to consider the impacts on the TPO trees that would be affected. This assessment concludes that the proposed construction access is achievable without the need to remove any existing tree cover, with only minor tree works required.
- 3.4 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

## 4 SITE PLANNING HISTORY

F/YR21/1497/O	Erect up to 1,200 x dwellings with associated infrastructure, public open space, allotments/community garden, local centre and primary school, involving the demolition of existing buildings (outline application with matters committed in respect of access)   Land West Of The Avenue March Cambridgeshire	Pending consideration
---------------	--	-----------------------

## 5 CONSULTATIONS

### 5.1 March Town Council

17.10.2023

*Objection. Concur with Highways; Access is unsuitable. It is too close to the bypass junction and too narrow. Roundabout to be constructed prior to development for construction traffic.*

### 5.2 CCC Highways – Local Highways Authority

03.09.2024 – latest response

#### *Recommendation*

*The application is unacceptable to the Local Highway Authority as it is contrary to Paragraph 115 of the National Planning Policy Framework 2023. On this basis, a refusal is recommended.*

#### *Comments*

*The separation between the revised construction access and the A141 remains too small. As outlined in my previous response this is particularly hazardous due to the lack of visibility of fast-moving southbound traffic turning onto Knights End Road. To mitigate the risk the applicant is proposing to remove the dedicated southbound give-way / slip lane with water barriers. This is unacceptable for the following reasons:*

- It is reliant upon a Temporary Traffic Regulation Order which sits outside of the planning system and therefore should not be relied upon. Even if such an Order were to be granted, they can only be used for a period up to 18-month. Use beyond 18- months requires Secretary of State approval.*
- In absence of a lower (enforceable) speed limit on the A141, there is a risk that the water barriers would be hazardous to other road uses, particularly southbound vehicles turning left onto Knights End Road as the geometry does not comply with the necessary design standards (DMRB).*
- The access is not acceptable for two-way construction vehicle passing. There is therefore a risk of obstruction of Knight's End Road which tails back onto the A141. If stationary vehicles tail back onto Knight's End Road, there is a risk of high-speed collision.*

- *It is unrealistic to expect drivers of commercial vehicles to look over their right shoulder at such an acute angle to check for oncoming traffic. For many construction and delivery vehicles, this visibility would be obstructed.*

*A construction access at this location will have a high likelihood of causing highway safety problems. A safe construction access to the planning application site F/YR21/1497/O will need to be at the location of the permanent access on Knights End Road (with appropriate control measures in a Construction Traffic Management Plan) or via the permanent roundabout access onto the A141.*

12.10.2023

*The application is unacceptable to the Local Highway Authority for the following reasons:*

*The existing field access is located in very close proximity to the A141 junction, meaning that vehicles turning onto Knight's End Road are unlikely to have sufficient advanced warning of exiting construction traffic which will cross their path. This is particularly hazardous in relation to southbound traffic turning left off the A141 as they will be approaching from the rear of any driver exiting the development site; a driver is unlikely to look back over their shoulder for hazards if they are even able to do so (rear views are obstructed in many commercial vehicles). In any case, the limited visibility is further obstructed by directional signage in the A141 verge whereby there is limited scope for its re-location.*

*The access will need to be formed as a bellmouth style junction with suitable geometries to allow for two-way traffic into and out of the site. As currently proposed, there is a risk that if vehicles are to meet, they will temporarily obstruct Knight's End Road which is hazardous to other road users.*

*The vehicle tracking provided is for a 10.2m tipper. However, in light of the nature and scale of development, larger construction traffic is anticipated. The access design must be based upon vehicle tracking for a 16.5m articulated truck and a 12m rigid truck.*

*In summary, to make the application acceptable in highway safety terms, it must be relocated to the east and designed for two-way passing of the largest vehicles which may use the access. I note that re-locating an access to the east will result in a loss of mature trees which the LPA may wish to take into account.*

### **5.3 Local Residents/Interested Parties**

The Council has received 11 letters regarding the application, all of which object to the application. A summary of the objections is provided below:

- Knights End Road/Isle of Way junction already dangerous and congested. Proposals would make the situation worse
- Housing scheme proposed to the north should be accessed from a new roundabout proposed to the north from Isle of Ely Way and this should be constructed from the start of that development.
- Do not want the proposed access becoming a permanent entry point into the proposed development to the north.
- Impact on wildlife and adjacent protected trees.
- Noise impact of the new access on the amenity of nearby residents.

## **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 8 – Promoting healthy and safe communities  
Chapter 9 – Promoting sustainable transport

### **7.2 National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **7.3 National Design Guide 2021**

### **7.4 Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP7 – Urban Extensions  
LP9 – March  
LP13 – Supporting and Managing the Impact of a Growing District  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP17 – Community Safety

### **7.5 March Neighbourhood Plan 2017**

H1 – Large Development Sites

### **7.6 Delivering and Protecting High Quality Environments in Fenland SPD 2014**

DM6 – Mitigating Against Harmful Effects

### **7.7 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  
LP2: Spatial Strategy for the Location of Residential Development  
LP5: Health and Wellbeing  
LP7: Design  
LP8: Amenity Provision  
LP9: Residential Annexes

- LP20: Accessibility and Transport
- LP34: Air Quality
- LP39: Site allocations for March
- LP41: Land north of Knight's End Road and East of the A141

## 8 KEY ISSUES

- Principle of Development
- Impact on Highway Safety
- Impact on protected trees
- Biodiversity Net Gain (BNG)

## 9 BACKGROUND

- 9.1 The development that this proposed construction access would serve; F/YR21/1497/O (erection of up to 1,200 dwellings with associated infrastructure, public open space, allotments, local centre and primary school at Land West of The Avenue, March) is currently pending a decision. This outline application includes the construction of an upgraded vehicular access further eastwards along Knights End Road on its northern side between number 58 and 50 Knights End Road.
- 9.2 In respect of planning application F/YR21/1497/O, the latest response of the Local Highways Authority states that they are satisfied with the outline development proposals subject to the mitigation package outlined in their response. This recommends the inclusion of a planning condition for a site-wide Construction Traffic Management Plan (CTMP) to be submitted to and approved in writing by the Local Planning Authority. Another requested condition stipulates that prior to occupation of the 201<sup>st</sup> dwelling, the developer shall deliver the A141 site access roundabout.

## 10 ASSESSMENT

### Principle of Development

- 10.1 Whilst planning application F/YR21/1497/O has yet to be determined, the principle of a construction access to serve the proposed development is acceptable, should that application be granted. Currently the proposed construction access in that application is further eastwards along Knights End Road on its northern side between number 58 and 50 Knights End Road.
- 10.2 This application is for an alternative construction access to serve the proposed development during the construction of the first 201 dwellings, by which time a new access would be created into the site from a roundabout on the Isle of Ely Way and whilst acceptable in principle is subject to the consideration of other matters, in particular whether the access proposed is satisfactory with regard to Highways safety.

### Impact on Highway Safety

- 10.3 Policy LP15 of the Fenland Local Plan seeks to ensure that development achieves sustainable access and transport impacts. It sets out that any development that has transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms. Policy H1 of the March Neighbourhood Plan requires development within allocated

sites to accord with Fenland Local Plan policies. Similarly, Chapter 9 of the NPPF promotes sustainable transport, setting out under paragraph 114(b) that development proposals should ensure that safe and suitable access can be achieved. Furthermore, paragraph 115 sets out that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

10.4 The proposed construction access is in close proximity to the junction of Knights End Road with the Isle of Ely Way (A141) and as reproduced in paragraph 5.2 above, the latest Local Highways Authority’s (LHA) response notes the separation between the proposed construction access and the A141 remains too small and is particularly hazardous due to the lack of visibility of fast-moving southbound traffic turning onto Knights End Road. Whilst to mitigate the risk the applicant is proposing to remove the dedicated southbound give-way / slip lane with water barriers the LHA provide four reasons why this unacceptable for the following reasons:

- It is reliant upon a Temporary Traffic Regulation Order which sits outside of the planning system and therefore should not be relied upon. Even if such an Order were to be granted, they can only be used for a period up to 18-month. Use beyond 18- months requires Secretary of State approval.
- In absence of a lower (enforceable) speed limit on the A141, there is a risk that the water barriers would be hazardous to other road uses, particularly southbound vehicles turning left onto Knights End Road as the geometry does not comply with the necessary design standards (DMRB).
- The access is not acceptable for two-way construction vehicle passing. There is therefore a risk of obstruction of Knight’s End Road which tails back onto the A141. If stationary vehicles tail back onto Knight’s End Road, there is a risk of high-speed collision.
- It is unrealistic to expect drivers of commercial vehicles to look over their right shoulder at such an acute angle to check for oncoming traffic. For many construction and delivery vehicles, this visibility would be obstructed.

10.5 The LHA concludes that construction access at this location would have a high likelihood of causing highway safety problems. Their latest response to related planning application F/YR21/1497/O notes that they are satisfied with the development proposals subject to the mitigation measures including planning condition for a site-wide Construction Traffic Management Plan (CTMP) to be submitted to and approved in writing by the Local Planning Authority. Another requested condition stipulates that prior to occupation of the 201st dwelling, the developer shall deliver the A141 site access roundabout.

10.6 In summary, the proposed access would result in unmitigated highway safety impacts. Consequently, the proposal conflicts with transport policies of the development plan and the aims of the NPPF, particularly paragraph 114.

#### **Impact on protected trees**

10.7 As described above, there are protected trees adjacent to access point where some of trees would need to be cut back in order to provide adequate visibility to the east when leaving the access onto Knights End Road. The Arboricultural Assessment submitted is considered a robust analysis to conclude that the protected trees would not be harmed. As the trees are outside of the application site the necessary works would have to be approved under a separate application and this would consider the tree works in more detail.

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

- 10.8 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.
- 10.9 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the application was submitted prior to the requirement for statutory net gain coming into force.

## **11 CONCLUSIONS**

- 11.1 The principle of an alternative construction access to serve the proposed development, submitted under application F/YR21/1497/O during the construction of the first 201 dwellings, is considered acceptable should that application be approved. It would reduce the impact of the construction traffic on residents between the proposed access and the one currently proposed under the outline application, between number 58 and 50 Knights End Road.
- 11.2 However, the Local Highways Authority (LHA) have made it clear that due to proximity of the proposed access in this application to the Isle of Ely Way the proposals would have a high likelihood of causing highway safety problems and no suitable mitigation has been presented to indicate otherwise.
- 11.3 It is therefore concluded that the proposal, by reason of the identified unmitigated highway safety issues, is in direct conflict with policy LP15 of the Fenland Local Plan, the H1 of the March Neighbourhood Plan and paragraph 114 of the NPPF. There are no material considerations worthy of sufficient weight that indicate that a decision should be made other than in accordance with the development plan. As such, the application should be refused.

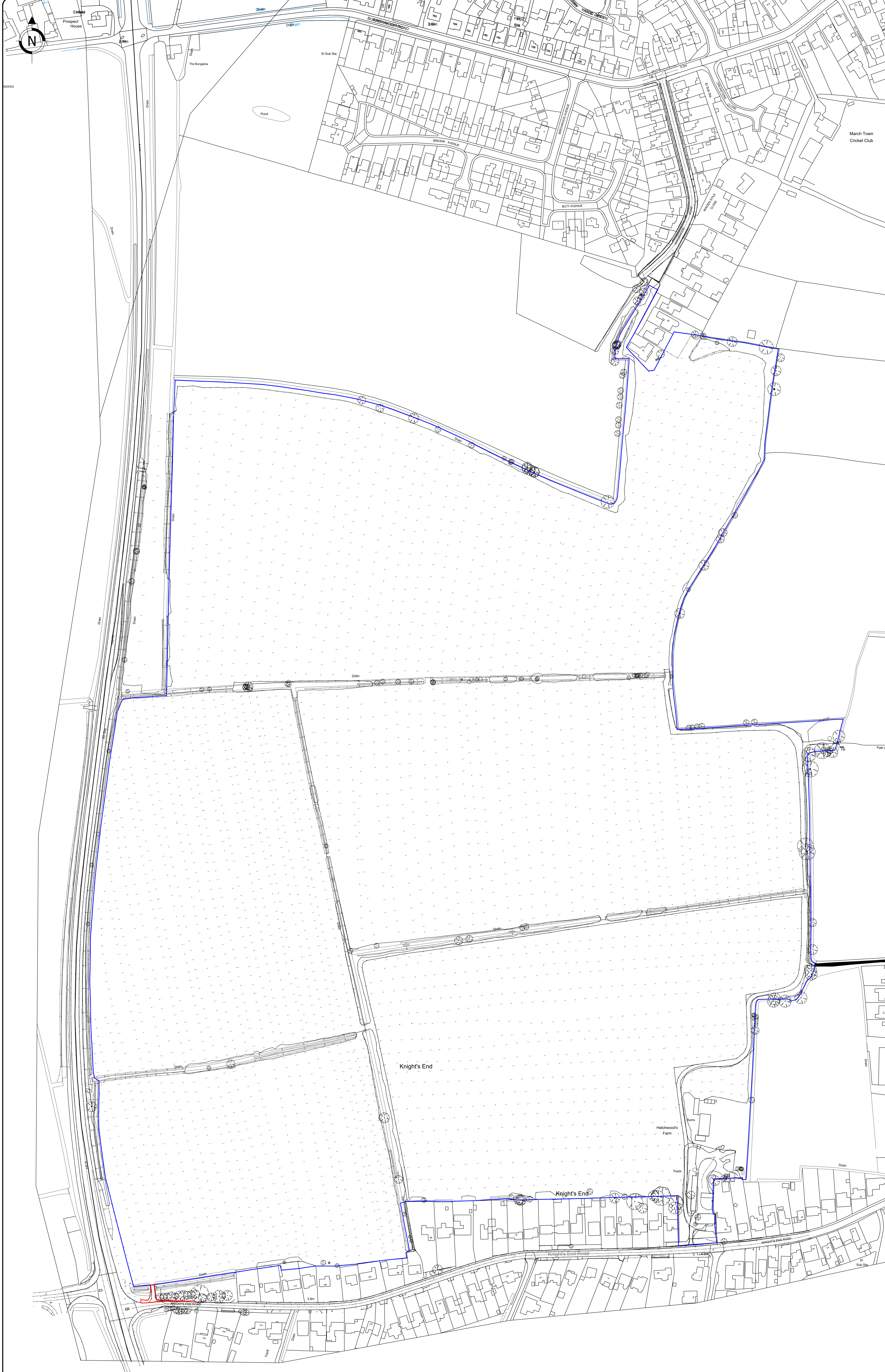
## **12 RECOMMENDATION**

- 12.1 **Refuse**; for the following reason:

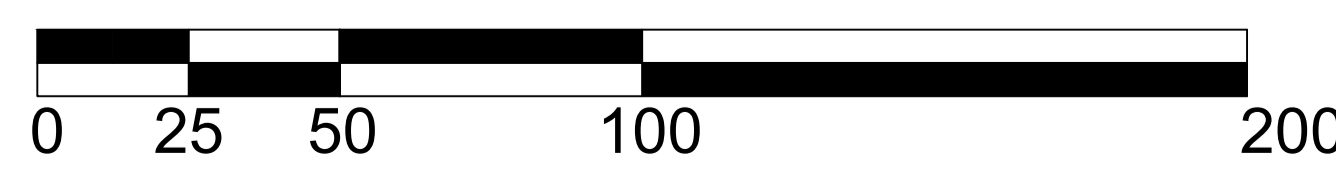
1	<p>Policy LP15 of the Fenland Local Plan and by default Policy H1 of the March Neighbourhood Plan seek to ensure that development achieves sustainable access and acceptable transport impacts. This aligns with Chapter 9 of the NPPF and specifically paragraph 114(b) which requires that development proposals should ensure that safe and suitable access can be achieved.</p> <p>The proposed access, by reason of its proximity to the A141 highway, lack of visibility of approaching vehicles and unsuitable mitigation, would result in an unacceptable impact on highway safety. The proposal is therefore contrary to Policy LP15 of the Fenland Local Plan 2014, Policy H2 of the March Neighbourhood Plan 2017 and Chapter 9 of the NPPF.</p>
---	---







©Crown Copyright and database rights 2018 OS 100019980



SCALE BAR 1:1250

Rev	Date	By

**PERSIMMON**  
 Persimmon Homes Ltd.  
 Persimmon House  
 19 Commerce Road  
 Lynchwood Business Park  
 Peterborough  
 PE2 6LR  
 Tel: 01733 397200

Site Name:  
**West March  
 Construction Access**

Drawing:  
**Location Plan**

Scale@A0: 1:1250	Drawn By: AT	Date: 09/08/23
Version: --	Drawing No: WM/CA/LP/001	Rev: -



- EXISTING ACCESS
- PROPOSED CONSTRUCTION ACCESS

PASSING PLACE &  
SIGNAGE REQUIRING  
EXITING VEHICLES TO  
WAIT FOR INCOMING  
VEHICLES

Drain

Pipe  
CL 2.41

IC  
CL 4.15  
Pipe

TREES TO BE CUT  
BACK FOR VISIBILITY

ROAD SIGN TO  
BE RELOCATED

VIS SPLAY 2.4M x 43M  
MH  
CL 4.28

**KNIGHT'S END ROAD**

Rev	Date	By

**PERSIMMON**  
 Persimmon Homes Ltd.  
 Persimmon House  
 19 Commerce Road  
 Lynchwood Business Park  
 Peterborough  
 PE2 6LR  
 Tel : 01753 397200

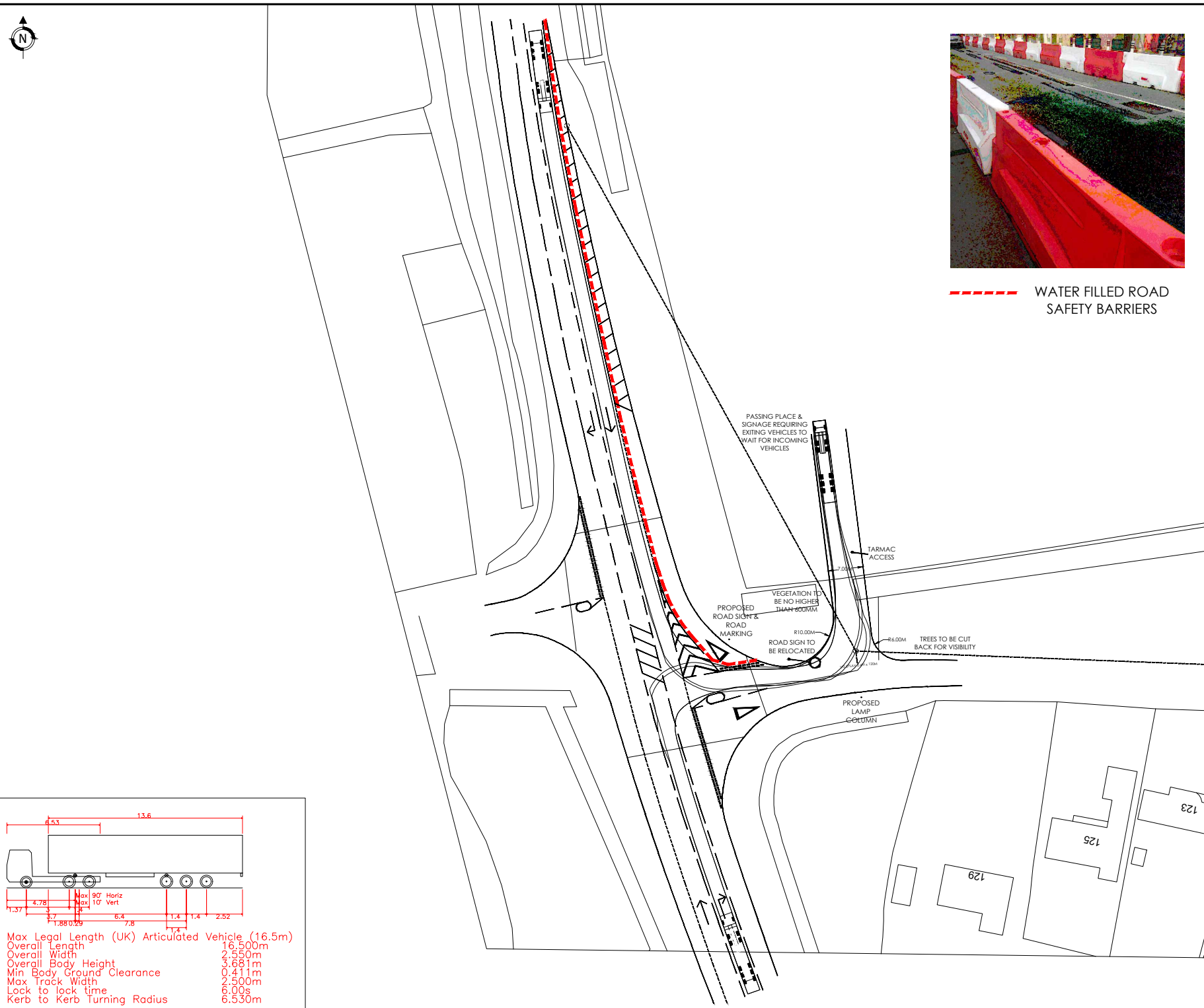
Site Name:  
**West March  
 Construction Access**

Drawing:  
**Existing and Proposed**

Scale@A4: 1:500	Drawn By: AT	Date: 09/08/23
Version: --	Drawing No: WM/CA/EP/001	Rev: -



----- WATER FILLED ROAD SAFETY BARRIERS

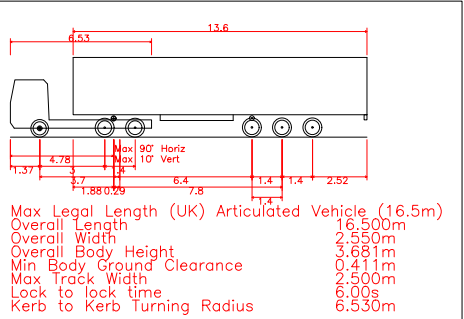


Rev	Date	By

Persimmon Homes Ltd.  
 Persimmon House  
 19 Commerce Road  
 Lynchwood Business Park  
 Peterborough  
 PE2 6LR  
 Tel : 01753 397200

Site Name:  
**West March**

Drawing:  
**Construction Access Plan**



Scale@A4: 1:1000	Drawn By: AT	Date: 21/08/23
Version: --	Drawing No: WM/CAP/001	Rev: -