
F/YR24/0211/O

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

**Agent : Mr Marcus Vanner
TMV Architects**

Land North Of, 35 Whittlesey Road, March, Cambridgeshire

Erect of up to 19 x dwellings involving culverting the drain for access (outline application with matters committed in respect of access)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

Government Planning Guarantee

Statutory Target Date for Determination: 6 June 2024

EOT in Place: Yes

EOT Expiry: 10th January 2025

Application Fee: £4992

Risk Statement: This application must be determined by 10th January 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

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| <p>1.1 The application seeks outline planning permission for the development of the site for up to 19 dwellings. Matters of access are committed, with matters of layout, scale, appearance and landscaping reserved for future consideration.</p> <p>1.2 The site comprises approximately 0.8 Ha of undeveloped windfall land set to the west of March.</p> <p>1.3 The proposal would bring about development of currently unused land and would provide a modest stock of housing against a national drive to significantly boost housing delivery.</p> <p>1.4 However, the site is outside of the built framework of March (contrary to the spatial policies of the Development Plan LP3, LP12 and H2) and is generally considered to be unsustainably linked, placing heavy reliance on private motor vehicle to access basic services.</p> <p>1.5 The proposal highlights significant constraints with delivering 19 homes, relying on a layout which would appear discordant to the pattern of housing development in this area contrary to Development Plan policies LP16 and H2.</p> <p>1.6 The site lies within Flood Zone 3 and without sufficient justification to demonstrate that the development is necessary, contrary to policies LP14 and H2.</p> |
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- 1.7 The proposal is unable to achieve any level of affordable housing and proposes only a minimal financial contribution toward mitigating the impacts of this development. No planning obligation has been provided contrary to Local Plan policy LP13.
- 1.8 In applying the planning balance it is considered that the modest benefits of this proposal and other material considerations do not outweigh the significant policy conflicts and associated disbenefits.
- 1.9 As such, the proposal does not warrant a decision otherwise than in accordance with the development plan and the application should be refused.

2 SITE DESCRIPTION

- 2.1 The site comprises approximately 0.8 Ha of open land set to the west of March. It is understood that the northern part of the site was occupied by a public house until its demolition and clearance in around 1995. A grouping of trees at the north of the site have recently been felled. The site comprises scrub land at present with no defining features.
- 2.2 A linear pattern of housing extends off the north-eastern corner of the site and also from the south west corner, including some commercial uses to the south. A short linear pattern of dwellings can be found on land opposite.
- 2.3 The site lies in flood zone 3 and in a flood warning area. A continuous drain runs along its frontage. The adjacent highway is a classified C road with national speed limit. The topographical survey submitted indicates the site sits around an average of 1.2m lower than the adjacent highway.

3 PROPOSAL

- 3.1 The application seeks outline planning permission for the development of the site for up to 19 dwellings. Matters of access are committed, with matters of layout, scale, appearance and landscaping reserved for future consideration.
- 3.2 The access is proposed to be located at the south-western corner of the site, with a culvert necessary owing to the open drain along the site perimeter. The access is proposed to be 6m to 5m in width and slopes down into the site by around 1.2m due to the differences in site levels versus the highway.
- 3.3 An indicative layout has been provided to provide an indication as to how the quantum of development could be arranged within the site. It denotes a spine road through the centre of the site with dwellings fronting onto this – with rear gardens along the eastern and western boundaries. Two dwellings at the north of the site follow the established frontage character. A footpath is proposed to extend northwards, connecting to the existing footpath infrastructure at the north-east corner of the site.
- 3.4 The application is accompanied by the following key documents and plans;
 - Location Plan
 - Design & Access Statement
 - Indicative Layout Plan
 - S278 Highways Plan

- Culvert details
- Topographical survey
- Flood Risk Assessment and Drainage Strategy
- Water Vole Survey
- Health Impact assessment
- Financial Viability Appraisal

3.5 The application has undergone a number of revisions to address matters of highways, drainage and ecology.

3.6 Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR20/0330/O	Erect up to 2160 sq m of B1, B2 and B8 floorspace and the formation of a new access (outline application with matters committed in respect of access)	Application withdrawn
F/YR12/0689/O	Erection of 18 dwellings	Refused 11.03.2013
F/YR12/0189/O	Erection of 21 dwellings	Application Withdrawn

5 CONSULTATIONS

5.1 March Town Council – 19 March 2024

Recommendation; Refusal – concerns re flooding, no provision for affordable dwellings (Neighbourhood Plan H3), does not appear to have been any community consultation (as per 3.9), concerns over pedestrian access.

5.2 CCC Local Highways Authority – 11 November 2024

[Following the case officers suggested conditions to overcome concerns raised in the LHA's response of 28 August]

I am happy with the condition as you have worded it below. I am also content that it addresses my previous concerns. Additional conditions requested in respect of;

- i) Removal of Permitted development rights for gated accesses
- ii) Provision of drainage to hardstanding areas

5.3 CCC Local Highways Authority – 28 August 2024

No objection in principle to the proposal. Updated information in respect of the pedestrian footpath to the north addresses earlier concerns.

Raises concerns over the access arrangement in respect of the culvert and headwall positioning and the red line boundary shown will need to be amended to suit the current highway boundary in the area.

5.4 CCC Local Highways Authority ('LHA') – 4 April 2024

No objection in principle to the proposals. Requires amendments to the address the following;

- The red line boundary shown will need to be amended to suit the current highway boundary in the area.
- Details of the road construction will need to align with the CCC Highways Estate Road Construction Specification. For example, the camber of the proposed road will need to fall at a gradient of 1:36 not the 1:50 as currently stipulated.
- A speed survey will also need to be undertaken to ascertain the 85th%tile speeds of the vehicles travelling along Whittlesey Road.
- Footpath to the north of the site requires amendments.
- Internal roads will be private (unadoptable) based on current design
- The culvert headwalls shown on this plan will need to be moved to ensure they are 2m back from the carriageway edge.

5.5 **CCC Lead Local Flood Authority ('LLFA') – 10 July 2024**

[Following receipt of updated Flood Risk Assessment and drainage strategy]

At present we object to the grant of planning permission for the following reasons:

1. *Existing Flood Risk*

The flood risk mapping for surface water shows that there are multiple areas on site is at medium and low risk from flooding, additionally the entire site lies within Flood Zone 3. Insufficient evidence has been provided to adequately demonstrate that the development is safe from flooding particularly in relation the medium surface water flood risk areas. The sequential test is also required as the site lies within Flood Zone 3. It may be the case that this site lies within a protected flood zone and in this case the applicant should clarify this detail.

It is strongly recommended to consult with the Environment Agency as they are the responsible authority for commenting on flood risk from the rivers and sea.

5.6 **CCC Lead Local Flood Authority ('LLFA') – 4 April 2024**

Objected to the grant of planning permission due to lack of Surface Water Strategy.

5.7 **CCC Growth & Development – 11 April 2024**

Summarised as follows;

Table 1 - S106 contributions – summary table

	Contribution	Project	Indexation date	Trigger
Early Years	£65,271* *see Table 9	New early years facility serving March	1Q2024	50% prior to 1st occupation and 50% prior to 10 th occupation
Primary	£174,056* *see Table 10	New primary facilities serving March	1Q2024	
Secondary	£238,288* *see Table 11	Expansion of Neale Wade Academy	1Q2024	
Libraries	£4,368	Enhancement of buildings and facilities at March library	1Q2019	100% prior to occupation of 50% of the development
Strategic Waste	N/A			

5.8 CCC Ecology – consulted 14.08.2024

[Following receipt of water voles survey]
No comments received

5.9 CCC Ecology – 23 April 2024

Recommend refusal. Insufficient information provided in respect of;

- The level of impact of the scheme on protected species, namely water voles.
- ‘No net loss’, and ideally net gains, in biodiversity value (Biodiversity Net Gain).

The following information is required;

- Completion of further survey work (water voles) recommended in the Preliminary Ecological Appraisal (PEA).
- Biodiversity Net Gain assessment.

5.10 CCC Archaeology – 18 March 2024

Do not object to development from proceeding in this location. Considers that the site should be subject to a programme of archaeological investigation secured through the inclusion of a pre-commencement condition.

5.11 Environment Agency – 2 April 2024

No objection to this proposal.

Flood Risk

Considers that the main source of flood risk at this site is associated with watercourses 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.

[Advice for the applicant in respect of Flood resilience measures, water resource sustainability].

5.12 Anglian Water – 20 March 2024

No objection

Section 1 – Assets affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Therefore the site layout should take this into account, or sewers diverted under licence.

Section 2- - Wastewater Treatment

The foul drainage from this development is in the catchment of March Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Please note that Anglian Water has no designated surface water sewers in the area of the proposed development. The proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management.

5.13 Cambs Fire & Rescue – 20 March 2024

Asks that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

[Further advice on design and submission provided]

5.14 Cambs Police (Designing Out Crime Team) - 25 March 2024

Considers the location to be an area of medium to high risk to the vulnerability to crime (figures provided)

Provides advice on;

- Layout and natural surveillance
- External lighting
- Cycle Storage
- Boundary Treatments
- Doorsets
- Residents parking
- Public Open Spaces & footpaths

5.15 FDC Environmental Health – 31 March 2024

No objections subject to conditions securing a Contaminated Land assessment

5.16 FDC Housing – 18 March 2024

Sets out Fenland Local Plan Policy LP5 Requirements, taking into account HDH viability report which suggests 20% affordable housing should be secured and assumes that 70% of all affordable homes will be rented tenure and 30% will be shared ownership.

5.17 FDC Arboricultural Officer

No comments received.

5.18 Middle Level Commissioners Internal Drainage Board – 2 March 2024

Notes the development appears to involve development near to the Board's 9m byelaw strip. During the decision-making process both the applicant and 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-maintained watercourse, or within the Board's maintenance strip, requires the Board's prior written consent.

Advises 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. [No further comments received].

Urges the applicant to contact them to discuss the proposed works via the post-application consultation process as a matter of urgency.

5.19 NHS: Cambridgeshire & Peterborough ICS - 22 March 2024

The proposed development is likely to have an impact on the services of the 3 x GP Practices operating within the vicinity of the application: Cornerstone Practice, Mercheford Practice and Riverside Practice.

A developer contribution will therefore be required to mitigate the impacts of this proposal. CAPICS calculates the level of contribution required, in this instance to be £16,334.70 (3.12 sqm at £5224 per sqm).

[Further information provided to justify the request and triggers for payment]

5.20 Local Residents/Interested Parties

Objectors

5 letters of objection received from residents at;
Whittlesey Rd, March x 2,
Whitemoor Road, March x 1,
Green Park, Chatteris x 2

-raising the following concerns;

- Will double the number of homes in this area
- Pedestrian safety risks – no safe pedestrian access into town/ schools/ parks
- Out of character
- No foul water facility
- Surface water flood risks
- Highway safety/ access issues

- Site has recently been cleared – loss of wildlife
- Birds nesting on site
- High risk subsidence area
- Over development/ high density
- Most of the supportive comments are from people who do not live in the area

Supporters

13 letters of support received from residents at;

March x 2,
 Wimblington x 1,
 Doddington x 1,
 Chatteris x 1,
 Wisbech x 2,
 Peterborough x 2,
 Market Deeping x 1,
 Holbeach x 1,
 Spalding x 1,
 Greatford x 1

Raising the following matters;

- Good use of land
- Improves the area
- Accessible – close to shops and schools
- Will provide much needed homes
- Not out of character
- Employment opportunities

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 March Neighbourhood Plan 2017 and the Peterborough and Cambridgeshire Waste and Minerals Local Plan 2021.

7 POLICY FRAMEWORK

7.1 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
 LP5: Meeting Housing Need
 LP12: Rural Areas Development Policy
 LP13: Supporting and Managing the Impact of a Growing District
 LP14: Responding to Climate Change and Managing the Risk of Flooding in Fenland
 LP15: Facilitating the Creation of a More Sustainable Transport Network in Fenland
 LP16: Delivering and Protecting High Quality Environments across the District
 LP17: Community Safety
 LP19: The Natural Environment

7.2 **March Neighbourhood Plan 2017**

H2 – Windfall Development

H3 – Local Housing Need

7.3 **Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021**

Policy 14: Waste management needs arising from residential and commercial development

7.4 **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 49 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

LP4: Securing Fenland's Future

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP11: Community Safety

LP12: Meeting Housing Needs

LP18: Development in the Countryside

LP19: Strategic Infrastructure

LP20: Accessibility and Transport

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP27: Trees and Planting

LP28: Landscape

LP32: Flood and Water Management

LP33: Development on Land Affected by Contamination

LP34: Air Quality

LP45: An aspirational community

7.5 **National Planning Policy Framework December 2024 (NPPF)**

2. Achieving sustainable development

4. Decision-making

5. Delivering a sufficient supply of homes

8. Promoting healthy and safe communities

9. Promoting sustainable transport

11. Making effective use of land

12. Achieving well-designed and beautiful places

14. Meeting the challenge of climate change, flooding and coastal change

15. Conserving and enhancing the natural environment

7.6 **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

7.7 **National Design Guide 2021**

Context

Identity

Built Form
Movement
Nature
Uses
Homes and Buildings

7.8 Adopted Supplementary Planning Documents ('SPD')

Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM2 – Natural Features and Landscaping Schemes

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

Developer Contributions SPD 2015

Cambridgeshire Flood and Water SPD 2016

8 KEY ISSUES

- **Principle of Development**
- **Flood Risk**
- **Access and Highways**
- **Character & Appearance**
- **Drainage**
- **Biodiversity & Ecology**
- **Infrastructure Contributions**

9 ASSESSMENT

Principle of Development

- 9.1 Local Plan policy LP3 sets out a settlement hierarchy, directing a majority of intended development within Fenland's market towns, then cascading to the larger villages, smaller villages and so on. Development outside of these settlements is intended to be strictly controlled having regard for the need to protect the open nature and character of the countryside, as well as to ensure developments are linked via sustainable transport means, ensuring that non-car modes of travel are encouraged where possible.
- 9.2 Having regard to the location of the application site relative to the main built form of March, it is considered to fall outside of the developed envelope of March, due largely to its severance by the A141 and Peas Hill Roundabout. Whilst the site is set amongst a number of dwellings and commercial units, this is considered to form an outlier or satellite settlement from March. This assessment is consistent with conclusion of previous planning applications for this site and the intended direction of future development through the March settlement boundary of the emerging Fenland Local Plan (albeit only limited weight is afforded to this latter element).
- 9.3 As such, the site is considered to comprise a windfall development (land not allocated through any development plan) located outside the main urban framework of March and is therefore in conflict with the spatial strategy aims of policy LP3. Development outside of settlements is identified as 'elsewhere' development which is only permitted where it meets the exceptions as set out under Local Plan policy LP3 and LP12 e.g., rural land-based development.

- 9.4 Notwithstanding, given the development is windfall development, the requirements of policy H2 of the March Neighbourhood Plan apply whereby a community consultation exercise is required to be undertaken by the applicant, prior to submission. The application provides no evidence of this having been undertaken and as such, there is therefore also conflict with Neighbourhood Plan policy H2.
- 9.5 Furthermore, the site lies on the western side of the A141 with generally poor connectivity to the core of March (for non-car modes of travel) – with the need for pedestrians and cyclists to cross the A141 to access any facilities and services. This renders the site generally unsustainable in transport terms, likely forcing future occupiers to use private motor vehicle to access the most basic services and facilities and certainly not an attractive site for school children to make their daily trips to school on foot or cycle. This reinforces the general conflicts with the spatial policies of the development plan.
- 9.6 Given the Council is currently able to demonstrate an adequate supply of housing land and annual delivery of housing units, it is not considered that this site would be necessary or desirable to bring forward at this time, with other allocated and windfall sites more sustainably located to deliver the housing stock required within Fenland and particularly, in March. The Council is able to show a good current and future delivery of housing across March.
- 9.7 In summary, the site is located outside of continuous built-up frontage of March and is generally unsustainable in spatial terms. As such, the principle of the development is not supported by the relevant policies of the Fenland Local Plan or March Neighbourhood Plan.

Flood Risk and Drainage

- 9.8 In accordance with the Environment Agency's Flood maps for Planning, the site lies in Flood Zone 3 – therefore at high risk of flooding, with main sources of potential flooding considered to be from existing watercourses under IDB control i.e., not from rivers and seas. The applicant's Flood Risk Assessment considers the site falls within a medium risk of flooding (not taking into account climate change) and has provided a surface water flood map to confirm this. Developments proposed in areas of high (zone 3) and medium (zone 2) risk of flooding and at high/ medium risk of surface water flooding are required to pass the sequential test for flooding – which is an evidence-based exercise to demonstrate that there are no areas at a lower risk of flooding which are reasonably available and capable of accommodating the nature and quantum of development. This is a national requirement (NPPF Chapter 14) which imposes a strict test for such developments and is echoed through development plan policies LP14 and H2.
- 9.9 The application, whilst supported by a flood risk assessment does not attempt to address the sequential test and therefore there is clear conflict with Local Plan policy LP14 (including the guidance contained with the supporting Flood and Water SPD) and NPPF. Whilst the applicant has failed to undertake this, Officers are nonetheless confident that through strategic allocations (and even windfall sites) across the built framework of March, there would be reasonably available sites (either individually or a combination of sites) to accommodate the development at a lower risk of flooding. March itself has seen and continues to see a good, continuous supply of housing and housing land – most of which is located in areas at far lower risk of flooding.

- 9.10 As the application has failed to pass the sequential test, it is an established approach that consideration of the exception test is not required, as this is secondary only to developments having first passed the sequential test. Notwithstanding, in order to pass the exception test, the development must demonstrate that it;
- a) yields wider community benefits which outweigh flood risk, and
 - b) that the site can be made safe for its lifetime without increasing flood risk elsewhere
- 9.11 In respect of the latter (b); there is no dispute that the development can be safeguarded from flooding during its lifetime and without increased flooding elsewhere.
- 9.12 In respect of a); As noted above, the Council has a sufficient supply of housing delivery land and, particularly in the March area, is meeting its housing delivery requirement as demonstrated through recent housing delivery test results. As such, the provision of a further 19 market dwellings would make only a very modest contribution toward housing need, of which there is no indication that this is currently required i.e., housing delivery in the March area is not so critically low that it would be rational or proportionate to purposely place people and property at risk of flooding.
- 9.13 It is important to note that notwithstanding this observation, the 'tilted balance' as set out in the footnote to para. 11 of the NPPF (where Councils are unable to demonstrate a sufficient supply of housing) specifically excludes development in high flood risk areas from any presumption in favour of development. This clearly indicates the government's rigid objective of avoiding development in areas of flood risk, unless demonstrably necessary. Notwithstanding this, it is noted that the scheme is for all market dwellings, with no affordable units and a limited contribution toward mitigation impacts on community infrastructure. Therefore, it is challenging to identify any specific benefits to the wider community in this regard.
- 9.14 In summary the site lies in a medium and high-risk area for flooding and the application fails to demonstrate that development of this site is necessary, or that the benefits accrued would outweigh the flood risk. Development of the site would therefore place people and property in an unwarranted risk of flooding for which there is a strong presumption against both through policies of the development plan and national planning policy. The proposal is in direct conflict with local policies LP14 and H2 and NPPF.
- 9.15 In respect of drainage, the proposal is to discharge foul drainage to existing sewer and for surface water to be discharged to the drainage network at consented rates. No objections are raised to the principle of this approach and it would therefore be reasonable to secure a detailed strategy via planning condition.

Access and Highways

- 9.16 The development is proposed to be accessed via a single point of access along its western boundary. The access will need to drop down into the site and the Local Highway Authority (LHA) has set out their requirements in this regard, to ensure that any inclines are not excessive. Furthermore, the LHA has requested are imposed to the grant of any planning permission, to ensure that more precise details of the headwall positioning relative to the access is provided. Notwithstanding, the LHA are content that safe and suitable access is achievable in accordance with policy LP15 and the NPPF.

9.17 The LHA has also requested that a footway linking to the site to the section of existing footway at the north of the site is secured, including widening of this footway to 2m. Furthermore, at the request of the LHA the applicant has agreed to undertake works to the crossing at Peas Hill roundabout comprising a widened crossing point with tactile paving. Sufficient detail has been provided in this regard and it is reasonable to secure delivery of this via planning condition. Whilst these works are deemed necessary by the LHA to make the development acceptable in highway terms, Officers do not consider that these works necessarily address the overall sustainability concerns of the site location, with there still being a requirement for occupiers and visitors to cross the A141 via an uncontrolled crossing point to access basic services.

Character & Appearance

9.18 Policy LP16 (d) of the Local Plan requires development proposals to make a positive contribution to the local distinctiveness and character of the area, enhance the local setting, respond to and improve the character of the local built environment, reinforce local identity and not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.

9.19 The site is effectively sandwiched by frontage development to the north east and south east. The indicative layout denotes a row of dwellings backing onto the highway along the western and arguably most notable section of the site which is uncharacteristic to the streetscene in general and would fail to positively contribute to the urban environment, likely resulting in continuous runs of fencing/ walls adjacent to the highway in order to secure adequate private amenity for future occupiers. Given that land levels are much lower than the adjacent highway, views down from the road into rear garden and rear of properties would likely be achievable, thereby compromising amenity unless high boundary treatments are employed, which again would be out of character and visually harmful.

9.20 Whilst an alternative arrangement could likely be secured which would result in outward facing frontages in accordance with the prevailing character of the area, it is uncertain whether the quantum being proposed could ultimately be achieved with a more appropriate, reconfigured layout. This is compounded somewhat by the need to safeguard the IDB easement which runs along the western and part northern boundary which naturally send the developer deeper into the site. As such, the proposal, based on the quantum sought, currently fails to demonstrate that it could be achieved without severe harm to the character and appearance of the area contrary to Fenland Local Plan policy LP16 and the broad aims of the March Neighbourhood Plan.

Residential amenity

9.21 Policy LP2 of the Local Plan requires development proposals to promote high levels of residential amenity. In addition, policy LP16 (e) of the Local Plan states that development will only be permitted if it can be demonstrated that the proposal does not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.

9.22 Given the nature of the development it is not anticipated that it would result in any severe amenity harm e.g., by way of overlooking, overbearing or overshadowing impacts. These aspects would be considered at detailed design stages through reserved matters.

- 9.23 The proposed access point does run relatively close alongside the northern boundary of No. 35 Whittlesey Road and it may be necessary therefore to ensure that adequate screening is secured, to ensure that no views into the ground floor window on this northern flank wall are achievable.
- 9.24 In summary, the general residential use of the land is not anticipated to result in significant acoustic changes once completed, with the use compatible with surrounding uses. The detailed design elements of future reserved matters will ensure that matters of lighting impacts, overlooking, overbearing and overshadowing are carefully considered, in-line with local policies.

Biodiversity & Ecology

- 9.25 Local Plan Policy LP16 seeks to protect and enhance biodiversity on and surrounding the proposal site and seeks to retain and incorporate natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies. Policy LP19 seeks to take opportunities to incorporate beneficial features for biodiversity in new developments, including, where possible, the creation of new habitats that will contribute to a viable ecological network extending beyond the District into the rest of Cambridgeshire and Peterborough, and other adjoining areas. Chapter 15 of the NPPF amongst other things, broadly sets out that development should seek to take opportunities for secure net gain in biodiversity and as a minimum should not result in net loss. This approach has changed in recent months with the introduction of statutory 10% biodiversity net gain, however for this application which was submitted prior to this change, the baseline aim is in essence to achieve biodiversity net gain where possible.
- 9.26 The application was initially supported by very limited ecology information. Further to comments from the Council's ecologist, the applicant commissioned a water vole survey, undertaken in July 2024. This survey confirmed evidence of a low-population of water voles and therefore sets out proposed mitigation measures, generally requiring that the retention of a 5m buffer from the top of the eastern ditch bank along the entire length where the ditch runs parallel to the western site boundary. The only exception will be the proposed new culverted access onto the site from Whittlesey Road. The culvert would need to be extended by no more than c.15m in total, including landscaping either side and entrance splay. This is considered to be a minor disruption to water voles within a very short section of the existing ditch and likely possible to complete under a water vole class licence.
- 9.27 A planning condition to secure a water vole mitigation strategy can be reasonably imposed, to ensure appropriate water vole mitigation is designed for the approved final scheme layout. Furthermore, a long-term management plan with additional targeted habitat for water voles could be considered to provide increased benefits to the wider terrestrial habitats adjoining the ditch, such as the protected buffer strip between the site and ditch. It could include fencing to reduce interaction between water voles and people and pets.

Biodiversity Net gain

- 9.28 Whilst a statutory minimum 10% biodiversity net gain is not required for this development, given its timing submission, national policy is clear that all developments should aim to seek opportunities for net gain and as a minimum achieve no net loss to biodiversity. In order to establish this, it would be necessary to secure an assessment of the pre-development biodiversity value of the site, to establish what loss would be likely through the development and how no net loss would therefore be achieved, either through on-site or off-site intervention. Whilst no such data has yet been provided, a planning condition requiring details of how

opportunities for biodiversity net gain has been sought (based on an evidenced baseline) can be secured via planning condition. This would also include details of any trees proposed to be lost and any replanting proposed and the associated values of doing so.

- 9.29 In this regard it is noted that two trees are proposed to be removed to accommodate the development. Whilst the indicative layout denotes that replating would take place on site, this is indicated to be within the IDB easement strip which is unlikely to be acceptable to the IDB for operational reasons. Nonetheless it is considered likely that opportunities elsewhere in the site would exist to ensure any tree loss is offset within the development area.
- 9.30 In summary, the proposal raises no significant conflicts with policies concerning the natural environment, subject to suitably worded planning conditions as outlined above.

Infrastructure Contributions

- 9.31 Local Plan policy LP13 sets out that planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development. Conditions or a planning obligation are likely to be required for many proposals to ensure that new development meets this principle. Developers will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments. Where a planning obligation is required, in order to meet the above principles of infrastructure provision, this will be negotiated on a site-by-site basis. This will be required in addition to the affordable housing requirement as set out in Policy LP5.
- 9.32 Statutory tests set out in the Community Infrastructure Regulations 2010 (Regulation 122) requires that S106 planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development. S106 obligations are intended to make development acceptable which would otherwise be unacceptable in planning terms.
- 9.33 The following contributions and infrastructure is sought through this proposal (based on 19 dwellings) and are considered to be CIL compliant;
- 20% Affordable Housing – to be provided on site in the first instance
 - Education – around £477,600 subject to final type and tenure
 - Libraries –£4,368
 - NHS –£16,334.70
 - Open Space – On site provision
- 9.34 The Council's own Local Plan & CIL Viability Assessment (HDH, December 2019) sets out expectations of viability for sites across the district. For sites south of the A47 highway, the conclusions advise that schemes should be able to achieve 20% affordable housing and £2,000 per dwelling in financial contributions. Whilst this is lower than set out in Local Plan policy LP5 (affordable housing) it is a material consideration which the Council has previously given significant weight to, and which has been used to set the viability expectations for many other developments in the district. This application was submitted prior to the Council's clarification that the HDH viability position is now out of date and should not be relied upon for fresh development proposals.

- 9.35 The application is supported by a viability assessment which sets out that the development can provide £2,000 per plot in contributions but is not viable to provide any on-site affordable housing or contribution in lieu of this (unless taken from the £2,000 per plot contribution). The total contribution (£38,000) equates to around 8% of the total contributions sought for the scheme (notwithstanding affordable housing) and therefore falls significantly short being able to mitigate its impacts on community infrastructure.
- 9.36 The NPPF is clear in that viability is a material consideration to be given weight. In this instance, whilst the viability constraints are acknowledged, the site is windfall development and therefore, by its very nature, not strictly necessary to fulfil the district's housing ambitions and would instead place additional burdens on services with very limited mitigation. As such, the viability position and subsequent shortfall in infrastructure/ affordable housing contributions weighs negatively against the proposal. This is to be considered in the overall planning balance.

10 PLANNING BALANCE AND CONCLUSIONS

- 10.1 The proposal would bring about development of currently unused land and would provide a modest stock of housing against a national drive to significantly boost housing delivery. Furthermore, there are short-term benefits during the build out, with the possibility of local businesses providing trade and materials. Modest long-term benefits would accrue from future occupiers accessing local services and facilities and through local spend. This carries moderate positive weight based on the quantum proposed.
- 10.2 However, the site is outside of the built framework of March (contrary to the spatial policies of the Development Plan) and is generally considered to be unsustainably linked by virtue of Peas Hill roundabout and the A141. This is likely to discourage non-car modes of travel, rendering most basic trips to local services and facilities a difficult task on foot or cycle, with particular consideration for trips to school. In essence, due to poor pedestrian and cycle infrastructure the site location is generally not deemed to be a good area to encourage housing growth. This carries substantial negative weight.
- 10.3 Notwithstanding, the proposal identifies significant constraints with delivery of 19 homes, relying on a layout which would appear discordant to the pattern of housing development in this area. As such the proposal fails to satisfactorily set out how the quantum of development proposed can be appropriately laid out without resulting in character harm. This also weighs substantially against the proposal.
- 10.4 The site lies within an area identified as high risk of flooding and without sufficient justification advanced to demonstrate that the development is necessary. This directly conflicts with the aims of both national and local policy of avoiding placing development in areas of highest risk of flooding unless demonstrably necessary. This carries significant negative weight.
- 10.5 Finally, the proposal is unable to achieve any level of affordable housing and proposes only a minimal financial contribution toward mitigating the impacts of this development. This carries moderate negative weight.
- 10.6 There are significant conflicts with policies of the development plan as follows; LP3 and LP12 in respect of spatial location; LP16 in respect of character harm; LP14 in respect of flood risk; H2 in respect of the failure to undertake a community

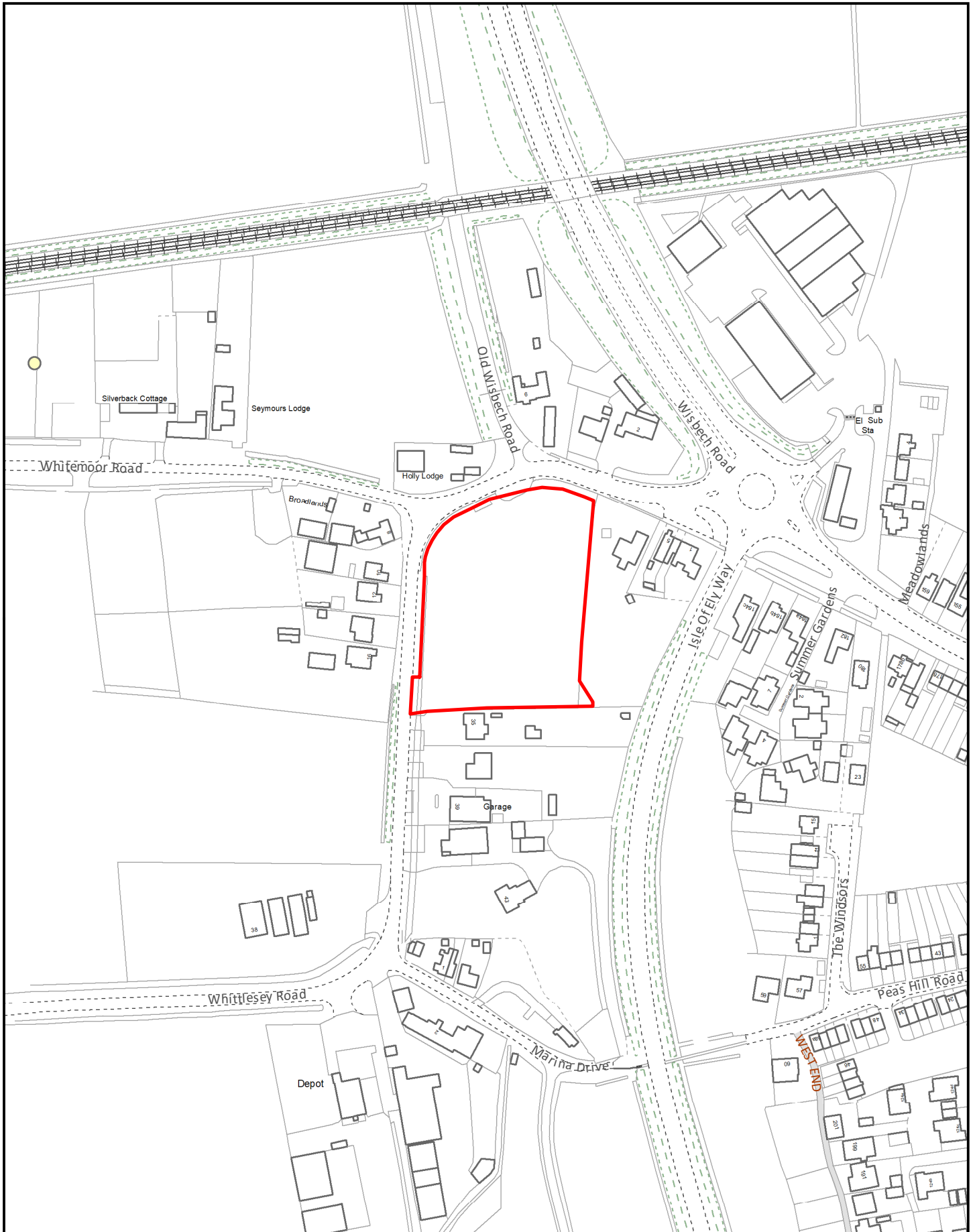
consultation; and, LP13 in respect of a lack of planning obligation to secure the proposed planning contributions (not sought by officers due to the general policy issues identified).

- 10.7 In applying the planning balance and having regard to general housing delivery success in March to date, and the ongoing and proven appetite for developers to bring forward strategic and other windfall sites in more sustainable locations in March (often with better viability outcomes), it is considered that the modest benefits of this proposal and other material considerations do not outweigh do not outweigh the significant policy conflicts and associated disbenefits set out above.
- 10.8 As such, in accordance with the statutory duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 the proposal does not warrant a decision otherwise than in accordance with the development plan and the application should be refused.

11 RECOMMENDATION

11.1 Refuse; for the following reasons:

1	<p><i>Spatial location</i></p> <p>The site is located outside the continuous built-up form of March and is poorly connected to the wider settlement by virtue of the severance created by the A141 main highway and would likely place a reliance on private motor car to undertake most journeys. As such, the development fails to accord with policies LP3 and LP12 of the Fenland Local Plan and H2 of the March Neighbourhood Plan.</p>
2	<p><i>Flood Risk</i></p> <p>The site lies in an area at high risk of flooding and fails to successfully demonstrate through the application of the sequential test that the development could not be located elsewhere in a location at a lower risk of flooding. Consequently, the development would place people and property at an unwarranted risk of flooding contrary to policy LP14 of the Fenland Local plan (2014) policy H2 of the March Neighbourhood Plan (2017) and the flood risk avoidance requirements of the NPPF.</p>
3	<p><i>Character harm</i></p> <p>The indicative layout denotes a row of dwellings backing onto the highway which is uncharacteristic to the streetscene in general and would fail to positively contribute to the urban environment, likely resulting in continuous runs of fencing/ walls adjacent to the highway in order to secure adequate private amenity for future occupiers. As such, the proposal, based on the quantum sought, fails to demonstrate that it could be achieved without severe harm to the character and appearance of the area contrary to policy LP16 of the Fenland Local Plan (2014) and the broad aims of the March Neighbourhood Plan (2017).</p>
4	<p><i>Infrastructure</i></p> <p>Notwithstanding refusal reasons 1 to 3, the application is not accompanied by any signed planning obligation to secure the necessary infrastructure contributions to mitigate the impacts of the development, contrary to policy LP13 of the Fenland Local Plan (2014).</p>



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F/YR24/0211/O

Scale = 1:2,500





Proposed Site Plan

Area Schedule

Plot 1	134 m ² / 1442 ft ²
Plot 2	134 m ² / 1442 ft ²
Plot 3	80 m ² / 861 ft ²
Plot 4	80 m ² / 861 ft ²
Plot 5	68 m ² / 861 ft ²
Plot 6	68 m ² / 861 ft ²
Plot 7	80 m ² / 861 ft ²
Plot 8	80 m ² / 861 ft ²
Plot 9	80 m ² / 861 ft ²
Plot 10	80 m ² / 861 ft ²
Plot 11	136 m ² / 1463 ft ²
Plot 12	80 m ² / 861 ft ²
Plot 13	80 m ² / 861 ft ²
Plot 14	68 m ² / 861 ft ²
Plot 15	68 m ² / 861 ft ²
Plot 16	80 m ² / 861 ft ²
Plot 17	80 m ² / 861 ft ²
Plot 18	80 m ² / 861 ft ²
Plot 19	80 m ² / 861 ft ²

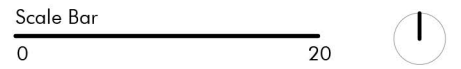


TMV Architects
 The Repeater Station
 London Road
 Norman Cross
 Peterborough PE7 3TB
 info@tmvarchitects.co.uk
 01733 794 795
 tmvarchitects.co.uk

Note
 Contractors must work only to figured dimensions which are to be checked on site, any discrepancies are to be reported to the architect before proceeding.

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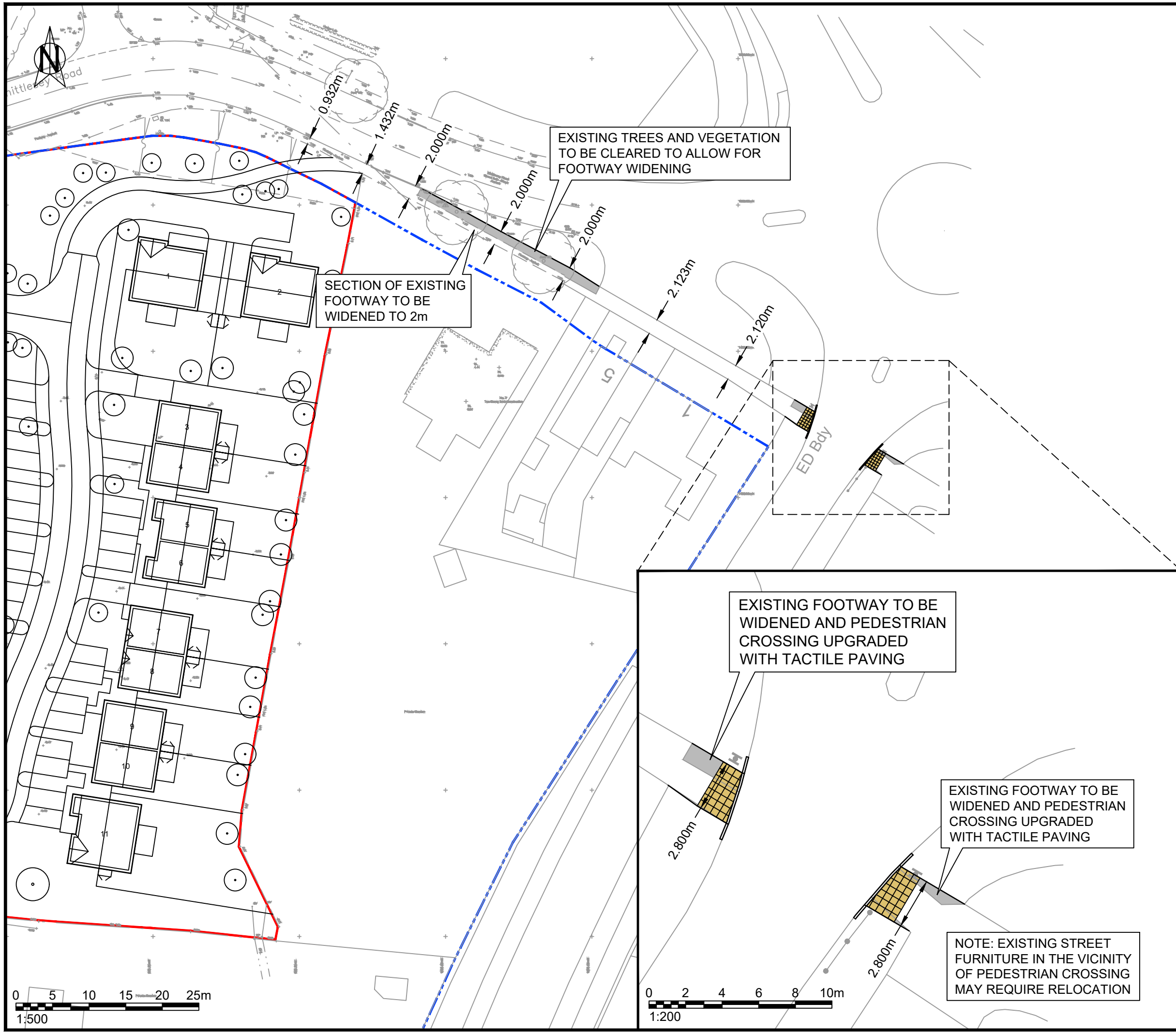


Rev.	Date	Details
A	30.07.24	Red line boundary amended

Feasibility

Drawing Name
 Proposed Site Plan with Indicative Layout

Project Name Land North of Whittlesey Road, March	Project No. 1000	Dwg No. 101
	Rev. A	Scale 1:500 @ A3
Drawn MV		Date 30.05.23



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

KEY:

	HIGHWAY BOUNDARY
	APPLICATION RED LINE BOUNDARY

REV	DATE	DESCRIPTION	DRN	CHKD	APRD
A	01.08.2024	Site layout updated and existing pedestrian crossing upgraded.	DW	DS	KMcM

Issue Status

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

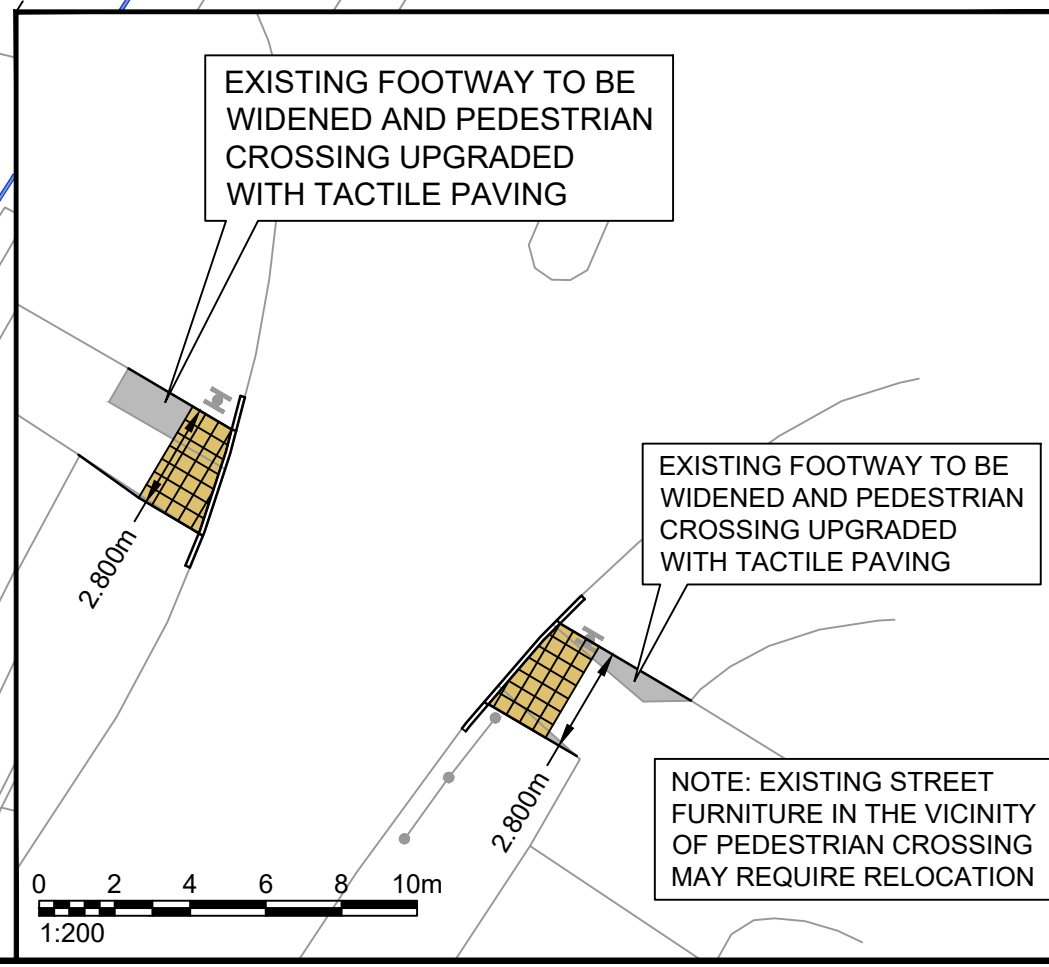
Client
MJS Construction (March) Ltd

Project
Whittlesey Road, March

Drawing Title
Proposed Footway Widening

Scale @ A3	Drwn	DW	Chkd	DS
1:500 / 1:200	Aprd	KMcM	Date	22.07.2024

Drawing Ref	Rev
KMC24054 / 003	A



NOTES

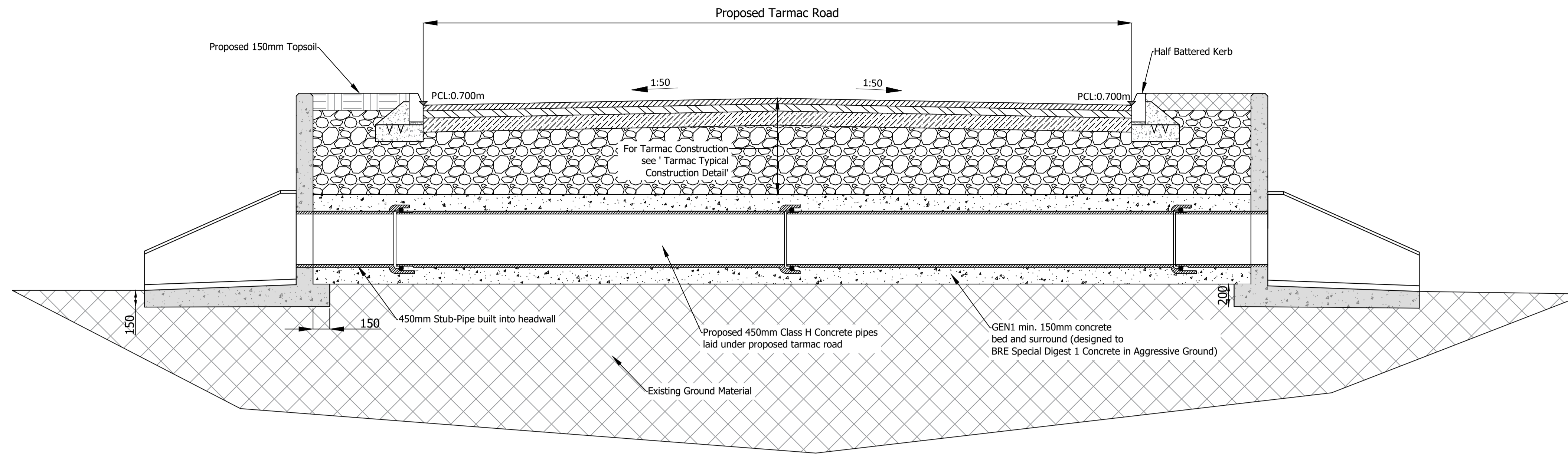
1. All dimensions are in millimetres unless stated otherwise.
2. This drawing to be read in conjunction with all other relevant drawings and specifications.
3. All proprietary items to be installed in strict compliance with manufacturers instructions and recommendations.

HIGHWAY WORKS NOTES

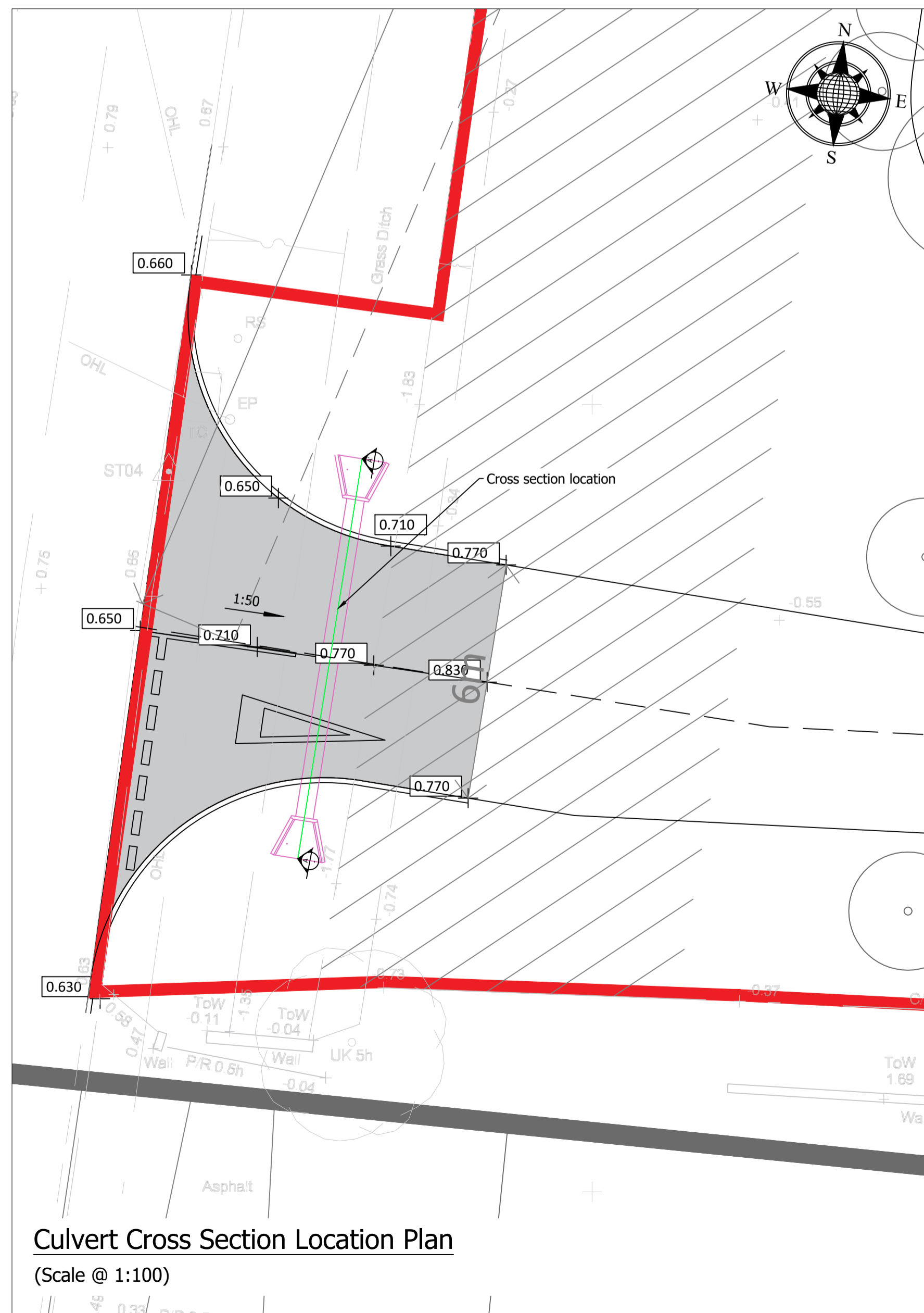
1. All works within the existing highway shall be carried out fully in accordance with the New Roads and Street Works Act 1991 and to Chapter 8 of the Traffic Signs Manual. The contractor shall provide, erect, maintain and remove upon completion all temporary signing required for works carried out within the highway. The contractor shall liaise with the Highways Authority with regard to agreeing appropriate methods of traffic management.
2. The reinstatement of the highway shall be carried out fully in accordance with the HAUC 'Specification for the Reinstatement of Openings in Highways'. Reinstatement shall be permanent (on first visit).
3. The contractor shall submit to the street works coordinator and utility companies the appropriate notices under the New Roads and Street Works Act 1991 and the Traffic Management Act. Upon completion of the works the contractor shall submit to the street works coordinator the appropriate completion notices.
5. All construction works to comply with current the Highways Authority's specifications.
6. New road markings to comply with TSRGD and the Highways Authority's specifications.
7. All works are to be carried out to Cambridgeshire County Councils specification as per the Housing Estate Road Construction Specification April 2023.

STANDARD ROADS / FOOTPATH NOTES:

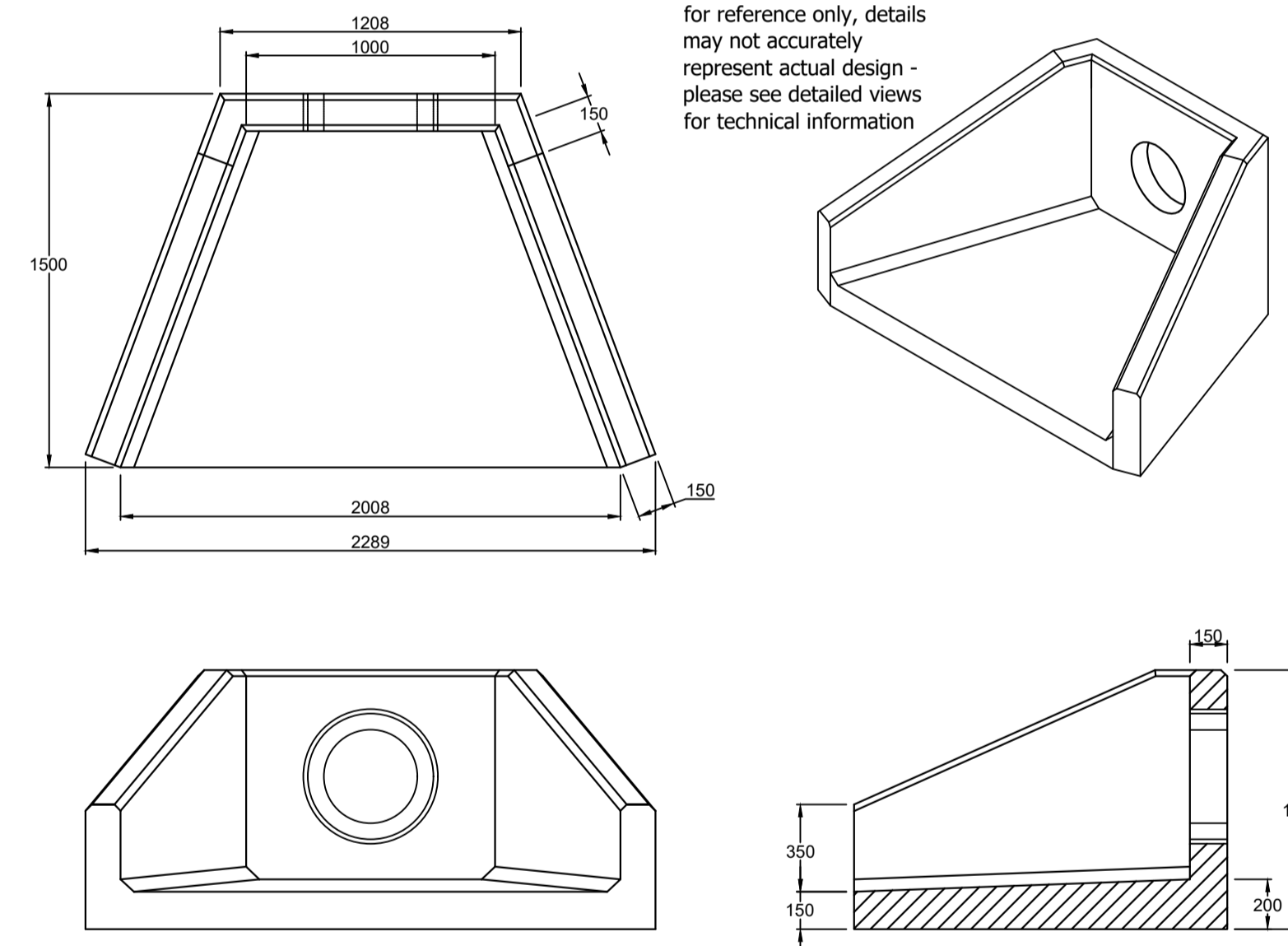
1. Existing structures to be broken out to minimum 450mm below top of finished surface level. Existing footpath to be broken out and rubble and existing subbase to be removed off-site.
2. Subgrade to be proof rolled with one pass of a smooth-wheeled roller having a mass per M-width of roll of not less than 2,100-kg or a Vibrating Roller having a mass per M-width of roll of not less than 700-kg or a Vibrating Plate Compactor having a mass per m2 of not less than 1400-kg. Any soft spots shall be removed and replaced with Type 1 compacted in layers not exceeding 150mm thickness.
3. All formations are to be treated with an approved herbicide before placing sub-base material on a geotextile separation membrane (Terram 1000 or similar approved)
4. All sub-base material is to be non-frost-susceptible. All concrete to be sulphate resisting



Culvert Cross Section Detail
(Scale @ 1:25)

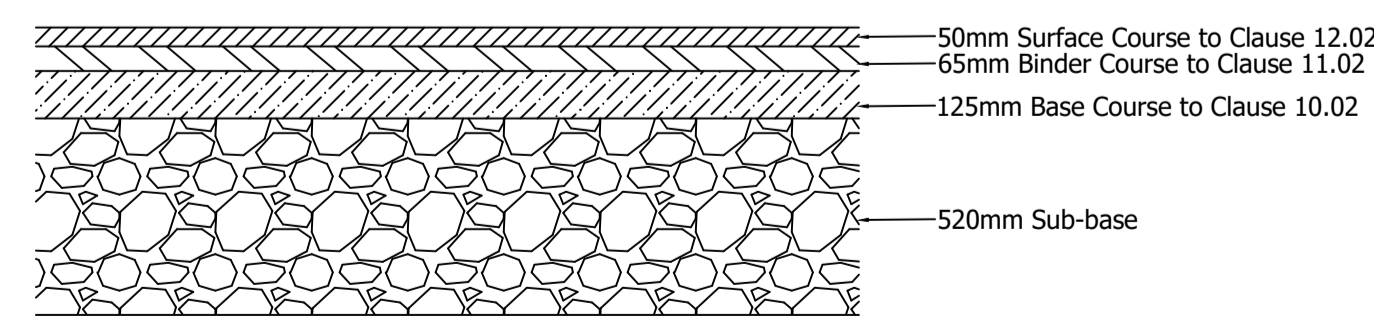


Culvert Cross Section Location Plan
(Scale @ 1:100)



Note: Isometric drawing is for reference only, details may not accurately represent actual design - please see detailed views for technical information

Headwall details - (Model : SAF10B or Similar)
(Scale @ 1:25)



Typical tarmac construction detail
(Scale @ 1:20)

NOTES

1. Unless in situ testing has been agreed by the Engineer the CBR for the site will be assumed to be <2% the depth of the Type 1 or Cambs. HER (Clause 9.0) Sub-base may be reduced in line with the following if suitable test results are provided.

Measured CBR Values	Required depth of Type 1 or HER sub-base
CBR > 5%	260mm±10mm (minimum thickness)
CBR 5%	280mm±10mm
CBR 4%	315mm±10mm
CBR 3%	375mm±10mm
CBR 2%	450mm±10mm
CBR less than 2%	520mm±10mm

2. If Plasticity Index values are not available from the soil survey and test data for the proposed site, a CBR of less than 2 (<2) must be assumed for the design. A separating membrane will be required where the design CBR is less than 5% (Clause 7.03).
3. The total carriageway thickness must be at least 490mm (inclusive of sub-base).
4. The combined thickness of the bound layers as shown above shall be regarded as the minimum overall thickness for the bound materials.
5. If the 40 years life design traffic exceeds 1.0 msa a special design shall be submitted for the Engineer's approval.

CONSTRUCTION DESIGN AND MANAGEMENT REGULATIONS 2015

THE CONTRACTORS ATTENTION IS DRAWN TO THE ABNORMAL RISKS IDENTIFIED BELOW, ANNOTATED ON THE DRAWING AND EXPLAINED IN THE ASSOCIATED DESIGN RISK REGISTERS

LEGEND

- YOU MUST NOT DO
- HAZARD OR DANGER
- YOU MUST DO
- CAUTION

ABNORMAL RISKS IDENTIFIED:

Rev	Amendments	Rev'd by	Date
Client			
MJ Construction			
Project			
Land North of Whittlesey Road, March			
Title			
Culvert Details			
Job No 23077			
Drawing No 23077-201 P1			
Status Preliminary Rev			
Scale @A1 Date 07-03-24			
Project Engineer TBP			
Drawn By KS			
Checked By AJP			
Approved By			



4 Angel House, Eastgate, Whittlesey
Peterborough, PE7 1SE
07961 783625

www.parsonsenigneers.co.uk