

Application Number: F/YR12/0689/O
Minor
Parish/Ward: March Town Council
Date Received: 6 September 2012
Expiry Date: 6 December 2012
Applicant: Greene King PLC

Proposal: Erection of 18 dwellings
Location: Land north of 35 Whittlesey Road, March

Site Area/Density: 0.82 ha

Reason before Committee: The proposal is before the Planning Committee due to being called in by Cllr French to assess impact on the traffic at the roundabout, inappropriate access and overdevelopment of the site

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application is a proposal for outline consent for the erection of 18 dwellings on land north of 35 Whittlesey Road, March, and commits access only with details relating to appearance, landscaping, layout and scale reserved.

The key issues relate to:

- i) connectivity to the town centre and highway safety
- ii) location of development and emerging Core Strategy.

The site is located within the existing Development Area Boundary as defined in the Fenland District Wide Local Plan 1993 and is allocated as a workplace home site. Policy EMP5 of the FDWLP 1993 relating to the provision of workplace homes was deleted in 2007 and is no longer a 'saved' policy.

Therefore, the proposal falls to be determined under Policies H3 and E8 of the Local Plan, together with Policies CS1, CS2, CS3, CS4, CS5, CS13, CS14, CS16 and CS17 of the emerging Core Strategy.

The proposal relies on the construction of a safe pedestrian crossing point over the A141 which is discussed within the body of the report together with issues relating to Flood Risk.

The Local Planning Authority considers that the proposal has not demonstrated that a safe crossing point can be achieved and that there is other land available within the District in a lower flood zone that should be developed before this site can be considered.

The recommendation is to refuse the application.

2. HISTORY

Of relevance to this proposal is:

- 2.1 F/YR12/0189/O Erection of 21 dwellings Withdrawn 6 August 2012

F/94/0754/F	Erection of 2 x 4-bed houses with garages and associated workshop units	Granted 1995	28 June
F/91/0064/O	Erection of residential accommodation with associated workshop/studio accommodation	Granted September 1991	2

3. PLANNING POLICIES

3.1 National Planning Policy Framework:

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 32: Safe and suitable access to the site can be achieved for all people

Section 6: Delivering a wide choice of high quality homes.

Section 7: Requiring good design.

Section 8: Promoting healthy communities.

Section 10: Meeting the challenge of climate change, flooding and coastal change.

Technical Guidance to the NPPF

3.2 Draft Fenland Core Strategy:

CS1: A presumption in favour of sustainable development.

CS2: Facilitating health and wellbeing of Fenland residents.

CS3: Spatial strategy, the settlement hierarchy and the countryside.

CS4: Housing.

CS5: Meeting housing need.

CS13: Supporting and Managing the Impact of a Growing District.

CS14: Responding to climate change and managing the risk of flooding in Fenland.

CS16: Delivering and protecting high quality environments across the district.

CS17: Community Safety.

3.3 Fenland District Wide Local Plan:

H3: Development should be within existing settlements

E1: Development in rural locations

E8: Landscape and Amenity Protection

4. CONSULTATIONS

4.1 *Parish/Town Council:*

Recommend approval subject to necessary infrastructure improvements, including highways and drainage prior to commencement.

4.2 *Planning Policy (FDC):*

NPPF is a material consideration which states that the sequential approach needs to be followed – There are areas around March which are at a lower risk of flooding.

It is in these areas that new development should be focussed in the first instance.

The District Wide SFRA – July 2011 is up-to-date and can inform this. A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The site specific FRA prepared should be agreed by both the MLC and the EA.

There do not appear to be any wider sustainability benefits to the community that would outweigh flood risk e.g. is there a proper new crossing proposed on the A141, an enlarged area of open space for local people to use, an improvement to local bus services, new facilities located to the west of the A141 etc.

For proposed new occupants of the dwellings the site is isolated from the remainder of the town by the A141 bypass and Peas Hill roundabout. There appears to be no safe way to cross this road and the proposed island and footway may or may not address this. Whilst some services may be close in terms of distance as the crow flies, their accessibility is very limited due to the proximity of the main road effectively acting as a significant barrier to safe and sustainable movement e.g. by walking and cycling. Simple provision of houses (including affordable elements) do not in themselves provide wider sustainable benefits to the community.

4.3 Scientific Officer (FDC):

Agree with the findings of the desk study and await a Phase 2 investigation, the contaminated land condition should be attached but the Phase 1 is complete.

4.4 Local Highway Authority (CCC):

Requests conditions relating to roads and footway finishings; level of access into the site; width of access road; construction standards; provision of temporary facilities; vehicle visibility splays; pedestrian visibility splays; radius kerbs; improvements to

footpath and provision of improvements to pedestrian crossing on the A141/B1099 roundabout.

Following further consultations the LHA considers that due to the importance of the delivery of this crossing together with the constraints within the area of the A141 junction strongly recommends a more detailed plan based on site survey to enable the issues identified within the safety audit relating to tracking to be investigated and tracking diagrams submitted.

Following receipt of the tracking diagrams these demonstrate that HCVs can enter and exit the roundabout without overrunning the proposed pedestrian refuge island. The alignment of the footway immediately to the west and east of the A141 will be subject to detail design as will the proposed pedestrian refuge island.

4.5 Environment Agency:

No objection provided 6 conditions are imposed namely:

1. Development to be carried out in accordance with the approved FRA.
2. Scheme to deal with risks associated with contamination of the site.
3. Verification report demonstrating completion of works to be submitted and approved re: sampling and monitoring and include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified.
4. Unsuspected contamination.
5. Surface water disposal condition.
6. Foul water disposal condition.

4.6 Middle Level Commissioners:

The development is in an area of low-lying land where problems with flooding have previously been reported.

It is noted that a FRA has been supplied – having undertaken a brief review it is considered that it does not meet the minimum requirements of the NPPF, Chapter 3 of the PPS25 Practice Guide, or the Council's Level 1 District Wide SFRA.

In addition to the requirements of the NPPF and associated technical guide, all applications for relevant developments must include a drainage strategy to demonstrate that suitable consideration has been given to surface water drainage are addressed.

Further information including, as a minimum, detailed engineering plans to an engineering scale will be required from the applicant.

The MLC therefore oppose the application.

4.7 Police Architectural Liaison Officer: Parking layout is such that some parking spaces cannot receive adequate surveillance from the dwellings served by those spaces. This will result in an under use of the spaces and parking within turning heads or on the estate roads to the detriment of the scheme. To mitigate against this it may be necessary to reduce the privacy of rear gardens by introduction of fencing that permits surveillance of the parking spaces lacking surveillance.

It will also be necessary for the scheme to be adequately lit by means of column mounted downlighters and that this should include the private drives as well as the adopted highway.

Therefore requests appropriate conditions.

4.8 County Archaeology: Considers that the site should be subject to a programme of archaeological investigation and historic building recording and recommend that this work should be commissioned and undertaken at the expense of the developer.

4.9 Arboricultural Officer: No issues at this site – no trees worthy of a TPO or retention

4.10 Local Residents: 2 letters of objection re:
- no safe crossing of the by-pass
- dangerous crossing point
- nearby site refused due to its location away from the settlement limits
- outside settlement limits
- not part of 'urban March'

- not connected to main sewer
- site considered to be in open countryside
- entrance to site is dangerous
- lorries use the road 24 hrs a day
- urbanization of a semi-rural location on the other side of the by-pass
- crossing of the A141 is difficult enough for adults, least of all children/teenagers which an estate would generate
- Tesco is nearest major shopping facility and pedestrians need to cross 2 roads to get to it
- blind spot of traffic coming around the roundabout
- no main sewers in area
- possibility of subsidence due to compaction of soil types in area
- concerns regarding flooding during and after construction
- no objection to development of site but not for an 'estate'
- 3 or 4 houses would be more sympathetic to the area

5. **SITE DESCRIPTION**

- 5.1 The site is located on the west side of the A141 and comprises an area of land of 0.82 hectares. The site is presently vacant and overgrown with a smattering of vegetation within the site and along the northern edge. The site is bounded by residential properties, which form a small group of dwellings on the periphery of March town. There is a drainage channel located on the western side of the site which is maintained by the IDB.

Character of area

The site is located on the periphery of the urban edge of March Town and is rural in character accentuated by the lack of footpaths and street lights and the loose knit form of development which fronts Whittlesey Road. There are no housing estates on the western side of the A141 and this estate will appear alien and introduce an urban form of development in this locality.

6. **SITE HISTORY**

The site is the former Horse and Jockey Public House site and the land was originally allocated in the 1993 Fenland District Wide Local Plan for workplace homes; however, the associated workplace home Policy EMP5 was deleted in 2007 and, therefore, carries no weight. The land is shown within the Development Area Boundary also within the 1993 Plan. The Horse and Jockey Public House was demolished many years ago.

In 1994 permission was granted for 2 workplace homes on the site with garages and associated workshop units, but the development was never commenced.

In 2012 an application for 21 dwellings was withdrawn following concerns relating to the number of dwellings on the site.

7. OTHER SITE HISTORY IN THE VICINITY

Members may recall a recent application for 8 houses on land to the south of the site further along Whittlesey Road, which was refused on issues relating to the proximity of the site being separated from the main built form of March, and highway safety issues relating to crossing the A141.

8. PLANNING ASSESSMENT

The key considerations are:

- Principle and policy implications
- Highways
- Flood risk
- Layout
- 5 year land supply.

Principle and Policy Implications

The site is presently shown on the 1993 Fenland District Wide Local Plan Insets Map as within the Development Area Boundary. The emerging Core Strategy does not contain DAB's, but indicates strategic allocations and broad locations for growth for each Market town. These areas have been identified following the completion of a Level 1 Strategic Flood Risk Assessment carried out in July 2011. The existing built areas are shown shaded grey on the Key Diagram for March within the emerging Core Strategy Plans and do not relate to the DABs shown in the 1993 Local Plan. The application site is not within any identified development area.

Highways

One of the key considerations relating to developing this land concerns the deliverability of a safe pedestrian crossing over the A141 close to the Peas Hill Roundabout.

Policy CS17 of the emerging Fenland Local Plan Core Strategy seeks to create safe environments what include a footpath network that is convenient, attractive and safe to use. Permeability and connectivity to the site should be enhanced.

It is not possible to provide a controlled crossing point i.e. zebra crossing or pelican controlled crossing due to the size of the roundabout and the speed vehicles enter and exit the roundabout. It is also not possible to provide a footbridge over the A141 due to land availability along the road verges. Therefore, the only option is to provide a pedestrian island in the middle of the road.

The Local Highway Authority has stressed the importance of the deliverability of a safe pedestrian route from the site to the eastern side of the A141. To this end the applicants produced a series of tracking templates showing the movements of HGV's around the roundabout and the introduction of a pedestrian island in the middle of the road.

The Cambridgeshire County Council Road Safety Engineering Team commented on the tracking and considered that ideally the safety audit team would prefer to see the lane widths either side of an island to be either less than 3 metres or more than 4 metres to allow safe passage by cyclists. A distance between 3 metres and 4 metres acts as a pinch point. However, given the nature of the road and the observations of the audit team whilst on site the number of cyclists is likely to be low whereas the level of HGV movements is much higher and it is accepted that they will require larger lane widths to enable all movements around the roundabout.

The Stage 1 Safety Audit was carried out on 23 October 2012 and the following results and recommendations were found:

Existing Injury Accident Details

During the period January 2007 to August 2012 no personal injury accidents have been recorded at or within close proximity (10 m either side) to the proposed crossing. Personal injury accidents have been recorded at the roundabout but are considered outside the scope of this audit.

A1. Problem

Location: Area of vegetation between A141 and B1099 Wisbech Road.

Summary: Poor intervisibility between pedestrians and vehicles could lead to high severity collisions. In the verge area there are a number of trees and traffic signs. This is likely to lead to poor intervisibility between vehicles exiting the roundabout and pedestrians waiting to cross. It is apparent from the trees on site that any future growth at the base of the tree is likely to increase the problem.

Recommendation: Remove any objects which reduce the intervisibility at this location.

A2. Problem

Location: Northeast bound exit of A141 onto roundabout.

Summary: Large goods vehicles may overrun the island and collide with pedestrians. Whilst on site the audit team observed a number of heavy goods vehicles entering the roundabout at this location. It was observed that depending on the direction of travel drivers would position the vehicle in different ways. The audit team felt that given the constraints of the site there is a possibility that larger vehicles may overrun the island and could collide with users waiting to cross.

Recommendation: Undertake track movements to ensure that overrunning of the island will not occur. If overrun does occur this should be mitigated in the final design. This information should be provided at any stage 2 safety audit.

Following the recommendations of the Stage 1 audit tracking templates have been produced and the Local Highway Authority has commented that the tracking demonstrates that HGV's can enter and exit the roundabout without overrunning the pedestrian refuge island. However whilst the tracking templates show the movement of vehicles it is clear that widening of the road is required and a detailed site survey of the highway land needs to be undertaken to ensure that there is sufficient land available and that the scheme can be delivered.

This detailed survey has not been carried out and, therefore, the Local Planning Authority considers that the application fails to demonstrate that the pedestrian crossing can be delivered. It is imperative that the scheme provides for safe pedestrian access and again the Local Planning Authority is not convinced that an uncontrolled pedestrian crossing via a central island in the road may or may not address this concern.

Whilst viability of a proposal is not initially a planning concern, the Local Planning Authority is concerned how the provision of the crossing, which will entail major road works and cost, will affect the overall viability of the proposal in monetary terms.

Flood Risk Issues

The site falls within Flood Zone 3 (High Risk) and guidance is contained within the NPPF which seeks to steer new development to lesser flood zones, where appropriate, to ensure that areas of lower risk of flooding are developed before those at a higher risk. The NPPF advises that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (paragraph 101).

The Core Strategy has just completed the final draft stage and has been ratified by Full Council and, therefore, carries some weight by virtue of this. The proposal appears to be in conflict with Policy CS14 Part B which generally conforms with the requirements of the NPPF relating to the Sequential Test and the Exceptions Test.

It is necessary to carry out a Sequential Test to determine if there are other comparable sites available for the development proposed. If following the Sequential Test it is not possible (consistent with wider sustainability objectives) to locate development in lower areas of risk of flooding then the Exception Test can be considered.

The Exception Test involves passing the following criteria:

- a) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared.
- b) A FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The applicant has undertaken the Sequential Test and the Exception Test and considers that there are no other comparable sites in the locality for their development.

Contrary to the applicant's findings, with regards to the Exception Test there does not appear to be any wider sustainability benefits to the community that would outweigh flood risk, such as a safe controlled crossing over the A141, an enlarged area of open space for local people to use, an improvement to local bus services or new facilities located to the west of the A141.

In terms of land use classifications in the NPPF Technical Guidance, dwellings are considered "more vulnerable" and the Exception Test must be passed for the development to be acceptable. If the Exception Test *could* be passed the

detailed layout must consider uses compatible with flood risk and flood resilience and resistance. (NPPF para 103).

Whilst the applicant considers that they have reasonably passed the sequential test, the Local Planning Authority considers that there are other development areas around March which are at a lower risk of flooding as identified following the SFRA and the Strategic Housing Land Availability Assessment (SHLAA) carried out for the Council together with the identified strategic locations and broad locations for growth. Indeed March has been identified in the Core Strategy as being able to deliver the highest number of houses in Fenland within the Plan period which indicates the level of developable land available.

The Core Strategy envisages that around 450 houses can be delivered in the north-east of March; around 600 dwellings in the south-east of March; around 300 dwellings in the south-west of March and around 2,000 dwellings to the west of March. These 3,350 dwellings together with committed sites and windfall sites, which could be substantial as no sites under 250 dwellings has been identified in the Plan, is considered more than capable of delivering the target of 4,200 homes in March. The application site is not within any of these areas of future development.

It is quite clear that the release of land in Flood Zone 3 should only occur when other developable land in lesser flood zones has been undertaken.

The Middle Level Commissioners oppose the application as they do not consider that the submitted FRA addresses surface water disposal adequately. However, these issues can be conditioned as part of any approval on the site.

Layout

The layout of the site has been the subject of pre-application discussions and changes to the number of dwellings and their siting has resulted in an acceptable scheme. The access onto Whittlesey Road has been approved by the Local Highway Authority as has the internal estate road. The internal estate road will be to an adoptable standard to allow satisfactory collection of refuse from the properties.

The overall proposal is for 18 dwellings comprising 13 x 3-bed dwellings and 5 x 2-bed dwellings although the siting has not been committed as part of this outline proposal. Each dwelling will require a minimum of 2 parking spaces.

A small element of Public Open Space (100 sq metres) has been negotiated with the applicant due to the nearest POS being across the A141 off Peas Hill Road.

Matters relating to appearance, landscaping, layout and scale have not been committed and will form part of the Reserved Matters application and will be considered at that time.

The design of the dwellings will also come forward as part of the Reserved Matters application when details relating to any potential for overlooking will be assessed together with size, scale and materials to be used.

5 year land supply

As part of the justification to allow the site to be developed within Flood Zone 3 is the argument that the Council does not have a 5 year land supply.

As part of the Fenland Annual Monitoring Report, which is available to view on the Council's website, Local Authorities are required to identify and maintain a 5 year land supply for housing development that is suitable, available and achievable in line with Paragraph 47 of the NPPF. Such sites include extant planning permissions, emerging strategic allocations and broad locations for growth and allowance for Core Strategy site.

Whilst Fenland cannot quite demonstrate a full 5 year supply of land plus the 5% requirement from the NPPF, the following points are important to note:

- Fenland is aware of a number of large planning proposals coming forward, including a 1,000 dwelling scheme in Chatteris currently the subject of a planning application – should this site be approved it would represent a significant increase in supply beyond the five year period making up the initial shortfall.

- From a recent housing delivery perspective, the last 3 years has been an average of 250 dwellings per annum in completed. If this rate, rather than the residual rate, was used to test the number of years supply available, then Fenland would have over 10 years supply of available housing land.

On the basis of the above, Fenland Council does not believe it has a material shortfall in land supply for the foreseeable future and is putting in place robust measures to ensure significantly more than 5 years supply will be available shortly.

The Council, therefore, robustly oppose any inappropriate developments that seek permission on the basis of the slight technical temporary shortfall in land supply.

7. CONCLUSION

- 7.1 The Local Planning Authority cannot support the development of this site for the reasons outlined above namely, highway safety and flood risk and considers the site is not in a sustainable location.

With regards to sustainable development, for the proposed new occupants of the dwellings the site is isolated from the remainder of the town by the A141 bypass and Peas Hill roundabout. There appears to be no safe way to cross this road and the proposed island and footway may or may not address this. Whilst some services may be close in terms of distance as the crow flies, their accessibility is very limited due to the proximity of the main road effectively acting as a significant barrier to safe and sustainable movements (e.g. by walking and cycling). Simple provision of houses (including affordable elements) do not in themselves provide wider sustainable benefits to the community.

The site lies in Flood Zone 3 and it is considered that sequentially there is other land available within the district for development that falls in a lesser Flood

Zone and hence should be developed first as stated both in the NPPF and the emerging Fenland Core Strategy.

Identified land for development has been informed by the Level 1 Strategic Flood Risk Assessment July 2011 which in turn has informed the Core Strategy and the identified Strategic Allocation sites and the broad locations for growth. The application site does not fall within any of these land allocations. Due to the level of flood risk associated with the site it cannot be considered as an acceptable windfall site.

This new estate will be at odds to the prevailing form of development along Whittlesey Road and will introduce an urban form by virtue of the need for street lighting and footpaths which will change the character of the area which is located on the periphery of March leading to open countryside.

8. RECOMMENDATION

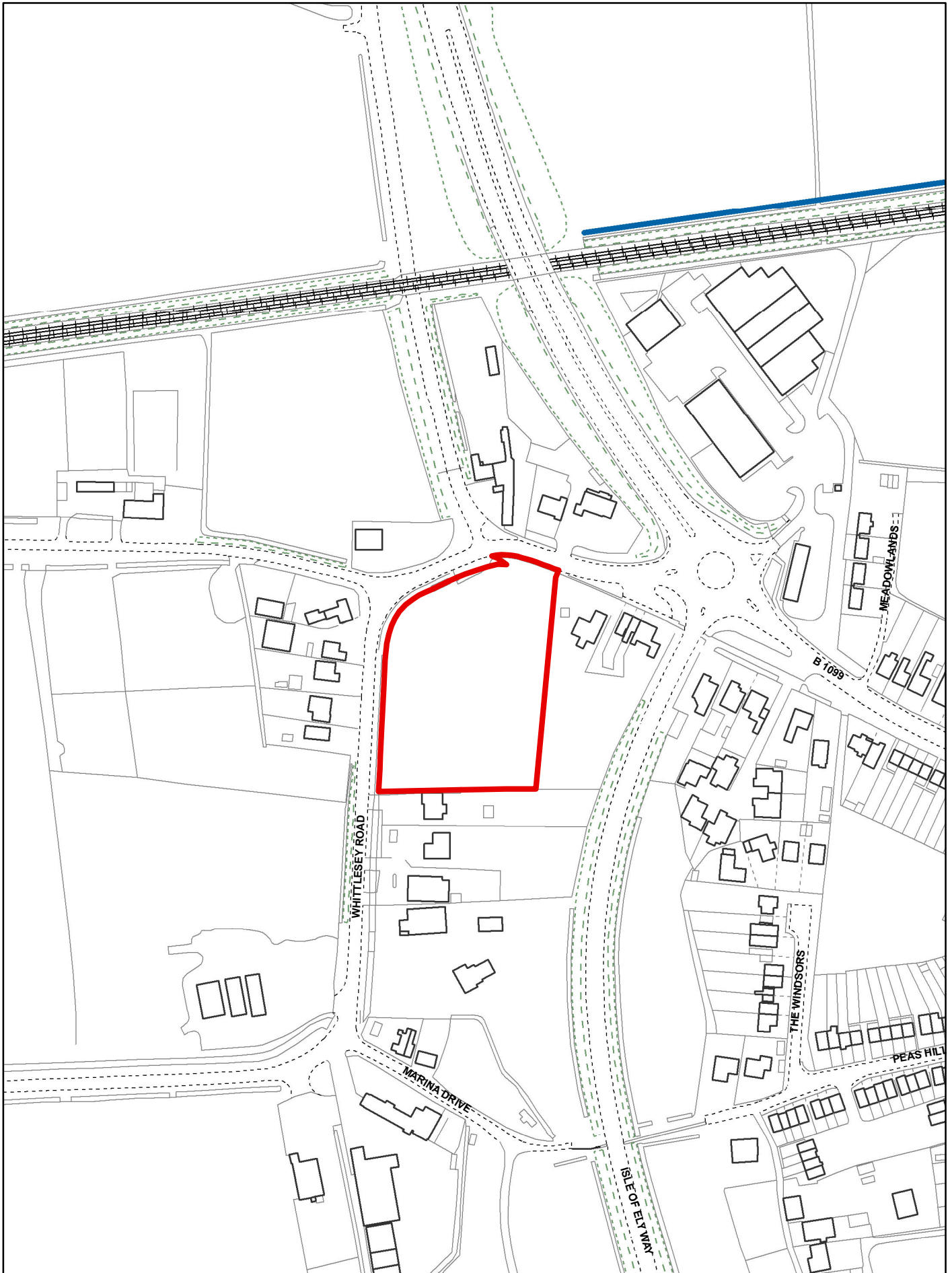
Refuse

- 1. The proposal has failed to demonstrate that an acceptable safe means of pedestrians crossing the A141 can be provided which renders the site unsustainable and is, therefore, contrary to Policies CS1, CS16 and CS17 of the emerging Fenland Local Plan Core Strategy February 2013 and Policy E8 of the Fenland District Wide Local Plan 1993.**
- 2. The proposed development is located on land situated on the periphery of March, separated from the main urban area by the presence of the A141 bypass road. The development would begin to change the fairly open nature of the countryside in the immediate vicinity and would cause harm to the distinctive character of the locality resulting in an estate type development which would be out of character with the generally 'ribbon' development along Whittlesey Road.**

The proposal is, therefore, contrary to Policies CS1 and CS16 of the emerging Fenland Local Plan Core Strategy February 2013 and Policy E8 of the Fenland District Wide Local Plan 1993.

- 3. The site is located within Flood Zone 3. The proposal is considered to have failed to demonstrate the acceptability of locating housing development on this site in sequential terms when compared to other sites around March which have a lower probability of flooding.**

The proposal is, therefore, contrary to Policy CS14 of the emerging Fenland Local Plan Core Strategy February 2013.



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F/YR12/0689/O

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Scale = 1:2,500





- Plots 1, 2, 4, 11, 14, 16
3-bed dwellings @ 87sqm/936sqft
- Plots 3, 7, 9, 15
2-bed dwellings @ 76sqm/818sqft
- Plots 5, 6, 10, 12, 13, 17, 18
3-bed dwellings @ 88sqm/951sqft
- Plot 8
2-bed dwelling @ 80sqm/862sqft

on behalf of: **caldecotte CC**

Issued for: **PLANNING**

project: **FORMER HORSE & JOCKEY MARCH**

drawing number: **5382**

revision: **B**

scale: **1:500**

paper size: **A3**

date: **20/06/12**

checked: **SA**

date: **XX/XX/XX**



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FILE LOCATION - p:\0382_horse & jockey_march\02_drawings\02_planning\02_building

2m planting strip

9m easement strip

children's play area
min 100sqm

private drive

private drive

private drive

bin stand

bin stand

Whittlesey Road

Whittlesey Road

Whitemoor Road

Whittlesey Road

No. 2 Commercial Unit

No. 4

No. 7

No. 8

No. 10

No. 12

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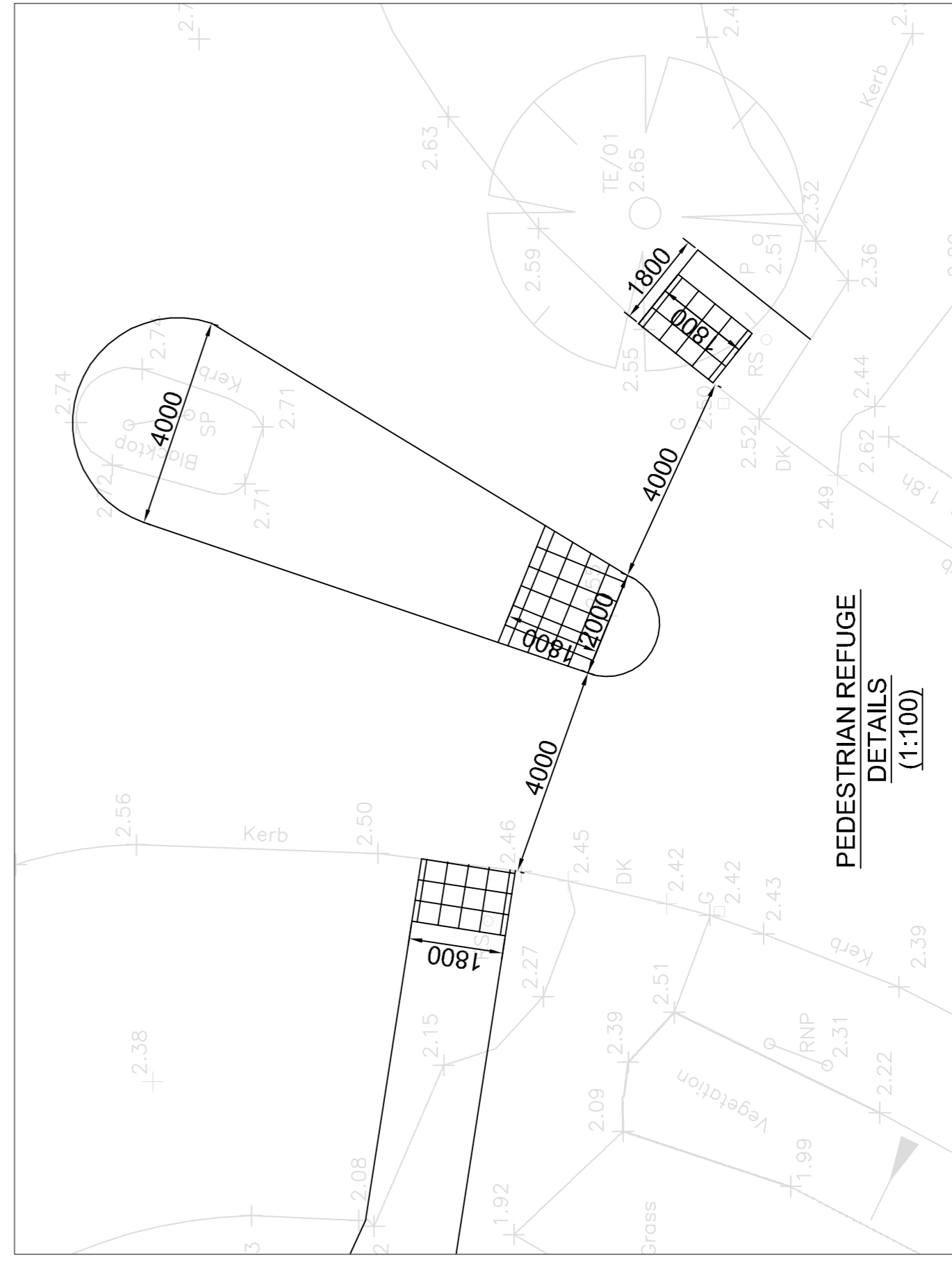
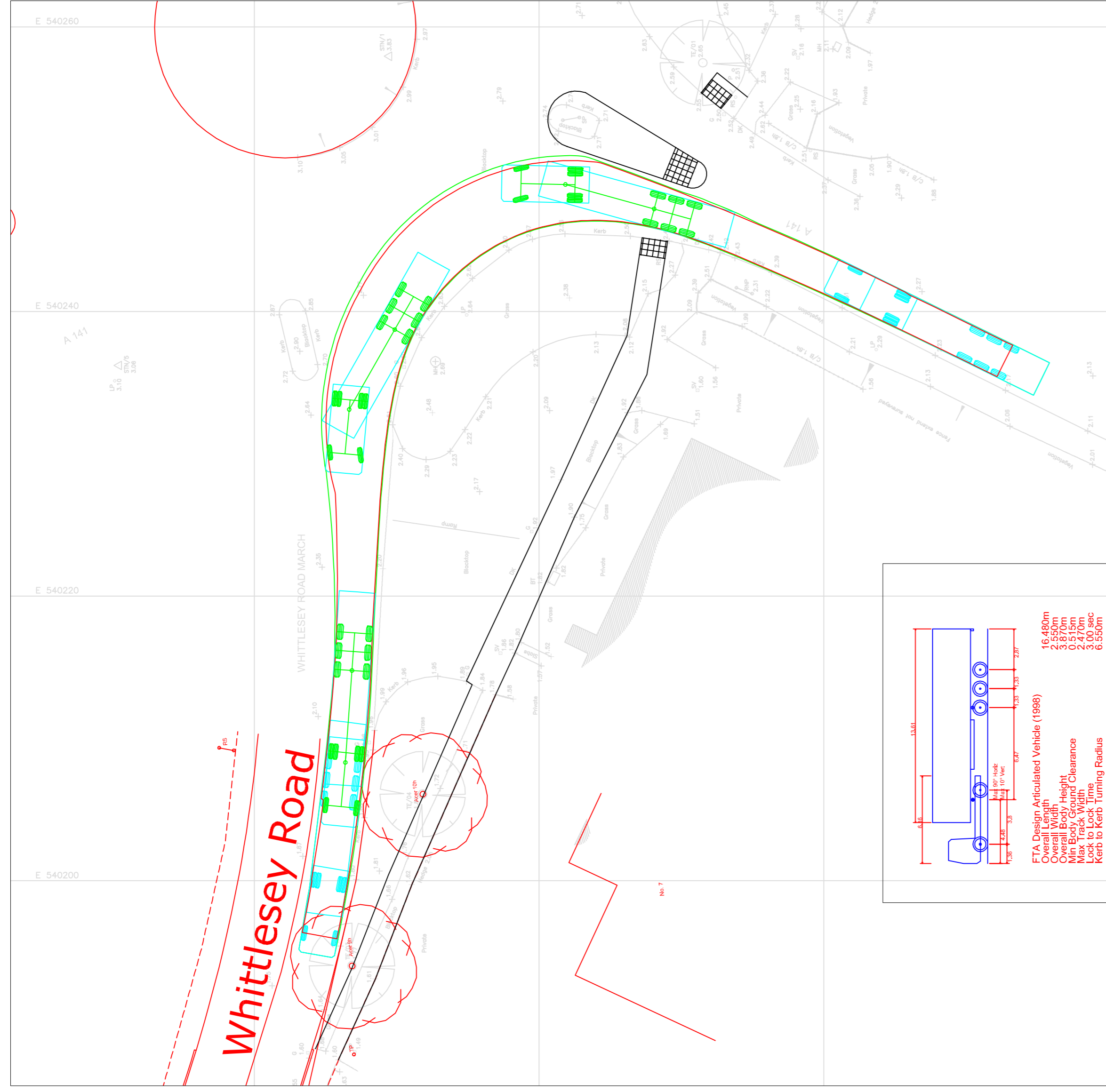
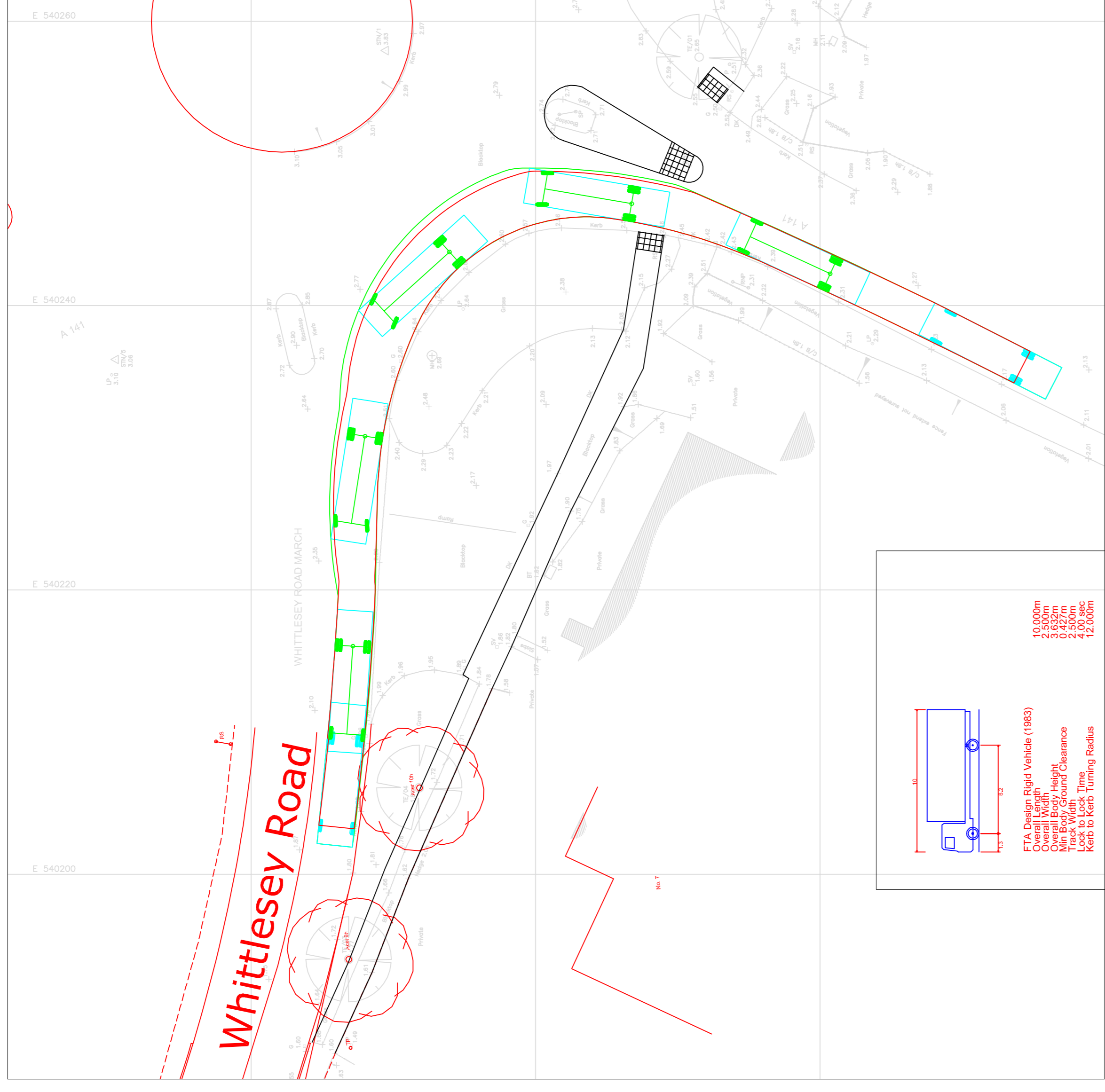
Holly Lodge

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Rev B 28/11/12 Children's Play Area added/Plots 4, 5 & 6 adjusted SA

Rev A 28/06/12 Detail added SA



PRELIMINARY

Project
**FORMER HORSE AND JOCKEY PUBLIC HOUSE
WHITTLESEY ROAD AND A414
MARCH**

Sheet
**PROPOSED PEDESTRIAN CROSSING
AUTOTRACK DETAILS**

Client
1-2 Aire House
Slings Court
Doncaster DN1 5NL

Design
LMH

Approved
LMH

Revision Date
29.11.12

Project No.
J-D0964

Scale
1:250 @ A1

Drawing No.
J-D0964

Sheet No.
602

Revision
R0

OPUS
Doncaster Office
44 1802 322956

Drawn
LMH

Designed
LMH

Approved
LMH

Revision Date
29.11.12

Project No.
J-D0964

Scale
1:250 @ A1

caldecotte
consultants

Revision	Amendment	Approved	Revision Date
R0	FIRST ISSUE		29.11.12