

**Application Number: F/YR14/1020/O**  
**22 December 2014**

**Applicant: The Wilkinson Family**

**Agent : Mr John Maxey**  
**Maxey Grounds & Co LLP**

**Location: Land East Of Berryfield, Berryfield, March, Cambridgeshire**

**Proposal: Erection of 30 dwellings (max)**

**Reason before Committee: This application is before committee due to the level of objection received from local residents and the views of the Town Council.**

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## **1 EXECUTIVE SUMMARY**

The proposal is considered to be acceptable in principle as it would represent a sustainable residential extension to the edge of the settlement of March (which would contribute to the delivery of housing envisaged by the Local Plan).

With regard to detailed considerations (such as highway matters; drainage/flood risk; amenity impacts and the impact upon the character and appearance of the area) the development would not lead to any unacceptable harm being evident.

Archaeology matters can be dealt with after the Committee's resolution on the application and any significant findings can be reported back to the Committee if required.

Section 106 matters have been agreed in principle following new legislation and the Council's newly adopted SPD. Subject to archaeology matters, the Section 106 agreement and suitable planning conditions the development is considered acceptable.

## **2 SITE DESCRIPTION**

The site is located on land east of the existing Berryfield housing development and is currently in agricultural use. The site lies within Flood Zone 1. The site is bounded by various hedging and fencing along the eastern boundary adjoining the existing housing development and open to the north, west and southern boundaries.

### 3 PROPOSAL

The proposal seeks outline planning permission with all matters reserved for a residential development for up to 30 dwelling on an area of land of 1.18 ha. The proposal would effectively form an extension of the existing Berryfield development.

### 4 SITE PLANNING HISTORY

F/1163/88/O	Residential Development - 33.77 acres	Withdrawn 17/08/1988
F/0799/85/F	Erection of 49 houses 11 bungalows & garages	Granted 08/10/1986
F/0281/81/F	Residential development	Granted 16/07/1981

### 5 CONSULTATIONS

**March Town Council:** Recommend refusal.

**Local Highway Authority:** No objections in principle subject to a suitable planning condition. The layout will however be fully assessed at reserve matters stage. Berryfield / Elm Road intersection is said to achieve 2.4m x 90m visibility splays of which is more than acceptable. The additional peak hour trip generation by 30 dwelling is likely to have a negligible impact on the highway network. CCC Transport Assessment Team will however provide full assessment and comment on the modelling and the impact the development will have on the wider network in due course.

**CCC - Transport Assessment Team:** Reviewed the revised information submitted in support of this application and the document is now fit for purpose. Therefore have no comments to make on this application.

**CCC Archaeology:** Object to the application and recommend refusal on the grounds that significant, though non-designated, heritage assets occur in this location.

**Anglian Water:** The foul drainage from this development is in the catchment of March Water Recycling Centre that will have available capacity for these flows. In respect of foul sewerage network the development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures, therefore request a condition requiring a foul drainage strategy. The surface water strategy/flood risk assessment submitted is not relevant to Anglian Water and therefore this is outside our jurisdiction for comment.

**Environment Agency:** No objections, makes advisory comments in respect of the preferred option for surface water drainage would be an unrestricted discharge into the Internal Drainage Board watercourse. However the Planning Practice Guidance to the NPPF advises that SuDS should be used for all major developments unless it can be demonstrated that this is inappropriate.

They also consider that the drainage strategy should outline a proposed drainage scheme based on the use of SuDS to attenuate runoff to Greenfield runoff rates, this would ensure there is no increase in flood risk elsewhere as a result of the proposed development. Details of who would be responsible for the future maintenance of any SuDS features should also be provided.

**Middle Level Commissioners:** It is noted that there has been no pre-application discussion occurred on this occasion. Having considered the application, there is no option but to oppose until the relevant matters relating to the submission of the Flood Risk Assessment, surface water management systems and drainage strategy are resolved to the Board's satisfaction.

**FDC Housing Strategy:** In accordance with Policy LP5, this development will require the provision of 8 affordable dwellings on site subject to viability. An affordable tenure mix of 70% affordable rented and 30% intermediate tenure is considered appropriate for this development.

**FDC Environmental Health:** Note and accept the submitted information and have no objections to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate nor be affected by ground contamination as it is a green field site.

**FDC Planning Policy:** Sets out the relevant policies for consideration and advises that a Health Impact Assessment is required.

**FDC Transport Manager:** Seeks a developer contribution towards the Fenland Sustainable Transport Network in Fenland. A contribution of £714.28 per dwelling is required.

**FDC Tree Officer:** The preliminary design layout shows development very close to trees T3 and T4 (within the crown spread). This is not considered to be sustainable as it would lead to repeated requires/pressure to allow significant pruning or removal as the trees grow. Consideration should be given to creating some amenity space in these areas to avoid this conflict. In addition if the hedgerow becomes part of a domestic curtilage there are no powers to prevent its removal in the future and it would appear to be a significant stretch of hawthorn.

**CCC – Growth & Economy:** The County Council requirements for this development are as follows:

- Pre-school: Maple Grove Community Preschool Expansion will provide 24 pre-school places in March to mitigate against development. A contribution will be sought and calculated using a formulaic approach per dwelling size and tenure – details to be determined at Reserved Matters stage.
- Primary School: The expansion of Maple Grove and Westwood Junior (which will become Westwood Primary in September) will provide 90 primary school places to mitigate against development in March. A contribution will be sought and calculated using a formulaic approach per dwelling size and tenure – details to be determined at Reserved Matters stage.
- Secondary School: There is enough capacity in Neale Wade Academy to accommodate the demand of places generated by this development, therefore no contribution is sought.

- Waste & Recycling contribution in accordance with CCC RECAP SPD: £8,010 (has been pooled 5 times, therefore the County Council is prevented from seeking a further contribution).
- Libraries and lifelong learning contribution: £3,032.64.

**Local Residents/Interested Parties:** 20 letters/emails of objection received, which may be summarised as follows:

- The proposal ignores the Local Plan – this site was removed as an allocation during the consultation stage due to North East of March not being able to sustain additional housing owing to the existing road structure.
- The development does not constitute a ‘windfall’ site as this is defined as housing up to 10 dwellings on previously developed land.
- Loss of grade 2 agricultural land.
- Local infrastructure cannot cope at present, particularly in terms of traffic and the level crossing which is already subject to severe hold ups.
- Additional traffic through the existing Berryfield housing development – making it unsafe for children and destroy the peaceful environment.
- Additional traffic through the town centre
- The area is over 2 miles away from the Neale-Wade Academy, and would therefore put pupils at great risk of travelling to that school.
- Devaluation of existing properties
- The proposed development, if approved, would risk a further development of the field being planned
- The additional houses would increase flood risk

## 6 POLICY FRAMEWORK

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

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

Paragraph 14: Presumption in favour of sustainable development.

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

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Paragraphs 100-104: Development and flood risk.

Paragraph 109: Minimising impacts on biodiversity

Paragraphs 203-206: Planning conditions and obligations.

### **National Planning Policy Guidance (NPPG)**

#### **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

LP5 – Meeting Housing Need

LP12 – Rural Area Development Policy

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  
LP18 – The Historic Environment  
LP19 – The Natural Environment

## 7 KEY ISSUES

The key issues associated with this proposal are considered to be:

- **Principle**
- **Character and appearance of the area**
- **Impact on residential amenity**
- **Highway safety matters**
- **Archaeology considerations**
- **Flood risk and drainage**
- **S106 Planning Obligations**
- **Health and wellbeing**
- **Economic growth**

## 8 ASSESSMENT

**Principle:** Local Plan Policy LP3 defines March as a Primary Market Town where the majority of the district's new housing, employment growth, retail growth and wider service provision should take place.

The site originally formed part of the North East March Strategic Allocation for around 450 dwellings which was proposed at the draft stages of the Local Plan. The allocation was subsequently withdrawn from the Local Plan.

The site is considered to satisfy the criteria set out in Local Plan Policy LP4 Part B. Inasmuch as it is on the edge of March. It is therefore an appropriate site to deliver additional housing within the town (towards the 4,200 new homes target set out in Part A of LP4).

Further criteria to be met by any such development are set out in Policy LP16 including that the development should, amongst other things, not adversely impact on the amenity of neighbouring users.

The development will result in the permanent loss of 1.18 hectares of Grade 2 agricultural land. In order to achieve the objectives of the Council's Local Plan policies it was always likely that the loss of such land would result. The amount of land being lost for agricultural purposes does not require any consultation with Natural England, as required by Schedule 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended), as the threshold for such consultation is 20 hectares or more. Accordingly whilst the loss of 1.18 hectares of land is unfortunate, it is not, in this instance, considered unacceptable as the policy direction within the Local Plan would have required the use of sites at the periphery of the market towns and the amount of land being lost is not of a scale which requires consultation with Natural England.

**Character and appearance of the area:** The area to the west is already characterised by residential development. The site would be accessed off this development.

The proposed development equates to approximately 25 dwelling per hectares which is compatible with the generally low density built form of Berryfield to the west.

The proposed indicative layout shows a continuation of the existing Berryfield road into the site to accommodate the proposed dwellings. The indicative site plan shows a mixture of detached and semi-detached dwellings and the existing public open space extended.

The proposal would effectively extend the existing form of development; there would not be any adverse harm on the character of the area. Accordingly the proposal would satisfy Policy LP16 in this respect.

**Highway safety matters:** Access is proposed via an existing residential estate road, Berryfield and Elm Road. Berryfield is typically 6.0m wide with footways either side. The development proposes a 5.5m carriageway with footways both side which complies with Manual for Streets aspirations for developments of this type and scale. The layout will however be fully assessed at reserved matters stage. Berryfield / Elm Road intersection is said to achieve 2.4m x 90m visibility splays which is more than acceptable.

The additional peak hour trip generation by 30 dwellings is likely to have a negligible impact on the highway network. The site is in a sustainable location with good access to March train station.

A Transport Statement accompanies the application. The results of this have been considered by the Local Highway Authority and found to be acceptable and are considered to provide an accurate assessment of the impact of the proposed development.

Whilst the details of parking arrangements have not been submitted the proposed development is capable of meeting the car parking standards set out in Appendix A of the Local Plan.

Overall, the Highway Authority raises no objection to the proposal subject to a suitable planning condition detailing the layout of the site including roads, footways, cycleways, buildings, visibility splays etc.

**Archaeology considerations:** The County Council requested an archaeological investigation to be carried out prior to the determination of the application. As a result, a geophysical survey has already been carried out and the applicant's agent has instructed Archaeological Solutions Ltd to prepare a specification for the evaluation.

Having carefully considered the County Council's request it is considered unreasonable, at this site, to request full archaeological investigations before the application has been reported to the Committee. There are two key reasons for this view being adopted by Officers. Firstly the County Council did not raise any objection to the allocation of this land when this was proposed within the draft Local Plan. As noted previously the land was withdrawn as an allocation in the Local Plan. The second matter relates to the costs and duration of the archaeological works. Officers understand the agents concerns that it would be unreasonable for the investigative works to be undertaken ahead of any certainty

in relation to the principle of the development being established. Given that the archaeology works can be undertaken prior to any favourable determination of the application it seems reasonable to request this after the Committee has considered the proposal. Should the subsequent investigation not result in any important findings which would either restrict development on all or part of the site (such that there would be no prospect of 30 dwellings being developed) then it is recommended that Officers be given delegated powers to determine the application. Should substantial findings be identified then the application shall be reported back to the Committee.

The further investigative works are necessary in order to establish (and if required control) the impacts on below ground heritage assets.

**Flood risk and drainage:** The site lies within Flood Zone 1, defined by the Technical Guide to the National Planning Policy Framework as having a low probability of flooding. As such residential development of this site is considered appropriate in the context of the sequential and exception test.

A Flood Risk Assessment accompanies the application. Whilst the comments and opposition of the Middle Level Commissioners has been carefully considered, the outline drainage strategy concludes that the development could deal with site drainage either by attenuation on site or direct discharge into the drainage boards system. Further discussions and dialogue with Middle Level Commissioners would be required in order to resolve which option is the most suitable. On the basis of the evidence which has been presented to date and the consultation responses it is Officers opinion that a strategy can be developed. Therefore a planning condition would be the appropriate manner in which to address this. It would be advisable on any future reserved matters application(s) to include drainage details.

Anglian Water has requested foul water drainage details and these can be secured via condition.

Accordingly there is no flood risk or drainage related grounds in the context of the Local Plan and to the NPPF on which to object to the proposed development.

**S106 Planning Obligations:** The following s106 heads of terms have been discussed and agreed with the applicant:

- The provision of 25% affordable houses to be provided on site – a tenure split of 70% affordable rented and 30% intermediate tenure in accordance with Policy LP5 of the Local Plan;
- A financial contribution towards the pre-school expansion at Maple Grove Community Pre-school - a formula based approach, based on the amount of bedrooms per property and tenure type proposed (this would be determined at the reserved matters stage);
- A financial contribution towards the expansion of Maple Grove and Westwood Junior (which will become Westwood Primary in September) - a formula based approach, based on the amount of bedrooms per property and tenure type proposed (this would be determined at the reserved matters stage);
- £3,032.64 towards enhanced static library provision at March library (based on a calculation per person generated by the development (72 persons expected));

- £25,960 towards play space provision in accordance with FDC Developer Contributions SPD; and
- £21,428.40 towards new signage and information package at March Railway Station.

**Health and wellbeing:** In accordance with Policy LP2 of the Local Plan development proposals should positively contribute to creating a healthy, safe and equitable living environment. In doing so development proposals, amongst other things, should create sufficient and the right mix of homes to meet people's needs, and in the right location. A Health Impact Assessment has been submitted with this application, the scheme would provide a range of house types to deliver a mix of smaller and family houses, including 8 affordable homes.

**Economic growth:** The development would provide a degree of local employment during construction of a site which is considered sustainable.

## 9 CONCLUSION

The development would represent a sustainable form of residential development owing to the location of the development being on the edge of a Primary Market Town. The proposal has also been assessed against the detailed policy considerations and, with the exception of archaeology (which remains to be resolved), the proposal would satisfy the policy tests in those regards. The development requires contributions in relation to a series of planning obligations.

Subject to the conditions and other requirements set out below the proposal is therefore considered to be compliant with the Local Plan and accordingly it is considered an acceptable form of development.

## 10 RECOMMENDATION

**APPROVE** subject to:

- i) an archaeological investigation being submitted within 3 months of the date of this committee with no significant findings resulting in the development being unable to proceed;
- ii) completion of a Section 106 obligation relating to affordable housing, open space, education, library provision, and rail enhancement.
- iii) conditions listed below and any additional conditions which may be required by the CCC Historic Environment Team

the Head of Planning be authorised to determine the application after consultation with the Chair and Vice Chair of the Planning Committee, the Portfolio Holder for Neighbourhood Planning and a ward councillor for March North following the completion of the archaeological investigation and no new issues arising.

**or**

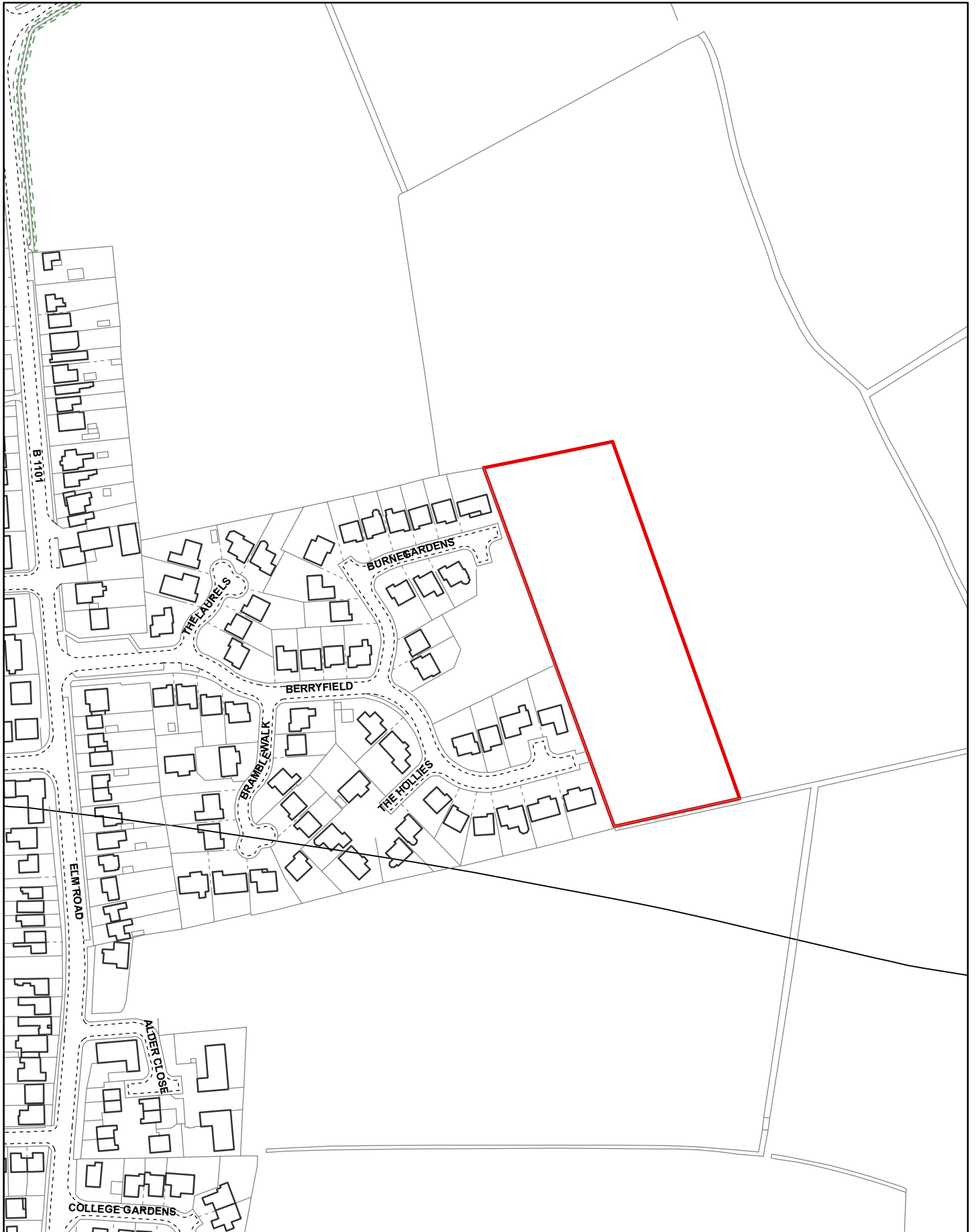
**REFUSE** in the event that the applicant is unwilling to carry out the archaeology investigation necessary ahead of planning permission being granted.

### Conditions



1.	<p>Approval of the details of:</p> <ul style="list-style-type: none"> <li>i. the layout of the site</li> <li>ii. the scale of the building(s);</li> <li>iii. the external appearance of the building(s);</li> <li>iv. the landscaping</li> <li>v. access</li> </ul> <p>(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).</p> <p>Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
2.	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>
3.	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
4.	<p>Prior to the commencement of the development full details (in the form of scaled plans and/or written specifications) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:</p> <ul style="list-style-type: none"> <li>a) The layout of the site, including roads, footways, cycleways, buildings, visibility splays, turning area(s), parking provision, surface water drainage and street lighting.</li> <li>b) The siting of the building(s) and means of access thereto.</li> </ul> <p>Reason – In the interest of highway safety and in accordance with Policies LP15 and LP16 of the Local Plan.</p>
5.	<p>Notwithstanding the submitted outline drainage strategy, no development shall commence until a detailed surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason - To prevent environmental and amenity problems arising from flooding and in accordance with Policies LP14 and LP16 of the Local Plan 2014.</p>
6.	<p>No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No</p>

	<p>dwelling shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason - To prevent environmental and amenity problems arising from flooding and in accordance with Policies LP14 and LP16 of the Local Plan 2014.</p>
7.	<p>The details submitted in accordance with Condition 1 of this permission shall include:</p> <p>(a) a plan showing (i) the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 m above ground level exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree and (ii) the location of hedges to be retained and details of species in each hedge.</p> <p>(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;</p> <p>(c) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site;</p> <p>(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site and within 2 metres of any retained hedge.</p> <p>(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development;</p> <p>(f) the plans and particulars submitted shall include details of the size, species, and positions or density of all trees or hedges to be planted, and the proposed time of planting.</p> <p>In this condition 'retained tree or hedge' means an existing tree or hedge which is to be retained in accordance with the plans referred to in paragraph (a) above.</p> <p>Reason - To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area and to protect the character of the site in accordance with Policy LP16 of the Local Plan.</p>
8.	Approved plans



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**F/YR14/1020/O**

Scale = 1:2,500





Indicative Layout Plan  
 Land east of Berryfield  
 Elm Road, March

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