
F/YR24/0254/PIP

Applicant: Mr Brownlow & Ms Davies

**Agent : Mr R Papworth
Morton & Hall Consulting Ltd**

Brownlows Yard, 400 Creek Road, March, Cambridgeshire

Permission in principle to erect up to 9 x dwellings

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 25 April 2024

EOT in Place: Yes

EOT Expiry: 14 August 2024

Application Fee: £5030

Risk Statement:

This application must be determined by 14 August 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

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| <p>1.1 This application is for permission in principle for up to nine dwellings and is subject to the Town and Country Planning (Permission in Principle) (Amendment) Order 2017.</p> <p>1.2 The scope of permission in principle is limited to location, land use and amount of development.</p> <p>1.3 The proposed development would be located within an area of high and medium risk of surface water flooding.</p> <p>1.4 By virtue of its location and land use, within an area of high and medium risk of surface water flooding, and its failure to pass the Sequential Test, the proposed development would have unacceptable surface water flood risks, contrary to policy H2 of the March Neighbourhood Plan 2017, policies LP4, LP14 and LP16 of the Fenland Local Plan 2014, paragraph 168 of the National Planning Policy Framework, paragraph 023 of National Planning Practice Guidance and Section 4 of the Cambridgeshire Flood and Water Supplementary Planning Document. It is therefore considered that the location and land use of the proposed development are not acceptable.</p> <p>1.5 During the course of the application, the Officers have provided the agent with the opportunity to explore alternative options for the site which would avoid</p> |
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siting development within the area of high and medium risk of surface water flooding, such as relocating the proposed access. However, the agent has confirmed that they wish to proceed with the current proposal.

- 1.6 In view of the unresolved flood risk and associated conflicts with the development plan, the application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The site is located on the north side of Creek Road, on the northern edge of March. The site is located between existing residential built form, located to the north-east, east and south-west.
- 2.2 The site is located within Flood Zone 1 (an area with low probability of river or sea flooding). The application site, however, contains areas of high, medium and low risk of surface water flooding.
- 2.3 The site comprises partly brownfield land accommodating multiple businesses and partly greenfield agricultural land. Within the brownfield land, there are commercial buildings and land being used for the storage of commercial and building materials, vehicles and a caravan.
- 2.4 The lawful use of the brownfield land has been established through planning permission ref: F/99/0324/F, which granted planning permission for:
'Use of the site for car repairs and servicing; joinery workshop and showroom; manufacture and sale of concrete products; storage of building materials and plant involving erection of buildings; the use and extension of existing buildings and stationing of 2 no. portacabins and 8 no. storage bins.'

3 PROPOSAL

- 3.1 The application seeks permission in principle to erect up to nine dwellings.
- 3.2 Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=SAFRSEHE0D800>

4 RELEVANT PLANNING HISTORY

| Application reference: | Proposal: | Decision: |
|--|--|-----------------------|
| F/YR23/0528/F | Erect 6no dwellings (2-storey, 4-bed) involving the demolition of existing outbuilding and associated works including formation of accesses, widening of Creek Road and formation of a footpath | Pending consideration |
| F/YR22/1112/PIP | Residential development of up to 4 dwellings (application for Permission in Principle) | Granted 11.11.2022 |
| F/YR04/3634/O | Erection of a dwelling | Refused 24.08.2004 |
| F/99/0324/F | Use of the site for car repairs and servicing; joinery workshop and showroom; manufacture and sale of concrete products; storage of building materials and plant involving erection of buildings; the use and extension of existing buildings and stationing of 2 no. portacabins and 8 no. storage bins | Granted 09.04.2001 |
| F/91/0008/O | Residential Development (0.29 ha) | Refused 29.05.1991 |
| F/0670/88/O | Residential development - 0.315 ha | Refused 08.09.1988 |
| F/0049/83/O | Erection of an agricultural bungalow | Refused 17.03.1983 |
| F/0169/80/O | Residential development - approximately 1.2 acres | Refused 26.03.1980 |
| F/0941/79/O | Residential development (approx. 6.54 acres) | Refused 10.01.1980 |
| <u>Off-site planning history:</u> F/YR22/1414/PIP | Residential development of up to 3 dwellings (application for Permission in Principle) | Granted 01.02.2023 |

5 CONSULTATIONS

5.1 Councillor Tim Taylor [Received 26th March 2024]

I have to recommend refusal on the above application. Our drainage catchment is at capacity to deal with anymore surface water. Thus allowing anymore developments will potentially have catastrophic consequences with potential flooding within Fenland.

5.2 March Town Council [Received 9th April 2024]

Recommendation; Approval

**The Town Council hopes that a s106 will be required as per the Neighbourhood Plan, given that the total number of dwellings to be delivered by the developer shall exceed ten. Continuing concerns over flooding.*

5.3 Local Highway Authority [Received 17th April 2024]

The Local Highway Authority raises no objections to the principal [sic] of the proposed development. However, there are some mitigation works required on the highway to facilitate this development:

- A footway would need to be included along Creek Road this should be 2m in width (a min of 1.8m will only be accepted if 2m cannot be accommodated) this must join the existing footway to the west. The submitted drawing refers to a proposed footway arrangement on another application for this site F/YR23/0528/F. This cannot be considered part of this application and must be shown as part of this application should the applicant want it to be considered as part of the site mitigation works.*

Additional Comments

- The access vehicle layout as shown on the submitted drawing would be suitable for a development of this size.*
- There is a posted speed limit of 30mph along creek Road therefore the visibility splays shown are correct.*
- The internal arrangement is not being considered as part of this application. However, I can confirm that this is not laid-out to an adoptable standard as there is no residential dwellings directly accessed from the road and there is no turning head included.*

5.4 Fenland District Council Environmental Health [Received 8th April 2024]

The Environmental Health Team note and accept the submitted information and have 'no objection' to the proposal, as it is unlikely to have a detrimental effect on local air quality.

However, in the event that Permission in Principle (PIP) is granted and a further application for the site is submitted in the future, given the brownfield nature of this site resulting from previous and current commercial/industrial use I recommend the following condition be applied:-

Land affected by Contamination

No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process, and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice

(e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

Reason: To control pollution of land or water in the interests of the environment and public safety.

Given the close proximity of residential property and what looks like demolition as well as construction activities associated with this development I recommend the following condition be applied.

Working Hours

No demolition or construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of the nearby occupiers.

I also note that there are three more residential developments with PIP approval associated with a further 9 houses to the south of this site. Given the extent of the development when taking this and the other three developments together I would advise that in the event of an application/s being made it is likely that a condition requiring a CEMP, as follows, would be recommended.

Construction Environmental Management Plan

No development shall take place, including any demolition works, until a Construction Environmental Management Plan (CEMP) has been submitted to and then approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the demolition and/or construction period and must demonstrate the adoption of best practice to reduce the potentially adverse effects on those living and working nearby the development site, whilst also acknowledging the health, safety and welfare of those working on site. The CEMP should be in accordance with the template on the Fenland District Council website via the following link: [Planning forms, fees and validation checklists - Fenland District Council](#)

Reason: To protect the amenity of the nearby occupiers.

5.5 Cambridgeshire County Council Archaeology [Received 2nd April 2024]

I am writing with regards to the archaeological implications of the above referenced planning application. The proposed development is in an area of high archaeological potential to the northwest of March. Just to north of the proposed development is the route of the Fen Causeway, a major Roman route that connects settlements within the fen (CHER CB15033). To the North, East and South, significant cropmarks have been recorded indicated field system, Romand settlement and further routeways (CHER 08974, 08974, 08974).

Whilst we do not object to the principle of development in this location, we would anticipate that a programme of archaeological investigation would be necessary in advance of any works commencing in order to mitigate the impacts of development, and would expect that this would be secured at Technical Details application stage.

5.6 Local Residents/Interested Parties

Nine representations have been received in support of the application from local residents / interested parties. Eight representations are from residents of March (1x Creek Road, 1x Wisbech Road, 1x Upwell Road, 1x Nursery Drive, 1x Maple Grove, 1x Robingoodfellows Lane, 1x Alexander Gardens and 1x Monument View) and one representation is from a resident of Wimblington (New Woods Drive). Comments relating to material planning considerations are summarised below:

- New housing is much needed within the local area.
- Utilising a brownfield site has to be a priority in the approach to FDC attaining the number of properties to meet local needs.
- It would bring new people to the area.
- Suitable location for new houses.
- The area isn't already overdeveloped. There is space for development.
- Great to see nice looking places on a nice cul-de-sac location.
- The area looks a mess as it is. The current land is overgrown and wasted so any development will enhance the area.
- It would boost the economy, population and town. Hopefully infrastructure will be well thought through and executed.
- No objections have been received from local residents / interested parties.

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 March Neighbourhood Plan 2017, the Fenland Local Plan 2014 and the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide 2021

March Neighbourhood Plan 2017

H2 – Windfall Development

H3 – Local Housing Need

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

LP6 – Employment, Tourism, Community Facilities and Retail

LP9 – March

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

Emerging Local Plan

The Draft Fenland Local Plan 2022 was published for consultation between 25th August 2022 and 19 October 2022. All comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in

accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision-making. Of relevance to this application are policies:

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP4: Securing Fenland's Future
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP11: Community Safety
- LP12: Meeting Housing Needs
- LP15: Employment
- LP19: Strategic Infrastructure
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP24: Natural Environment
- LP28: Landscape
- LP32: Flood and Water Management

Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

DM6 – Mitigating Against Harmful Effects

Developer Contributions SPD 2015

Cambridgeshire Flood and Water SPD 2016

Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

8 KEY ISSUES

- **Background**
- **Principle of development**
- **Flood risk**
- **Character and appearance of the area**
- **Loss of employment land**
- **Other matters**

9 BACKGROUND

- 9.1 This application is for permission in principle and is subject to the Town and Country Planning (Permission in Principle) (Amendment) Order 2017.
- 9.2 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development.
- 9.3 The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

- 9.4 A grant of permission in principle alone would not constitute a grant of planning permission. In the event of permission in principle being granted, a separate application for technical details consent would need to be submitted to the Local Planning Authority.
- 9.5 The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.
- 9.6 A decision on whether to grant permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, including those in the National Planning Policy Framework and national guidance, which indicate otherwise.

10 ASSESSMENT

- 10.1 Issues relevant to the 'in principle' matters (location, land use and amount of development) are considered within the assessment of relevant material planning considerations, below.

Principle of development

- 10.2 Following several recent decisions by the Council to grant residential development in the vicinity it is considered that the proposed development would be located partly within, and partly on the edge of, the settlement of March, which is one of Fenland's four market towns.
- 10.3 Policy H2 of the March Neighbourhood Plan supports proposals for residential development where they meet the provisions of the Fenland Local Plan and where, inter alia, the following criteria is met:
- *The site is at a low risk of flooding (i.e. not within land designated Flood Zone 2 or 3 by the Environment Agency) and will not create flooding problems on or off-site, including problems associated with surface water run-off. Development within flood zones 2 and 3 will only be considered where appropriate sequential and exception tests have been met.*
- 10.4 Policy LP3 of the Fenland Local Plan 2014 (the Local Plan) states that the majority of the district's new housing should take place within Fenland's four market towns.
- 10.5 Policy LP4 of the Local Plan states that for small scale housing proposals within, or on the edge of market towns, see policy LP16 of the Local Plan.
- 10.6 Policy LP16 of the Local Plan states that proposals for all new development will only be permitted if it can be demonstrated that the proposal meets all of the relevant criteria set out within the policy.
- 10.7 The proposal has been reviewed against all of the relevant criteria set out within policy LP16 of the Local Plan and it is considered that it complies with all of the criteria, except for criterion (m) which requires the site to be suitable for its proposed use, with layout and drainage taking account of ground conditions, with no significant impacts on future users, groundwater or surface waters. A full assessment of the flood risk impacts of the proposal is set out within the 'Flood Risk' section of this report.

10.8 Although the site is located on the edge of a market town and within a sustainable location in spatial terms, and is therefore compliant with policy LP3 of the Local Plan, the principle of development is not considered to be acceptable due to the proposed development being partly located within an area of high and medium risk of surface water flooding and therefore failing to accord with the locational strategy for residential development, as set out within policy H2 of the March Neighbourhood Plan and policies LP4 and LP16 (m) of the Local Plan.

Flood risk

10.9 The application site contains areas of high, medium and low risk of surface water flooding.

10.10 Policy H2 of the March Neighbourhood Plan supports proposals for residential development where they meet the provisions of the Fenland Local Plan and where, inter alia, the following criteria is met:

- *The site is at a low risk of flooding (i.e. not within land designated Flood Zone 2 or 3 by the Environment Agency) and will not create flooding problems on or off-site, including problems associated with surface water run-off. Development within flood zones 2 and 3 will only be considered where appropriate sequential and exception tests have been met.*

10.11 Within policy LP14 of the Local Plan, it states:

“All development proposals should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk from any form of flooding will only be permitted following:

- (a) the successful completion of a sequential test (if necessary), having regard to actual and residual flood risks
- (b) an exception test (if necessary),
- (c) the suitable demonstration of meeting an identified need, and
- (d) through the submission of a site specific flood risk assessment, demonstrating appropriate flood risk management and safety measures and a positive approach to reducing flood risk overall, and without reliance on emergency services.”

10.12 Policy H2 of the March Neighbourhood Plan and Policy LP14 of the Local Plan are consistent with the requirements set out within the NPPF and guidance set out within NPPG in that they require the Sequential Test (and the Exception Test, if necessary) to be applied, where development is proposed in areas at risk from any form of flooding.

10.13 Within paragraph 168 of the NPPF, it states:

“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.”

10.14 Within paragraph 023 of National Planning Practice Guidance, it states:

“The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding.”

- 10.15 Guidance contained within the Cambridgeshire Flood and Water SPD is consistent with policy LP14 of the Local Plan, paragraph 168 of the NPPF and paragraph 023 of National Planning Practice Guidance.
- 10.16 With non-detailed applications, such as applications for permission in principle, the Local Planning Authority are required to consider whether an acceptable scheme for the proposed quantum of development could be delivered around flood risk areas (i.e. not within the areas of high and medium risk of surface water flooding). The 'Indicative Proposed Site Layout' shows some of the proposed dwellings, and part of the proposed access road, located within the area of high and medium risk of surface water flooding. Although these details are indicative only and it would likely be possible to design a layout at a detailed matters stage which avoids the proposed dwellings being located within the area of high and medium risk of surface water flooding, it would not be possible to design a layout which avoids the proposed access being located within the area of high and medium risk of surface water flooding within the confines of the application current site. This is the only access into and out of the site.
- 10.17 It is noted that there is land outside of the application site and within the control of the applicant which would likely be capable of providing a suitable alternative access for the proposed development, outside of the area of high and medium risk of surface water flooding. This land is currently subject to a separate planning application for frontage development (F/YR23/0528/F). Whilst officers have suggested that an alternative access location would mostly overcome the flood risk concerns, the applicant has not sought to make any amendments to the scheme.
- 10.18 Due to the proposed development being located within an area of high and medium risk of surface water flooding, the flood risk impacts of the proposed development would only be acceptable if the application demonstrated that the Sequential Test has been passed.
- 10.19 The application is not accompanied by a Sequential Test. Furthermore, it is considered that the Sequential Test has not been passed for the proposed development as there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding in the March area.
- 10.20 With consideration given to national and local planning policies and guidance relating to flood risk (as specified above), in addition to recent case law (*Mead Realisations Limited v The Secretary of State for Levelling Up, Housing and Communities & Anor, February 2024*) and various subsequent planning appeal decisions, it is considered that the proposed development fails the Sequential Test and would have unacceptable surface water flood risks.
- 10.21 By virtue of its location and land use, within an area of high and medium risk of surface water flooding, and its failure to pass the Sequential Test, the proposed development would have unacceptable surface water flood risks, contrary to policy H2 of the March Neighbourhood Plan, policies LP14 and LP16 of the Local Plan, paragraph 168 of the NPPF, paragraph 023 of NPPG and Section 4 of the Cambridgeshire Flood and Water SPD.

Character and appearance of the area

- 10.22 The application is accompanied by an 'Indicative Proposed Site Layout' plan, which indicatively shows how nine dwellings and an access road could be laid out within the application site.
- 10.23 It is relevant to note that the six dwellings, shown immediately to the south of the proposed dwellings on the 'Indicative Proposed Site Layout' plan, are dwellings that are being proposed as part of a separate application for full planning permission (ref: F/YR23/0528/F). Those dwellings are not in situ and do not have permission at the time of this report. However, there is an extant permission in principle (ref: F/YR22/1112/PIP) for four dwellings within the general location of the six dwellings shown on the plan.
- 10.24 The application site comprises partly brownfield land (which is within the settlement) and partly greenfield land (which is outside of the settlement and therefore within the countryside but adjacent to the developed footprint of the settlement).
- 10.25 It is considered that the proposed dwellings would result in a form of residential backland development which is out of character with the predominant linear pattern of residential development within the surrounding area. However, with consideration given to the site being predominantly brownfield land with an appearance which currently contributes detrimentally to the character of the area, and the greenfield land within the site failing to provide any significant positive contribution to the character and appearance of the countryside due to appearing more closely associated with the brownfield land than open countryside in landscape terms, it is considered that residential development of the amount proposed would, in principle, have acceptable impacts on the character and appearance of the area, in accordance with policy LP16 of the Local Plan.

Loss of employment land

- 10.26 Policy LP6 of the Local Plan states that the Council will seek to retain for continued use high quality land and premises currently or last in use for B1/B2/B8 employment purposes, unless it can be demonstrated through a marketing exercise that there is no reasonable prospect for the site being used for these purposes.
- 10.27 The proposal would result in a loss of employment land which has a lawful use for:
'Use of the site for car repairs and servicing; joinery workshop and showroom; manufacture and sale of concrete products; storage of building materials and plant involving erection of buildings; the use and extension of existing buildings and stationing of 2 no. portacabins and 8 no. storage bins.'
- 10.28 The application is not accompanied by a marketing exercise demonstrating that there is no reasonable prospect of the site being used for employment purposes. With consideration given to the fact that there are multiple businesses operating from the site, it is considered that there is a reasonable prospect that the site could continue to be operated for employment purposes.
- 10.29 However, the land is not considered to be 'high quality' employment land and it is not located within an area where the Local Plan steers employment uses towards. In addition, the existing lawful use of the site, which allows for unrestricted heavy industrial operations to be carried out, is an incompatible use with the surrounding residential uses due to the potential detrimental impacts that it could have on the

residential amenity of occupiers of residential properties, particularly in terms of noise and dust. For this reason, it is considered that the proposed residential use would be more compatible with surrounding residential uses than the existing commercial use.

- 10.30 On balance, it is therefore considered that there are material considerations which indicate that the benefits of the loss of the employment land would outweigh the conflict with policy LP6 of the Local Plan. The loss of employment land is therefore considered to be acceptable on balance.

Other matters

Affordable housing provision

- 10.31 For the purposes of securing affordable housing provision, the Local Planning Authority consider that the proposed development has clear links with other planning applications and permissions (references: F/YR22/1112/PIP, F/YR22/1414/PIP, F/YR23/0528/FUL). In any event of this application being granted, affordable housing provision may be required for the proposed development and other linked developments if they result in a cumulative total of 10 or more dwellings across, as set out within policy LP5 of the Local Plan. A Section 106 Agreement to secure affordable housing would not be a requirement until the technical details consent stage, or full/outline planning application stage (for planning applications), where an application would result in the cumulative number of dwellings totalling 10 or more.

Footway provision

- 10.32 The Local Highway Authority has stated that a footway would need to be included along Creek Road, which must join the existing footway to the west. The 'Indicative Proposed Site Layout' plan accompanying this application shows a footway which is proposed in this location under planning application ref: F/YR23/0528/F. In any event of this permission in principle application being granted, it is considered reasonable to expect that a footway in this location would be secured as part of a subsequent application for technical details consent, in order to ensure adequate infrastructure provision to serve the proposed development, as separate unrelated applications / permissions cannot be relied upon to secure a footway for this proposed development.

Consultation comments from technical consultees

- 10.33 The Local Highway Authority has no objections to the principle of the proposed development. Highway safety matters would need to be addressed at the technical details stage, should this permission in principle application be granted.
- 10.34 Cambridgeshire County Council Historic Environment Team has no objections to the proposed development, subject to a condition requiring archaeological investigation of the site. Archaeological matters would need to be addressed at the technical details stage, should this permission in principle application be granted.
- 10.35 Fenland District Council Environmental Health department has no objections to the proposed development. However, they recommend conditions relating to contamination, working hours and construction management practices. Such

matters would need to be addressed at the technical details stage, should this permission in principle application be granted.

11 CONCLUSIONS

11.1 Paragraph 12 of the NPPF states:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.'

11.2 The proposed development would be located in a sustainable location in spatial terms, within and on the edge of a market town. The proposed development would make effective re-use of brownfield land and would not result in any significant harm to the character and appearance of the area. The proposed development would be more compatible with the nearby residential uses than the existing authorised use of the site. The proposed development would contribute towards increasing the district's housing supply and would provide economical and social benefits associated with construction of the development and accommodating additional residents within the locality.

11.3 However, by virtue of its location and land use, within an area of high and medium risk of surface water flooding, and its failure to pass the Sequential Test, the proposed development would have unacceptable surface water flood risks which conflicts with the development plan and the strict tests set out in national policy

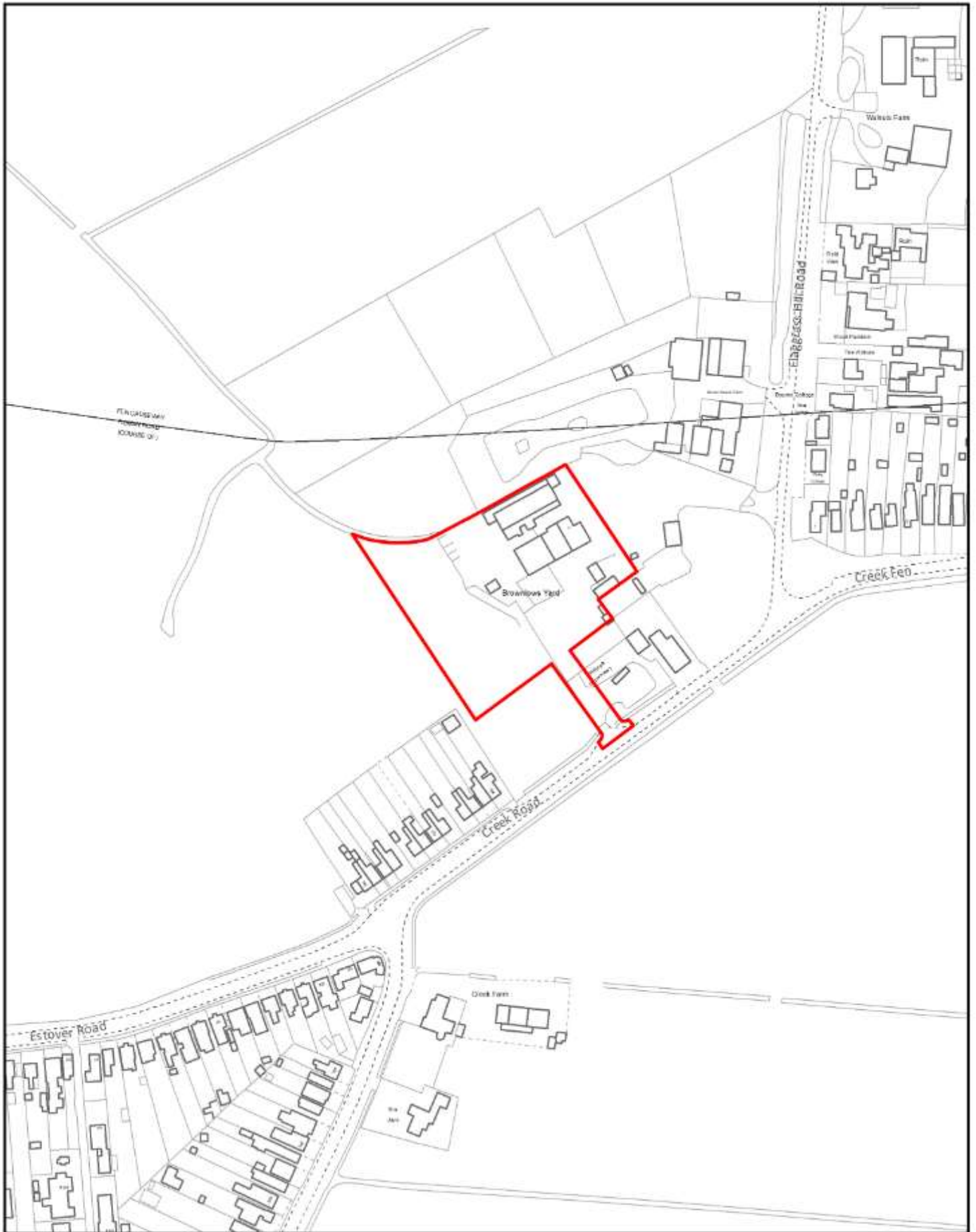
11.4 On balance, it is considered that the benefits of the proposed development would not be sufficient to outweigh the harm in respect of surface water flood risks and the associated conflicts with the development plan.

11.5 It is therefore considered that permission in principle should be refused.

12 RECOMMENDATION

Refuse; for the following reason:

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| 1 | By virtue of its location and land use, within an area of high and medium risk of surface water flooding, and its failure to pass the Sequential Test, the proposed development would place people and property in an unjustified risk of flooding, contrary to policy H2 of the March Neighbourhood Plan 2017, policies LP4, LP14 and LP16 of the Fenland Local Plan 2014, and paragraph 168 of the National Planning Policy Framework. |
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


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| A CLIENTS COMMENTS | | MAR 24 |
| REVISIONS | | DATE |
| MORTON & HALL CONSULTING LIMITED <small>CONSULTANTS, ENGINEERS</small> 1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ Tel: 01354 65454 Fax: 01354 660467 Email: info@mortonandhall.co.uk Website: www.mortonandhall.co.uk | | |
|  Ferndale District Council  Building Design Award Building Excellence in Ferndale | |  Building Design Award Building Excellence in Ferndale |
| Mr D Brownlow & Mrs N Davies | | |
| Brownlow's Yard Creek Road March Cambridgeshire PE15 0BZ | | |
| Location Plan | | |
| DATE 1500 | DRAWN BY H8533/400 | DATE OF PLAN 1500 |