

---

**F/YR24/0471/O**

**Applicant: L Smith**

**Agent: Swann Edwards  
Architecture Limited**

**Land South Of, 59 Peas Hill Road, March, Cambridgeshire**

**Erect up to 9 x dwellings (outline application with matters committed in respect of access)**

**Officer recommendation: Refuse**

**Reason for Committee: Number of representations contrary to officer recommendation**

---

**Government Planning Guarantee**

**Statutory Target Date For Determination: 31 July 2024**

**EOT in Place: Yes**

**EOT Expiry: 8 November 2024**

**Application Fee: £5616**

**Risk Statement:**

**This application must be determined by 8 November 2024 otherwise it will be out of time and therefore negatively affect the performance figures.**

---

**1 EXECUTIVE SUMMARY**

- |  |
|--|
| <p>1.1. This application seeks outline planning approval with matters committed in respect of access only, for the erection of up to nine dwellings on undeveloped paddock land adjacent to the A141, south of 59 Peas Hill Road, March.</p> <p>1.2. Development on this undeveloped site would detrimentally impact the overall openness and character of the area given the quantum of development proposed along with the prominence of the development along the A141, contrary to Policy LP16 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014.</p> <p>1.3. Owing to the proximity of the site to the A141, occupants of the proposed scheme have potential to experience a significant level of noise and disturbance. On the basis of a lack of evidence with respect to the likely noise disturbance and any potential mitigation measures proposed, the scheme is considered contrary to Policies LP2 and LP16 of the Fenland Local Plan and Policy H2 (a) of the March Neighbourhood Plan owing to the clear noise intrusion that would be evident at the site.</p> |
|--|

1.4. The proposed introduction of more vulnerable development within Flood Zone 3 requires the completion of the Sequential Test. The application includes insufficient evidence to satisfy the Sequential Test and thus is contrary to Policy LP14 of the Fenland Local Plan, Section 14 of the National Planning Policy Framework (2019), Cambridgeshire Flood and Water Supplementary Planning Document (2016) and Policy H2 (c) of the March Neighbourhood Plan (2017).

1.5. Therefore, given the assessment outlined below, the application is recommended for refusal.

## **2 SITE DESCRIPTION**

2.1. The application site is an area of undeveloped paddock land with a small, roughly constructed structure situated between West End and the A141 on the western edge of March in an area known as Peas Hill.

2.2. The site is bounded to the north by Peas Hill Road, with vehicular access terminating just to the northeast of the site (further access is pedestrian only linking to the A141). No60. Peas Hill Road sits to the immediate northeast, with Nos.57 & 59 opposite. To the east is West End footpath, with residential dwellings fronting the footpath with a hedgerow forming its western edge with the application site beyond. Amenity spaces associated with some of the dwellings fronting West End abut part of the site to the east. To the west of the site is the A141 Isle of Ely Way, separated from the site by a shallow drain and highway verge with mature trees/hedging.

2.3. The River Nene runs approximately 70m from the southern end of the site, passing east to west under a road bridge formed by the A141. The site is located within Flood Zone 3.

## **3 PROPOSAL**

3.1 The application is outline in nature, with matters committed in respect of access only. The scheme includes and indicative scheme of up to nine dwellings, with garages, parking/turning areas and associated garden spaces. Whilst an illustrative layout has been submitted this is not committed.

3.2 The committed access is proposed to link to Peas Hill Road and run north to south along the western fringe of the site with dwellings to the east. Three visitor parking spaces are shown parallel to the access road at the northern end of the access, with a turning head shown towards the southern end.

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

#### 4 **SITE PLANNING HISTORY**

F/95/0915/F	Erection of poly-tunnel Land South Of, 59 Peas Hill Road, March, Cambridgeshire	Granted 17.04.1996
F/0065/79/O	Erection of a dwelling Peas Hill Road March (South Of By-Pass) Os 2323	Refused 09.05.1979

#### 5 **CONSULTATIONS**

##### 5.1 **March Town Council**

*Recommendation: Refusal.*

*Loss of agricultural land. Flooding and drainage concerns.*

##### 5.2 **Environment Agency**

*This application falls down to advice note 6 of our local flood risk standing advice and as such we have provided the following advice:*

*We consider that the main source of flood risk at this site is associated with watercourse under the jurisdiction of the Internal Drainage Board (IDB). As such, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.*

*In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.*

##### NPPF Flood Risk Sequential Test

*In accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the sequential test needs to be applied and whether there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.*

##### 5.3 **Middle Level Commissioners – Consultation issued 11 June 2024**

No comments received

##### 5.4 **Highways Authority (CCC)**

###### Recommendation

*On the basis of the information submitted, from the perspective of the Local Highway Authority, I have no objection in principle to the proposals. However, the below comments require attention to make the development acceptable in highway terms. If the applicant is unwilling or unable to amend the application or provide additional information in response to the below comments, please advise me so I may consider making further recommendations.*

###### Comments

*Whilst I have reservations regarding the use of Peas Hill Road as the intended access point for this proposed development. Due to the material intensification that will occur as part of these proposals. If the following recommendations*

are implemented, the proposals could be considered acceptable from a highway perspective. Please review the attached sketch of a possible turning head arrangement and add a similar arrangement to a standalone access drawing, including dimensions. Such plan should clearly show the application boundary and highway boundary. If highway boundary information is required, please contact the CCC Highway Searches team.

#### 5.5 Senior Archaeologist (CCC)

I am writing to you regarding the above referenced planning application. The proposed development is located in an area of archaeological potential towards to the north west of March. The proposed development is located on the very edge of the deeper fen stretching away to the west and the higher ground on which most of March is located to the east. This makes it a prime location for past exploitation by peoples occupying the 'Fen Islands' and using the fen resources. To the east of the proposed development evaluations in 2015 (Cambridgeshire Historic Environment Record ECB4373) and 2019 (CHER ECB6093) found medieval and post medieval pits. Archaeological investigations to the south east found further evidence of post medieval activity but also a number of Bronze age features including pits and post holes (CHER MCB19815).

Whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

##### Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a. The statement of significance and research objectives;
- b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c. The timetable for the field investigation as part of the development programme;
- d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

**REASON:** To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this

development, in accordance with national policies contained in the National Planning Policy Framework (DLUHC 2023).

## 5.6 Environment & Health Services (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' in principle to the outline application.

### Noise, Dust and Vibration:

There are certain aspects that need to be considered given the nature and scale of the proposed development, with the issues of primary concern to this service during the construction phase being the potential for noise, dust and possible vibration to adversely impact on the amenity of the occupiers at the nearest residential properties.

Therefore, this service would welcome a condition requiring the submission of a robust Construction Environmental Management Plan (CEMP) that shall include working time restrictions in line with the template for developers, now available on Fenland District Council's website at: Construction Environmental Management Plan: A template for development sites (fenland.gov.uk) In the interests of respect for the locally amenity, a submitted CEMP shall be required to include working time restrictions in line with those covered within the aforementioned template.

Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites may also be relevant, as would details of any piling construction methods / options, as appropriate.

As stated above, it is not believed that there are grounds to raise an outright objection and this service is mindful of an application for a dwelling being granted planning permission at a similar location nearby on the opposite side of the A141. However, due the close proximity of the A141 itself, a robust noise impact assessment should be undertaken by a suitably qualified acoustic consultant to establish to what extent passing vehicle noise is likely to have at the proposed development site, and what mitigation measures will therefore be necessary to protect both external and internal amenity areas in accordance with recognised standards including the World Health Organisation (WHO): 1999: Guidelines for Community Noise and BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

### Contamination:

Although there are no obvious concerns or indications from available mapping systems that the land presents a risk to the intended end user, it would however be prudent to include the following condition in the event that planning permission is granted:

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a

*Method Statement detailing how this unsuspected contamination shall be dealt with.*

## 5.7 **Local Residents/Interested Parties**

### Objectors

The LPA have received 56 letters of objection from 53 addresses within March; including West End, Peas Hill Road, Fishermans Drive, The Windsors, and Mallet Close. The majority of the above letters were submitted on a pro-forma template, signed and addressed by occupants of the individual addresses, however some individual comments were also received. The reasons for objection to the scheme from the objections received can be summarised as:

- The submitted proposal is deemed as a non-essential residential development in open countryside.
- Concerns over noise pollution to future occupiers and a ‘funnelling effect’ by virtue of the proposed dwellings location and spacing to result in elevated noise for existing dwellings. No substantial fencing or natural soundproofing can be sensibly applied owing to constraints of the site.
- Concerns over flooding and drainage, site susceptible to surface water flooding; infiltration not likely feasible; foul water treatment packages unfeasible;
- Concerns over archaeological impact of the site;
- Concerns over access and traffic generation; limited access for emergency services;
- Proximity and amenity concerns particularly at southern end where dwellings are not sufficiently spaced from existing;
- Development would detract from the rural appearance and character of the area;
- Letters of support are from residents not near the site (and therefore will not be impacted);

### Supporters

The LPA have received 12 letters of support from 10 addresses within March; including Bluebell Way, Chestnut Crescent, Badgeney Road, Brewin Avenue, St. Peter’s Road, Foxglove Way, Grounds Avenue, Mallard Way, and Whittlesey Road. The reasons for supporting the scheme from the letters received can be summarised as;

- More houses would benefit the community;
- Jobs would be created during construction;
- Improved character as land is unkempt;
- Noise pollution would not be an issue;
- Privacy could be maintained;
- Development would blend in with surrounding area;

### Representations

One additional representation was received from a resident of West End (also an objector), noting that the submission of letters of support after the closing date for consultation responses is disrespectful to planning procedure.

## **6 STATUTORY DUTY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014), the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the March Neighbourhood Plan (2017).

## **7 POLICY FRAMEWORK**

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

- Chapter 2 - Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

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

- Determining a Planning Application

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

- Context
- Identity
- Built Form
- Nature
- Uses
- Homes and Buildings
- Resources
- Lifespan

### **9.1 Fenland Local Plan 2014**

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP14 – Responding to Climate Change and Managing the Risk of Flooding
- LP15 – Facilitating the Creation of a More Sustainable Transport Network
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP19 – The Natural Environment

### **9.1 March Neighbourhood Plan 2017**

- H2 – Windfall Development

### **9.1 Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021**

- Policy 5 – Mineral Safeguarding Areas
- Policy 14 – Waste management needs arising from residential and commercial Development

## Policy 16 – Consultation Areas (CAS)

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

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

DM4 – Waste and Recycling Facilities

DM6 – Mitigating Against Harmful Effects

### 9.1 **Cambridgeshire Flood and Water SPD 2016**

#### 9.1 **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP22: Parking Provision

LP24: Natural Environment

LP27: Trees and Planting

LP28: Landscape

LP32: Flood and Water Management

## 8 **KEY ISSUES**

- **Principle of Development**
- **Character and Appearance**
- **Residential Amenity**
- **Flood Risk and Drainage**
- **Highway Safety**
- **Ecology and Biodiversity Net Gain (BNG)**

## 9 **ASSESSMENT**

### **Principle of Development**

- 9.1 The application site is located within the built framework of March, which is identified within the Settlement Hierarchy as a 'Market Town', where, according to Policy LP3, the majority of the district's new housing should take place. It should be noted that in the Emerging Local Plan, the application site is located outside the defined settlement boundary for March, however in the context of the current adopted Fenland Local Plan (2014) the A141 provides a definitive settlement boundary of the western edge of March. Accordingly, there is a presumption in favour of development within this location with respect to the current adopted policy.



- 9.2 Notwithstanding, the point of general principle is subject to broader planning policy and other material considerations which are discussed in more detail below.

### **Character and Appearance**

- 9.3 The application is for outline planning permission with all matters reserved, apart from access. As such detailed design matters in respect of layout and appearance cannot be considered at this stage. Consideration however must be paid to the overall impact that development of the application would have on the character and appearance of the area generally taking into account the nature and quantum of development proposed. In this regard, the applicant has provided an indicative site layout plan.
- 9.4 Policy LP16 (d) of the Fenland Local Plan seeks to ensure development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.
- 9.5 To the western edge of the application site is the A141 March bypass, a well trafficked and often busy road, particularly just to the north of the application site at the roundabout where the A141, Wisbech Road, and Whittlesey Road converge.
- 9.6 The application site is an area of undeveloped paddock land bounded by hedgerow and trees that forms a buffer between the existing development along West End and the A141. It creates a natural corridor that aids in protecting the residential dwellings on West End from noise and pollution potential from the highly trafficked A141 local to the area (impacts to residential amenity are discussed in more detail below). With respect to character and amenity, the application site reflects the open or undeveloped land opposite which cumulatively contributes to the visual quality and openness of this area.
- 9.7 The indicative site plan suggests the scheme would see the introduction of up to nine large, detached dwellings with associated infrastructure and garages that would create a significant urbanisation of this natural corridor, creating a feeling of enclosure and encroachment of the settlement toward the A141.
- 9.8 Development of up to nine dwellings on this site would result in a significant detrimental impact on the character and visual amenity of the area, which would be particularly exacerbated by the site's prominent position on the A141, contrary to Policy LP16 (d) of the Fenland Local Plan 2014, Policy H2 of the March Neighbourhood Plan and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014.

### **Residential Amenity**

- 9.9 Policy LP2 states that development proposals should contribute to the Council's goal of health of Fenland's residents, inter alia, promoting high

levels of residential amenity whilst Policy LP16 states that development should not adversely impact on the amenity of occupier or neighbouring amenity from impacts such as noise, light pollution, loss of privacy and loss of light. In addition, Policy H2 (a) of the March Neighbourhood Plan seeks to ensure proposals will not result in unacceptable impact on levels of light, privacy and private amenity space for the occupants of the proposed dwellings as assessed against Policy LP16 of the FLP.

- 9.10 The application is for outline planning permission with all matters, apart from access, reserved. As such the full impact of residential amenity cannot be considered at this stage. However, noting the linear constraints of the site, there are limited opportunities for variations in layout beyond the indicative plan provided, thus likely relationships between the proposed and existing dwellings can be considered as a 'best guess' with respect to the likely layout at reserved matters stage. The indicative layout suggests that rear to front relationships will vary between the proposed dwellings and existing dwellings along West End will include separations ranging between approximately 36m to the north of the site and 18.5m to the south, which are generally acceptable.
- 9.11 It is noted that land levels within the site are comparatively low relative to the existing development levels on West End. Accordingly, notwithstanding the separation there may be some impact related to overlooking of the intended dwellings from the existing ones given their higher vantage point. In addition, there may be opportunity for overlooking from vehicles passing on the A141 into the intended properties. However, the full impact of this cannot be ascertained at this stage.
- 9.12 Again, owing to the linear constraint of the site, variations will also occur with respect to private amenity spaces proposed for the development, however the indicative layout suggests there is scope to provide acceptable relationships between the proposal and surrounding dwellings and to provide a minimum of a third of the plot for private amenity space as required by Policy LP16 (h).
- 9.13 The proposed development will see the erection of up to nine dwellings in close proximity to the A141, with potential to experience a level of noise and disturbance. Environmental Health have advised that the proposal should be designed and constructed to ensure a high-quality sound and well-insulated environment is achieved, noting that an outright objection on their part cannot be substantiated given that they are mindful that an application for a dwelling was granted planning permission at a similar location nearby on the opposite side of the A141 (F/YR20/1103/O). A noise impact assessment, incorporating necessary mitigation measures, would usually be required as part of the application, to evidence that a suitable scheme can be achieved, such evidence was not provided within the current application.
- 9.14 However, notwithstanding the comments made by Environmental Health, Officers consider that the circumstances of the current application site differ greatly from that of the individual dwelling approval on a site to the northwest owing to the quantum and expanse of development proposed. Localised mitigation was considered acceptable during consideration of the subsequent reserved matters application for F/YR20/1103/O (F/YR21/1488/RM), that,

along with internal noise mitigation measures, proposed an acoustic fence be erected for a limited distance behind an existing mature and established hedgerow that was due to remain (and would provide active screening of the erected fencing). Contrastingly, the current application proposal seeks development of up to 9 dwellings on a site that stretches approximately 250m and immediately fronts the A141, and the application includes no evidence to address the obvious noise intrusion from the A141 to the proposed dwellings or amenity spaces.

- 9.15 Notwithstanding any internal mitigation measures to limit noise disturbance within the dwellings themselves, consideration must also be paid to the impact of traffic noise on external private amenity spaces within the proposed development, noting that, dependent on the findings of a noise impact assessment, mitigation such as an acoustic fence, for example, installed along the frontage of the site to deflect noise from the A141 may result in an unacceptably high and long fence to be required. Such a measure may result in unacceptable feelings of enclosure or overbearing to occupants of the site, particularly given the c250m frontage of the site along the A141 to which any acoustic fencing would likely be erected and given the likely arrangement of dwellings with their primary vantage point facing the A141. Thus it is considered that, on the basis of a lack of evidence with respect to noise disturbance and the potential mitigation measures proposed, there is sufficient justification to warrant a recommendation of refusal on the basis of Policies LP2 and LP16 of the Fenland Local Plan and Policy H2 (a) of the March Neighbourhood Plan owing to the clear noise intrusion that would be evident at the site owing to the A141 in such close proximity.
- 9.16 In addition, unlike the approved dwelling site opposite, the site is currently relatively open to view, with sporadic hedging and trees along the boundary with the A141 which would not provide active screening of any erected acoustic fencing to soften its likely stark and prominent appearance within the streetscene, further cementing the likely detrimental impact that the overall scheme would have on the character of the area as discussed above.

### **Flood Risk and Drainage**

- 9.17 Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework deal with the matter of flooding and flood risk, and the siting of dwellings on land at the risk of flooding. Policy H2 (c) of the March Neighbourhood Plan requires Development within flood zones 2 and 3 will only be considered where appropriate sequential and exception tests have been met.
- 9.18 The site falls in Flood Zone 3. Matters of foul and surface water drainage, as noted within received representations opposing the development, would be considered at Reserved Matters stage.
- 9.19 Notwithstanding, Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test (where necessary), and the demonstration that the proposal meets an identified need and appropriate flood risk management.

- 9.20 It is for the applicant to demonstrate through an assessment that the sequential test has been met. In February 2018, the Council amended the approach to agreeing the scope of the sequential test to a settlement by settlement basis, instead of the entire district as set out in the SPD. As such, the settlement of March is the area of search for the sequential test for this application.
- 9.21 The application is accompanied by a Flood Risk Assessment that does not include consideration of the Sequential and Exception Tests, incorrectly asserting that as the site is within a defended area it should be classified as low risk. The Flood and Water SPD is explicit in setting out that the existence of defences should be disregarded in undertaking the sequential test.
- 9.22 A significant area of March is located in Flood Zone 1 and is a preferred settlement for development with respect to the Settlement Hierarchy and thus a number of residential development schemes within March have been recently approved that could reasonably accommodate a scale and quantum of development as proposed within the current scheme. It is therefore concluded that the scheme has no potential to satisfy the sequential test. It is further identified in the updated NPPG (August 2022) that even where a flood risk assessment shows that development can be made safe for its lifetime the sequential test still needs to be satisfied, i.e. flood risk safety measures do not overcome locational issues. This is also notwithstanding that the wider public benefits test, also required as part of the exception test may also be likely to fail given that the scheme is only for 9 market dwellings.
- 9.23 As such, the proposal fails to accord with the necessary requirements of Policy LP14, the SPD and the NPPF, and as such, should be refused on the basis of a lack of demonstrable evidence that the scheme would be acceptable in respect of flood risk.

### **Highway Safety**

- 9.24 Policy LP15 of the Fenland Local Plan 2014 seeks to ensure safe and convenient access for all within the district, which is supplemented by Policy H2 (d) of the March Neighbourhood Plan 2017.
- 9.25 The application includes the creation of a shared access off Peas Hill Road, illustratively leading to a separate parking/turning areas for each proposed dwelling. The driveways are shown as leading to garages, with additional parking to the front of each dwelling. The shared vehicular access is intended as 5.5m wide. There is sufficient turning space shown to allow vehicles to enter and exit in a forward gear, and it is likely that the parking areas will offer sufficient parking in line with the parking provision requirements set out in Appendix A of Policy LP15. Notwithstanding, the exact parking requirement is unknown as details of layout and scale are reserved for later approval.
- 9.26 Comments from the Highway Authority had no objection in principle to the proposed access arrangements, noting that some minor changes where it meets Peas Hill Road may be required. However, given the exact layout of the site is at this time not committed, it was considered unwarranted to require

amendments to the access to reflect the Highway's suggestion as a revised layout may give rise to revised access geometry. Accordingly, given the principle was acceptable, it is considered that full details can be secured by condition to ensure the scheme complies with the aforementioned Policies.

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

- 9.27 Local Plan policies LP16 and LP19 outline a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat with respect to development within Fenland.
- 9.28 Noting the presence of a drainage ditches surrounding the site, and in accordance with the requirements of the Biodiversity Checklist, the applicant submitted an informal assessment by a qualified ecologist that concluded that the site overall was of low suitability for protected species, and after assessing the ditches to the north, west and south of the site it is highly unlikely that priority species such as water voles are present on site, providing recommendations to limit any impacts to mammals during construction.
- 9.29 It is considered that this is an appropriate assessment of the site's ecological potential, and matters relating to ecology can be secured by condition.
- 9.30 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting.
- 9.31 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the application was submitted prior to statutory BNG for minor developments coming into force.

## **10 CONCLUSIONS**

- 10.1 On the basis of consideration of the issues of this application, conflict arises with respect to the overall impact of the proposal on the character of the area. Development on this undeveloped site, that contributes to the open character of the area, would detrimentally impact the overall openness and character given the quantum and prominence of the development adjacent to the A141, contrary to Policy LP16.
- 10.2 By virtue of the proximity of the proposed development to the A141, concern arises with respect to the occupier amenity of the site owing to noise impact. The application is silent on this matter and does not include appropriate evidence to satisfy that a high-quality living environment can be achieved, contrary to Policies LP2 & LP16.
- 10.3 Furthermore, by virtue of the proposed introduction of more vulnerable development within Flood Zone 3, the application includes insufficient

evidence to satisfy the Sequential Test, with respect to Policy LP14 of the Fenland Local Plan, Section 14 of the National Planning Policy Framework (2019), Cambridgeshire Flood and Water Supplementary Planning Document (2016) and Policy H2 (c) of the March Neighbourhood Plan (2017).

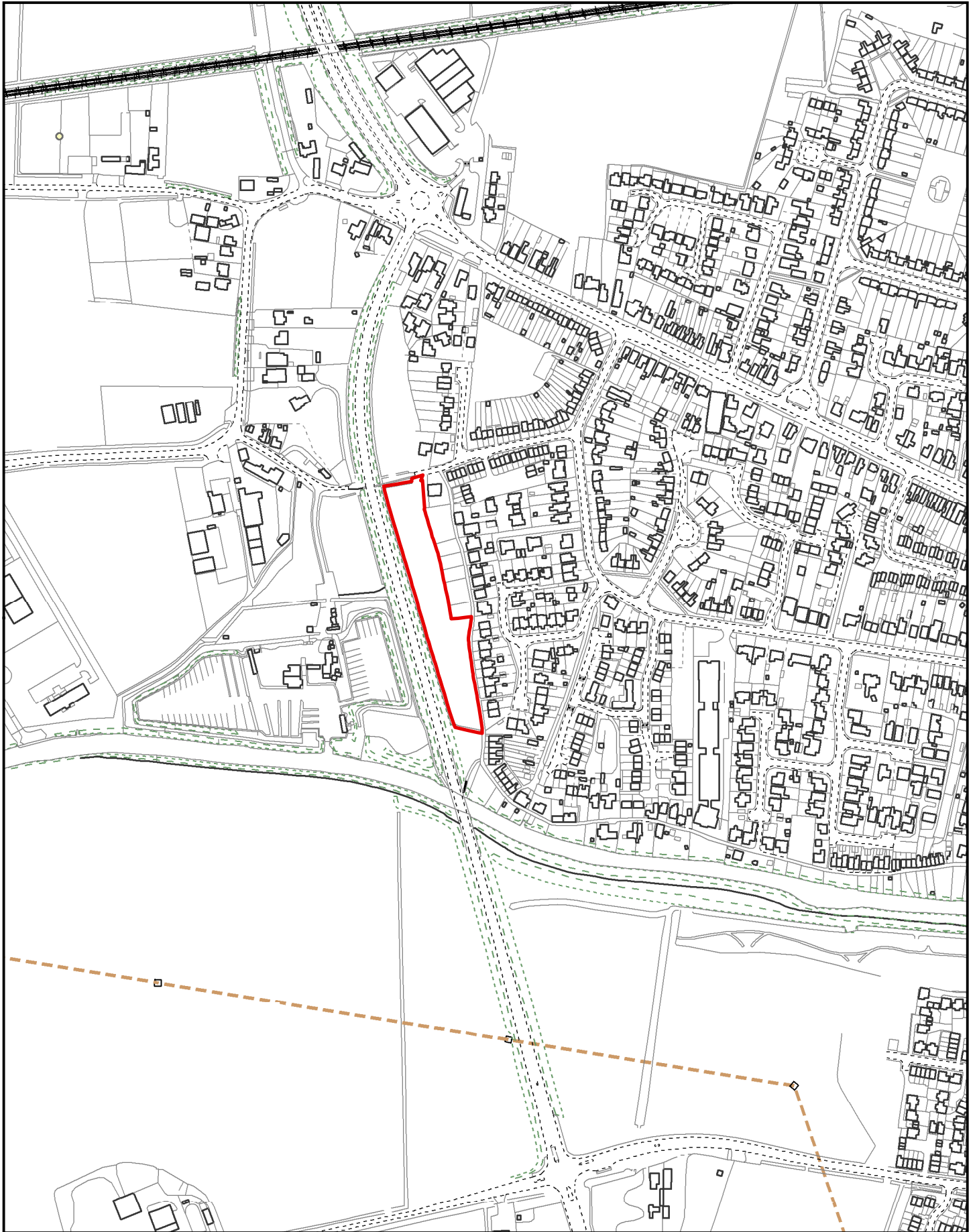
- 10.4 Therefore, given the above assessment, the application is recommended for refusal.

## 11 RECOMMENDATION

**Refuse**, for the following reasons;

1	<p>Policy LP16 (d) of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 seek to ensure that development makes a positive contribution to the local distinctiveness and character of the area, that the character of the landscape, local built environment and settlement pattern inform the layout and scale and that proposals do not adversely impact the streetscene or landscape character of the surrounding area.</p> <p>The site together with the adjoining fields and open space either side of the bypass provide a contribution to the visual quality and openness of this area, creating a natural green corridor either side of the A141. Any development on this site would diminish its open and undeveloped nature, exacerbated by the proposed dominance exerted by the development by virtue of its prominent position on the A141.</p> <p>This would result in a significant detrimental impact on the character and visual amenity of the area, contrary to Policy LP16 (d) of the Fenland Local Plan and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014.</p>
2	<p>Policy LP2 of the Fenland Local Plan 2014 states that development proposals should promote high levels of residential amenity whilst Policy LP16 of the Fenland Local Plan 2014 states that development should not adversely impact on the amenity of occupier or neighbouring amenity from impacts such as noise, light pollution, loss of privacy and loss of light. In addition Policy H2 (a) of the March Neighbourhood Plan 2017 seeks to ensure proposals will not result in unacceptable impacts for the occupants of the proposed dwellings as assessed against Policy LP16 of the FLP.</p> <p>In the absence of evidence to the contrary, it is considered that it does not appear achievable to provide appropriate noise mitigation measures at the site to ensure high levels of residential amenity owing to the clear noise intrusion that would be evident at the site owing to the proximity of the A141. Thus, the scheme is contrary to the aforementioned Policies as it has not been substantiated that suitable noise mitigation can be provided.</p>

3	<p>Policy LP14 of the Fenland Local Plan, Section 14 of the National Planning Policy Framework (2019), Cambridgeshire Flood and Water Supplementary Planning Document (2016) and Policy H2 (c) of the March Neighbourhood Plan (2017) require development proposals to adopt a sequential approach to flood risk from all forms of flooding, and Policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, and Exception Test (where appropriate), and the demonstration that the proposal meets an identified need and appropriate flood risk management.</p> <p>The application does not include any evidence in respect of the sequential or exception tests and therefore fails to provide demonstrable evidence that the scheme would be acceptable in respect of flood risk. The proposal is therefore contrary to policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2019), Cambridgeshire Flood and Water Supplementary Planning Document (2016) and Policy H2 (c) of the March Neighbourhood Plan (2017).</p>
---	---



Created on: 11/06/2024

© Crown Copyright and database  
rights 2024 Ordnance Survey 10023778

**F/YR24/0471/O**

Scale = 1:5,000

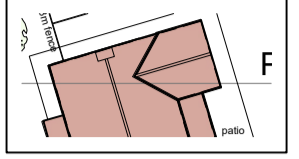
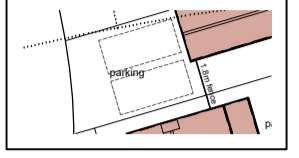
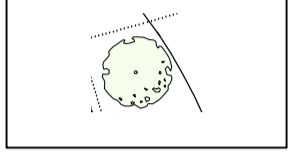
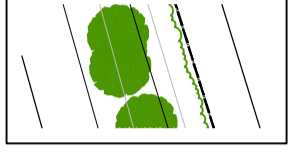
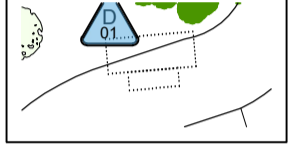
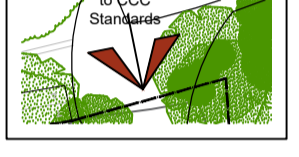



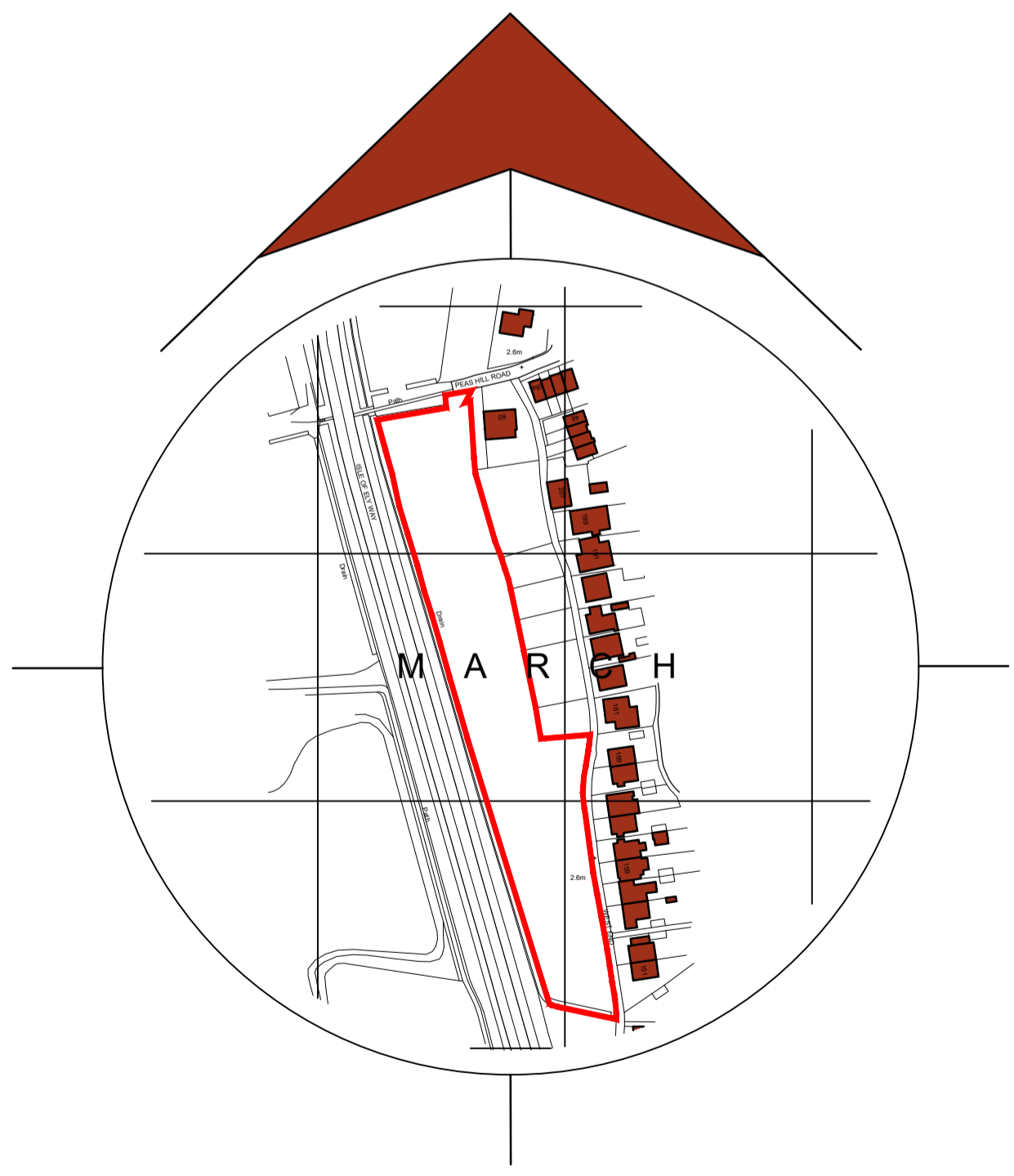
 Fenland  
CAMBRIDGESHIRE  
Fenland District Council



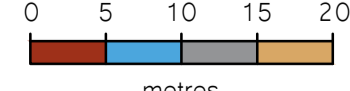


**SITE PLAN KEY**

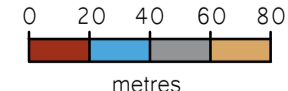
-  Indicates proposed dwellings
-  Indicates proposed parking
-  Indicates proposed trees
-  Indicates approximate position of surveyed trees & hedges
-  Indicates features to be demolished
-  Indicates site access
-  Indicates buildings taken from OS map



**Indicative Site Plan**  
Scale: 1:500



**Location Plan**  
Scale: 1:2500



**General Notes**

- All dimensions are shown in 'mm' unless otherwise stated.
- The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
- This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
- Any discrepancies are to be brought to the designers attention.

**RISK NOTIFICATION KEY**  
To be used with reference to the accompanying Project Risk Register

D01	Demolition of the stable		
-----	--------------------------	--	--

Revisions

A	May 2024	Notes amended
---	----------	---------------

Status: **PLANNING**



**SWANN EDWARDS ARCHITECTURE**  
Swann Edwards Architecture Limited, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs, PE13 4AA  
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed Development at Land off Peas Hill Road March, Cambs, PE15 8HE	Date November 2023	Drawn by AK
Drawing Title Outline Application Drawing Site and Location Plan	Job No. SE:2035	Checked by GE
	Dwg No. PP1100	Sheet Size A1
		Revision A