
F/YR15/0668/O

**Applicant: St Johns College,
Cambridge**

**Agent : Mr Garth Hanlon
Savills (UK) Ltd**

Land North Of 75 - 127, Estover Road, March, Cambridgeshire

Outline with one matter committed detailed as access in relation to 95no dwellings (max) with associated landscaping, drainage and open spaces

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

1 EXECUTIVE SUMMARY

This is an outline application for a residential development of a maximum of 95 dwellings with associated landscaping, drainage and open spaces.

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).

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.

In relation to Section 106 matters the scheme has been through a viability exercise and although not all of the policy requirements can be secured it is considered that the benefits of bringing the scheme forward now outweigh any non-policy compliance in this regard. Mechanisms will be put in place within the S106 to accommodate any funding that may come on stream during the future delivery of the development to redress the affordable housing shortfall.

Overall the development is therefore considered to be acceptable subject to planning conditions and a Section 106 Agreement.

2 SITE DESCRIPTION

- 2.1 The site has an area of approximately 5.52 hectares and is currently in agricultural use. The site is generally flat and open in appearance. The site adjoins the existing playing fields at Estover Road to the east. Land to the north (partly within the same ownership) is in agricultural use. Land to the south is occupied by existing housing along Estover Road.

3 PROPOSAL

- 3.1 The proposal seeks outline planning permission with all matters reserved except for access for a residential development for up to 95 dwellings on an area of land of 5.52 hectares.

3.2 Whilst the application is in outline only, to allow full evaluation and consideration of the development to determine whether the proposed amount of development can be satisfactorily accommodated on the site, an indicative block plan has been submitted detailing the potential location of buildings, routes and open spaces. The submitted illustrative masterplan indicates how the site could be developed and is attached to this report.

3.3 The following has been submitted in support of the application:

- Design and Access Statement
- Flood Risk Assessment
- Planning Statement (incorporating Statement of Community Involvement)
- Preliminary Ecological Appraisal (November 2014) – Addendum 2017
- Revised Transport Assessment – January 2016
- Travel Plan (April 2015)
- Archaeological Evaluation Report (October 2014)

3.4 Given the passage of time since the application was originally lodged and in light of concerns generated by statutory consultees and local residents updated information has been provided relating to traffic and highway matters and surface water considerations; these being as follows:

- Updated traffic surveys (undertaken in March 2018);
- Updated TRICS Assessment;
- Updated committed developments as appropriate;
- Updated TEMPRO factor as appropriate;
- Inclusion of the latest 60 months of accident data;
- Updated context as required; and
- Consideration of the growth of rail freight, and the resultant level crossing down time.
- Surface water management note published 20th July 2018
- Surface Water Management overview contained within letter dated 18th June 2018 from Cannon Consulting Engineers

Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=NRS2S4HE01U00>

4 SITE PLANNING HISTORY

4.1 No planning history since 1974.

5 CONSULTATIONS

5.1 **March Town Council:** March Town Council strongly recommends refusal of the above application for the following reasons:

1. It is felt that the updated traffic reports purely attempt to minimise the adverse effects of this application. Not enough weight has been given to existing planning permissions granted or to the proposed increases of both passenger and freight rail traffic.
2. Fenland District Council has recently announced that the 5 year land supply situation has now been resolved.

3. Insufficient attention seems to have been paid to the flood risk /drainage situation. Soakaways would not appear to be the answer in this area, and more credence should be given to the opinions of the Middle Level Commissioners since, at this point in time, it seems the current infrastructure cannot cope.
4. When the applicant is also the landowner, how can it be suggested that the recommended level of affordable housing cannot be achieved? This is an absolute disgrace because it means the applicant / landowner is using an inflated land value to substantiate the abdication of responsibilities. When this type of claim is made, all paperwork should be thoroughly vetted by Fenland District Council, at the applicants expense, to ensure that all facts and figures are correctly utilised.
5. This application goes against the March Town Council Neighbourhood Plan which was adopted in November 2017.

5.2 Representation from Cllr J French: Following this item being included on the Planning committee agenda for February 2018 commented as follows:

- Formally objects to the scheme and queries why this application after being validated almost 2 and half years ago is now being pushed forward without further consultation to the local community.
- Considers that most of the reports are out of date as they were carried out in 2015.
- Considers that the lack of the five year land supply is being abused by this application. Statement from portfolio holder on 22 February 2018 indicates that we should be in the position within the next 4-6 weeks to understand whether we have regained our 5 year land supply position.
- Notes that there is no consultation response from Middle Level Commissioners
- CCC are carrying out full transport study for March, no new development of this size should be permitted until that study is complete.
- Scheme lacks affordable housing and will bring forward no great benefits to March residents as a whole. It is also contrary to the March Town Council Neighbourhood Plan that is only 3 months old and supersedes FDLP that is well out of date.
- This application should be deferred until all outstanding questions are answered.

In response to the above, and comments in a similar vein, the application was deferred and updated reports secured. Formal re-consultation was also undertaken.

5.3 Representation from Councillor S Court:

- Following careful consideration of updated information still object to the application on the grounds of access, agricultural land, density and overdevelopment, design and appearance, non-compliance with policy, drainage, environmental concerns, flooding, local services and schools unable to cope, out of character/not in keeping with the area, parking arrangements, traffic and highways and wildlife concerns.
- There are still sound environmental reasons to object to this application the same as there were 3-years ago when the scheme was presented to the Town Council when they recommended refusal
- The view of MTC was in line with the 266 objectors in that there is insufficient infrastructure in place in that part of town to support a major housing

development. Scheme offers no benefit to the local community and will put pressure on existing infrastructure.

- This part of town is cut off by two railway crossings and the scheme will impact on traffic flows.
- It is contrary to the Fenland Sustainability Appraisal to introduce any part of the former North East allocation
- Loss of agricultural land and piecemeal development when the block plan shows an intention to build further housing
- Estover Road is not suitable for the extra volume of traffic, there are no footpaths
- One issue that has changed recently is the latest land supply shows that there is now 5.86 years that means that the Local Plan may be read as it was written and that plan specifically prohibits any large scale housing development in the north east area of March for sound environmental and infrastructure reasons
- This being the case the application should be refused.

5.4 Representation from Councillor M Cornwell:

- Queries whether the Transport Assessment has considered the additional movement generated by planned developments in the area and the ever growing general traffic using both Elm Road and Station Road as a substantial Town and Rail Station access road
- **Queries whether** discussions have been held with Network Rail to ensure that the crossing is suitable to carry increased traffic from this and the most likely further development of the site
- Notes that the approved March Transport Plan had, in its original form, a suggested route of a March Eastern Bypass linked to an upgrade of Longhill Road to Hundred Road and then to the Melbourne Avenue roundabout. The suggested route ran through the proposed development where any development spine road was to provide a stage of the proposed by-pass. Has this been considered
- Not aware of any public transport serving the immediate area.
- Site is somewhat isolated from the main town settlement and, apart from sport facilities; the area has no community facilities without accessing other areas or the Town. The development is also located at the furthest point from any of the school and college sites requiring vehicular transport rather than walking or cycling.
- In the Fens “soakaways” are not entirely appropriate for drainage. The site drains naturally to an internal drainage board area and any development will infrastructure works; these works require funding – no small challenge for a small internal drainage board, most expenditure of which is funded via Fenland council tax payers. Has there now been detailed consideration by MLC?
- Health inequalities in Fenland are well documented. Decent housing is an essential determinant of good health and it is essential that proper affordable housing is provided, as a minimum, in accordance with our policies, which are deliberately designed. The Officers comments that NPPG requires a “flexible approach” is absolutely contrary to everything that our and other public body policies state.
- As Portfolio Holder I would strongly argue that non-delivery of the policy requirements for affordable homes is a direct affront to our policy. The very low number of affordable homes on offer for such a large development is pathetic, shows a complete lack of social responsibility by the applicant and delivers nothing of value for community equality or cohesion.
- Take serious issue with NHS England over GP and Dental surgery comments. There is proven limited NHS Dental provision in March and there is a

considerable NHS “waiting list” for access to services. On the matter of GP practices suspect the response is based upon approved surgery capacity levels which do not reflect service delivery ability.

- Sustainability social role must be re-assessed in more detail before it goes further
- The 2015 information needs updating and evaluation re-visited to ensure it meets ALL our current policies. This is a considerable application which I believe requires more detailed subject evaluation. I am not against the principal of mitigated development in this location as housing is needed in its many forms but I consider that there are a large number of unanswered questions and grey areas which need further consideration and the available timescale is severely restricted .

5.5 **Development Manager Transport (FDC):** No objection. Seeks a contribution of £67,856.60 towards March Station Master Planning & the Stations Investment Plan which forms part of the Fenland Rail Development Strategy. It is suggested that the S106 contribution from this site should be for secure cycle storage and associated items e.g. CCTV.

5.6 **Environment Agency:** The site lies in Flood Zone 1 (low risk). Advise that the Lead Local Flood Authority should be consulted on this application. Consider that any infiltration as a result of Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS requires a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. An acceptable method of foul drainage disposal would be connection to the public foul sewer. The sewerage undertaker should be consulted regarding the availability of capacity in the surface water sewer.

5.7 **Lead Local Flood Authority (CCC):** Originally raised no objection noting that the proposed development will only be acceptable if a planning condition with regard to the details of the surface water drainage works is imposed.

Given the passage of time, and in light of comments made by MLC which raised significant concerns over the infiltration testing that has been undertaken at the site which showed extremely slow drainage of water within the pit the LLFA revised their recommendation to one of objection and recommended that the applicant entered discussions with the Middle Level Commissioners regarding the possibility of discharging surface water into the IDB system to the north of the site at greenfield rates.

Following the receipt of a letter from Cannon Consulting Engineers (ref: L301/JH/180618) dated 18 June 2018 they **maintained their objection** as the infiltration testing undertaken for the site suggests infiltration will not be a feasible option for discharge of surface water so it is unclear why this method is being pursued within the strategy. Whilst brief mention is made to discharging to boundary watercourses this is not explored any further. The LLFA highlight that in order to support an application we need to be confident that an appropriate solution for surface water management exists

A further document was provided by the agent in July 2018 this note and appended information having been prepared to demonstrate the performance of the surface water management basin proposed in Flood Risk Assessment (FRA) reference CCE/L301/FRA-01 (submitted with the outline planning application F/YR15/0668/O) when operating as an attenuation basin rather than an infiltration basin.

Having reviewed this document the Lead Local Flood Authority (LLFA) now *have no objection in principle to the proposed development*. [Noting that] *the document demonstrates that surface water from the development can be managed through the use of an attenuation basin discharging into the IDB watercourse to the north west of the site. Surface water will be restricted to 1.5 l/s/impermeable ha.*

Request a condition requiring the submission and approval of a *surface water drainage scheme for the site, based on sustainable drainage principles as per the Surface Water Management Note prepared by Cannon Consulting Engineers dated 20 July 2018* and supported by further detailed information. Also recommends an informative recommending contact with the MLC to discuss their requirements.

5.8 Anglian Water Services Ltd: Originally raised no objection noting that the foul drainage from this development is in the catchment of March Water Recycling Centre that will have available capacity for these flows. Note that from the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. Re-consultation undertaken and AWA now note that:

- March Water Recycling Centre currently does not have capacity to treat the flows the development site however they further advise that they are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
- [Consider]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. Request a condition requiring the drainage strategy covering the issue(s) to be agreed.
- Preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. [...] from the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The LPA should seek the advice of the LLFA or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.
- Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.
- Recommend condition requiring submission of a foul water strategy

5.9 Middle Level IDB, on behalf of March Fifth DDC:

- Note that they are not a statutory consultee and do not have to provide a response to the LPA, nor do they receive any funding to do so. Note that the applicant has, to date, failed to engage with the Board to discuss the proposal and pacify its concerns.
- Strongly express severe distress about this and other developments within the MLC catchment in respect of the adverse impacts on water level and flood risk [...] it wishes to object to this planning application. In terms of principles, the contents of the condition requested by the County Council, in respect of its role as the LLFA and as a statutory consultee, are noted and should be commended

but the design criteria quoted does not meet the Boards requirements. It is also noted that this suggested condition is 2 ¾ years old and it is recommended that its content is confirmed with the LLFA.

- In respect of surface water disposal an infiltration basin has been proposed but careful consideration of the submitted design identifies that the infiltration testing undertaken is sparse, incomplete and based on interpolated results. The infiltration rate [...] is extremely poor and, comparing it against an example of good practice, is significantly lower than the 5 x 10⁻⁰⁵ m/s minimum stated in Item 16.04 of the County Councils Highways Dept. Housing Estate Road Construction Specification April 2018
- Evidence of the poor infiltration rates is indicated by the picture of the flooded field shown on page 4 of the FRA. A flooded arable field can be tolerated but flooded roads and dwellings are not acceptable nor is it sustainable.
- If the infiltration basin does work as it has been designed the Microdrainage results, Section B Proposed Site contained within the FRA, show that it to be at Flood Risk during a 1% Annual Exceedence Probability (AEP) event, Item 3.2 on page 6 of the FRA, and advises that there is a freeboard of only 85mm with no apparent allowance for wave action. Given the size of the proposed basin a freeboard of at least 500mm is suggested.
- Given that the basin has a predicted half drain time of nearly five days it is unlikely that it will work efficiently during high rainfall events and overtopping resulting in unregulated discharges into the local water level and flood risk management systems is a concern.
- The shape and dimensions of the basin may make it difficult to maintain. The maintenance schedule contained within the FRA is generic and not specific to the basin concerned.
- [Consider] that the developer has wholly failed to appreciate the special nature and factors that affect water level and flood risk management in “The Fens”. The arterial drainage system depends on a pumped system that has a finite capacity and requires evaluation of the risks posed by the development, a proper assessment and appropriate action relating to the flows from the development but also of the effect of that discharge on the arterial system and the ability of that system to discharge, without increasing the risk to land and properties. It is apparent and very disappointing that these points have not been considered with the belief that simple infiltration, on its own and without further action to create an effective outfall for the discharge, is sufficient.
- Ultimately it is the Board, not the Environment Agency, Anglian Water or the LLFA, which has to receive and transfer the flows that emanate from the site. In the absence of any information to the contrary the Board, as the regulatory body, does not believe that the downstream water level and flood risk management system can receive the flows concerned, however small, for the lifetime of the development and, as a result, are not currently prepared to accept any increase in the rate or volume of flow entering its system and will not consent any such discharges until its requirements are met.
- The Board must therefore confirm that they consider that both this and other development proposals do not satisfactorily deal with the issue of water level and flood risk management from the development and consider that these will therefore raise flood risk for land and properties within its catchment.
- The Board would therefore urge your Council to encourage the applicant to engage with it to undertake meaningful consultation but failing that the developer re-visits the proposed design and solution giving proper and appropriate consideration to water level and flood risk management to ensure that a viable scheme that meets the Boards requirements and current design standards exists, that it could be constructed and arrangements have been established for the whole life funding, management and maintenance of the proposals by an

accountable body with no material prejudice to the Boards operations; the local water level and flood risk management systems and waterborne, built or natural environment should the development proceed before any application submission is made or permission is granted.

Following receipt of further information and having considered the LLFA letter of the 11th June continue to maintain its objection

- It is considered that the Cannon Consulting letter 18th June generally reiterates the content of the previously submitted documents and does not offer any material changes or provide adequate answers to the Board's specific concerns particularly regarding the determination of the infiltration rates and their subsequent use in the design. It also infers that an alternative proposal is for the discharge of surface water into the adjacent boundary watercourse but this is not discussed in detail.
- In respect of the comments relating to the Microdrainage results, members of the Commissioners' staff, in their role as consultants to the Board, are more than familiar with this hydraulic modelling software and the assumptions that may be required when utilising this system.
- The comments concerning the freeboard provided are noted but the Board's concerns are the height of the waves created in such a large pond. These could be in excess of 85mm and potentially lead to unregulated discharges into the local watercourse system. The erosion and stability of the pond profile is also a concern.
- Whilst a basic and generic maintenance schedule has been provided no reference has been made to its ownership or future funding. It is considered that the issues of long term funding, management and maintenance arrangements for the upkeep of the facilities in perpetuity, particularly those associated with flood risk and water level management including SuDS, **must** be supplied early within the decision making process. This should include arrangements for adoption by an appropriate public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Prior funding from an external source may be required if this is to work correctly.

Failure to do so may lead to an unacceptable burden on the ratepayer. Economic constraints **must not** be accepted as a justification for non-inclusion of such arrangements. Part (B) Flood Risk and Drainage of your Council's Policy LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland requires that “issues of ownership and maintenance are addressed”. The aforementioned Policy, LP14, also advises that “All proposals should have regard to the guidance and byelaws of the relevant Internal Drainage Board....”. Therefore, in this respect we reiterate the concerns raised in the Board's e-mail dated 18th May and look forward to positive engagement with the applicant and/or its consultant **before** any further application submission is made or permission is granted. The Board wishes to be notified of the outcome of this application.

- 5.10 **Historic Environment Team (CCC):** No objections. An archaeological evaluation took place at the site finding the following (summarised from the evaluation report): Several trenches were excavated finding ditches and possible settlement features tentatively dated to the Roman period in the west and the south of the site. The settlement features included a ring-ditch towards the centre of the site that is suggested to be a roundhouse. In the western part of the site, a concentration of east to west aligned enclosure ditches and related settlement features dating to the medieval period may be indicative of possible tofts. A curvilinear ditch in the western part of the site enclosed an area of buried soil that indicated the survival of a preserved occupation horizon. These results confirm the expectation of the presence of Roman archaeological remains within the site, which lies close to the route of the Roman Fen Causeway road where it crosses the dry 'island' of March. More surprising is the presence of Medieval remains that serve to further understanding of the land use of the northern fen edge of March in the 12-13th centuries. Consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition. This will secure the preservation of the archaeological interest of the area either by record or in situ as appropriate.

Following concerns raised by a local resident regarding the extent of area evaluated confirm that the evaluation did not cover the north and north-eastern spur of the development area, as they were unaware that this land was to be included in the planning submission. This area is closest to the line of the Fen Causeway Roman Road, which is indeed shown on maps and aerial photographs as crossing into the NE corner area of the proposal area. Aerial evidence indicates that cropmarks of archaeological sites and natural environment features (roddons) are also present in this non-evaluated area and are likely to extend the archaeological footprint for which a mitigation solution will be required. The Fen Causeway is shown on OS mapping as occurring in the tight NE corner of the coloured snip below from Savills' illustrative play spaces shown against the indicative development layout. Aerial mapping of archaeological features evident at the time of the Fenland Project (English Heritage funded fen-wide scheme undertaken in the 1980s and 1990s), indicated that the Fen Causeway's route was actually further to the north, Current excavations east of Berryfield 250m to the north of the application area (near 28 on the map extract below) has located a ditched trackways that we believe to be the Fen Causeway, or at least a spur road of it, that would thus place the development area to the south of it. More recent cropmarked evidence indicates that the cropmarks of a settlement on the Fen Causeway west of 31 (label is too far east) actually extends to the south and into the application area. Confirm that their advice to FDC holds now as before [...]. Based on

archaeological information obtained via evaluation over the majority of the area do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition

5.11 **Transport Assessment Team & Highway Authority (CCC):** Following receipt of the updated reports listed at 3.4 above. No Objection subject to the following mitigation:

- New pedestrian infrastructure;
- Pedestrian crossing improvements;
- Bus stop improvements to the two nearest bus stops on B1101 Station Road;
- Residential Travel Plan;
- Annual parking beat survey on Estover Road (could be implemented in the form of a Travel Plan measure)

The following S106 contribution amounts having previously been identified:

- Real Time Passenger Information Display contribution of £27,000.
- Bus stop maintenance contribution of £14,000.

5.12 **Network Rail:** Formally consulted however no response received

5.13 **FDC Environmental Health (Land Contamination):** No objection. Note and accept the submitted information. The proposal is unlikely to have a detrimental effect on local air quality. The development should connect to the main sewer for foul drainage. The application site has not had previous industrial usage so ground contamination is considered unlikely. Due to the amount of development the effects of construction noise / dust upon existing dwellings will be needed and any measures to control or mitigate any issues provided.

5.14 **FDC Tree Officer:** No comments received.

5.15 **Police Architectural Liaison Officer:** No objections.

5.16 **Housing (FDC):** Policy LP5 of the Fenland Local Plan seeks 25% affordable housing on all development sites on which 10 or more dwellings are proposed. Therefore on this development where up to 95 dwellings are proposed the provision of 24 affordable dwellings should be provided on site subject to viability. In accordance with Local Plan Policy LP5, the mix of affordable tenures should be informed by and compatible with the latest government guidance and an up to date local Strategic Housing Market Assessment (SHMA). An affordable tenure mix of 70% affordable rented and 30% intermediate tenure is considered appropriate for this development. The exact mix of house types will be determined by the reserved matters application.

5.17 **NHS England:** Following reconsultation advise that mitigation should be secured to increase capacity at Mercheford House Surgery in the form of a capital contribution of £34,546 through the S106 agreement. The development would give rise to a need for improvements to capacity, in line with emerging CCG estates strategy; by way of refurbishment, reconfiguration, extension, or potential relocation, for the benefit of the patients at Mercheford House Surgery; a proportion of the cost of which would need to be met by the developer. The

Cambridgeshire and Peterborough Clinical Commissioning Group (CCG) are presently in discussion with the Practice regarding initial plans to increase capacity. As this is at an early stage, specific details cannot yet be shared.

Following a local media reports relating to a potential surgery merger further guidance was sought from NHS and it has been confirmed that they would still request the contribution identified.

- 5.18 **Environment & Leisure (FDC):** No objection subject to conditions.
- 5.19 **Ecologist (PCC):** No objection.
- 5.20 **Cambridgeshire Fire & Rescue Service:** Adequate provision should be made for fire hydrants to be secured via planning condition or agreement.
- 5.20 **EDF Energy:** No comments received.
- 5.21 **National Grid:** No comments received.
- 5.22 **Local Residents/Interested Parties:** A total of 269 objections were originally received from 48 properties on Estover Road; 21 properties on Elm Road; 13 properties on Roman Way; 13 properties on Berryfield; 12 properties on Creek Road; 9 properties on Norwood Road; 8 properties on Burnet Gardens; 7 properties on Flaggrass Hill Road; 6 properties on Creek Fen; 5 properties on Landau Way; 5 properties on Bramble Walk 4 properties on Cawood Close; 4 properties on The Hollies; 4 properties on The Laurels; 3 properties on Foxglove Way; 3 properties on Highfield Road; 3 properties on Wimblington Road; 3 properties on Alexander Gardens; 2 properties on Cavalry Drive; 2 properties on Cavalry Park; 2 properties on Russell Avenue; 2 properties on Plowright Close; 2 properties on White Horse Gardens; 2 properties on Henson Road; 2 properties on Station Road; 2 properties on Nene Parade; 2 properties on Riverdown; 2 properties on Peyton Avenue; 2 properties on St Johns Road; 2 properties on Hereward Street; 2 properties on Bevills Place; 1 property on New Park; 1 property on Norwalde Street; 1 property on Carmargue Drive; 1 property on Alfruda Close; 1 property on All Saints Close; 1 property on Hillside Road; 1 property on Grounds Avenue; 1 property on Acacia Grove; 1 property on Brook Close; 1 property on Acre Road; 1 property on Dagless Way; 1 property on Shaftesbury Avenue; 1 property on Princes Walk; 1 property on Hundred Road; 1 property on Truman Avenue; 1 property on Boundary Drive; 1 property on Elm Close; 1 property on Swanley Gardens; 1 property on Darthill Road; 1 property on Kingswood Road; 1 property on Rosedene Drive; 1 property on Cromwell Road; 1 property on Henry Orbell Close; 1 property on Swallow Way; 1 property on Elwyn Court; 1 property on Marylebone Road; 1 property on Heathcote Close; 1 property on Oberon Park; 1 property on Badgeney Road; 1 property on Green Street; 1 property on College Gardens; 1 property on West End; and 10 properties outside of March area.

The objections can be summarised as:

Policy Matters:

- Development is contrary to the Local Plan as this area was removed before the plan was adopted
- Development is contrary to the Fenland Sustainability Appraisal - to reintroduce any part of the former North East allocation

- The proposal is not sustainable and therefore does not meet the requirements of the Local Plan
- There are plenty of brownfield sites without the need to use greenfield sites.
- Loss of agricultural land
- Piecemeal approach – the application is supported by a block plan clearing showing the intention to build more housing

Flooding and Drainage:

- The land is a flood plain.
- Drainage system is old and struggles to cope now

Highways and Access:

- Estover Road is not suitable in size for the extra volume of traffic
- The exit onto Elm Road at roundabout is currently a blind spot- with extra amount of vehicles this will definitely lead to accidents
- The road opposite the playing fields is narrower with cars parking on it extra vehicles will increase the risk of accidents
- It takes up to 10 minutes to get onto Station Road using Creek Road (near Sainsbury's) – extra vehicles will increase this
- Norwood Road as an exit is narrow especially near the bridge – extra vehicles will increase accident
- There are no footpaths on parts of Estover Road and Creek Road up to the railway crossing.
- Construction traffic
- The Traffic Assessment Report does not reflect the actual situation on the ground - The Station Road railway crossing in the morning always has a tail back currently – with extra vehicles it will be far worse
- The revised Transport Assessment is misleading and flawed

Infrastructure:

- Doctors, dentists and schools are already over subscribed

Amenity & Community:

- Moved to this area for the country life with a house overlooking fields and surrounded by wildlife and open view – this proposal would completely ruin the area
- Noise. Waste and litter
- Archaeology and Heritage – the development is situated close to the line of the Fens Causeway – although the applicant acknowledges this, there is no mention of how they may enhance the feature or provide public access to it

Environment & Ecology:

- Pressure on the wildlife and what little open green areas we have in North March.
- Hedgerows will be destroyed

Other (non-planning) Matters:

- Loss of property value in Estover Road
- Loss of view

The most recent consultation exercise has generated 18 letters, these letters have been generated by 10 households from 10 earlier contributors and a further respondent. In general they reiterate the above points albeit drilling down into more detail, particularly regarding the transport aspects of the proposal

New matters raised are as follows:

Traffic and Highways

- Constitutes a road safety risk
- Already significant traffic congestion at the two level crossings
- Cannot understand the findings of the traffic survey at peak times all surrounding roads come to a standstill when the railway gates are closed; worsened by parked cars in Elm Road. 95 properties will worsen this situation.
- Traffic assessment has underestimated the adverse impact of the development and their subjective conclusions of 'negligible and limited additional risk in terms of a 50% increase in rail traffic and the additional vehicle trips is not correct. Network Rail's risk assessment of rail crossings have already determined a collective risk rating of 'Very High' for March East and 'High' for March South crossings
- Subjective comments in Traffic Assessment support the evidence that residents believe FDCs recommendation is biased toward the applicant
- Transport assessment misleading and inaccurate and is based on 95 houses, as future phases are proposed this is flawed and misleading
- Transport Assessment appears a work of fiction, Ely and Whittlesey are having a bypass and flyover respectively and they have same amount of trains going through
- CCC evaluation of revised Transport Assessment is superficial, dismissive and does not address concerns. To accept the TA with its serious flaws is not acceptable. The figures quoted regarding rail services do not correspond with the timetables, and do not include the increasing rail freight traffic or services which do not stop at March.
- TA does not address the risks associated with the barriers, the authors state that the subjective comments made are contrary to Network Rail risk assessments.
- It is obvious that an independent TA is required; accepting this TA is more evidence that the TA and other elements of this application is biased towards the applicant.
- No mention is made of the March Neighbourhood Plan in the revised TA which sets out guidance on the need to reduce the use of cars and the need to increase dedicated cycle ways and more footpaths.
- It is asserted in the TA that the lack of footpath for 165 metres in Creek road is insignificant; detailed assessment provided in respect of Network Rail figures for crossings which indicate that pedestrian and cycle usage in Creek Road is at a higher percentage. WSP state that there is insufficient verge to deliver a footpath, but surely a narrow footpath would be better than no footpath at all. TA also considers Station Road is a more attractive route but questions the validity of this statement
- Detailed comments provided relating to walking times quoted, the lack of cycle parking to enable linked trips, no mention of Riverside Walk.

- Misrepresents bus provision in Estover Road, and highlights lack of bus services.
- Failure to correctly identify peak times, and figures for barrier downtime are only a snapshot.
- Network Rail have stated that there are 76 passenger trains per day plus 100 freight trains and state that within the next 7 years this could increase by 150%, this would result in a total of 188 passenger trains and 250 freight trains - twice the number of trains stated in the TA
- Pedestrian footway improvements do not enable residents of the development to access the Estover Playing field safely as children will have to cross Estover Road twice.
- When the Bramley Line is reinstated there will be additional rail travel and this will lead to more barrier down time and congestion; it is also a missed opportunity that there is no mention of any financial contribution to this proposal.
- Transport Assessment arrogant because authors have not considered public feedback and have presented the same errors. They cannot say they have not had sufficient time and it is clear this assessment is a desk top study. It is impossible to see how the Planning Department can accept this assessment without further information and details being requested; there may well be a case for legal action against FDC if the scheme is allowed based on flawed and misleading information.

Flooding; surface water and foul sewage infrastructure

- Can you ensure that residents will not face flooding and outpouring of raw sewage as experienced recently; will you insist that the developer pays for an additional pumping station
- Soakaways will not work
- Concern re lack of detailed plans for SW disposal into drainage system
- Water pools are no solution to a good drainage system and are breeding grounds for parasites
- Sewage system overloaded, consider clear warning has been given by Anglian Water that if foul water system overloaded they would follow path of legal action
- Suggest AWA should be re-consulted
- Will cause pressure on both incoming water supply which is in a poor state of repair

Infrastructure and community benefit

- Baseline infrastructure inadequate to cope with a development of this size without significant improvements
- As a result of phasing development will be piecemeal and result in insufficient infrastructure/affordable housing
- No evidence that this development will improve the neighbourhood
- Site should provide maximum levels of affordable housing given its history and the wealth of the landowner
- Concerns re lack of S106 contributions

Policy matters

- The NPPF says that where a planning application is in conflict with a neighbourhood plan it should not normally be granted; why are planning officers recommending approval

Procedural Issues

- Application site inconsistent, form states 5.52 Ha and reports state 4.5 Ha; this has an impact on archaeological and ecological assessments
- Incredible that yet another extension of time can be agreed; if this matter has taken so long and has been so difficult to resolve surely it highlights fundamental and possibly insurmountable flaws within the application
- Residents should be notified when the application is presented to committee
- Should extend time limit for consultation responses for residents as you have allowed this for applicants

Site specific/general comments

- Loss of agricultural land, which will provide long term employment
- 95 houses will change the character of the area whilst further phases are likely to place intolerable pressure on some residents
- Whole thing is a manipulation by the applicant who no doubt has unlimited funds to push this much flawed application through the system
- Planning committee asked to consider residents and take into account the local strength of feeling against any major development in this area of March
- Concerned that officers were to present the matter to the committee with a favourable recommendation based on outdated reports; this is a further opportunity to reassess all the information before making a recommendation of the scheme to committee.
- Neighbour responses are 270 against the scheme and growing as time moves on
- Committee attention is drawn to the neighbourhood planning written statement HCWS346 which confirms that where a planning application is in conflict with a neighbourhood plan planning permission should not normally be granted, however communities are often frustrated that their plans are undermined because an LPA cannot demonstrate a 5-year land supply (as per Para 49 of the NPPF (2012)). The Minister of State for Housing & Planning & Minister for London stated that where communities plan for housing in a neighbourhood plan those plans should not be deemed out of date unless there is a significant lack of land supply for housing in the wider local area.
- A copy of a letter sent to the late Councillor Tunley, dating back to 2015, has also been forwarded regarding the interpretation of windfall housing. This letter identifies that 'arguments over whether a site is 'windfall' or rather one that was not allocated through the Local Plan process is largely a technicality. Planning Law is clear that decisions must be taken in line with the LP unless material considerations indicate otherwise.'

It is also noted that 2 residents have written directly to the CCC Transport Assessment team taking issue with their assessment of the documents provided.

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).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Para 2. -Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise

Para 10. - Presumption in favour of sustainable development

Paras 29 - 30 - Neighbourhood Planning

Para 34. - plans should set out the contributions expected from development; including affordable housing along with other infrastructure, education, health, transport, flood and water management, green and digital infrastructure).

Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 57 - Weight to be given to a viability assessment is a matter for the decision maker

Chapter 5. – Delivering a sufficient supply of homes

Para, 64 – Where major development involving the provision of housing is proposed planning policies and decisions should expect at least 10% of the homes to be affordable homes

Chapter 9 - Promoting sustainable transport

Para 109: Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

Chapter 11. Making effective use of land

Chapter 14 – Meeting the challenge of climate change, flooding and coastal challenge

Chapter 15. Conserving and enhancing the natural environment

7.2 National Planning Policy Guidance (NPPG)

Viability

7.3 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP9 – March

LP13 – Supporting and Mitigating the Impact of a Growing District

LP14 – Responding to Climate Change and Managing the risk of Flooding in Fenland

LP15 – Facilitating the creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

7.4 Supplementary Planning Documents:

Resource Use and Renewable Energy SPD (July 2014)

Delivering and Protecting High Quality Environments in Fenland SPD (July 2014)

Developer Contributions SPD (February 2015)

7.5 March Neighbourhood Plan (November 2017)

H1 – Large Development sites

H2 – Windfall Development

H3 – Local Housing need

8 KEY ISSUES

- **Principle of Development**
- **Access and Highway Safety**
- **Visual Amenity**
- **Residential Amenity**
- **Flood Risk and Drainage**
- **Ecology**
- **Archaeology**
- **Planning Obligations**
- **Health and wellbeing**
- **Economic Growth**
- **Other considerations**
- **Conditions**

9 BACKGROUND

- 9.1 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 Inspector at the Examination Stage recognised that it had been deleted, but that it was still likely that development may come forward in the location. It was further acknowledged that any development would be unlikely to deliver the same level of infrastructure benefits that would have been required had the land been allocated (paragraph 128 of the Report on the Examination into the Local Plan).
- 9.2 The site to the west (the Estover Playing Fields) benefits from full planning permission to regenerate the playing fields which includes a pavilion building, artificial grass pitches and multi-use games area (LPA reference: F/YR17/0030/F).
- 9.3 The proposed scheme was presented to the public at an exhibition in February 2015.
- 9.4 Whilst the application was first lodged back in August 2015 its presentation to committee has been delayed firstly given the need to robustly consider the viability of the proposal and secondly as a result of the need to revisit aspects of the proposal relating to S106, highways and surface water. Some criticisms have been levelled regarding the reports which accompany the proposals and the need to refresh them given the passage of time since submission. Such concerns were considered entirely valid and as such whilst it was originally intended to report the application to committee in February 2018 the scheme was subsequently withdrawn from the agenda to enable these matters to be addressed. Furthermore recognising the length of time since public consultation was undertaken the opportunity was also taken to undertake a further consultation exercise encompassing both local residents and statutory consultees.

10 ASSESSMENT

Principle of Development

- 10.1 Local Plan Policy LP3 defines March as a Market Town where the majority of the district's new housing, employment growth, retail growth and wider service provision should take place. 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 Policy 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 delivery of housing on this site would form a logical extension of existing development to the south-west of March in a sustainable location. The site is located within walking distances of the train station, shopping, employment, recreation and other community facilities.
- 10.2 The development will result in the permanent loss of 5.52 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 5.52 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.
- 10.3 The March Neighbourhood Plan allows for Windfall development subject to proportionate pre-application community consultation being undertaken. The agents for the scheme note that 'The applicant undertook community engagement which included a public exhibition on 15th March 2015. Details of this and a summary of consultation responses received are set out in the Statement of Community Involvement which forms part of the Planning Statement.
- 10.4 The NPPF considerations would be similar to the above as March is a sustainable settlement.

Access and Highway Safety

- 10.5 The NPPF (2018) (para 111) and Local Plan Policy LP15 require all developments that generate significant amounts of movement to be supported by a Transport Assessment (TA). National and local planning policy relating to transport and access promotes sustainable and mixed use development which should give priority to pedestrian and cycle movements, have access to public transport, create safe and secure layouts and minimising journey times. The application is accompanied by a TA prepared by WSP (which has been amended during the consideration of the application following discussions with the County Council, as Local Highway Authority (LHA) and more recently updated taking into account the need to ensure it was based on appropriate data). The County Council has confirmed that the TA is acceptable and fit for purpose. The application site is within 650 metres of the March train station which allows access to services towards Peterborough, Ely, Cambridge, London etc.

10.6 A number of local residents have raised significant and detailed concerns over the impacts arising in relation to the development; particularly the validity and accuracy of the Transport Assessment has been called into question. The County Council were asked to respond to the specific issues raised and have provided the following rebuttals (CCC comments in italic below):

- **TA validity and accuracy:** *The TA has been prepared in accordance with the relevant government and local authority guidance, and as such assesses the traffic impact of the proposed development based on the methodology outlined in these documents. As a result it is considered to be a robust and reliable assessment of the traffic impact of the proposed development. It should also be noted that the TA has been reviewed and agreed by Cambridgeshire County Council (CCC) as the local highway authority with no objections subject to mitigation measures.*
- **The likelihood of further phases:** *The TA has been based on a proposed development of 95 dwellings which is being considered as part of this planning application, and the traffic modelling results show that the majority of the junctions operate with significant spare capacity, with no major problems of queuing being experienced. If there is an aspiration for another 300 dwellings then this will need be considered as part of another planning application, which will be accompanied by a TA that will investigate the impact of this level of development on the highway network, and revised traffic modelling would be undertaken.*
- **Scale of development:** *It should be noted that the scale of the proposed development being considered (i.e. 95 dwellings) as part of this planning application is not considered to be significant, and as shown in the modelling results obtained above the majority of the junctions operate with significant spare capacity, with no major problems of queuing being experienced. Please note that in order to collect the traffic data at the surrounding junctions an independent third party sub-consultant was appointed, with the traffic data collected being used in the traffic modelling as part of a robust and accurate assessment.*
- **Inaccuracy of train data:** *Table 3.3 shows that there are 6 trains departing the station between 10:00 – 16:00, however it should be noted that this figure is only for train services departing the station to Ely and Peterborough and does not include other services departing during this time (including freight trains), and therefore the information in Table 3.3 is considered to be accurate and correct. It should also be noted, as outlined in Paragraph 3.14.27, that there are a total of 176 trains that travel through March each day (i.e. 100 freight trains and 76 passenger trains), which was obtained from Network Rail, and therefore the TA has accurately recorded the number of trains that travel through March each day.*
- **Footway provision in Creek Road:** As outlined in Section 3.4 of the TA the B1101 Station Road and Creek Road are the two main walking routes to the town centre, and an assessment of each route was undertaken in relation to distance and quality.
In relation to distance both routes are comparable with the B1101 Station Road being approximately 1.8km from the town centre, and the Creek Road route being approximately 1.7 km from the town centre, and in terms of quality both routes have good footway provision, although there is no footway provision on Creek Road across the level crossing for a length of approximately 165m as noted. Based on *the above information as outlined in the TA the B1101 Station*

Road is likely to be a more attractive route to the town centre, particularly where improvements are proposed along the south side of Estover Road, which will further improve the links between the proposed development and the B1101 Station Road, and therefore it is reasonable to assume that the majority of future residents are likely to use the B1101 Station Road to the town centre. It is recognised that there is a cycle route that runs between Waterside Gardens via Wigstone's Road to Nene Parade which can be accessed via Creek Road. This cycle route runs along the River Nene to the south of Creek Road, and is not likely to be seen by future residents as a direct route from the proposed development to the town centre. As a result this route is likely to be less attractive than the B1101 Station

Road where improvements are proposed as outlined above.

- **Downtime at Rail Barriers:** The AM peak hour (08:00 – 09:00) and the PM peak hour (17:00 – 18:00) were assessed as it was determined from the traffic survey data that was collected that these were the times when the peak traffic flows were experienced on the surrounding highway network, which conforms to the relevant government and local government guidance as previously outlined. It was during these peak hours that the barrier downtime surveys were conducted as they represent the highest traffic flows on the surrounding network during the day and therefore represents a worst case scenario. The information collected was used in the assessment to determine the predicted peak time impact of the proposed development at the level crossings, as part of a robust and reliable assessment. It is recognised that there are other times during the day where there are increases in traffic flows on the surrounding highway network as noted (e.g. school trips and shift changes at Whitemoor Prison) but these smaller peaks are not as significant in terms of the magnitude of flows so the traditional peak hours have been used to undertake the assessment.

Figures for barrier downtime: Although it is not clear where the stated figures [those collated by the contributor] have been obtained from, it is agreed that the figures for queuing traffic at the level crossings as presented in the TA do give a 'snapshot' of the situation at these locations. As outlined in Table 3.11 of the TA, in undertaking the assessment to determine the predicted impact of the proposed development at the level crossings the maximum queue lengths recorded have been used, which therefore represents a robust assessment. It should be noted that it is not appropriate to sum queues from different time periods as outlined above as some vehicles will dissipate from the front of the queue during this period, and as such the maximum queue length is a better representation of conditions experienced.

Increase in number of trains/future barrier downtime: Although it is agreed that the number of trains quoted in Section 3.14.29 are underestimated, the assessment has been undertaken as outlined in Section 3.14 of the TA. It takes into the total barrier downtimes recorded to determine the impact that the proposed development trips are likely to have on the total barrier downtimes. This assessment has taken into account the information obtained from Network Rail as outlined above as part of a robust and reliable assessment. [...] the assessment that has been undertaken as outlined in Section 3.14 of the TA has taken into account the total barrier downtimes recorded to determine the impact that the proposed development trips are likely to have on the total barrier downtimes This assessment has taken into account the information obtained from Network Rail as outlined above as part of a robust and reliable assessment.

Barrier Risk Ratings: CCC note that *there are a number of components that combine to derive risk ratings but it is unclear how these components combine to derive these ratings. Therefore, it has not been possible to determine the impact that the proposed development will have on the risk ratings at the level crossings. However, based on assessment that was undertaken as part of the TA it is considered that the additional trips generated by the proposed development represents a negligible impact based upon observed conditions, with limited additional risk at the level crossings.*

- 10.7 As outlined above the TA has been prepared in accordance with the relevant government and local authority guidance, and has been reviewed and agreed by CCC as the local highway authority, and CCC have rebutted the assertions made regarding the accuracy of the TA and state that the submitted TA is considered to be a robust and reliable assessment of the traffic impact of the proposed development for Members to make an informed decision.
- 10.8 Whilst it is clear that residents have genuine concerns it is considered that the TA as presented and the evaluation undertaken by CCC is sufficiently robust, as may be seen in the sections above CCC have responded fully to the points made and there would be no reason based on their specialist input for the scheme to be resisted on highway grounds.
- 10.9 Of particular note is paragraph 109 of the NPPF (2018) which states that: *'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.* In this case it is not considered that the impacts would be severe such that the LPA could reasonably refuse planning permission.
- 10.10 Having considered the strategic implications of the scheme it is also necessary for the technical aspects of the proposal to be considered. In this regard it is noted that access is proposed via Estover Road (30mph local distributor road) and is proposed to be 5.5m wide which is suitable to serve the scale of development proposed. The junction geometry and vehicle to vehicle visibility splays are acceptable for the speed and type of traffic along Estover Road. The proposed footway along the northern side of Estover Road will need to be secured by condition. This footway will connect to the existing footway network along Estover Road.
- 10.11 The LHA has also requested improvement works to the nearest functioning bus stops to the development site and details of the pedestrian crossing improvement works on Station Road which can be secured by conditions.
- 10.12 Precise details of parking will be looked at during the Reserved Matters application stage, it is however anticipated that the site can accommodate the quantum of development sought with sufficient parking provision.
- 10.13 A Travel Plan has been submitted with the application; a full travel plan can be secured by condition.
- 10.14 The LHA have requested contributions in relation to Real Time Passenger Information Display and a bus stop maintenance contribution for the nearest two bus stops. These elements are considered acceptable and can be secured through the S106.

10.15 A construction management plan is also required to ensure the construction traffic is managed and does not harm free flow of traffic during the construction phase; this can be secured by condition.

10.16 Mitigation will be secured as follows in respect of the scheme:

- New pedestrian infrastructure will include a new 2.0m footway along the entire length of the site frontage to Estover Road. New uncontrolled pedestrian crossing points (in the form of dropped kerbs and tactile paving) will also be provided on the east and west sides of the new access road, and also along Estover Road, at the eastern end of the new footway link in the vicinity of the junction with Creek Road, and at the western end of the new footway link, at the informal access to the recreation ground west of the proposed development;
- Improvements will be made to the existing uncontrolled pedestrian crossing on the B1101 Station Road just north of the junction with County Road. This will involve the provision of a Zebra Crossing;
- Bus stop improvements that include raised kerbs, shelters, poled and Real Time Passenger Information on the two nearest bus stops on B1101 Station Road;
- Provision of a Residential Travel Plan to raise awareness about sustainable travel options;
- Site observations have shown that parked vehicles can cause issues for large vehicles on Estover Road. It was not considered to be a major problem and did not cause significant traffic congestion problems on Estover Road, however, this should be monitored annually to ensure that the development does not significantly impact congestion on the road. This could be in the form of a Travel Plan measure.

10.17 Taking all the above into account, it is considered that the proposed means of access is acceptable and complies with Local Plan Policy LP15. Therefore given that there is no LHA objection the application can be supported in highway terms subject to a number of conditions and obligations.

Visual Amenity

10.18 Policy LP16 of the Local Plan states that all new development, amongst other things, should make a positive contribution to the local distinctiveness and character of the area.

10.19 The areas to the south of the site are already characterised by residential development. Whilst the areas to the north and east are open. The western boundary of the site is bounded by trees and hedgerow which is just outside the application site.

10.20 The proposal seeks to provide informal open space along the eastern part of the site where it adjoins the open countryside beyond. The proposed development equates to approximately 24 dwellings per hectares which is compatible with the generally low density built form of the area. Details of landscaping will be provided at the Reserved Matters stage.

10.21 Whilst inevitable the proposal will be a major alteration to the character of the site, the site does adjoin the settlement of March (including the adjacent Estover Playing Field which has been granted permission to regenerate the playing fields which includes a pavilion building, artificial grass pitches and multi-use games

area (LPA reference: F/YR17/0030/F) and is close to existing dwellings to the south that are broadly comparable such that the proposed development would appear as a continuation of the existing development, rather than as an awkward addition which intrudes upon the open countryside. As such it is considered that the development of this site will not have an unacceptable impact upon visual amenity. Accordingly the proposal would satisfy Policy LP16 in this respect.

Residential Amenity

- 10.22 Local Plan policy LP16 and the NPPF seek to ensure developments do not have an unacceptable impact upon residential amenity for both existing and future occupiers. In terms of the indicative layout, the scheme is considered capable of delivering the quantum of development sought without compromising neighbouring users in respect of overlooking and overshadowing.
- 10.23 In terms of contamination, Environmental Health Officers have confirmed that there is no record of any potential contaminant sources on the site that may affect future users of the land. Due to the scale of development they have recommended that the construction noise / dust upon existing dwellings will be needed and any measures to control or mitigate any issues provided – a construction management plan can therefore be provided and will be secured via planning condition.

Flood Risk and Drainage

- 10.24 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.
- 10.25 Whilst originally the scheme prompted no adverse consultation responses the passage of time since the application was first considered was such that the position with regard to drainage needed to be revisited. This resulted in a formal objections from the LLFA and Middle Level Commissioners, on behalf of March 5th DCC.
- 10.26 Following the submission further information in July 2018 the LLFA now *have no objection in principle to the proposed development. [Noting that] the document demonstrates that surface water from the development can be managed through the use of an attenuation basin discharging into the IDB watercourse to the north west of the site. Surface water will be restricted to 1.5 l/s/impermeable ha. A condition is recommended requiring the submission and approval of a surface water drainage scheme for the site, based on sustainable drainage principles as per the Surface Water Management Note prepared by Cannon Consulting Engineers dated 20 July 2018 and supported by further detailed information.* The LLFA also recommend an informative is imposed on any decision recommending contact with the MLC to discuss their requirements.
- 10.27 Although the additional information has been accepted by the LLFA it is acknowledged that MLC have maintained their objection on behalf of March 5th DCC. They consider that the additional information does not provide adequate answers to the Board's specific concerns particularly regarding infiltration rates and their subsequent use in the design. MLC also note that there is an inference that an alternative proposal is for the discharge of surface water into the adjacent boundary watercourse but this is not discussed in detail.

- 10.28 MLC have concerns regarding freeboard, un-regulated discharge, long term funding and maintenance of the flood risk and water level management facilities, detailed arrangements to secure the operation of the scheme throughout its lifetime and they consider that these should be included within this scheme details. They caution that failure to do so may lead to an unacceptable burden on the ratepayer, to this end they require these details to be fully resolved prior to any issue of consent.
- 10.29 Although the comments and recommendations of the MLC are acknowledged, it is considered that it would be unreasonable to withhold consent on the basis that full details are not available at this time. The condition recommended by the LLFA is sufficiently detailed and robust to enable this matter to be addressed and as such it will act as an appropriate safeguard to ensure a suitable strategy is in place prior to the commencement of development on site.
- 10.30 In respect of foul sewage disposal it is noted that there is at present insufficient capacity at the March Water Recycling Centre to treat the flows from the development site however AWA note that they are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission. Similarly they have identified that they consider the 'Development will lead to an unacceptable risk of flooding downstream; however again they note that this may be secured by condition.
- 10.31 Although the MLC have recommended that the drainage strategy for the site and longer term maintenance agreement should be in place prior to the issue of consent this is at variance to the recommendation of the LLFA who consider such information may be secured by condition. It is felt that this would be a proportionate and appropriate approach to securing such details and that it would not be reasonable to withhold consent until such time that a fully developed strategy is in place.
- 10.32 It is considered that with suitable conditions the scheme will accord with Policies LP16 and LP14 with regard to flood risk and infrastructure and as such consent should not be withheld on this basis.

Ecology

- 10.33 The applicant has provided a Preliminary Ecological Appraisal (November 2014) and an updated Addendum (March 2017). The Council's Ecologist agrees with the findings of both reports and suggests conditions in respect of bird nest boxes, bat roosting features, landscaping and that the recommendations of the report are implemented.
- 10.34 The Council's Ecologist also recommends that an amphibian survey is carried out as suggested in the submitted Ecological Report to establish the size of toad population and to help inform the detailed landscaping of the scheme prior to the submission of the Reserved Matters which can be secured by condition.
- 10.35 Japanese Knotweed is understood to be present close by the eastern site boundary – it is an offence to cause it to spread. The report acknowledges that care would need to be taken during any works involving the removal, management or disturbance of the Knotweed to ensure no offence is committed.

Relevant information can be sought from the Environment Agency regarding statutory obligations on its disposal.

- 10.36 Whilst details of landscaping will be provided at the Reserved Matters stage it is recommended that the landscaping includes a range of species that benefit biodiversity are used within the informal open space/SuD's scheme along the eastern part of the site.
- 10.37 It is noted that a resident has recently raised concern regarding the extent of study area. The comments made have been raised with the PCC Wildlife Officer, as specialist consultee, and he has confirmed that whilst the slight discrepancy between the application boundary and the ecology survey area is noted it is not considered necessary for any additional ecological survey work to be carried out. Noting that *'the area to the north of that surveyed is referred to in section 5.2 of the report as "a transitional border where the arable field merges with another, this has no notable features"*.
- 10.38 Subject to appropriate planning conditions the proposal is considered to accord with Local Plan Policy LP19.

Archaeology

- 10.39 Cambridgeshire County Council (CCC) have confirmed that the site lies in an area of high archaeological potential, situated on March Gravels on a fen island. Such locations are known to have been favoured for settlement in the Prehistoric and Roman periods. Given the limited known significant archaeology in the immediate vicinity of the proposed development area it is not considered justified to recommend pre-determination. Therefore, whilst CCC do not object to development from proceeding in this location they consider that the site should be subject to a programme of archaeological investigation secured by planning condition.
- 10.40 Again a resident has raised issue with the extent of the study area and the comments made have been raised with the CCC Archaeology team, and their further detailed response is captured at Para 5.10. In summary they have confirmed that their advice to FDC holds now as before [...]. Based on archaeological information obtained via evaluation over the majority of the area do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition

Planning Obligations

- 10.41 Policy LP13 and the Developer Contributions SPD requires that the development would contribute to the following:
- i) 25% affordable housing (24 dwellings)
 - ii) Education contributions (pre-school and primary)
 - iii) Libraries and lifelong learning contribution
 - iv) Public open space (on site Children's play and off- site contributions)
 - v) Rail contributions
 - vi) Real Time Passenger Information Display contribution of £27,000.
 - vii) Bus stop maintenance contribution of £14,000

- 10.42 During the course of the application a viability assessment of the scheme has been considered by the Council's S106 Officers.

The assessment has identified that in order for the development to be viable only S106 contributions may be sought from the development in relation to -

6 affordable dwellings – 3 affordable rent and 3 shared ownership

Libraries £11,560

Education £832,011

Public Realm £99,360

Highways £44,750

- 10.43 For viability reasons the proposal is therefore unable to comply with Policies LP5 and LP13 of the Local Plan insomuch as it is unable to provide all of the infrastructure which would be necessary. The NPPG identifies that viability concerns need to be taken into account and that a flexible approach needs to be adopted. In this case it is considered that bringing forward the development now is sufficient to outweigh the deficiency in infrastructure which this development cannot provide at this time.
- 10.44 It should be noted that the housing team have requested that the S106 is drafted in such a way that the 'viable' level of affordable housing is provided by the developer and that 25% of properties must be made available to a Registered Provider (at no financial detriment to the developer) to enable the Combined Authority or the HCA to consider funding this 'additionality'. At this time it is acknowledged that there is no Combined Authority funding available to invest in this site.
- 10.45 Subsequent to the viability assessment and further to the S106 considerations outlined above the NHS have identified that they require a contribution of £34,546, this contribution has not been captured in the viability assessment and there are no surplus monies that may be redirected to fund this contributions.
- 10.46 It would be possible to divert monies intended elsewhere to this aspect, e.g. re-allocate the monies highlighted for Green Space Enhancement at Norwood Nature Reserve (£27,600) and part of the library contribution (reduce £11,560 to £6,946). Or alternatively members may consider that the contributions should remain as per outlined at 10.42
- 10.47 It is clear that the viability deficit is proven and that the policy requirements could only be delivered in full if a scheme is viable; the affordable housing provision identified is proportionate and a mechanism will be included in the S106 to ensure that if funding comes on stream additional units may be delivered.

Health and wellbeing

- 10.48 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. The scheme will deliver housing in a sustainable location with access to services, facilities and public transport links.

Economic Growth

- 10.49 The proposal will boost the supply of housing as sought by Government through the NPPF. The development would provide a degree of local employment during construction of a site which is considered sustainable.

Other considerations

- 10.50 *Fire hydrants*- Cambridgeshire Fire and Rescue Service require the provision of fire hydrants be secured through an appropriately worded planning condition
- 10.51 *Loss of property value* – case law has determined that this is not a material planning consideration and therefore no weight should be given to this point.

Planning Balance

- 10.52 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. Furthermore the proposal would contribute towards economic growth, including job creation during the construction phase and in the longer term through additional population assisting the local economy. Whilst the proposal will result in the loss of a small parcel of agricultural land this consequence is accepted.
- 10.53 The proposal offers potential landscaping and biodiversity features through the sustainable urban drainage and landscape buffers located within the eastern part of the site. The visual impacts of the development are considered to be acceptable given the limited harm.
- 10.54 Having fully assessed the proposal it is considered that the development, subject to detailed design, will:
- Provide a supply of housing to meet current and future generations;
 - Promote healthy, active lifestyle through green space provision and links to the Estover Playing field to the west;
 - Maximise opportunities for use of public transport, walking and cycling;
 - Manage flood risk and drainage effectively;
 - Have no significant adverse impacts on features of landscape or ecological value; and
 - Contribute to affordable housing, Library services, education, public realm enhancements and highways infrastructure (in the form of bus stop enhancement and real time information services)

Conditions

- 10.55 From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).
- 10.56 The applicant's agent has been advised of the proposed conditions. Therefore, should the application be approved and the consent granted with the proposed conditions after 1st October 2018, it is considered that the requirements of section 100ZA(5) will have been met subject to the confirmation by the applicants agent being received.

10.57 The proposed conditions are as follows:

- Archaeological investigation (condition 4 below)
- Surface Water Drainage scheme (condition 8 below)
- Foul water drainage scheme (condition 13 below)
- Construction Management Scheme (condition 17 below)

10 CONCLUSIONS

11.1 Based on the above evaluation the proposal is considered to constitute sustainable development. There are no overriding material considerations that indicate that permission should not be granted and the application should therefore be approved subject to the recommended obligations and conditions.

11 RECOMMENDATION

GRANT subject to:

i) Completion of a Section 106 Agreement. Should the applicant be unwilling or unable to complete s.106 agreement within 4 months from the date of committee approval, that delegated powers be passed to Officers to refuse the application.

ii) Conditions listed below

1. Approval of the details of:
i. the layout of the site;
ii. the scale of the building(s);
iii. the external appearance of the building(s);
iv. the landscaping
(hereinafter called “the Reserved Matters” shall be obtained from the Local Planning Authority prior to the commencement of development).
Reason – To enable the Local Planning Authority to control the details of the development hereby permitted.

2. 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.
Reason – To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

3. 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.

Reason – To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

4. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and

approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.

Reason – To secure the provision of the investigation and recording of archaeological remains and the reporting and dissemination of the results in accordance with Policy LP19 of the Fenland Local Plan Adopted May 2014.

A pre-commencement condition is necessary in order to ensure that any material of historic merit is not lost or destroyed through the development which will need to be established at construction stage.

5. Prior to the commencement of the access construction/highway works and notwithstanding the submitted plans, details of a 1.8m footway along the north of Estover Road (connecting the development frontage with Station Road) shall be submitted to and approved in writing by the Local Planning Authority. Submitted plans should include kerbing, drainage, levels, methods of construction and street lighting. The approved plans will then be constructed and completed prior to first occupation.

Reason: In the interests of highway safety and adequate pedestrian access in accordance with Policies LP15 and LP16 of the Fenland Local Plan, 2014.

6. Prior to the first occupation of the development, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site in accordance with Policies LP15 and LP16 of the Fenland Local Plan, 2014. .

7. Prior to the commencement of the access construction/highway works and notwithstanding the submitted plans, details of the bus stop improvements to the nearest functioning bus stops to the site shall be submitted to and approved by the Local Planning Authority. Submitted details should include kerbing, levels, drainage, bus stop furniture and methods of construction. The approved plans will then be constructed and completed prior to first occupation.

Reason: In the interest of highways safety in accordance with Policies LP15 and LP16 of the Fenland Local Plan, 2014.

8. Prior to the commencement of the access construction/highway works, details of the pedestrian crossing improvement on Station Road shall be submitted to and approved by the Local Planning Authority. Submitted plans should include kerbing, drainage, levels, methods of construction and street lighting. The approved plans will then be constructed and completed prior to first occupation.

Reason: In the interests of highway safety and adequate pedestrian access in accordance with Policies LP15 and LP16 of the Fenland Local Plan, 2014.

9. Prior to the first occupation of the development visibility splays shall be provided each side of the vehicular access. Minimum dimensions to secure the required splays shall be 2.4m, measured along the centre line of the

proposed access from its junction with the channel line of the highway carriageway, and 43m, measured along the channel line of the highway carriageway from the centre line of the proposed access. The splays shall be thereafter maintained free from any obstruction

Reason: In the interests of highway safety and adequate pedestrian access in accordance with Policies LP15 and LP16 of the Fenland Local Plan, 2014.

10. Prior to the commencement of the access construction/highway works a full Travel Plan detailing how the development will achieve the minimum number of car traffic movements to/from the site, how it will address the access needs of the residents of the site, by supporting walking, cycling and public transport and how the development will reduce the need for travel to/from the site shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall be implemented as approved.

Reason – To reduce the need for private travel in order to achieve sustainable development in accordance with Policies LP15 and LP16 of the Fenland Local Plan, 2014.

11. Prior to first occupation of the development hereby approved details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason – To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy LP15 of the Fenland Local Plan, 2014

12. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details prior to occupation of the first dwelling.

The scheme shall be based upon the principles within the agreed Surface Water Management Note prepared by Cannon Consulting Engineers dated 20 July 2018 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- d) Full details of the proposed attenuation and flow control measures;
- e) Temporary storage facilities;

- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - g) Full details of the maintenance/adoption of the surface water drainage system;
 - h) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
 - i) A timetable for implementation;
- The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

Reason - To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development

A pre-commencement condition is necessary in order to ensure that a suitable surface water drainage scheme is agreed.

13. Prior to the commencement of the development hereby permitted, a scheme and timetable for the provision and implementation of foul water drainage shall be submitted and approved in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved which shall thereafter be retained in perpetuity.

Reason - To ensure a satisfactory method of foul drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies LP14 and LP16 of the Fenland Local Plan, 2014.

A pre-commencement condition is necessary in order to ensure that a suitable foul water drainage scheme is agreed.

14. Prior to first occupation of the development hereby approved details of a range of bird nest boxes and bat roosting features shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the numbers, designs and location within the site. The agreed details shall then be implemented and retained in perpetuity.

Reason - To protect the habitats of protected species in accordance with Policy LP19 of the Fenland Local Plan 2014.

15. The development hereby approved shall be carried out in accordance with the recommendations contained within the Preliminary Ecological Appraisal (November 2014) and Addendum dated March 2017. Should the development not take place within two years of the date of this permission, an updated ecological survey shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved updated ecological survey and any mitigation measures contained in the updated survey shall be fully implemented on site at the relevant stages of work.

Reason - To protect the habitats of protected species in accordance with Policy LP19 of the Fenland Local Plan 2014.

16. Prior to/or concurrently with the submission of any Reserved Matters application for the development an Amphibian Survey shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved amphibian survey and any mitigation measures contained in the survey shall be fully implemented on site at the relevant stages of work.

Reason - To protect the habitats of protected species in accordance with Policy LP19 of the Fenland Local Plan 2014.

17. No development shall take place until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicle of site operatives and visitors
- routes for construction traffic
- hours of operation
- method of prevention of mud being carried onto highway
- pedestrian and cyclist protection
- any proposed temporary traffic restrictions and proposals for associated safety
- Signage

Reason - To prevent harm being caused to the amenity of the area in accordance with the provisions of Policies LP2 and LP16 of the Fenland Local Plan, 2014.

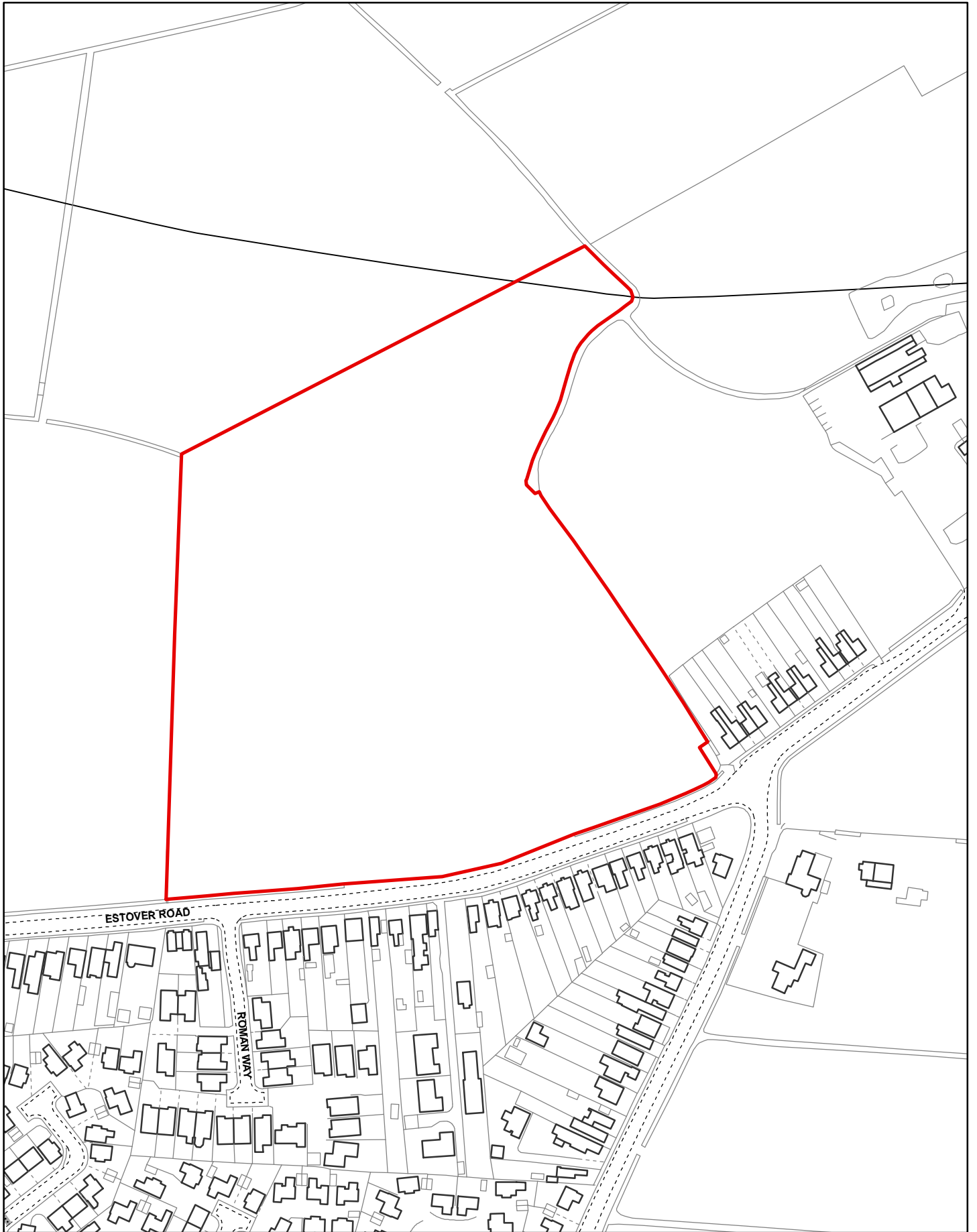
A pre-commencement condition is necessary in order to ensure that the construction processes are managed so as to avoid harm to residential amenity and the highway network.

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18. Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to the occupation of the first dwelling.

Reason: In the interests of the safety of the occupiers and to ensure there are available public water mains in the area to provide for a suitable water supply in accordance with infrastructure requirements within Policy LP13 of the Fenland Local Plan 2014.

- 19 Approved plans.



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No.	Revisions	By	Date

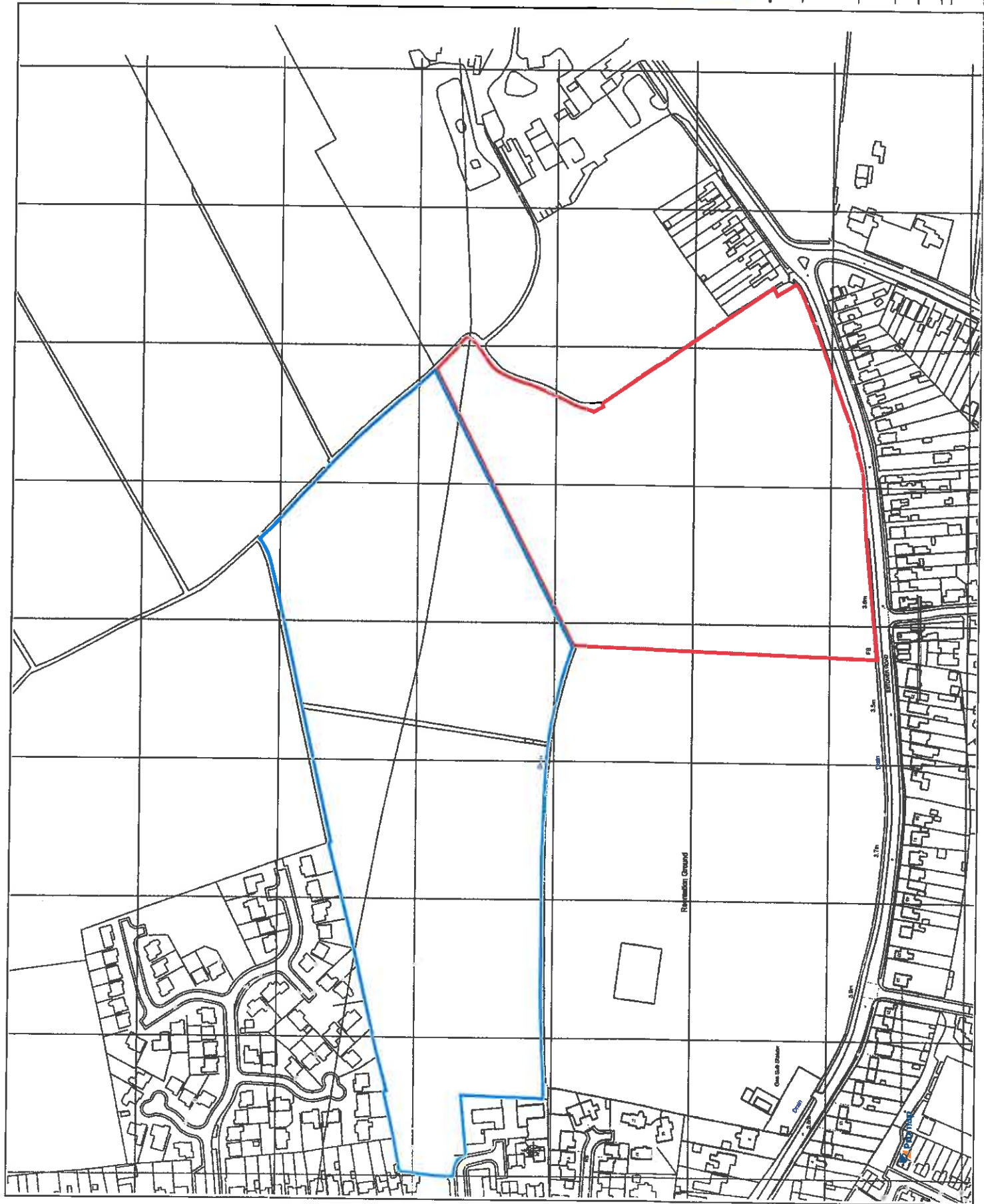


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Client: **St. John's College, Cambridge**
 Job: **Proposed Residential Development
 Eastover Road, March**

Drawing Title: **Site plan**

Scale: 1:1250 @A1	Date: JULY 2015
Drawn by: NR	Approved by: AH
Drawing No: 306 / 743 / 002	Job No: 306743





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No.	Revisions	By	Date


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Client
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Job
**Proposed Residential Development
 Estover Road, March**

Drawing Title
Indicative block plan

Scale 1:2500 @A3	Date JULY 2015
Drawn By NR	Approved By AH
Drawing No 306 / 743 / 003	Rev Job No CAUD 306743