
F/YR22/0640/O

Applicant: Mr J Ogden

**Agent : Mr Nigel Lowe
Peter Humphrey Associates Ltd**

Land West Of Broadlands, Whitemoor Road, March, Cambridgeshire

Erect up to 3no. dwellings (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Town Council comments contrary to Officer recommendation.

1. EXECUTIVE SUMMARY

- 1.1. The application site is currently an overflow parking area alongside grassland that is located to the west of Broadlands, Whitemoor Road. The plot is roughly rectangular in shape with the majority laid to grass, there are mature conifer trees that bound the plot. The proposal indicates that it will utilise the existing access and culvert (this is not committed).
- 1.2. The proposal is an Outline planning application for the three detached dwellings on the land, with all matters reserved. As this application is Outline only, the main issue for consideration is whether the principle of development in this location is appropriate.
- 1.3. Policy LP3 seeks to steer development to the most sustainable areas. The site is considered within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as an 'Elsewhere' location. Development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant has not demonstrated that there would be an 'essential' need, as required in order to satisfy the test set under LP3 and LP12 of the Fenland Local Plan 2014 and as such the proposal fails to comply with these policies.
- 1.4. The development proposed would see up to three detached dwellings positioned on land, of which the majority is undeveloped grass land bounded by large mature trees, that currently forms a distinct and natural demarcation between the development to the east and the countryside to the west at Whitemoor Road. The development would result in a significant detrimental impact on the character and visual amenity of the area and would fail to enhance the local setting, arguably creating a precedent for further development into the countryside.
- 1.5. The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.
- 1.6. Overall, the proposed development is considered to be unacceptable, and the

recommendation is one of refusal.

2. SITE DESCRIPTION

2.1. The application site is currently an overflow parking area alongside grassland that is located to the west of Broadlands, Whitemoor Road. The plot is roughly rectangular in shape with the majority laid to grass, there are mature conifer trees that bound the plot. The proposal indicates that it will utilise the existing access and culvert (this is not committed).

3. PROPOSAL

3.1. The application seeks outline planning permission for 3 no. dwellings at the site; all matters (Access, Appearance, Landscaping, Layout and Scale) are reserved.

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

[F/YR22/0640/O | Erect up to 3no. dwellings \(outline application with all matters reserved\) | Land West Of Broadlands Whitemoor Road March Cambridgeshire \(fenland.gov.uk\)](#)

4. SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR00/1081/F	Change of use of agricultural land to hardstanding for parking of trade and domestic vehicles	Granted	30/03/2001

5. CONSULTATIONS

5.1. **March Town Council**
Recommend approval.

5.2. **Environmental Health (FDC)**
The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate.

However, as part of the proposed development site appears to be made ground, I would recommend the 'UNSUSPECTED CONTAMINATED LAND' condition should be imposed in the event planning consent is granted.

5.3. **Environment Agency**
We consider that the main source of flood risk at this site is associated with

watercourses under the jurisdiction of the relevant Internal Drainage Board (IDB). As such, we have no objection to the proposed development on flood risk grounds.

Advice to LPA

In accordance with paragraph 162 of the National Planning Policy Framework, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk. Our national flood risk standing advice reminds you of this and provides advice on how to do this.

The IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals. In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

5.4. Middle Level Commissioners

No comments received.

5.5. Cambridgeshire County Council Highways

Highways have no objections to this application.

5.6. Local Residents/Interested Parties

No representations received.

6. STATUTORY DUTY

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

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context – C1

Identity – I1

Built Form – B2

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

- LP12 – Rural Areas Development Policy
- LP13 – Supporting and Managing the Impact of a Growing District
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District

Emerging Local Plan

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

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

Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

Cambridgeshire Flood and Water SPD 2016

March Neighbourhood Plan 2017

- H2 – Windfall Development
- H3 – Local Housing Need

8. KEY ISSUES

- **Principle of Development**
- **Design Consideration and Visual Amenity of the Area**
- **Residential Amenity/Health and wellbeing**
- **Flood Risk**

9. ASSESSMENT

Principle of Development

9.1. Policy LP3 seeks to steer development to the most sustainable locations, focusing the majority of growth around the four market towns (March, Wisbech, Chatteris and Whittlesey) and promotes making the most of previously developed land.

Whilst addressed as March and being considered as previously developed land through a grant of planning permission in March 2001 under planning ref. F/YR00/1081/F, the site is physically divorced from the main settlement being located a significant distance from the main built-up area. The application site is therefore located outside of the settlement of March and as such is identified within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as an 'Elsewhere' location.

9.2. Development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services and any such development will be subject to a restrictive occupancy condition.

9.3. Policy LP12 – Part D of the Fenland Local Plan 2014 is relevant for considering proposals for new dwellings in areas away from market towns and villages. To determine such proposal, an applicant should provide supporting evidence as part of the application to prove a demonstrable need, including information regarding the following areas listed as items a-e;

a) The existing functional need for the dwelling

No information has been provided in this regard.

b) The number of part time and full time worker(s) to live in the dwelling

No information has been provided in this regard.

c) The length of time the activity has been established

No information has been provided in this regard.

d) The availability for other suitable accommodation on the site or in the area

No information has been provided in this regard.

e) How the proposed size of the dwelling relates to the viability of the enterprise

No information has been provided in this regard; however, this application is outline with all matters reserved; the scale of the proposed dwellings would be considered at the Reserved Matters stage.

9.4. Whilst the policies of the emerging local plan carry extremely limited weight in decision making the following are relevant to this application:

Policy LP1, Part A identifies March as a Market town; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement and Part C would not be applicable as the development is not considered to adjoin the settlement and would be located in an area of flood risk. LP40 defines residential site allocations in March and this site does not have such an allocation. As such the proposal is also considered contrary to the aforementioned policies of the emerging local plan.

- 9.5. In light of the above the proposal clearly fails to demonstrate compliance with Policies LP3 and LP12 of the Fenland Local Plan 2014.

Design Consideration and Visual Amenity of the Area

- 9.6. The application is for Outline planning permission with all matters reserved, hence the detailed matters in relation to layout and appearance cannot be considered at this stage. Notwithstanding this, the site marks a transition point between the interspersed development along Whitemoor Road to the east and the open countryside to the west. The development proposed would see up to three detached dwellings positioned on land, of which the majority is undeveloped grass land, that currently forms a distinct and natural demarcation between the development to the east and the countryside to the west at Whitemoor Road. Furthermore, it is noted that within the submitted indicative site plan the large mature conifer trees that front the site would be removed and replaced with a conservation hedge, affording increased views of the proposed three detached dwellings. Overall, this would result in a significant detrimental impact on the character and visual amenity of the area and would fail to enhance the local setting, contrary to Policy LP16 (d) of the Fenland Local Plan 2014 and DM3 of the Delivering and Protecting High Quality Environments in Fenland 2014.

Residential Amenity/Health and wellbeing

- 9.7. The submitted application is for Outline Planning permission with all matters reserved, hence the impact on the residential amenity of adjoining properties cannot be fully assessed.
- 9.8. The site is relatively large and as such there is scope to provide acceptable relationships between the proposal and surrounding dwellings and to provide a minimum of a third of the plot for private amenity space, as required by Policy LP16 (h) of the Local Plan.

Flood Risk

- 9.9. The site lies in Flood Zone 3, the highest risk of flooding; Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.
- 9.10. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report. Given that the site is considered outside the settlement, the scope for the sequential test would need to be the whole of the rural area), as set out in the Flood Risk Sequential Test Methodology 2018.

- 9.11. The application has been accompanied by a Flood Risk Assessment which states that if the River Nene (Old Course) defences are considered the site has a low probability of flooding and the development is considered to pass the Sequential Test. This is insufficient as both the National Planning Practice guidance and the SPD stipulate that existing defences should not be taken into account. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD clearly sets out the stages that are required; the developer should identify and list reasonably available sites irrespective of land ownership within the search area which could accommodate the proposal, obtain flood risk information for all sites and apply the sequential test by comparing the flood risk from all sources on the sites identified; this has not been done.
- 9.12. The application is accompanied by a Sequential and Exception Test which advises that the area of search is March rather than the whole rural area, Officers disagree with this as the site is considered to be outside the settlement of March and as such the Sequential Test is considered to fail.
- 9.13. Notwithstanding this, even if the site was considered part of the settlement and the search area was March, the Sequential Test is considered to be inadequate as it discounts smaller/larger sites, specifies a type of dwelling (where all matters are reserved in this case so this is unknown) and does not consider whether there are sites in Flood Zone 3 at lesser risk of flooding.
- 9.14. Planning Practice Guidance (Paragraph: 028 Reference ID: 7-028-20220825) states that: 'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.
- 9.15. Even if the Sequential Test could be passed the Exception Test would also need to be passed. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site-specific flood risk assessment must demonstrate that the development will be safe from all sources of flooding and will not increase flood risk elsewhere.
- 9.16. Para 4.5.9 of the adopted Cambridgeshire Flood and Water SPD advises that provision of housing by itself would not be considered a wider sustainability benefit. The Exception Test indicates that the proposal would utilise renewable energy solutions, however the application is in outline only and as such this is not detailed (though it would be possible to condition a scheme). It also relates to biodiversity mitigation/enhancement measures and landscaping which would be required irrespective of flood risk and as such this is not a benefit.
- 9.17. The Environment Agency (EA) do not object to the application but have stated the main source of flood risk at this site is associated with watercourses under the jurisdiction of the relevant Internal Drainage Board (IDB). The EA have stated that in accordance with paragraph 162 of the National Planning Policy Framework, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

10. CONCLUSIONS

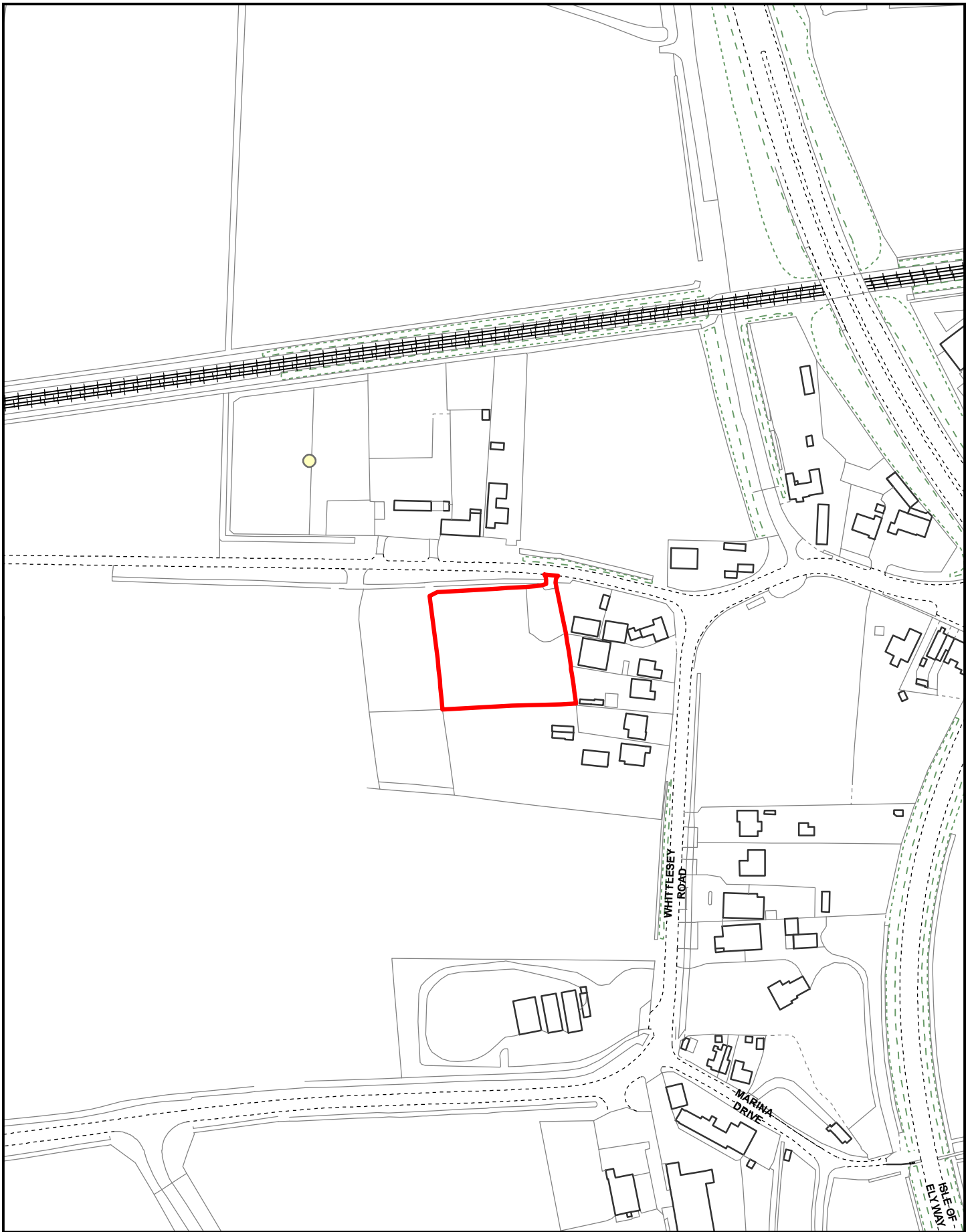
- 10.1. Policy EP3 seeks to steer development to the most sustainable areas. The site is considered within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as an 'Elsewhere' location. Development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant has not demonstrated that there would be an 'essential' need, as required in order to satisfy the test set under LP3 and LP12 of the Fenland Local Plan 2014 and as such the proposal fails to comply with these policies.
- 10.2. The development proposed would see up to three detached dwellings positioned on land, of which the majority is undeveloped grass land bounded by large mature trees, that currently forms a distinct and natural demarcation between the development to the east and the countryside to the west at Whitemoor Road. The development would result in a significant detrimental impact on the character and visual amenity of the area and would fail to enhance the local setting, arguably creating a precedent for further development into the countryside.
- 10.3. The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.
- 10.4. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

11. RECOMMENDATION

Refuse; for the following reasons:

1.	<p>To promote sustainable development in rural areas, Policy LP3 of the Fenland Local Plan 2014 seeks to restrict development in areas outside of settlements to that which is a demonstrably essential for the effective operation of land-based enterprise. This determination is determined through the criteria as set out under Policy LP12 Part D.</p> <p>The proposal is not in relation to such an enterprise and the application fails to demonstrate an essential, functional need for a full-time worker to be readily available at most times on the site. This is contrary to the criteria of LP12 Part D and therefore conflicts with Policy LP3 of the Fenland Local Plan 2014 as the proposal would result in the provision of three unwarranted dwellings.</p>
2	<p>Policy LP16 (d) of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 seek to ensure that development makes a positive contribution to the local distinctiveness and character of the area, that the character of the landscape, local built environment and settlement pattern inform the layout and scale of development and that proposals do not adversely impact the streetscene or landscape character of the surrounding area.</p> <p>The site marks a transition point between the interspersed development along Whitemoor Road to the east and the open countryside to the west. The</p>

	<p>development proposed would see up to three detached dwellings positioned on land, of which the majority is undeveloped grass land bounded by large mature trees, that currently forms a distinct and natural demarcation between the development to the east and the countryside to the west at Whitemoor Road. Overall, this would result in a significant detrimental impact on the character and visual amenity of the area and would fail to enhance the local setting, arguably creating a precedent for further development into the countryside, contrary to Policy LP16 (d) of the Fenland Local Plan 2014 and DM3 of the Delivering and Protecting High Quality Environments in Fenland 2014.</p>
3	<p>The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.</p> <p>Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail and the development is contrary to the aforementioned policies.</p>



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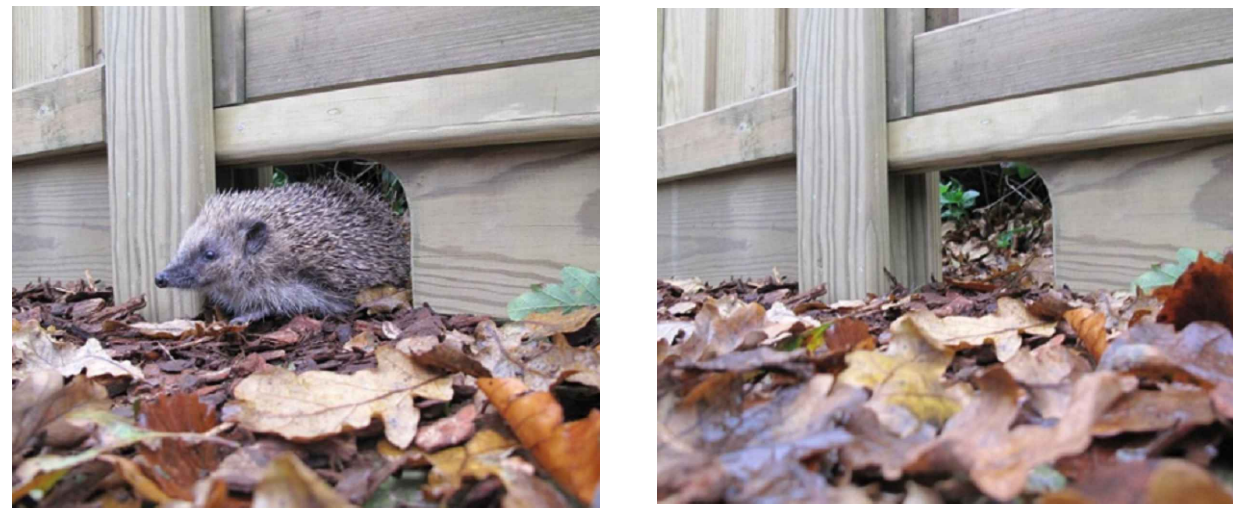
F/YR22/0640/O

Scale = 1:2,500





Woodstone Sparrow nest box
1 to each North elevation plots 1 & 2



Boundary fence to have 1 hedgehog gravel board to each boundary



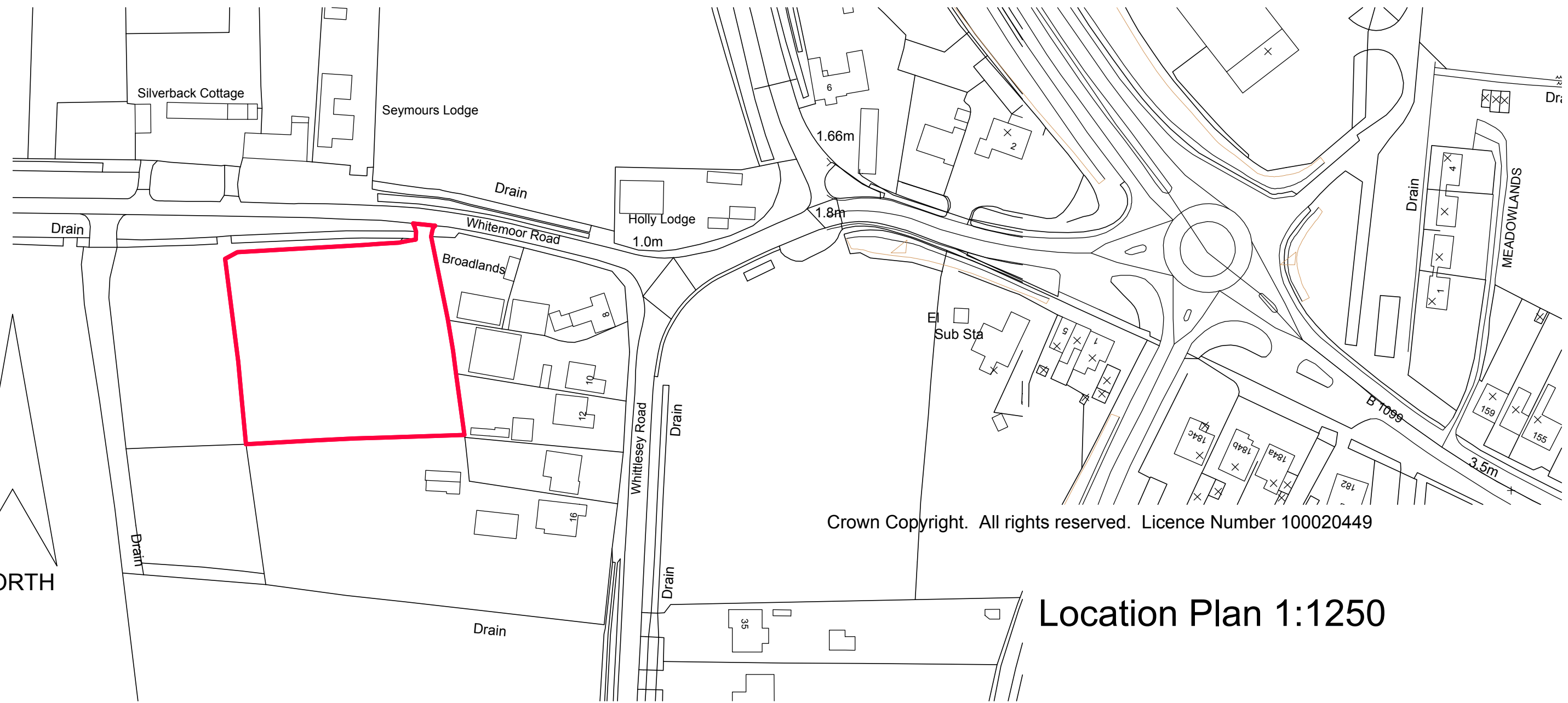
Schwegler triple cavity swift box
1 to each East elevation plots 2



Eco House Martin nest
1 to each East elevation plots 2



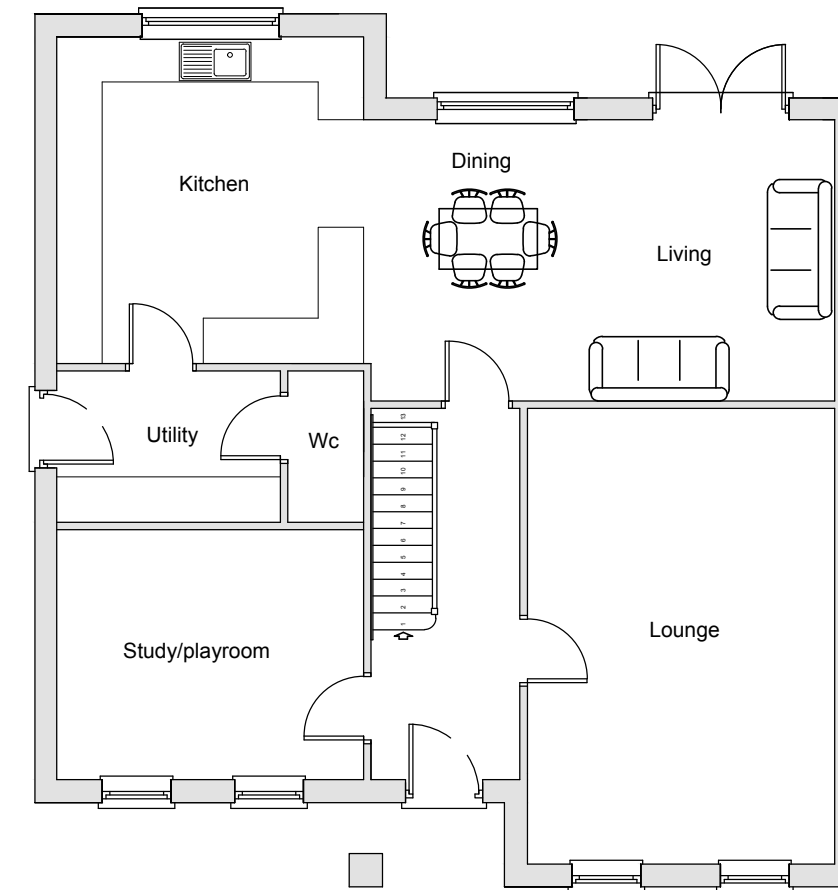
NHBS Habitat bat box
One on each East
Elevation plots
1 & 3



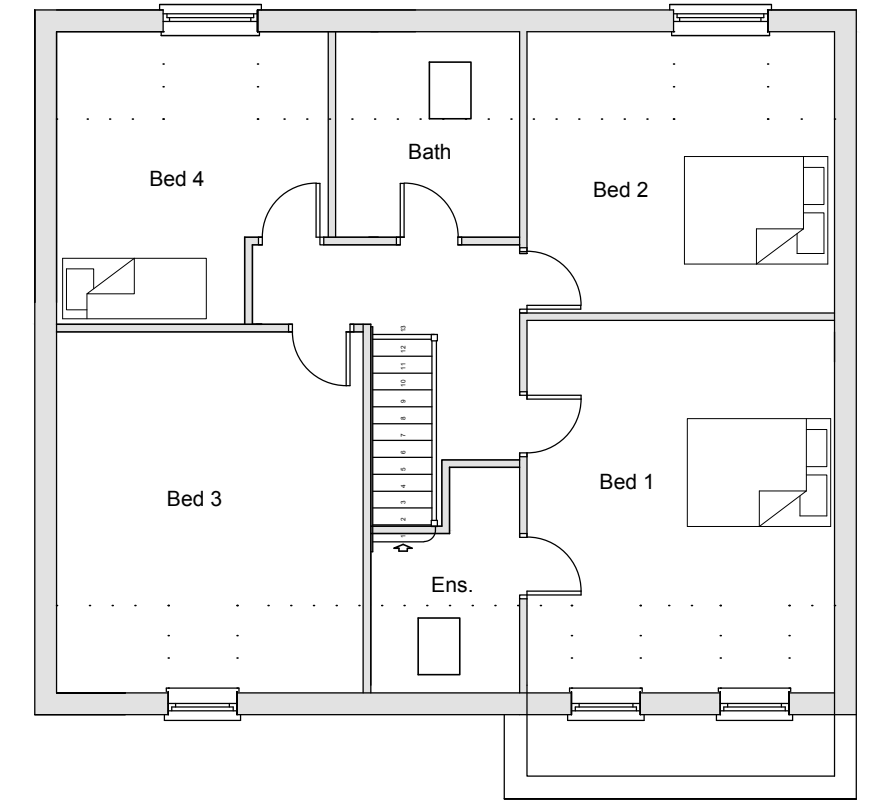
Location Plan 1:1250



INDICATIVE FRONT ELEVATION
SCALE 1:100



INDICATIVE FLOOR LAYOUTS
SCALE 1:100



Indicative Site Plan 1:500

CONSERVATION HEDGE TO INCLUDE
50% HAWTHORN, AND 10% EACH OF THE
FOLLOWING BLACKTHORN, DOG ROSE,
DOGWOOD, HAZEL, CRAB APPLE

REVISIONS



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CLIENT

Mr J. Ogden

PROJECT

SITE
LAND WEST OF BROADLANDS
WHITEMOOR ROAD
MARCH
PE15 0AF

DRAWING

6534-PL01a

JOB NO.

6534

PAPER SIZE

A1

DATE

April 2022

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regulations. Nevertheless, the design phase has been carried out with due
consideration for the safety during construction, occupation and maintenance of
the finished project. No extraordinary hazards or risks were identified outside of
the routine construction operations that would not already be apparent to a
competent contractor.