

APPLICATION NO: F/YR21/0078/RM

SITE LOCATION: Land North of The Green and North of 145-159 Wisbech Road, March

UPDATES**1. Neighbour representations**

1.1 1x Further letter of objection received from resident of Cavalry Drive, March raising the following concerns;

- Access
- Density/Over development
- Drainage
- Environmental Concerns
- Flooding
- Loss of view/Outlook
- Noise
- Overlooking/loss of privacy
- Parking arrangements
- Wildlife Concerns
- Would set a precedent

Officer response

Whilst it is considered that the above matters have been addressed in the officer report, the resident also queries the deliverability of the affordable housing scheme since the change of County Council administration and CPCA Mayor. The applicant has not raised any concerns over this and Officers do not consider that it is material to the acceptability of the application before the LPA.

2. S106 implications

2.1 CCC have considered the implications of the proposal on the S106 which currently secures financial contributions toward education, libraries and cycle infrastructure and have objected to the proposed changes to the S106 (see attached correspondence dated 28 May 2021).

2.2 NHS England have also reviewed the proposal and S106 implications and have raised an objection to the proposed changes to the S106 (see attached correspondence dated 27 May 2021).

Officer response

2.3 As set out in 9.42 of the report, there is currently a waiting list for 589 affordable homes in the March area, with at least 191 of those on the waiting list already living in March and therefore already placing demands on County Council and NHS run services. It could therefore be argued that the development would not necessarily see an increase in population to March but instead would, in the main, accommodate existing March

residents. S106 contributions should be sought solely to mitigate the impact of the development. In this instance, the future occupiers of the development already impact on existing services and therefore the development would not be required to mitigate again. This is the rationale for section 4.2 of the Councils' Developer Contributions SPD. This is notwithstanding the known viability issues identified across Fenland which would indicate that the financial contributions secured at outline stage (pre-FDC's viability work) would perhaps be unlikely to be realised in any case.

- 2.4 CCC have also raised concerns over the legalities of varying the terms of the S106, given that the approval of reserved matters does not constitute the granting of a planning permission.
- 2.5 It is acknowledged that the deed of variation (DoV) to the S106 would need to be undertaken via a legal process, separate to this reserved matters application and requires all parties to agree to it. The applicant acknowledges this but is seeking an in principle approval of the DoV from FDC, having regard to the effect of the reserved matters on the current S106, before progressing the DoV. The applicant also acknowledges that they would require the agreement of CCC (as well as FDC) to vary the S106 and have advised their intention would be to work with CCC to understand and hopefully resolve their concerns.

Resolution:

Having carefully considered the additional comments received, the Officers recommendation is to Approve the application as per section 11 of the Officer's report.

Email from CCC Education dated 28 May 2021

From: Colum Fitzsimons <Colum.Fitzsimons@cambridgeshire.gov.uk>

Sent: 28 May 2021 08:18

To: Gavin Taylor <GTaylor@fenland.gov.uk>

Subject: RE: F/YR21/0078/RM - reserved matters application relating to 118 dwellings at land north of the Green, Wisbech Road, March

Hello Gavin

I have discussed this issue with our legal team and have the following comments:

- The SPD states that “Planning obligations will not normally be sought from.....affordable housing”. At the time the application was considered and in accordance with the relevant policies a planning obligation was required as a pre-requisite to granting planning permission. The 16th January 2020 agreement was entered into on the basis that the obligations were necessary to make the development acceptable in planning terms.
- The need for the contributions in relation to the CIL tests remains and without them the impact of the development on infrastructure will not be satisfactorily mitigated.
- A submission for approval of reserved matters will not result in the granting of a new planning permission and it is not a basis for varying the terms of the s106 agreement.
- There is no requirement under s106A for the County Council to agree to a variation to the s106 this stance is justified by reference to policy, and again it is worth reiterating that the impact on infrastructure still needs to be mitigated.
- The s106 agreement was entered into voluntarily by the Owner and is binding on subsequent owners. It is a matter for owners and subsequent owners/developers to consider the s106 when agreeing terms and to ensure that the obligations are incorporated into future business plans.
- The funding and delivery of affordable housing is a matter for registered providers in partnership with the other funding agencies such as Homes England, the Combined Authority and Fenland District Council. It is not for the County Council to cross-subsidise the delivery of affordable housing projects from budgets and funds dedicated towards meeting its own statutory duties.

Therefore, the County Council does not consider it appropriate at this stage to agree to the proposed deed of variation.

Regards

Colum

Colum Fitzsimons

Development and Policy Manager

Email from NHS England dated 27 May 2021

From: STONE, Jonathan (NHS CAMBRIDGESHIRE AND PETERBOROUGH CCG) <j.stone@nhs.net>

Sent: 27 May 2021 16:57

To: Gavin Taylor <GTaylor@fenland.gov.uk>

Cc: Premisesandestates (NHS CAMBRIDGESHIRE AND PETERBOROUGH CCG)

<capccg.premisesandestates@nhs.net>

Subject: RE: F/YR21/0078/RM - reserved matters application relating to 118 dwellings at land north of the Green, Wisbech Road, March (Outline permission F/YR17/1127/O)

Hi Gavin

Thanks for your e-mail

The Primary Care providers in the immediate vicinity of the development do not have enough capacity to cater for population growth that will be seen from a further 118 dwellings.

In addition the relative deprivation is higher within March and the surrounding Fenland area compared to the CCG and national average.

The development will only serve to increase the pressure on an already strained Primary care service in the area.

We would therefore like to formally challenge the removal of the primary healthcare contribution of £42,435 from the Section 106 agreement.

Kind Regards,

Jonathan Stone

Primary Care Service Improvement Officer

Telephone External: 03 300 571 030 Extension 2970

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