
F/YR21/0887/F

**Applicant: Mr P Burke
Force One Ltd**

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

**Land North West Of Middle Level Commissioners, Whittlesey Road, March,
Cambridgeshire**

**Erect 1 x office/workshop, 1x vehicle workshop and 1 x training centre, 2.4m high
(approx) fence and formation of car park and associated infrastructure**

Officer recommendation: Refuse

**Reason for Committee: Town Council comments and number of representations
received contrary to officer recommendation.**

1 EXECUTIVE SUMMARY

- | | |
|-----|---|
| 1.1 | This is an unacceptable proposal on a site in a sensitive location in the rural area, located just beyond the western edge of the town of March. The proposal, therefore, falls to be considered against the policies of restraint that apply to the rural area - principally FLP Policy LP3 - to protect the attractive undeveloped rural character. The proposal would be a significant urbanisation of the countryside. |
| 1.2 | The development would also be contrary to settlement policy for the District more generally, as set-out in FLP LP3, which seeks to direct new development to the most accessible and sustainable locations - generally within the four market towns in the District and certain other identified villages. |
| 1.3 | This is not a sustainable location. There would be a high reliance on use of the private car by staff to get to and from the site because of its location on an unlit road with no footpaths. |
| 1.4 | The site is within Flood Zone 3 - that is, is in an area at the highest risk of flooding - in respect of which a sequential test is required to be passed (as per FLP Policy LP14 and the NPPF) to establish if there are alternative suitable sites at lesser flood risk that should be developed in preference to a site within Flood Zone 3. The purpose of the sequential test is to direct new development to sites at the least risk of flooding. In this instance, the sequential test is not considered to be passed. There has been no systemic assessment of allocated employment sites across the District to establish if suitable alternative sites, with lower flood risk, are available. In the absence of evidence to the contrary, it has, therefore, to be concluded that the proposals will put people and property at an unnecessarily high risk of being affected by flooding. |

2 SITE DESCRIPTION

- 2.1 This undeveloped 2.9 ha greenfield site lies on the south side of Whittlesey Road, March, in the countryside outside of and functionally isolated from the town. The land is in agricultural use.
- 2.2 On the west side of the site are the offices and depot of the Middle Level Commissioners, which are spaciouly situated within their grounds, whilst adjoining to the east are the offices and depot for Fenn Holidays operating from buildings set well-back from the road.
- 2.3 To the north and north-west the site looks out to open agricultural land. To the south is the River Nene. The northern boundary of the site to Whittlesey Road is marked by a hedgerow and, beyond this, drainage dyke.
- 2.4 The overall character of the location is of a loose scattering of development within a predominantly undeveloped rural environment.

3 PROPOSAL

- 3.1 The application seeks full planning permission to the develop the site as a base for an existing local firm, Force One, that is currently split between two sites elsewhere in March, one of these in Thorby Road, where offices are provided, the other in Longhill Road, which is used for vehicle storage. The purpose is to consolidate the firm's operations in March onto one site.
- 3.2 On behalf of the applicant the following statement has been provided:

"Force One Ltd has grown in previous years but in doing so it has been forced to operate from 2 sites due to a lack of other suitable sites in the area. Operating from multi sites is less than ideal for management aspects but also for staff development. Having a site where all aspects of the business can operate from will aid staff development and will increase employment opportunities in the area. Force One Ltd is an employer of approximately 50 people working in the field and at the offices. The field staff consists of a variety of specialist and skilled operatives. The ability to create a training centre will facilities the continual staff training required. Furthermore, the (above) development will aid the continued growth for the business. Support for such businesses should be encouraged as these businesses provide additional work for other local businesses and the wider community."

3.3 More specifically, three buildings are sought:

- a commercial- style building to be used for training purposes, including a commercial vehicle workshop, overall dimensions 15m wide x 15m deep, the office part of the building being of flat-roofed design, the vehicle workshop being of shallow pitched roof design - total combined footprint 225 square metres;
- a commercial “vehicle-shed” footprint 30m wide x 30m deep, of half-round roof-design, footprint 900 square metres;
- a commercial building to be used in part as offices but in part as a vehicle workshop - footprint 1,080 square metres.

3.4 The following related works are also proposed:

- the formation of a vehicle access from Whittlesey Road and, linked to this, the laying of an internal access road that will run through the site in a circular fashion, providing access to each of the proposed buildings, so allowing vehicles to enter and leave the site in forward gear;
- the enclosure of the site with 2.4m high steel palisade fencing;
- the creation of a landscaped buffer strip along the site’s eastern boundary including the planting of a new hedgerow on the boundary itself;
- in addition, there would be landscaping internal to the site

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

<https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

4.1 No planning history.

5 CONSULTATIONS

5.1 **Town Council:** *Recommends approval.*

5.2 **CCC (Highway Authority):**

No objections to the proposals as revised, subject to any planning permission being granted with conditions relating to the provision of access to the site and parking for the development.

I have looked through the revised layout and supporting information. I agree that the access in respect of tree and culvert can be agreed at the s278 stage so in that regard I would not have a problem with that approach (unless the tree cannot be touched or is impacted to the extent that the tree officer requires its retention).

The following condition can deal with the access, which has been made pre-commencement as there is no safe available access without it:

1. No part of the development shall begin until full details of the layout and construction of the vehicle access have been submitted and approved in writing by the local planning authority. Development shall not commence until the access has been sited and constructed in accordance with the approved details.

Reason: for the safety and convenience of users of the highway and of the access. The developer will be required to enter into a s278 for works within the highway. The applicant should contact the Highways Development Management team for help and advice on the information required to be submitted in order to complete this process;

Further condition for parking:

2. Prior to the first occupation of the development the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

While I have included some conditions above, I have to reiterate my concerns for the site in terms of sustainability and lack of facilities to access the site by non-motorised modes. As previously mentioned the site is a rural location without footways or street lighting. I acknowledge that there are other employment facilities nearby and they all suffer from the same lack of facilities. This is not justification to continue to generate more trips outside more sustainable locations and with non-motorised trips along roads without suitable facilities with resultant conditions of danger and inconvenience to those users. I would also add this is not a small-scale operation - according to the application there will be 56 employees. Based on the above I would suggest that there are strong arguments to justify refusal of planning permission on sustainable grounds.

5.3 **CCC (LLFA):**

No objections subject to a condition being applied to any planning permission relating to the submission to and agreement by the LPA of the SuDS details relating to the development.

We have reviewed the following documents:

□ Flood Risk Assessment & Drainage Strategy, MTC Engineering, 2638-FRA&DS-RevBJan2022,

□ Technical Note, MTC Engineering, SEC/2638, January 2022

*Based on these, as Lead Local Flood Authority (LLFA) we have **no objection in principle** to the proposed development.*

We request the following condition is imposed:

Condition

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Flood Risk Assessment & Drainage

Strategy report prepared by MTC Engineering (ref: 2638-FRA&DS-RevB-Jan2022) dated January 2022 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, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross-sections);
- e) Site Investigation and test results to confirm infiltration rates;
- f) Temporary storage facilities if the development is to be phased;
- g) A timetable for implementation if the development is to be phased;
- h) 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;
- i) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- j) Full details of the maintenance/adoption of the surface water drainage system;
- k) Measures taken to prevent pollution of the receiving groundwater and/or surface water

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF and PPG

Reason

To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

Condition

No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

Informatives

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

5.4 CCC Fire & Rescue Services

No objections subject to a condition or legal agreement relating to provision of fire hydrants.

“...should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of a Section 106 agreement or a planning condition. The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

*Water & Planning Manager
Community Fire Safety Group
Hinchingbrooke Cottage
Brampton Road
Huntingdon
Cambs
PE29 2NA*

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer. The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the “National Guidance Document on the Provision of Water for Fire Fighting” 3rd Edition, published January 2007. Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required, the details of which can be found in the attached document.

I trust you feel this is reasonable and apply our request to any consent given. Should you require any further information or assistance I will be pleased to advise.”

5.5 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.

Advice to the Applicant

Pollution Prevention

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas for 50 car park spaces or more and hard-standings should be passed through an oil interceptor designed compatible with the site being drained. Road water shall not pass through the interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters. Where soakaways are proposed for the disposal of uncontaminated surface water percolation tests should be undertaken and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156) and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

We hope this information is of assistance. If you have any queries, please do not hesitate to contact us.

5.6 Anglian Water

No comments because there is no connection to any Anglian Water sewers.

5.7 Middle Level Commissioners

First Response

No objections in principle to the proposal as originally submitted but have some significant concerns.

The following comments are made based on access to the site being taken off the turn into the Middle Level Commissioners site:

Thank you for the correspondence received in respect of the above.

The following response is written on behalf of the Middle Level Commissioners, primarily in its role as owner of part of the site, and March West & White Fen IDB, in whose district the site is located.

Please note that the Commissioners provide the Board with a planning consultancy service.

Please be advised that neither the Commissioners or the Board are averse to the proposal but having considered the submission documents there are aspects which are a significant cause for concern.

As a result, the Commissioners oppose this development, in its current form, until the appropriate requirements have been met.

In view of the size and location of the development it is disappointing that the above authorities were not consulted prior to the planning application submission being made particularly given that the applicant seeks to cross land owned by the Commissioners and discharge surface water into the Boards system. Had such Pre-application consultation procedure been undertaken guidance could have been provided on the proposals.

In view of the contents below, the size of the development and the possible adverse effect on the respective systems, the applicant is urged to discuss this with the Commissioners/Board via the post-application consultation procedure as a matter of urgency.

The main causes of concern are as follows:

A. Junction Layout

The contents of the relevant submission documents, primarily MTC Engineering (Cambridge) Ltd. Transport Statement Ref. 2638 – TS May 2021, have been reviewed. The access from the application site onto the Commissioners existing junction would not be at an opportune angle which will lead to “conflicts” between the traffic exiting the Force One site and those entering the Commissioners facility with the increased risk of accidents and injury.

The driver leaving the application site will have to look over their shoulder to view the traffic on Whittlesey Road. The existing hedge and reinforced landscaping will result in poor intervisibility when leaving the application site.

MTC's Drawing No. 2638-02 Rev. A only shows the site access and tracking associated with the Force One site. The approximate paths of a large car/4x4 entering and leaving the 2 Commissioners facility, are shown on the attached

amended extract from the aforementioned drawing. In addition to the point raised above, you will note from the amended extract that:

- There are several points of conflict;*
- The hedge to the east of the Commissioners access gate has not been shown;*
- When turning right the HGV's leaving the site require most of the existing junction to access Whittlesey Road;*
- The HCV's overrun the northern road edge by approximately 1m at two locations. As can be seen in Photo 1 there is little verge and any overrun would detrimentally affect the Boards Whittlesey Road Drain. See item C The future integrity of the Boards system, below;*
- When rectifying the turn the cab encroaches on the southern side of the road. This will require a vehicle entering the site to wait on Whittlesey Road. This is extremely poor highway design;*

There does appear to be a scaling issue with this drawing but several photographs have been taken of the existing junction viewed from the approximate point from which the visibility splays for the amended junction layout are measured. Copies of these are attached;

As discussed above when looking to the north-east, Photo 2, the driver exiting the application site will not be able to see much beyond the Commissioners current sign and landscaping;

Looking towards the Commissioners facility, Photo 3, the driver would only see the hedge. Even if the hedge was removed it would be difficult to observe the vehicles using the Commissioners facility due to the presence of the existing immature Silver Birch trees, Photo 4;

When entering the site from Whittlesey Road, Photo 5, a driver will not be able to see the traffic entering from the application site until about 5m from the top of the junction giving the driver about 20m to stop. Similarly, a vehicle leaving the Commissioners facility would not see any traffic leaving the application site until passing through the Commissioners access gateway;

Interpolating typical stopping distances, a vehicle travelling at about 25mph may be able to stop in time dependent upon the weather conditions and the condition of the vehicle.

In view of the above, it is considered that the proposed highway junction alignment would be impractical and unacceptable as it would create a hazard which would place both the Commissioners and Force One's staff, its contractors and members of the public at an increased risk of injury; The use of an amended junction for traffic entering the site only may be acceptable but it is suggested that an alternative junction is found for vehicles accessing the site.

B. Damage to the Junction

The Commissioners facility has been occupied for about twelve years with little or no damage occurring to the existing junction through its use. With the exception of your Council's Refuse Lorry HGVs rarely access the Commissioners site, may be 3 a day as a very worst case.

It is clear that most damage to highways is caused by HGV's and this is particularly true where the road foundations are weak

It is known that Force One currently operate a fleet which includes large rigid body vehicles the weight of which ranges from 26-41 tonnes.

Because of this and the very tight angle of the proposed amended junction, it is considered that the larger vehicles will detrimentally affect the road surface particularly during the summer or periods of hot weather.

C. Traffic Movements

Using these figures contained within the Transport Statement, which does not appear to include the training centre, the traffic generated by the proposal equates to about 60+ movements/day for the current application. However, Table 5.1, on page 8 advises that it is estimated that 320 traffic movements will occur. It is not known how the figures have been determined but it is noted that this is not referred to in the text of the statement. This table is also titled "Vehicular generation of proposed 1210m² Trade Counter units" but these units do not form part of this planning application. Presumably, it indicates future uses of the site at the southern end of the field, and adjacent to the Commissioner's office building?

320 traffic movements/day equates to 13 movements/hr, during 24 hrs, or 29 movements/hr during eleven hours, or a traffic movement every 2 minutes. No allowance has been made for the Commissioners traffic movements within the Statement.

In respect of the Commissioners facility, it is estimated that, as an average, there are 11 traffic movements/hour using an eleven hour day with HCV's rarely accessing the site. However, most movements will occur during peak hours.

D. The Future Integrity of the Boards System

Extract from the Boards District Plan showing the proximity of its Whittlesey Road Drain and the catchment that it serves.

The Boards system, shown dark blue on the above extract from its District Plan, provides an arterial network that serves the local community by managing water levels in ordinary watercourses and other water infrastructures within its District to mitigate against the risks from flooding and drought. In delivering its functions the Board has to meet its environmental obligations and commitments and seek opportunities to enhance the environment.,

The application site, edged red on the above extract, is served by the Boards Whittlesey Road Drain which, at this location, is on the northern side of the road and primarily serves part of the urban area of March. This watercourse is becoming increasingly important as further development within its catchment occurs.

As discussed above, the HGV's exiting the site will overrun the road edge by approximately 1m and given that there is little verge, any overrun would detrimentally affect the stability of the channel profile or result in the vehicle entering the channel.

In recent years at least one car has entered the adjacent watercourse with one lorry leaving the road in the vicinity of the junction with Marina Drive.

A blockage within the Boards Drain as a result of the failure of the channel profile or submerged vehicle will detrimentally affect the local water level and

flood risk management system particularly during periods of high rainfall or a flood event.

Other issues of concern include the following:

1. Highway Issues

With the exception of some bicycle traffic movements most members of staff access the Commissioners facility using motor vehicles primarily via Peas Hill Roundabout.

Therefore, there are concerns about the adverse impacts on this section of highway.

a. Whittlesey Road

The carriageway is narrow and due to the road alignment, it is not unusual for HGV's to overrun onto the other side, as can be seen in Photo 6, with other road users having to slow or stop to allow large/articulated vehicles to negotiate the bends to prevent a "head on" collision or being "side swiped" into the adjacent watercourse or lower level field.

Due to a combination of the busy small rural businesses and the limited space on site it is not unusual for vehicles to be parked on the road reducing site lines particularly between the roundabout to just south of the Whitemoor Road junction but very occasionally extending to Marina Drive.

This requires the driver to commit not knowing what will be coming around the corner or off the roundabout. The latter is often at a relatively high speed for the conditions. Photograph 7 shows a typical situation as viewed from the approach to the roundabout. Note that cars are parked on both sides of the road.

It is considered that unless appropriate action is undertaken, the risk of conflicts will increase as traffic movements increase.

It is unlikely that Whittlesey Road was designed to accommodate the increasing weight and size of HGV's. A combination of this, the number of HGV's using the road, the weak soil conditions and lack of maintenance has led to a significant deterioration of the highway surface. This deterioration will increase unless significant remediation works are undertaken.

b. Peas Hill Roundabout

Whittlesey Road is one of five "arms" that access the roundabout. Access from Whittlesey Road onto the roundabout requires the driver to observe all of these junction movements simultaneously.

The layout of the junction restricts views of traffic travelling around the roundabout from Hostmoor Avenue and sightlines of traffic entering from the A141 Isle of Ely Way is restricted by the existing properties and landscaping. Traffic from the right does not always slow down to enter the junction and is often travelling at relatively high speed for the circumstances. Entering the roundabout, particularly if heading into March or the A141 often requires the driver to take an element of risk.

One of the reasons that planning application FDC Ref. F/YR12/0689/O, for the erection of 18 dwellings on the former Horse and Jockey site to the north of 35 Whittlesey Road, was discussed at the Planning Committee was due to concerns about the adverse impact on the traffic at the roundabout.

In addition to other concerns including Flood Risk, one of the reasons for refusal for this application was that the proposal "... failed to demonstrate that an acceptable safe means of pedestrians crossing the A141 can be provided which renders the site unsustainable."

Item 4.3.13. (Page 61) of the March Area Transport Study (MATS) Option Assessment Revision (OAR) 3.0 dated February 2020, which can be viewed at [March_Option Assessment Report_v3.0 \(cambridgeshire.gov.uk\)](http://March_Option_Assessment_Report_v3.0(cambridgeshire.gov.uk)), advises that traffic modelling shows that there is an increase in traffic using this roundabout causing expected increases in delays and queues. This includes the A141 Isle of Ely Way / A141 Wisbech Rd / B1099 Wisbech Rd / Whittlesey Road / Retail Park (Peas Hill) junctions.

The County Council's website, [March Transport Study - Cambridgeshire County Council](http://March_Transport_Study_-_Cambridgeshire_County_Council), advises that the "... recommended schemes will now progress through to preliminary design and an Outline Business Case is expected to be submitted in autumn 2021."

The MATS does not include accident data but the attached extract from CrashMap ([CrashMap - UK Road Safety Map](http://CrashMap_-_UK_Road_Safety_Map)), identifies that most of the incidents in the immediate area of the site have been slight. However, there have been two incidents involving Commissioners staff and at least one HCV and a tractor overturning in the past few years.

2. Environmental Issues

Both the Commissioners and Board have nature conservation duties under the Land Drainage Act 1991, the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992, the Countryside and Rights of Way Act 2000, the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003, the Eels (England and Wales) Regulations 2009, the Conservation of Habitats and Species Regulations 2010, the Flood and Water Management Act 2010, the Natural Environment and Rural Communities Act 2006, and as a competent authority under the Conservation (Natural Habitats etc) Regulations 1994.

The Commissioners' Biodiversity Action Plan (BAP) can be viewed via the following link: [Microsoft Word - App36_MLC.doc \(netdna-ssl.com\)](http://Microsoft_Word_-_App36_MLC.doc(netdna-ssl.com)). Any works affecting a protected species and/or habitats should be undertaken at an appropriate time of year and under the supervision of suitably trained person(s) in accordance with appropriate guidance such as the Commissioners'/Board's BAP; the Middle Level IDB Biodiversity Manual and or Association of Drainage Authorities (ADA)/Natural England Drainage Channel Biodiversity Manual and ADA's A Guide to Management Strategies and Mitigation Measures for achieving Good Ecological Potential in Fenland Waterbodies. These documents can be viewed or downloaded at the following respective web pages:

i. www.middlelevel.gov.uk/IDB-Biodiversity-Manual.aspx.

ii. www.ada.org.uk/downloads/publications/the_drainage_channel_biodiversity_manual.pdf.

iii.

https://www.ada.org.uk/wpcontent/uploads/2017/09/Guide_GEP_Fenland_Water_Bodies_web.pdf

In addition to any requirements submitted by Natural England and/or the Councils Wildlife Officer, any works affecting the Commissioners'/Board's or other open watercourses and/or requiring consent will require the provision of a Habitats and Species Risk Assessment & Action Plan. This is similar to Environmental Assessment /Statement but specifically relates to the aquatic and waterway environment and must detail any mitigation that is required.

Issues associated with The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 will also need to be considered to ensure that the proposal enhances the quality of the riverside setting and associated water way corridor and does not cause a deterioration in the status of the water bodies concerned.

Hillier Ecology Limited's Preliminary Ecological Appraisal dated May 2021.

The contents of this appraisal have been considered and it is noted that item 5.2 advises that the survey was undertaken in February and it is questioned whether this is an appropriate time of year to do this and may explain the limited findings. Undertaking a survey in May/June would have been more appropriate.

Reference is made to a pond in close proximity to the application site and viewing Plate 8 this appears to be the pond at the Commissioners facility which is not within the survey area shown on Page 26. This pond forms part of the Commissioners drainage system and was not designed to be or is maintained as an environmental feature.

During recent years, and as the Commissioners facility has established, it has been noticed that an increased number of species have been "inhabiting" the site. In this respect the Commissioners Conservation Officer has provided the following list of protected species seen in the vicinity of the Commissioners facility.

These are listed by name, scientific name and the legislation that protects them.

Otter Lutra lutra Spraints recorded at A141 road bridge Wildlife and Countryside Act , (1981) (as amended) Conservation of Habitats and Species Regulations (2017) (as amended).

*Kestrel Falco
Tinnunculus*

*Nest box in MLC yard. 4 young fledged
in 2021 Wildlife and Countryside Act
(1981) (as amended)*

*Mistle Thrush Turdus viscivorus
Regular.*

Breeds in poplars adjacent Fox's Marina

*Wildlife and
Countryside Act
(1981) (as amended)*

*Green
Woodpecker
Picus viridis Regular, juveniles present every
summer. Probably breeds in poplars
adjacent Fox's Marina
Wildlife and
Countryside Act
(1981) (as amended)*

*Yellow Wagtail
Motacilla flava
flavissima
Heard in vicinity in summer*

*Listed on Section 41:
Species of Principal
Importance in
England (NERC, 2006)*

*House Sparrow
Passer
Domesticus*

*Small colony around yard
Listed on Section 41:
Species of Principal
Importance in
England (NERC, 2006)*

The Commissioners' Conservation Officer is "... encouraged by the conclusions regarding protecting foraging and commuting corridors for bats along with a bat-friendly lighting scheme. The inclusion of nest boxes suitable for swift, house sparrow and starling will complement our own work here. In keeping with the comments of the Wildlife Officer I would also urge that landscaping is based on local provenance and character with a variety of habitat types."

3. Water Quality

Whilst it is appreciated that pollution is a matter for the Environment Agency using its Environmental Permitting (England and Wales) Regulations 2010 and, therefore not a direct concern of the Board, it is considered that a potential "spill" would have significant detrimental effect on the aquatic environment with amenity uses, flora and fauna, water abstractors and irrigation users', agriculture, etc being placed at risk with economic effects on the area.

4. Water Resources - Rainwater Harvesting/Recycling Facilities

The Commissioners and associated Boards promote the use of rainwater collection and grey water recycling, particularly if drought conditions become more regular and the impacts of climate change increases, and it is suggested

that in view of the proposed site use such a system is considered for toilet facilities, washing vehicles, firefighting or similar.

However, it should be noted that such systems should be in addition to but not replace or form any part of a surface water disposal system.

Further guidance on the matters raised above together with other related issues can be found in our 'Standard Advice to Applicants for Planning Permission' and associated documentation which is available on our website at <http://www.middlelevel.gov.uk/planning-consent-documents.aspx>.

2nd Response (Dec 2021)

Thank you for your e-mail dated 03rd December attaching a letter of the same date advising that revised documents had been received.

The following response is written on behalf of the Middle Level Commissioners, primarily as the adjacent land-owner, and March West & White Fen IDB, in whose district the site is located. Please note that the Commissioners provide the Board with a planning consultancy service.

*Having considered the submission documents there are aspects which are a significant cause for concern. As a result, **the Commissioners continue to oppose this development, in its current form, until the appropriate requirements have been met.***

Our comments on the revised submission documents are:

A. Morton & Hall Consulting Ltd.'s Drawing No. H6537/02 Revision A Location Plan - It is noted that the application boundary has been amended and no longer includes land owned by the Commissioners.

B. Morton & Hall Consulting Ltd.'s Drawing No. H6537/07 Revision B Amended Site Layout Plan - It is noted that the access into the site has been relocated further to the east and provided that this meets the appropriate standards this appears acceptable.

However, having viewed the vehicle tracking shown on MTC Engineering (Cambridge) Ltd.'s Drawing no. 2638-02 Rev. B, attached to the message dated 01st December, the movements do encroach close to the road edge/brink of the channel and this may require some works to strengthen the channel profile.

The Boards prior written consent will be required under Section 23 of the Land Drainage Act for the formation of the access culvert.

C. MTC Engineering (Cambridge) Ltd.'s FRA & Drainage Strategy Ref. No. 2638 Rev A dated Nov 2021 – As the applicant has failed to engage with either the Commissioners or the Board, a detailed review of the FRA and associated calculations has not been undertaken. However, in view of the potential impermeable area created, it is suggested that the attenuation ponds are much too small and in the wrong location. The culvert under Whittlesey Road is adjacent to the Fenn's Coaches site.

Concern is also expressed about the lack of suitable access strips being provided adjacent to the on-site watercourses. The failure to maintain such watercourses was one of the causes of the flooding incidents experienced

across Cambridgeshire, including March, during December 2020. The failure to properly manage and maintain these watercourses could lead to flooding of the site and adjoining land to the detriment of their environment and that of adjoining occupiers.

In view of the above, the applicant is urged to discuss this with the Commissioners/Board via the post-application consultation procedure as a matter of urgency.

5.8 FDC Economic Development

The Business and Economy Team **support** the planning application. The development will provide additional local jobs and retain those currently based at the facility.

The company work in an important sector for UK growth.

The proposed development will reduce traffic movements through the village.

5.9 FDC/PCC Wildlife Officer

The application scheme is acceptable but only if conditions are imposed.

Pre-commencement Condition(s) –

1. Notwithstanding the submitted details, no development shall take place until a scheme for the soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting; and
- boundary treatments.

Development shall be carried out in accordance with the submitted details and at the following times:

Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced.

Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: To ensure that the development will result in at least a no net loss in biodiversity. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Local Plan.

Compliance Condition(s):

2. *Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.*

Reason: To ensure that the proposal remains in line with the Fenland Local Plan.

3. *The development hereby permitted shall not be occupied until at least 2 bird boxes and 2 bat boxes have been suitably designed into the scheme in accordance with best practice methodology as set out by the Royal Society for the Protection for Birds and Bat Conservation Trust, evidence of the inclusion of these boxes should be provided to the Local Planning Authority.*

Reason: To secure the long-term protection of the nesting bird potential, no removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

4. *No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.*

Reason: Protected species are a material concern for Local Planning Authorities as per the National Planning Policy Framework and Fenland Local Policy. The disturbance of protected species may be an infraction as described within the Wildlife and Countryside Act 1981.

Assessment/Comment:

The Preliminary Ecological Appraisal (Hiller Ecology, 2021) clearly demonstrates that the site has minimal potential for ecological constraints other than Hedgehogs and nesting birds.

The conditions recommended above aim to protect the potential ecological constraints that are present and ensure that the proposed development will result in a no net loss of biodiversity as a minimum. There are some questions surrounding the exact composition of the green areas outline on the site plan and the construction of the ponds. These areas have a high potential for biodiversity and should be constructed in such a way to maximise this. These details should be included on the landscaping plan.

As it currently stands there is no concern that the project will result in a net loss to biodiversity so long as the landscaped areas are designed appropriately. It is highly recommended that the Hedgehog holes as discussed within the PEA are included within the design and landscaping documents.

The advice given above is in accordance with the policies in the adopted Fenland Local Plan. The Local Plan provides the framework of local planning policies with which to make planning decisions. These policies are in conformity with the National Planning Policy Framework.

More specifically, FDP Policy LP19 applies.

The biodiversity policies relevant to the proposal are:

LP19 - The Natural Environment:

The Council, working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland.

Through the processes of development delivery (including the use of planning obligations), grant aid (where available), management agreements and positive initiatives, the Council will:

- protect and enhance sites which have been designated for their international, national or local importance to an extent that is commensurate with their status, in accordance with national policy in the National Planning Policy Framework.*
- refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity.*
- promote the preservation, restoration and re-creation of priority habitats, and the preservation and increase of priority species identified for Fenland in the Cambridgeshire and Peterborough Biodiversity Action Plans.*
- ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments, including, where possible, the creation of new habitats that will contribute to a viable ecological network extending beyond the district into the rest of Cambridgeshire and Peterborough, and other adjoining areas.*

5.10 Local Residents/Interested Parties

Six letters of support have been received, raising the following points:

- the application site can be accessed directly from the A141 by-pass, rather than through the town, thereby reducing traffic and congestion in the town-centre, making it cleaner, safer, less polluted and safer, and complimenting the imminent proposals for its face-lift;
- the proposals will allow an established local business to expand and stay in March and the Council should be supporting this, particularly in the current climate.

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)

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context
Identity
Built Form
Movement
Nature
Uses
Resources

7.4 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
LP6 - Employment, Tourism, Community Facilities and Retail
LP9 - March
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
LP17 - Community Safety
LP19 - The Natural Environment

7.5 March Neighbourhood Plan 2017

8 KEY ISSUES

- **Principle of Development/Site Location**
- **Sustainability**
- **Flood Risk/Sequential Test**
- **Visual Impact on the Countryside**
- **Drainage**
- **Economic Growth**
- **Other**

9 BACKGROUND

- 9.1 The developer sought pre-application advice from the Council in October 2019 (ref 19/0155/PREAPP). Advice was given that Officers would be unlikely to support a planning application on grounds of the site's isolated and unsustainable location and the flood risks pertaining it, contrary to local and national planning policy.

10 ASSESSMENT

Principle of Development

Site Location

- 10.1 The site is in the countryside outside of any settlement and is physically and functionally detached from the nearest settlement, which is the town of March. The policies of restraint that apply to the rural area, therefore, apply (FLP LP3) and seek to protect the undeveloped nature of the countryside and to resist isolated development on grounds of sustainability (FLP LP15). More specifically, Policy LP3 restricts development in the countryside to that required to support rural-based enterprise, principally agriculture, horticulture and forestry. The proposal is clearly in conflict with the spatial strategy of the Development Plan and the guidance set out set-out in the NPPF.
- 10.2 The applicant has, apparently, been seeking other sites within the area, albeit with no success. It is difficult to be sure what the reasons for this are, because there appears to be capacity in all the areas allocated for employment growth in the four market-towns in the District - March, Chatteris, Wisbech and Whittlesey. Development of a site within areas already allocated for growth must be preferable to be to the development of a site in the rural area.
- 10.3 It may be that the search area for available sites has been overly restrictive or selective. The search should be extended to include all the allocated employment areas in all other market towns in the District, which could yield more positive results. It should also be noted that the applicant firm's business appears to operate across the UK so, presumably, they could be based in many other places.
- 10.4 Clearly, however, retention of the firm in the District is the preferred choice because it would maximise the employment benefit to the local area, but this cannot be at the cost of the unwarranted release of a site in the rural area that would be a harmful erosion and urbanisation of the countryside, contrary to the detriment of its essential open character
- 10.5 Refusal of planning permission on grounds that the proposal would be contrary to settlement policy for the District, as set out in FLP LP3, and harmful to the open rural character is, therefore, considered to be justified.

Sustainability

- 10.6 The site lies between established business uses on both sides. These are longstanding uses and it would be wrong to regard their existence as justification for a development that would be functionally isolated from March insofar there are no footpaths or street-lighting on Whittesey Road leading back into the town. Most attending the site can, therefore, be expected to rely heavily on the use of a private car or motorbike to travel to and from their place of work

- 10.7 In turn, the site cannot be regarded as being a sustainable location, which is contrary to FLP Policy LP15 which, firstly, seeks to reduce the need to travel and then seeks to reduce the use of the car. This is also contrary to national policy as set-out in the NPPF. Whilst Policy LP6 supports the development of employment sites, this is subject to its location according with the spatial strategy under Policy LP3.
- 10.8 This is not, therefore, considered to be an appropriate location to increase employment provision - due to the site's physical separation from March, combined with an absence of sustainable transport links to the town, which renders the site unsustainable for such growth.
- 10.9 Although some evidence has been provided by the applicants relating to their search for suitable sites on allocated land in one of the four growth centres in the District, it is not considered the search has been sufficiently comprehensive, exhaustive and wide-ranging geographically, to demonstrate convincingly that there is no suitable allocated land available to justify the development of an unsustainable site in the rural area.
- 10.10 The application is supported by a Design and Access Statement which summarises the range of the site-search undertaken, including the following:
- Martin Avenue - no land for sale on Rightmove;
 - Thorby Avenue - no sites for sale on Rightmove and other commercial land websites;
 - Hostmoor Avenue - no land for sale on Rightmove, including land of sufficient size;
 - Melbourne Avenue - no land for sale, nothing on Rightmove, nothing suitable either;
 - Gaul Farm Industrial Estate - planning permission recently granted for expansion of existing industrial units but this site is not big enough for the applicant's needs; also a high pressure gas main runs through the site, which has an easement on either side, and there is insufficient space for buildings of the size needed;
 - Creek Fen Park - insufficient space;
 - Longhill Road/Foundary Road - no sites of sufficient size.
- 10.11 More recently, in February 2022, the applicant's agent has submitted further information on the matter in which it is stated:

The company wish for the office and the depot all to be at one site for obvious reasons. The above all require a large site.

We have already carried out and submitted with the application a sequential test for March where the company is based and wish to stay. We have reviewed Charteris and Whittlesey on Rightmove and there is no land available for this type of enterprise. (Checked again on 12/2/22).

On Rightmove for Wisbech, there is not suitable land for sale. The Cromwell Road development for sale is a gateway site including retail, fuel station and a hotel. This site is also in flood zone 2 and 3.

Rightmove checked again on 12.2.22.

There is land for sale at Guyhirn which is also arable and also in Flood zone 3. Guyhirn is not one of the four market towns in the local plan and this would also

mean large vehicles going through the village of Guyhirn which is what is trying to be avoided in March with this application.

Having reviewed further the Movehut website for commercial property for Chatteris, the unit available has been viewed and due to the size of the vehicles for this application it would not be suitable. We have also viewed the parking arrangements for this unit which are considerably below what would be actually required for the proposal. This is also evidence by the amount of parking shown for the planning application."

- 10.12 Clearly, some attempt has been made to undertake a search for suitable alternative sites in one of the four growth centre centres in the District. However, the search undertaken is considered to be insufficiently comprehensive and exhaustive. There is also a reliance on the Rightmove website or other websites to ascertain what is currently being offered for sale. As has been found at appeal, Rightmove and other such websites cannot be relied upon to be an accurate representation of what is potentially available. For example, land may be available that is not being sold on these websites and there has apparently been no direct approach to landowners to find potentially suitable land in one of the four growth centres to determine if they wish to sell.
- 10.13 Refusal of planning permission is, therefore, considered to be justified on grounds that the development would not be sustainable; moreover, it has not been shown that a sensitive site in the rural area needs to be released for development because there is no other suitable land in one of the four growth centres in the District.

Flood Risk

- 10.14 The site lies in Flood Zone 3 and is, therefore, at a high risk of flooding. Policy LP14 (Part B) requires development proposed in high (Zone 3) to medium (Zone 2) areas of flood risk to pass a sequential test. This is in-line with national policy, which seeks to locate proposals in areas of lowest flood-risk in the first instance, unless it can be shown that there are no reasonably available sites in areas of lower flood risk where it could be located.
- 10.15 In view of the fact the site lies in the countryside outside of any settlement it is considered the search area for sequential test purposes should be the entire District and should focus on the four market towns of March, Chatteris, Wisbech, and Whittlesey, which are all identified for employment growth. It would be expected that the application would thoroughly assess each of these allocated employment growth areas in terms of their suitability to provide a site for the development sought and in terms of the sequential test required to be passed in terms of flood risk - as part of developing an argument that the development sought does need to be located on an unsustainable site at high risk of flood within the rural area. That has not been done.
- 10.16 The Council does not, therefore, have complete information from the applicant on this important issue. In the absence of such information from the applicant it is, therefore, obliged to take a precautionary approach, based on its own assessment of the likely position.
- 10.17 The view of officers is that there is capacity within the employment land allocated in all four towns to accommodate further employment-related development and it is likely that there would be a suitable site in one of these.

That being the case, based on the information available, it is not considered that it has been shown that there are no suitable sites available in areas of lower flood risk, in turn, the sequential test is not passed. The proposal is, therefore, in conflict with Policy LP14 and national policy as set-out in the NPPF.

- 10.18 The application is supported by a Flood Risk Assessment (FRA) that concludes:

“There are no flood risk or drainage related grounds under the National Planning Policy Framework on which to object to the proposed development on land south of Whittlesey Road, March.”

The applicant's conclusion is not accepted.

- 10.19 Whilst neither the LLFA or the Environment Agency raise objections to the development in terms of the engineered flood-minimisation/drainage proposals that might be achievable on the site, there is still a requirement under the NPPF for development on sites in Flood Zones 2 and 3 to pass a sequential test assessment to establish if there are other suitable sites in areas of lesser flood-risk where development could take place in preference to the development of a site in Flood Zone 3, as sought.
- 10.20 The Sequential Test is not passed in this case, nor has any attempt been made to carry-out a full and systemic assessment of all the locations across the District where flood-risk is lower, and where development might take place in preference to the application site.
- 10.21 Refusal of planning permission on flood-risk grounds too is considered justified.

Character of the Area

- 10.22 The site is an open field that is in agricultural cultivation and lies within a loose scattering of development in the rural area. It is not an infill site within a built-up location and looks out onto open agricultural land. The two sites on either side both contain sizeable buildings, but they are set well back from the road into their respective sites and those in the Middle Level Commissioners site are spaciouly situated within it. The overall character of the location is of spaciouly dispersed development that gives a sense of openness, travelling east to west along Whittlesey Road. The introduction of substantial building works onto an agricultural field that contributes significantly to the open character of what is a rural area would be visually intrusive and would amount to a significant urbanisation of the countryside of the edge of this western side of March.
- 10.22 It is precisely on the edge of settlements where they adjoin the countryside that is important to apply strict control over new development to prevent urban sprawl and erosion of the open character of the countryside. This alone justifies refusal of planning permission.

Access & Highways

- 10.23 The site would be served by a new access directly off Whittlesey Road, to which the Highway Authority raises no objections, subject to any planning permission being granted with conditions relating the detailed design of the access being agreed in writing and the provision of parking to serve the development. The Highway Authority has indicated the location of the access about 5m from the

large mature horse-chestnut tree on the site frontage, which is currently protected by an unconfirmed Tree Preservation Order in recognition of its amenity value, would be acceptable.

Drainage

- 10.24 The Local Lead Flood Authority has responded that it has no objections to the development in this regard, subject to any planning permission being granted with conditions relating to the provision of (A) the submission to and agreement by the LPA of the detailed design of the surface water drainage proposals for the site and (B) details being submitted to and agreed by the LPA relating to how any additional surface-water run-off from the site during the construction phase will be handled.

Economic Growth

- 10.25 The Council's Business and Economy Team support the planning application on the basis that (A) additional local jobs will be provided, (B) existing jobs will be supported, (C) the company works in an important sector for UK growth and (D) traffic movements through the town will be reduced.
- 10.26 This is accepted. However, there are other factors to be considered too, as detailed above, and the economic arguments that support the proposed development need to be considered in the context of all the factors that apply.

Other Matters

- 10.27 It is at this point worth commenting on the representations that have been received in favour of the development. Supporters of the proposal make the point that the proposal will allow a local business to remain and expand in the area, supporting local jobs for local people, which the Council should also be supporting.
- 10.28 Retention of the firm in March is, of course, desirable. However, the critical question is whether the case exists to allow the firm to relocate to an unsustainable rural site just beyond the edge of the town in Flood Zone 3 where it would also be harmful to the open character of the countryside. Officers consider there is no such case.
- 10.29 Finally, there is the issue of the mature horse-chestnut tree on the site frontage which is protected by an unconfirmed Tree Preservation Order. The tree has been given category A status by the applicants own tree consultant. Advice has been received from the Council's own tree advisor that the access should be located beyond the root spread of the tree - that is, about 9m removed from the tree.
- 10.30 The applicant has, however, commissioned their own specialist tree advice, which concludes that the access can be installed where proposed without affecting the tree, provided that precautionary steps are taken. Further advice has been sought from the Council's tree advisor, but no response has been forthcoming. However, the mitigation proposed by the applicant is lacking in detail and so it cannot be assured that the tree is capable of being retained.
- 10.31 It is, therefore, necessary to take a view based on the information available. Officers take the view that, subject to precautionary steps being taken as

advised by the applicant's tree consultant - and in the absence of evidence to the contrary - there can be no reasonable grounds to refuse planning permission on grounds of potential harm to the tree.

11 CONCLUSIONS

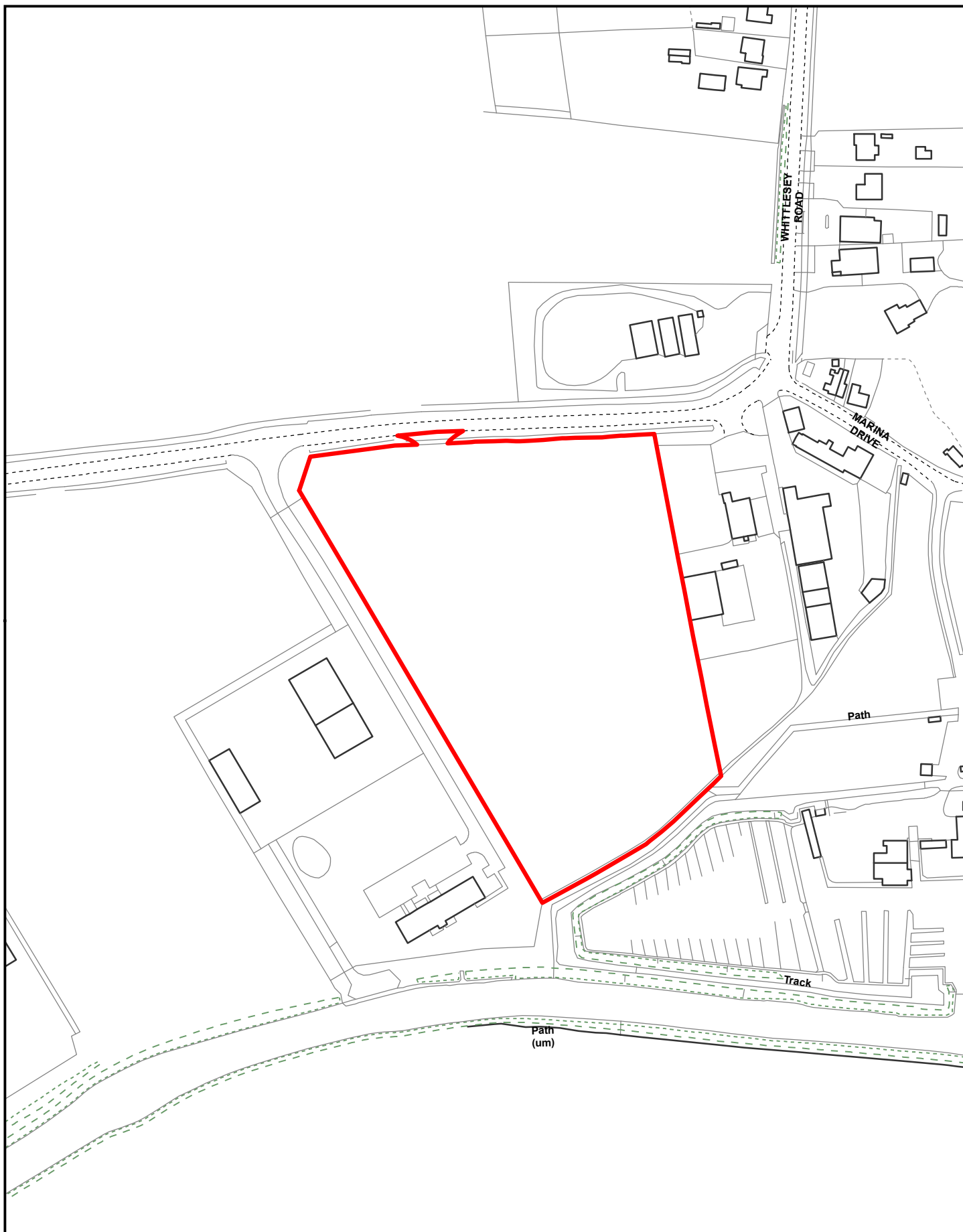
- 11.1 This is an unacceptable proposal on a site in a sensitive location in the rural area, located just beyond the western edge of the town of March.
- 11.2 The proposal, therefore, falls to be considered against the policies of restraint that apply to the rural area - principally FLP Policy LP3 - to protect the attractive undeveloped rural character. The proposal would be a significant urbanisation of the countryside
- 11.3 The development would also be contrary to settlement policy for the District more generally, as set-out in FLP LP3, which seeks to direct new development to the most accessible and sustainable locations - generally within the four market towns in the District and certain other identified villages.
- 11.4 This is not a sustainable location. There would be a high reliance on use of the private car by staff to get to and from the site because of its location on an unlit road with no footpaths.
- 11.5 The site is also within Flood Zone 3 - that is, is in an area at the highest risk of flooding - in respect of which a sequential test is required to be passed (as per FLP Policy LP14 and the NPPF) to establish if there are alternative suitable sites at lesser flood risk that should be developed in preference to a site within Flood Zone 3. The purpose of the sequential test is to direct new development to sites at the least risk of flooding. In this instance, the sequential test is not considered to be passed. There has been no systemic assessment of allocated employment sites across the District to establish if suitable alternative sites, with lower flood risk, are available. In the absence of evidence to the contrary, it has, therefore, to be concluded that the proposals will put people and property at an unnecessarily high risk of being affected by flooding.

12 RECOMMENDATION: Refuse

Reasons for refusal

1	The application site lies in the rural area outside of the town of March and would introduce substantial buildings and other building works onto agricultural land. This would be an unacceptable urbanisation of the countryside, to the detriment of its attractive open character and appearance, without special circumstances to justify this. The proposal would, therefore, be contrary to Policy LP3 of the Fenland Local Plan (2014), a key purpose of which is the protection of the undeveloped rural character of the countryside by limiting new development within it to that which requires a rural location, such as agriculture, horticulture and forestry.
2	The application site is not in a sustainable location in that it lies outside of the nearest settlement (March) on a road without public footpaths and street-lighting, which means that staff travelling to and from the site will have a heavy reliance on the use of a private motor-car, which is at variance with the principles of sustainability generally, as set-out in the

	National Planning Policy Framework, and to Policies LP1 and LP3 of the Fenland Local Plan (2014), which seek to direct development into the four main growth centres across the District because of their accessibility and sustainability to accommodate new development.
3	The application site lies within Flood Zone 3, which means the land is at the highest risk of flooding. In line with the National Planning Policy Framework (NPPF), Policy LP14 (Part B) of the Fenland Local Plan (2014) requires the development of such sites to be subject to a Sequential Test which shows that there are no other suitable sites of lesser flood-risk which could accommodate a proposal and are available for development. This requires the appellant to undertake a comprehensive assessment of employment land across the District to determine the availability (or not) of potentially suitable sites with lesser flood-risk. The purpose of the Sequential Test is to direct development to sites with the least flood risk. Only limited information on this matter is provided. The Sequential Test is not, therefore, passed and it has to be concluded that, in the absence of evidence to the contrary, the development of the application site would potentially put people and property to unwarranted risk from flooding, contrary to the NPPF and Policy LP14 (Part B) of the Fenland Local Plan.
4	The proposed access passes within the root protection area of a category A horse chestnut tree that is subject to a provisional tree preservation order. The proposed mitigation is of insufficient detail to demonstrate that the tree will be unharmed by the development. The proposal is therefore contrary to policy LP16 of the Fenland Local Plan (2014).



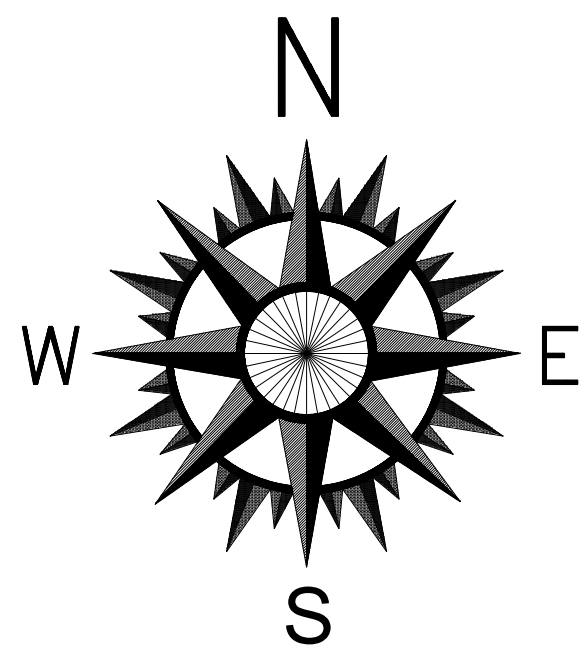
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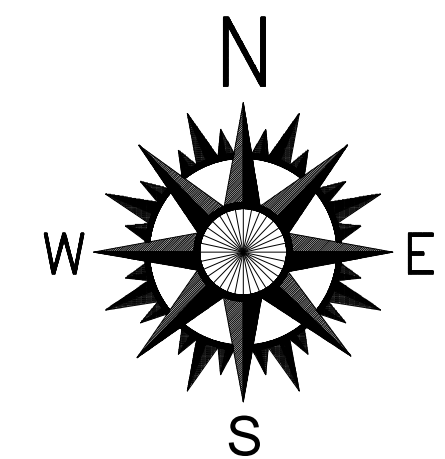
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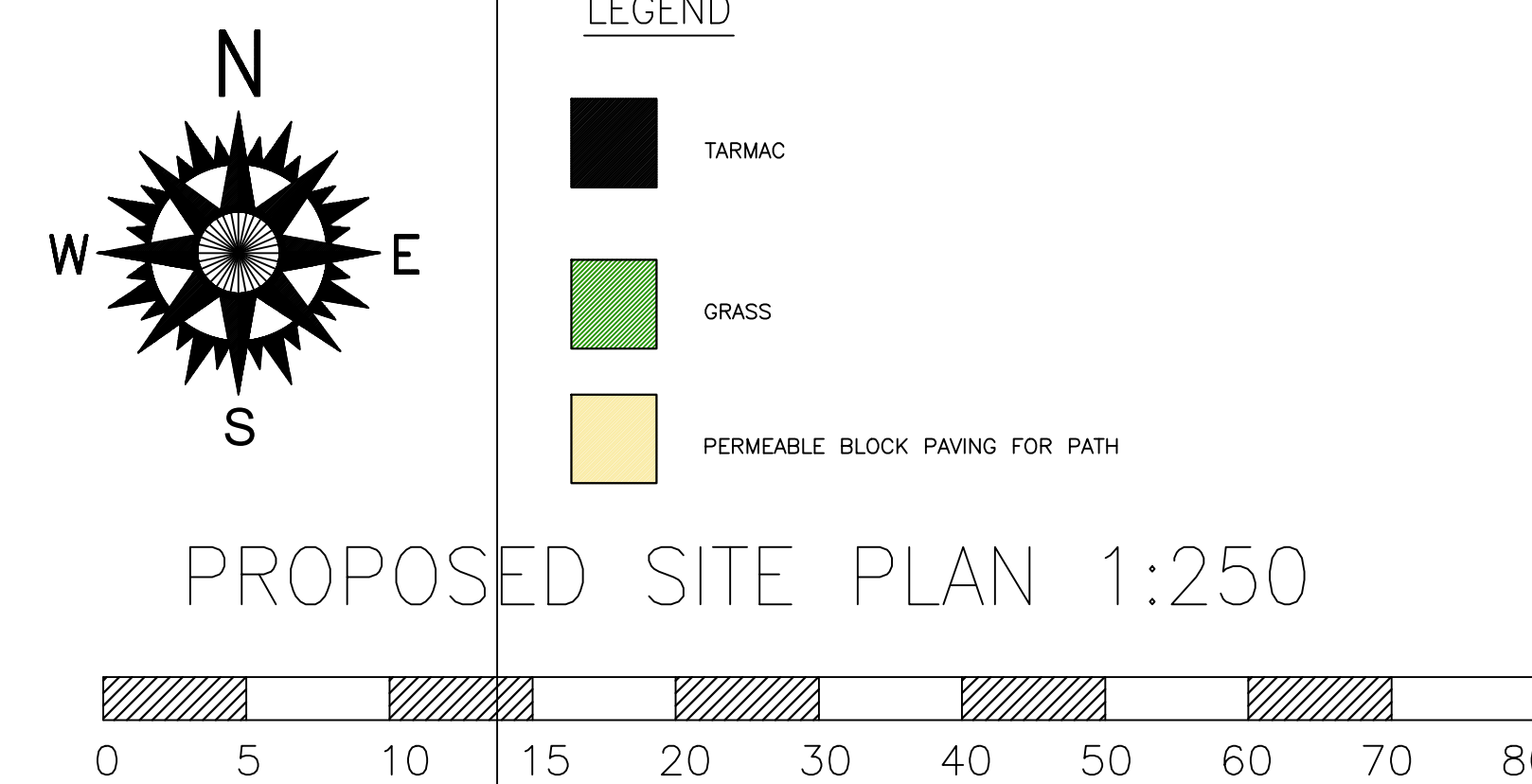


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Please read, if in doubt ask. Change nothing without consulting the Engineers.
Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.
Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

LEGEND

- APPLICATION SITE
- LAND OWNED BY APPLICANT

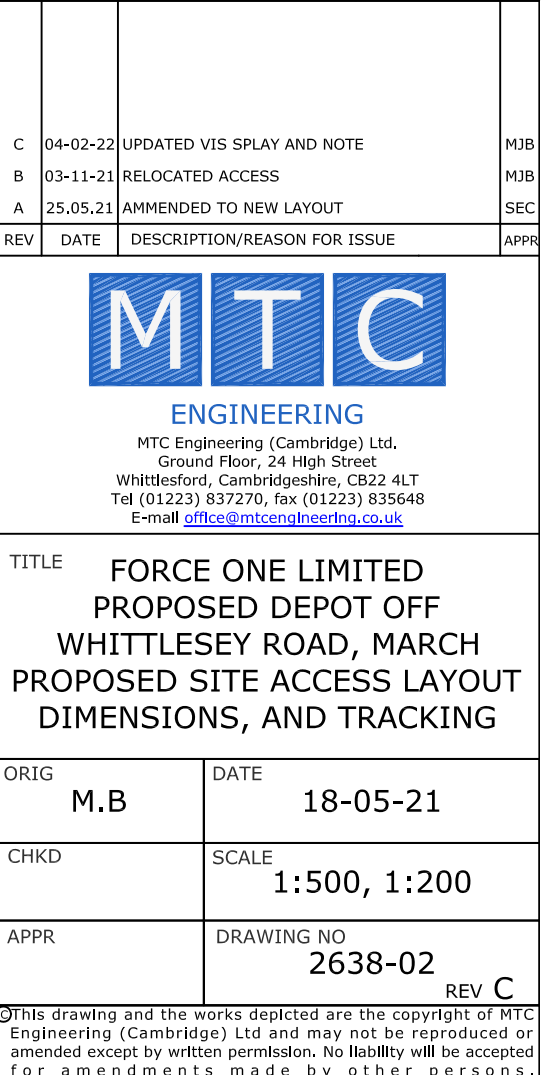
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<div><div><div>MORTON & HALL</div><div>CONSULTING LIMITED</div><div>CONSULTING STRUCTURAL ENGINEERS</div></div><div><div>1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ</div><div>Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonandhall.co.uk Website: www.mortonconsultingengineers.co.uk</div></div><div><div><div>LABC</div><div>THE BUILDING EXCELLENCE AWARDS</div><div>winner</div></div><div><div>LABC</div><div>Fenland District Council</div><div>Building Design Awards</div><div>Building Excellence in Fenland</div></div></div><div>CLIENT</div><div>Force One Ltd</div><div>PROJECT</div><div>Land North East of Middle Level Commissioners Whittlesey Road March PE15 0AH</div><div>TITLE</div><div>Location Plan</div><div><div>DRAWN MH</div><div>CHECKED</div><div>DATE March 2021</div><div>SCALE AS SHOWN</div></div><div><div>DATE OF ISSUE</div><div>DRAWING NUMBER H6537/02</div></div></div>		



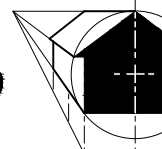


LEGEND

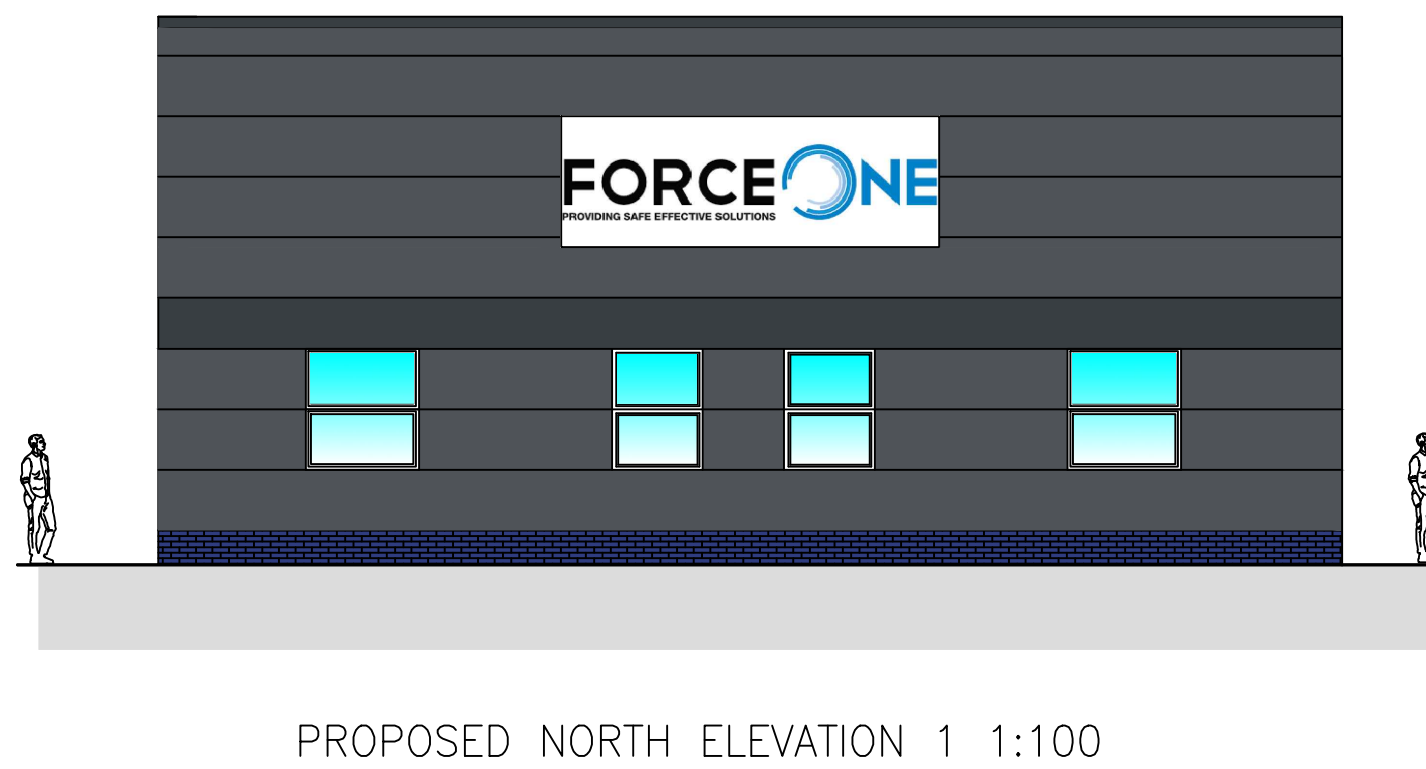
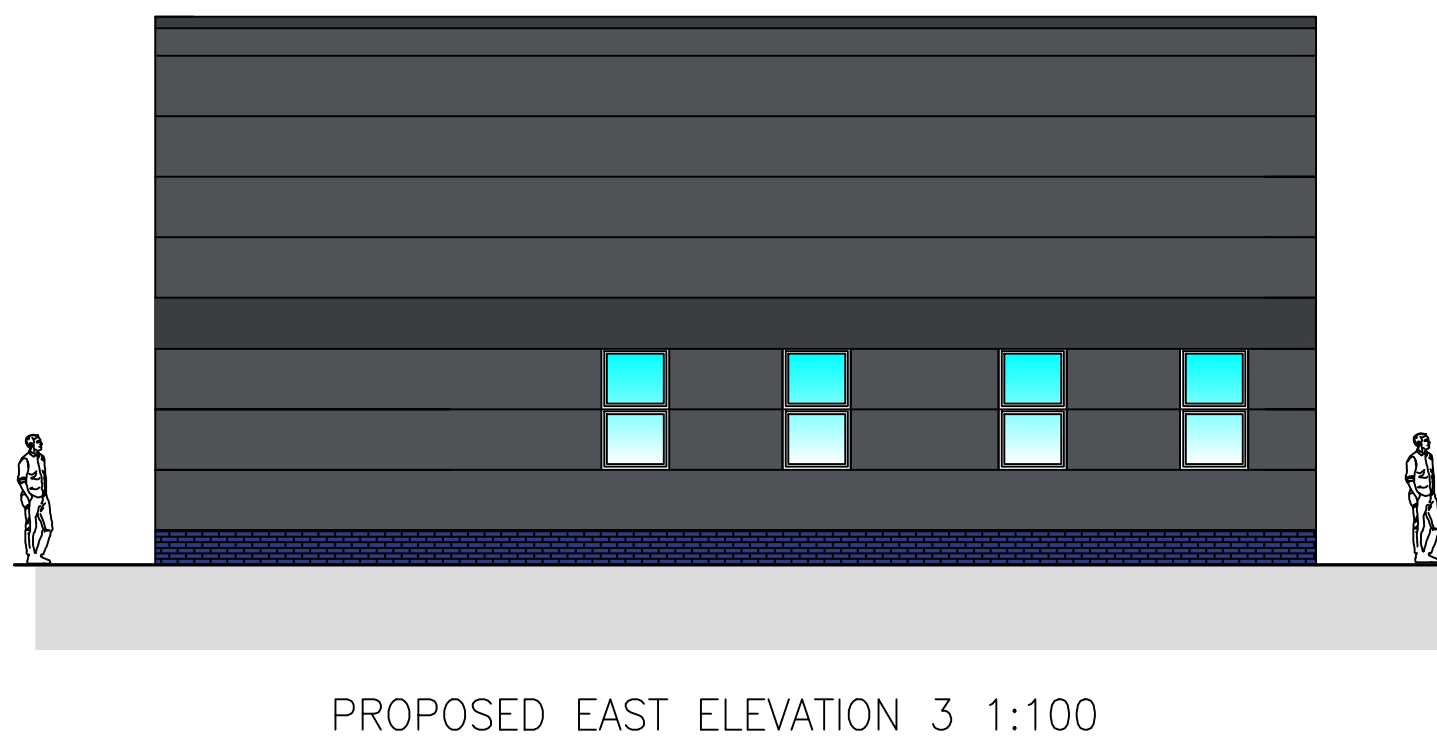
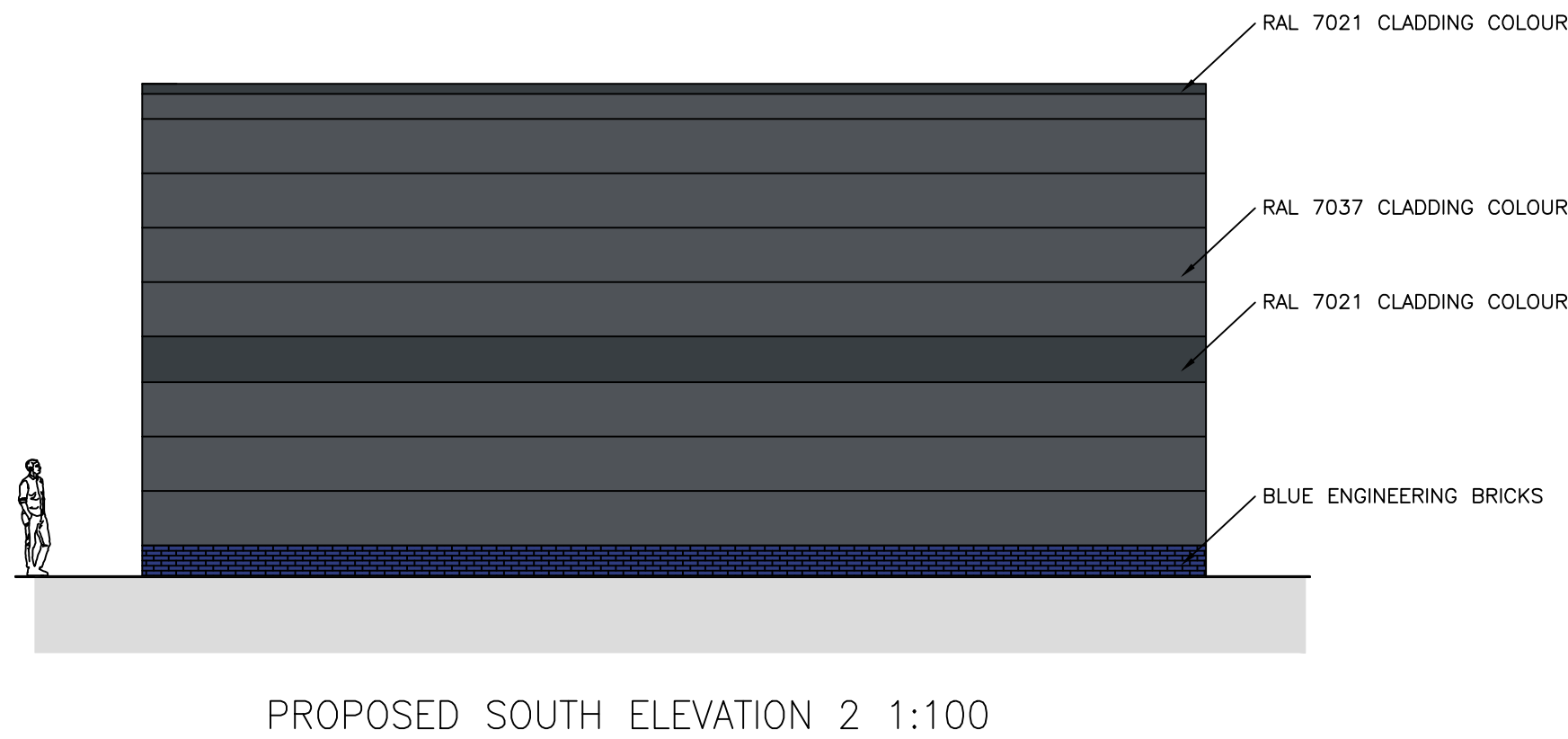
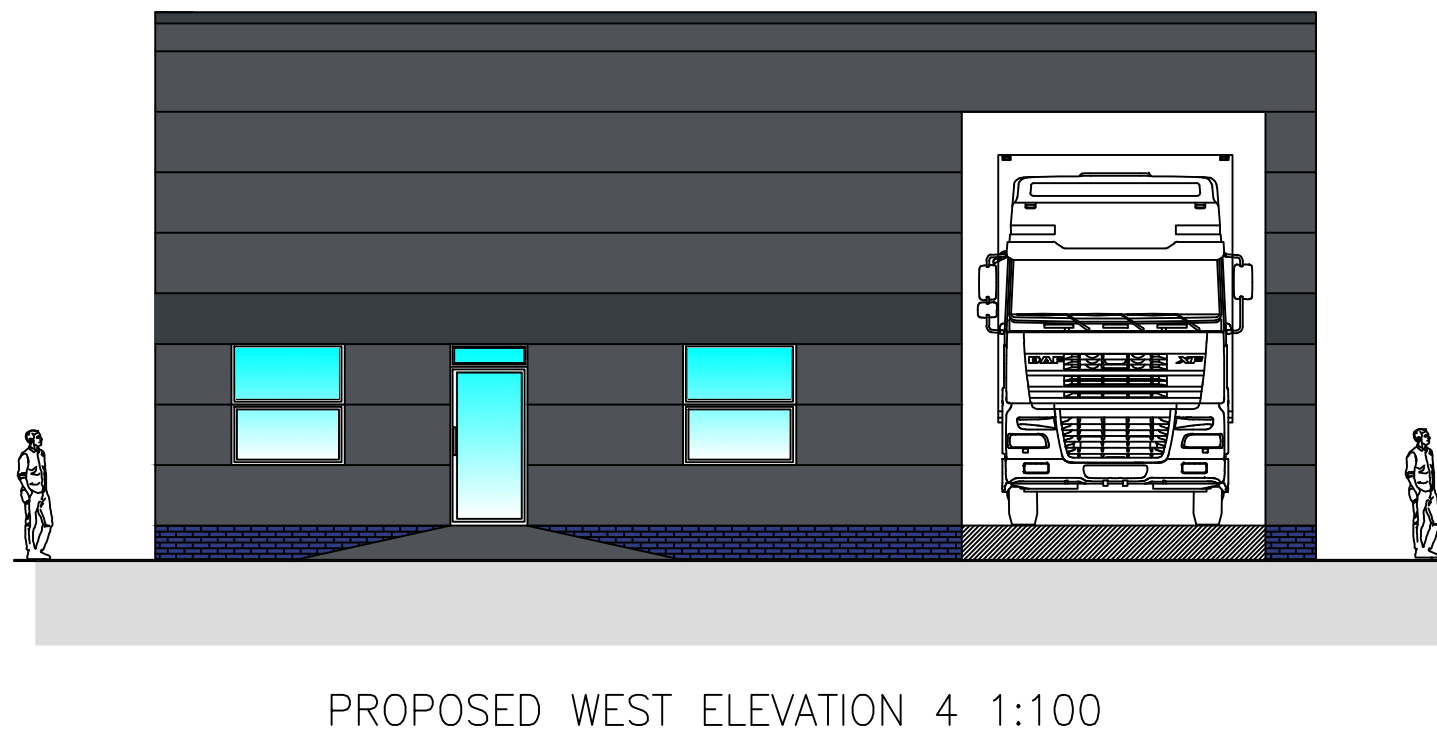
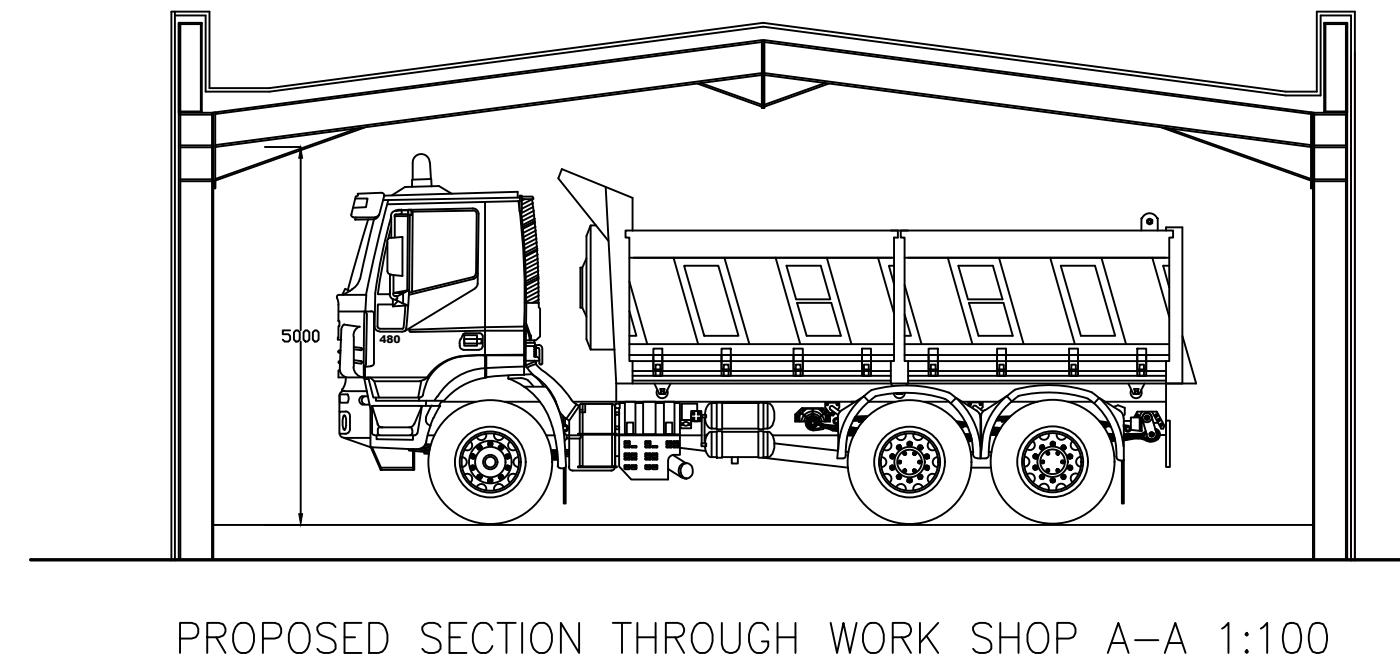
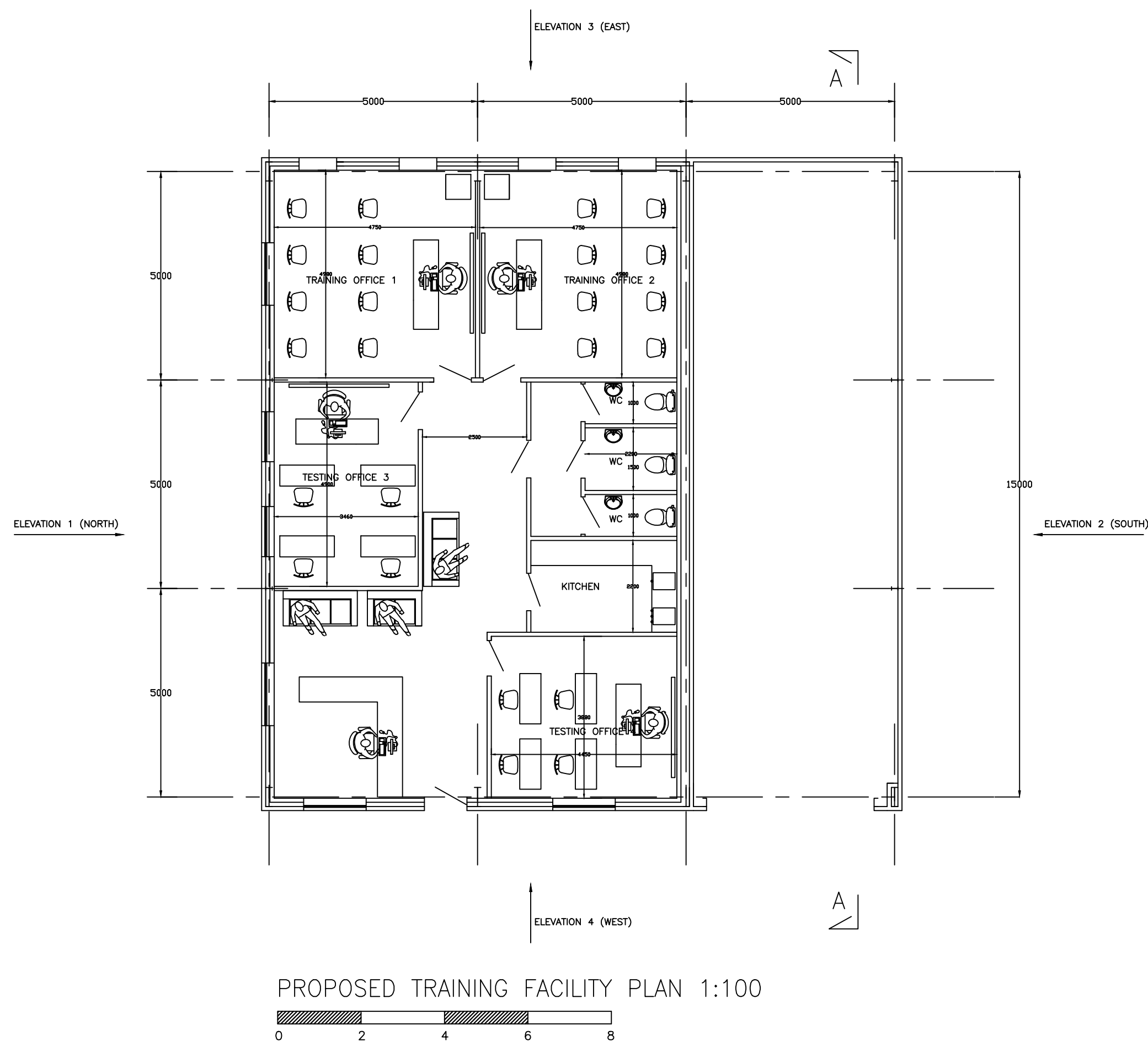
- TARMAC
- GRASS
- PERMEABLE BLOCK PAVING FOR PATH




D TREE REINSTATED		MAR 2022
C UPDATED DRAWING		MAR 2022
B UPDATED DRAWING		NOV 2021
A ACCESS AMENDED		MAY 2021
REVISIONS		DATE
MORTON & HALL CONSULTING LIMITED CONSULTING STRUCTURAL ENGINEERS		
1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ		
Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonhall.co.uk Website: www.mortonhall.co.uk		
Fenland District Council Building Design Awards Winner		
Client Force One Ltd		
Project Land North East of Middle Level Commissioners Whittlesey Road March PE15 0AH		
Title Proposed Site Plan		
Drawn MH	Scale of Site	
Checked		
Date March 2021	Drawing Number H6537/07	
Scale AS SHOWN		

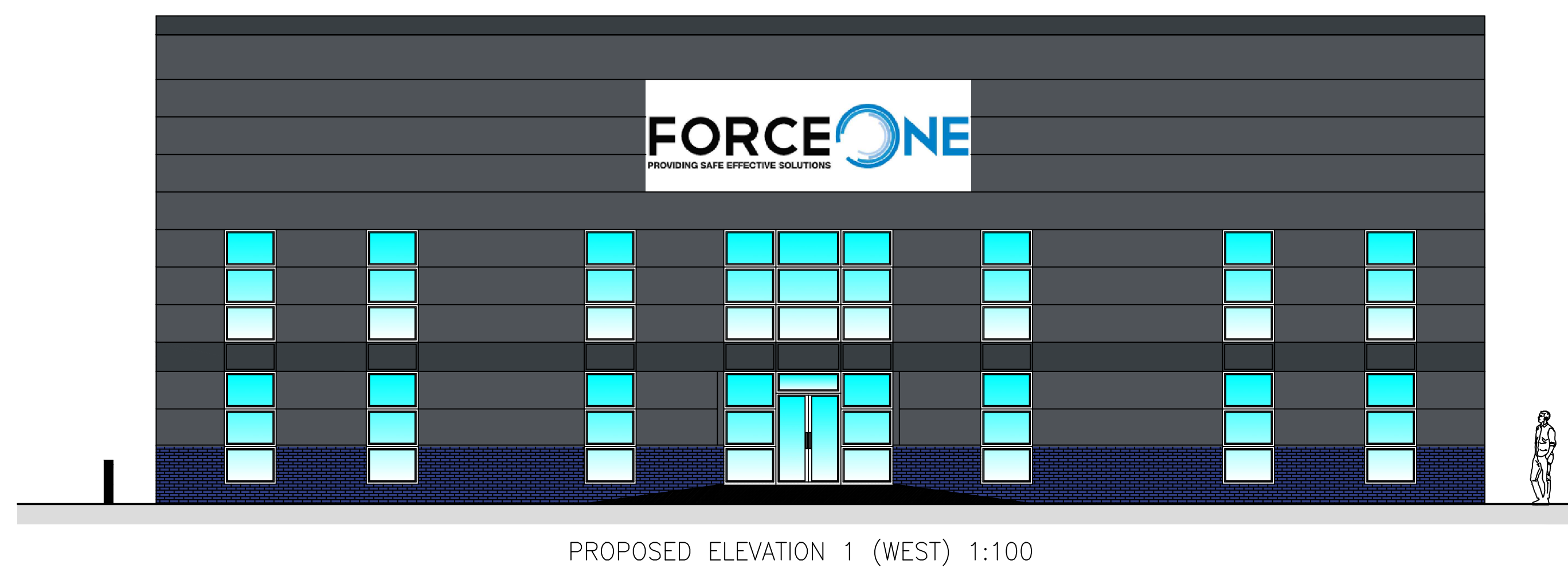
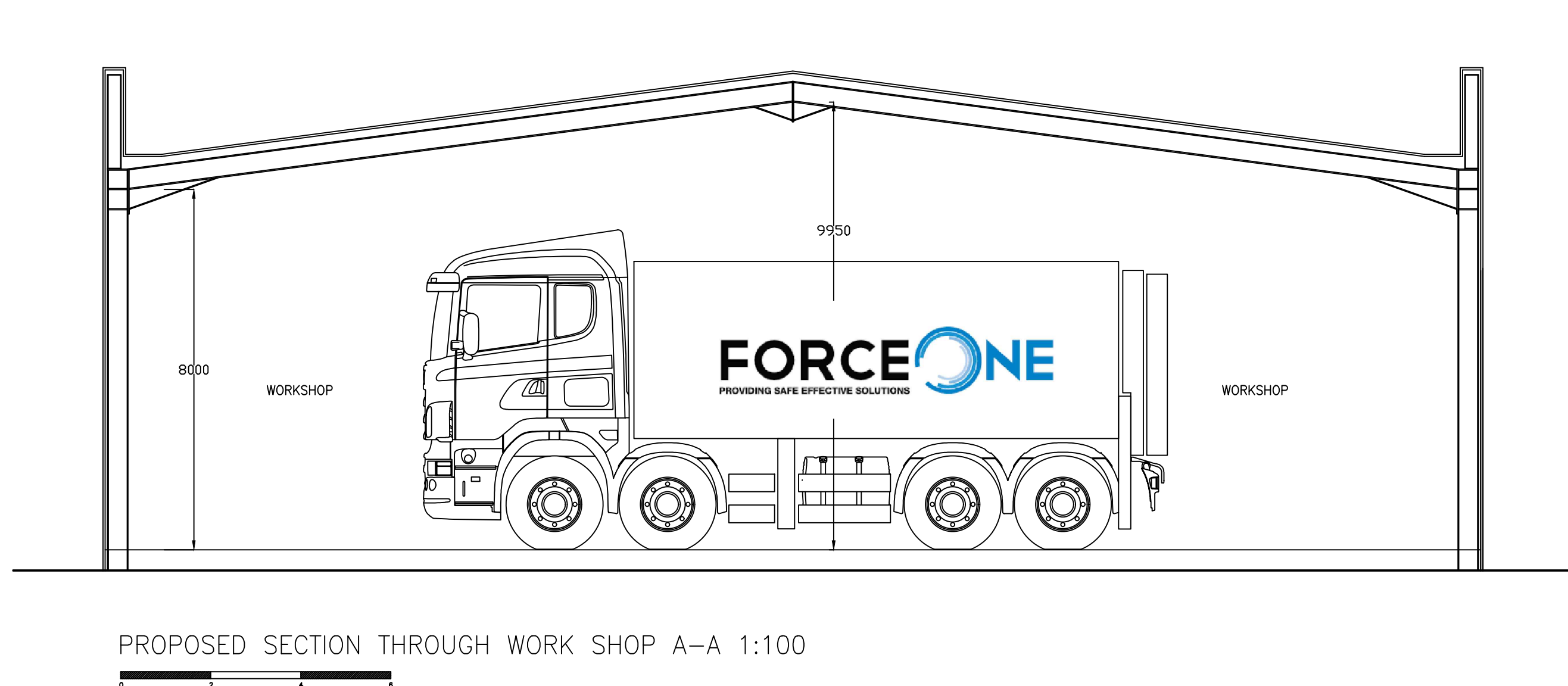
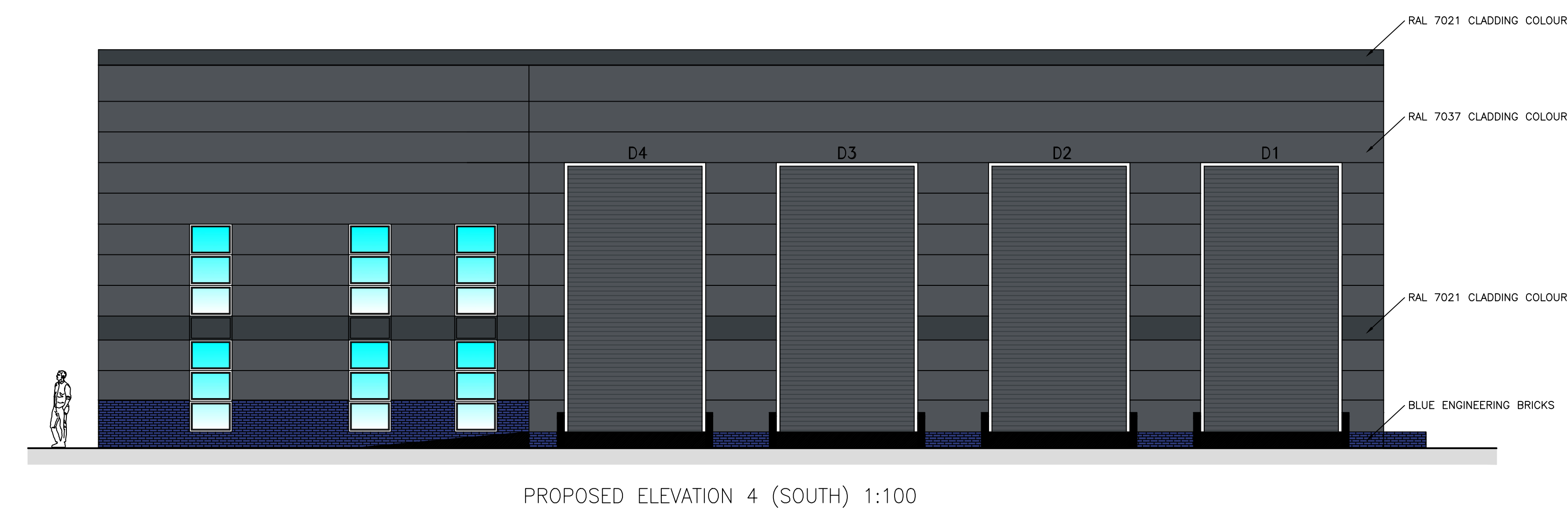
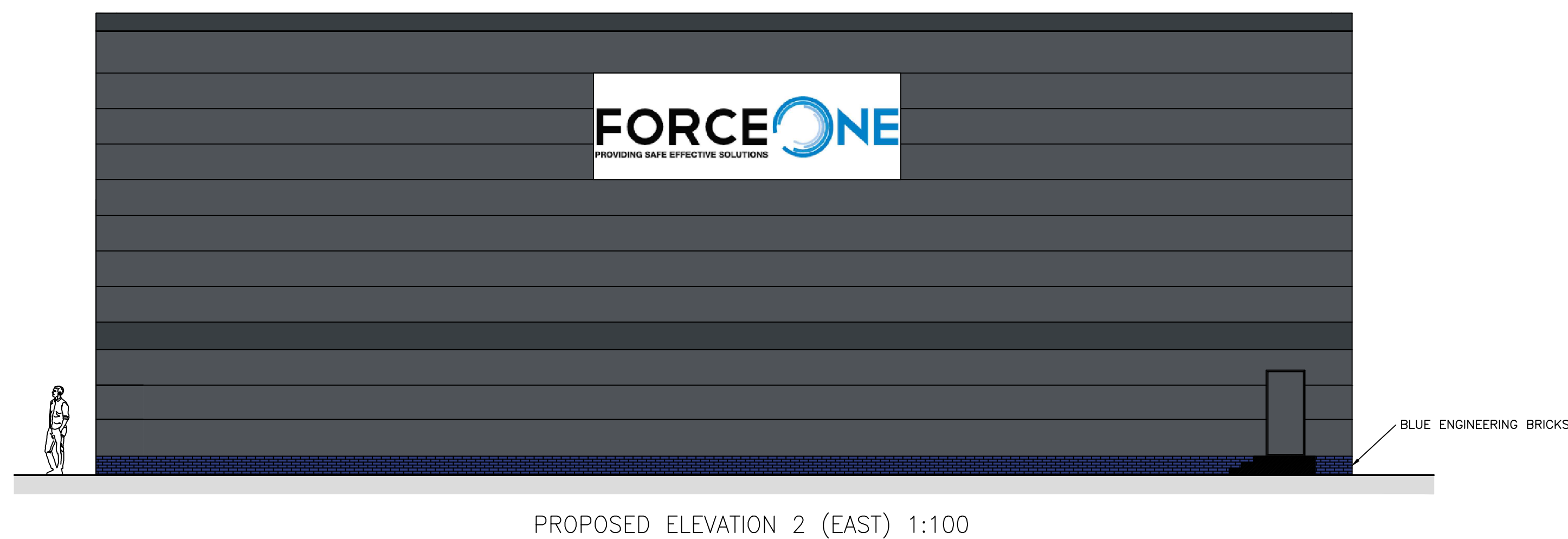
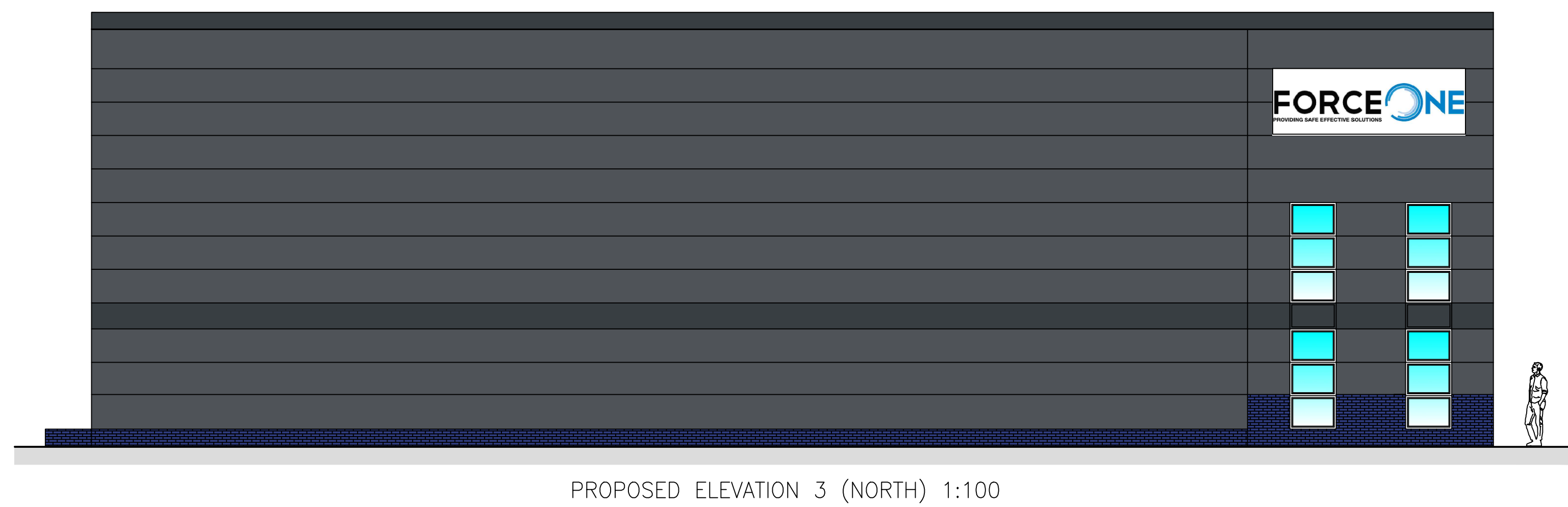
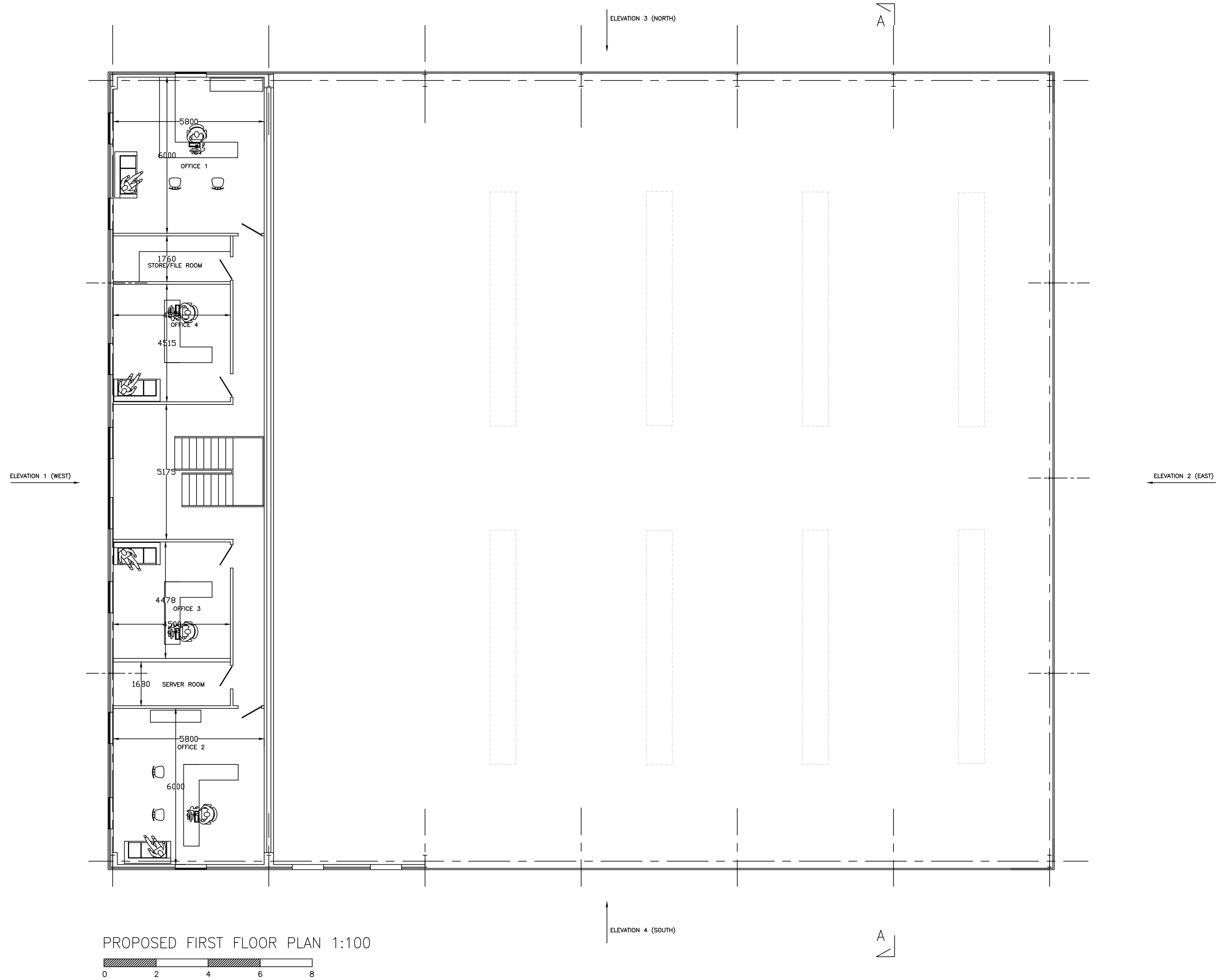
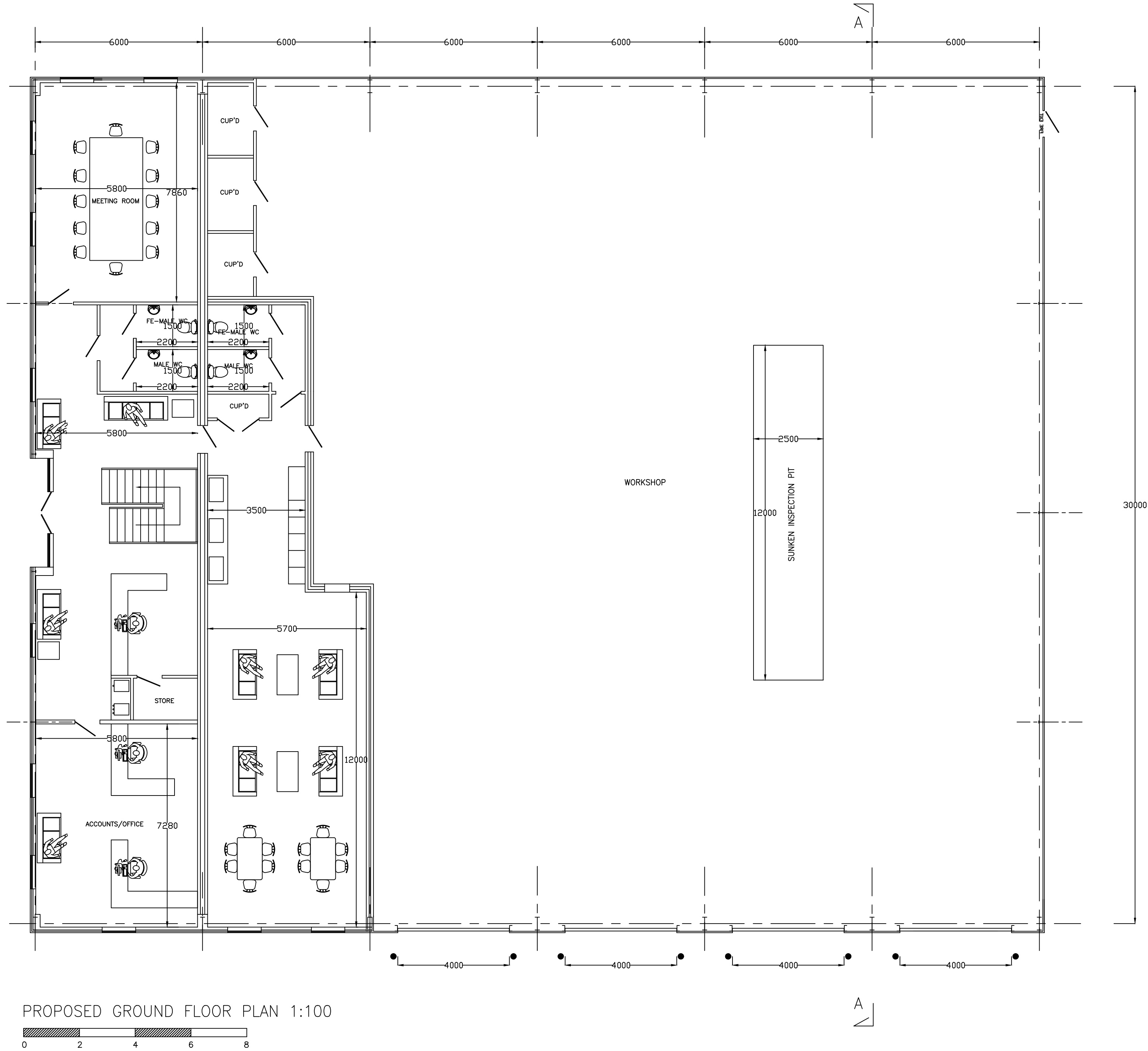




	REVISIONS	DATE
<h1>MORTON & HALL CONSULTING LIMITED</h1> <p>1 Gordon Avenue, March, Cambridgeshire. PE15 6AJ</p> <p>Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonandhall.co.uk Website: www.mortonconsultingengineers.co.uk</p>		
 <p>LABC BUILDING EXCELLENCE AWARDS winner</p>	 <p>Finland District Council Building Design Awards Building Excellence in Finland</p>	
CLIENT		
Force One Ltd		
PROJECT		
Land North East of Middle Level Commissioners Whittlesey Road March PE15 0AH		
TITLE		
Street Scenes		
DRAWN MH		DATE OF ISSUE
CHECKED		
DATE April 2021		DRAWING NUMBER
SCALE AS SHOWN		H6537/08

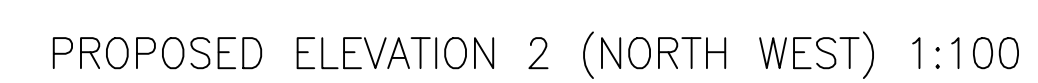
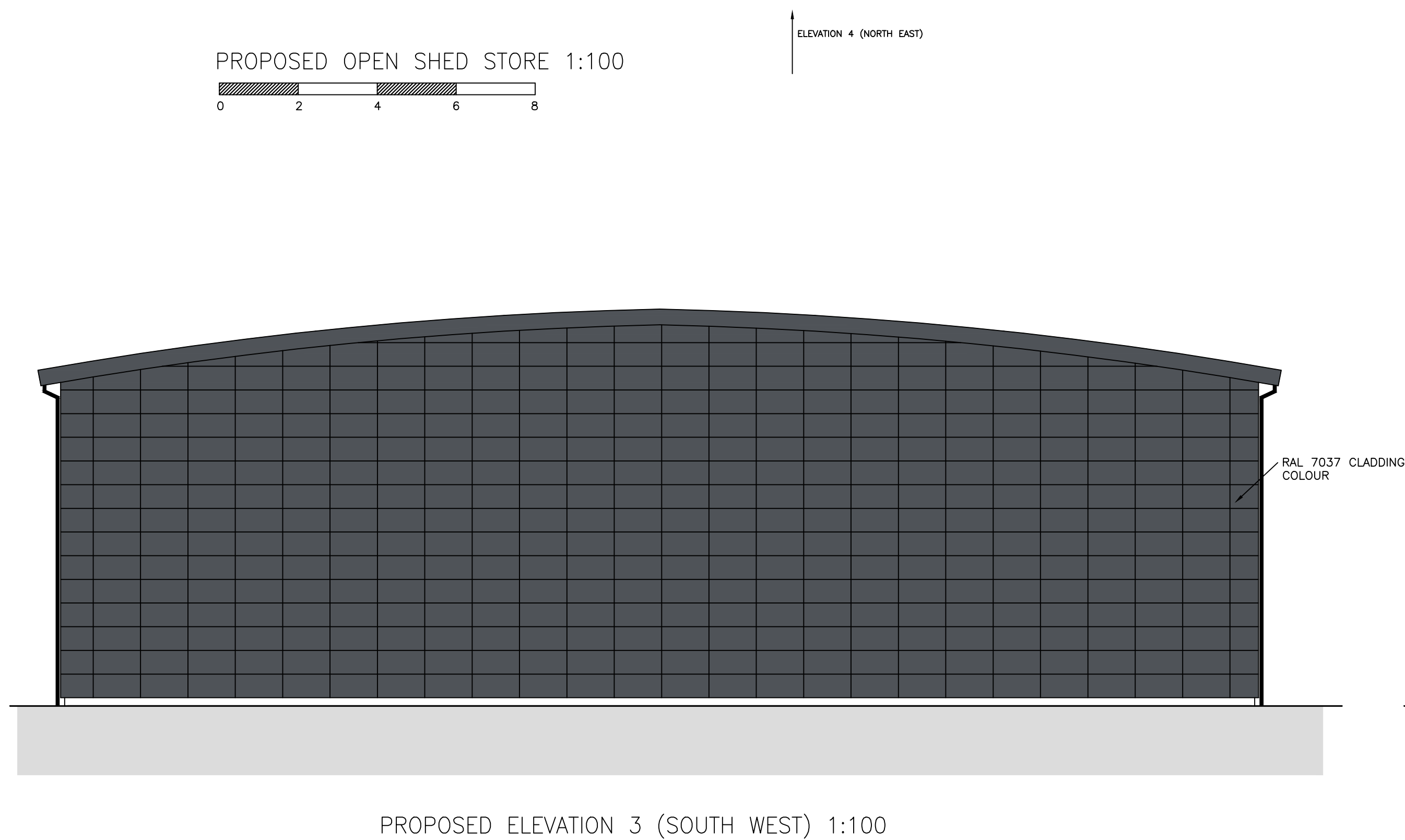






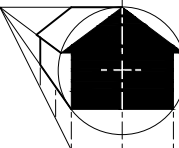
REVISIONS		DATE
MORTON & HALL CONSULTING LIMITED 1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonandhall.co.uk Website: www.mortonconsultingengineers.co.uk		
 LABC  Fenland District Council  Building Design Awards winner Building Excellence in Fenland		
CLIENT		
Force One Ltd		
PROJECT		
Land North East of Middle Level Commissioners Whittlesey Road March PE15 0AH		
TITLE		
Training Centre Arrangement		
DRAWN	MH	DATE OF ISSUE
CHECKED		
DATE	April 2021	DRAWING NUMBER
SCALE	AS SHOWN	H6537/06



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Please read, if in doubt ask. Change nothing without consulting the Engineers.
Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.
Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
The contractor is to arrange inspections of the works by the BCU (or MRC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.

A	CLIENTS COMMENTS	APR 21
REVISIONS		DATE
MORTON & HALL CONSULTING LIMITED		
1 Gordon Avenue, March, Cambridgeshire, PE15 8AU		
Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonandhall.co.uk Website: www.mortonandhall.co.uk		
Fenland District Council Building Design Awards Building Excellence in Fenland		
Client		
Force One Ltd		
Project		
Land North East of Middle Level Commissioners Whittlesey Road March PE15 0AH		
Title		
Office Building Arrangement		
Drawn	MH	Date of Issue
Checked		
By	March 2021	Revision Number
Scale	AS SHOWN	H6537/04



REVISIONS		DATE
<div> <div> <h1>MORTON & HALL</h1> <h2>CONSULTING LIMITED</h2> <p>1 Gordon Avenue, March, Cambridgeshire. PE15 8AU</p> <p>Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonandhall.co.uk Website: www.mortonconsultingengineers.co.uk</p> <div>   </div> <p>Other Building Excellence Awards</p> <div>   </div> <p>Building Excellence in Fenland</p> </div> <div>  </div> </div>		
CLIENT		
Force One Ltd		
PROJECT		
Land North East of Middle Level Commissioners Whittlesey Road March PE15 0AH		
TITLE		
Vehicle Shed Arrangement		
DRAWN MH		DATE OF ISSUE
CHECKED		
DATE	March 2021	DRAWING NUMBER
SCALE	AS SHOWN	
		H6537/03