

PLANNING COMMITTEE



25 JUNE 2014 - 1.00PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor D Stebbing (Vice-Chairman), Councillor B M Keane, Councillor Mrs K F Mayor, Councillor P Murphy, Councillor Mrs F S Newell, Councillor C C Owen, Councillor T E W Quince, Councillor W Sutton, Councillor M J Humphrey (Substitute).

APOLOGIES: Councillor M G Bucknor, Councillor D Hodgson, Councillor D R Patrick

Officers in attendance: G Nourse (Head of Planning), B Young (Area Development Manager), R McKenna (Principal Solicitor - Litigation and Planning), Miss S Smith (Member Services and Governance Officer)

P16/14 MINUTES OF THE MEETING OF 28 MAY 2014

The minutes of the meeting of 28 May 2014 were confirmed and signed.

*** FOR INFORMATION OF THE COUNCIL ***

P17/14 F/YR14/0391/F MARCH - 2 FOUNDRY WAY - INSTALLATION OF ELECTRICITY SUB-STATION

Proposed by Councillor Miscandlon, seconded by Councillor Stebbing and decided that the application be:

Granted, subject to the conditions reported.

(Councillors Keane, Quince and Owen stated that they are Members of March Town Council, but take no part in planning matters)

(All Members present declared a Non-Pecuniary Interest in this application, by virtue of the applicant being related to a fellow Councillor)

P18/14 F/YR14/0113/F MANEA - LAND SOUTH OF BUNGALOW STATION FARM, FODDER FEN ROAD - ERECTION OF 3NO DWELLINGS COMPRISING OF 1 X 2-STOREY 4-BED WITH DETACHED DOUBLE GARAGE/WORKSHOP/STORE, 1 X 2-STOREY 4-BED WITH ATTACHED GARAGE WITH STORE ABOVE AND 1 X 4-BED WITH ATTACHED DOUBLE GARAGE AND FORMATION OF PUBLIC CAR PARK FOR RAIL USERS

Members considered two emails of objection and concern.

Officers informed members that the application fails Policies LP3 and LP12 of the adopted plan.

Members received a presentation, in accordance with the public participation procedure, from Mrs Cole, an objector to the proposal. Mrs Cole informed members that her property adjoins the application site and she supports the previous refusals and the planning officers continued refusal

as this is an inappropriate proposal in a rural location. Mrs Cole pointed out that circumstances have not changed, the Councils policies still remain and she has trust in the committee members that they will refuse the development as it is no different in principal to previous refusals. She stated that concerns have not been overcome, the development is in open countryside, there are no streets or footpaths, it is outside the village and detrimental to the rural setting and would set a precedent for building on agricultural land in the future. Mrs Cole stated that it does not represent sustainable development, the access would not be safe and she is extremely concerned regarding the circumstances of the revised plans.

Mrs Cole pointed out that the plans submitted require a footpath extension, the visibility splay cannot be met and the 120 metre splays were not provided in the first place and it is doubtful if the splay can actually be achieved as it would extend onto the railway crossing and this just demonstrates that there is nothing going for this application and there is no room for doubt where lives are concerned.

Mrs Cole raised concerns that the correct ownership certificates have been issued and pointed out that the previous footpath proposal fell short and is not in the applications ownership or control and added that the drainage ditch which adjoins the site is in her ownership, and any additional run off with new housing will increase the risk of flooding. Mrs Cole stated that the drains are already working to full capacity and with the increase in recent rainfall and policy terms the site is in Flood Zone 3 and fails the sequential test. Mrs Cole pointed out that due to the location being outside the development boundary area, highway safety and flood risk being unacceptable she requested that members need to provide good reasons to overturn previous refusals.

Members received a presentation, in accordance with the public participation procedure, from Mr Wales, the applicant. Mr Wales stated that he was disappointed that the work done by him and his son had previously been turned down. He stated that he was of the understanding that the application had been deferred for the agent to confirm visibility, parking and rail issues and highway issues have been agreed and he apologised that the survey and consultation had taken so long. He pointed out that highways are happy with the proposal and the scheme is supported by the Parish Council. He informed members that the scheme has been reduced from 10 to 3 quality homes, Manea is a growth village, the Environment Agency are happy with Flood Risk and the scale of the development.

Members made comments, asked questions and received responses as follows:

- Councillor Mrs Newell asked if Middle Level Commissioners will be commenting as no comments have been received. Officers confirmed that they had received no further response from Middle Level Commissioners.

Proposed by Councillor Sutton, seconded by Councillor Murphy and decided that the application be:

Refused for the following reasons:

- 1. Notwithstanding the highway resolution for the site, officers maintain their original stance on this application. The site is outside the defined settlement core and lies within Flood Zone 3. National and Local Policy requires sites which are better related to the developed footprint of the village and in areas with the lowest probability of flooding to be considered as more suitable for new development and sequentially preferable;**
- 2. The proposed development by virtue of its location beyond the existing developed footprint of the village of Manea fails to satisfy the criteria of Policy LP12 of the Fenland Local Plan (May 2014), and is therefore contrary to that policy which sets out the definition of "the developed footprint".**

3. **The applicant has failed to demonstrate that the application site, which lies within Flood Zone 3, should be developed prior to more sequentially preferable sites which can be identified within the District. As a result the proposal is contrary to the provisions of Policies LP14 (Part B) and LP12 of the Fenland Local Plan (May 2014) and section 10 of the National Planning Policy Framework.**

(Councillor Sutton declared a Non-Pecuniary interest in this application, by virtue of his friendship with the applicant's (Mrs Cole) nephew, pointing out that he does not know Mrs Cole and would not be able to identify her if asked to do so)

(Councillors Murphy and Quince registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

(Councillor Humphrey declared a Non-Pecuniary Interest in this application, by virtue of him being a cousin of the Agent)

P19/14 **F/YR14/0203/F**
ELM - NORTH OF LA CHAUMIERE, BACK LANE, COLLETTS BRIDGE LANE -
ERECTION OF A SINGLE-STOREY 3-BED DWELLING

Members considered eleven letters of objection.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- Following discussions with the applicant there has been a revised approach made to the facing in brick;
- The rear is glazed and hedging retained.

Members received a presentation, in accordance with the public participation procedure, from Mr Bryant, an objector to the proposal. Mr Bryant stated that he was representing the residents of Colletts Bridge, he is not against energy efficiency but did not agree in planning rules context and road safety. He pointed out that visibility splays fail highway requirements and parking areas are inadequate. Mr Bryant stated that since 1980 there have been specific highway issues, vehicles are required to leave in forward gear and parking and turning is required to be clear of the public highway. This application provides a shallow parking area and is unable to comply. He pointed out that when members visited the site they parked on private land and had difficulty finding a suitable place to turn the bus around, proving that the area is inadequate to serve additional properties.

Mr Bryant stated that the application does not meet highway needs, quoting Paragraph 55 of the NPPF and disagreed that the application was fully compliant and Paragraph 55 is irrelevant and the application does not meet Local Policies LP12 and LP16. Mr Bryant stated that the residents dispute that the site is an infill site and stated that it is not. He pointed out that dwellings on the western side do not form continuous frontage, the application fails and is contrary to the LP3 test. Mr Bryant stated that he was happy to answer questions from members and could provide copies of his presentation if required.

Members received a presentation, in accordance with the public participation procedure, from Dr Harrall, the applicant. Dr Harrall stated that he was hoping that as a result of his brief presentation that members would be inclined to support the request for approval of his application. Dr Harrall stated that the application is described as an infill site and the principle is acceptable as written in the officers report. Dr Harrall stated that he had listened to planning officers and to

neighbours and under the direction of planning officers had modified the design, introducing a pitched roof, a chimney pot and retention of the existing hedge. He pointed out that members had not seen recent drawings, informing members that the site is infill and has been accepted as such by planning officers, stating that it is the design that is opposed.

Dr Harrall pointed out that there are thirteen energy efficiency buildings in the UK and that is what he is offering with this proposal. He stated that this is a building that surpasses carbon and emission standards, the SAP rating is 140, with the highest previously recorded as 129. This building is designed to operate without fossil fuels, is a fossil fuel free building and represents a legacy of his practice by seeking to deliver buildings for low carbon economy.

Councillor Owen commented that a SAP rating of 140 was impressive and asked if the building had to be that design to achieve the SAP rating as he feels that it is the design that 'knocks it sideways'. Dr Harrall responded that if he was given more time and the application were to be deferred he would be happy to work with planning officers to advance the design.

Members made comments, asked questions and received responses as follows:

- Councillor Murphy commended Dr Harrall from an energy efficiency point of view, but stated that this building is in the wrong location, is out of character and appearance, scale, wrong visually due to its impact and prominence and highways are all wrong and should not be in a rural location such as this. He commented that the application is contrary to policies LP12 and LP16;
- Councillor Quince commented that he agreed with Councillor Murphy, he was intrigued by the methods used by Dr Harrall but was of the opinion that this was not the correct location for this dwelling;
- Councillor Owen commented that if the application were to be refused it would enable Dr Harrall to discuss the issues raised by members with planning officers;
- The Legal officer advised that all reasons given by members for refusal should be recorded but the highway objection should be removed as it was incorrect.

Proposed by Councillor Murphy, seconded by Councillor Sutton and decided that the application be:

Refused in line with officer recommendation for the following reasons:

1. **Wrong location;**
2. **Out of character with the area;**
3. **Visual impact and prominence**
4. **Inappropriate design.**

(All Councillors registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P20/14 **F/YR14/0307/F**
MANEA - THE SHIP INN, PURLS BRIDGE DROVE - CONVERSION OF EXISTING
PUBLIC HOUSE INTO 1 X 5-BED DWELLING

Members considered one letter of concern.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- This is a resubmission of a previous refusal which was dismissed on appeal;
- LP6 requires that it should be retained as a community facility;
- Appropriate marketing is required over a longer period;
- The applicant has failed to demonstrate the business is not viable.

Members received a presentation, in accordance with the public participation procedure, from Mr Seaton, the agent. Mr Seaton stated that he is the agent for Mr and Mrs Bishop, the applicants. He stated that he would like to correct the officers report stating that the application was not a resubmission, it is a brand new application. He stated he believes that the reason for refusal is unjust. He pointed out that if the business were still viable the Ship Inn would still be open.

Mr Seaton stated that a viability assessment was submitted, the CAMRA toolkit was used and suggested that the LPA should commission its own assessment if the one provided is not valid. He stated that UK Pub Sales had marketed the business for two years without success and a contract and letter from UK Pub Sales had been provided, with a monthly report, advertising the business for sale or lease. Time has been invested in the business, however there has been a recent recession, a ban on smoking and low wages and a new pavilion a mile from the site have all contributed to the unviability of the business.

Mr Seaton stated that the Parish Council support the application, it has been demonstrated that it is not viable and he asked members to approve the application.

Councillor Sutton asked Mr Seaton if construction had begun on the new pavilion. Mr Seaton confirmed that permission had been granted for the building of the pavilion.

Councillor Owen commented that members had visited the premises on the site inspection, there is passing traffic on the river and the pub is in a nice location and asked why it was not viable. Mr Seaton responded that trade had dropped off and the business was losing money, the applicant had tried his best to make it viable and to sell the business.

Members made comments, asked questions and received responses as follows:

- Councillor Humphrey raised concerns if the evidence was not available to support the application and stated that the evidence would need to be provided as without this it is difficult to go against the officers recommendation;
- Councillor Keane commented that he was aware that previous pub bookings were good.

Proposed by Councillor Humphrey, seconded by Councillor Keane and decided that the application be:

Refused for the following reason:

1. **The proposal fails to demonstrate that a comprehensive marketing exercise has been undertaken, nor has the application demonstrated that the existing facility is not viable contrary to advice contained within the National Planning Policy Framework and Policy LP6 of the Fenland Local Plan.**

**P21/14 F/YR14/0335/F
WIMBLINGTON - MADDISON LODGE CARAVAN, HORSEMOOR ROAD -
ERECTION OF A 2-STOREY 3-BED DWELLING AND DETACHED DOUBLE
GARAGE**

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- The agent has supplied an additional statement in support of the new dwelling together with a personal needs statement. The additional information relates to the applicant's intention to create a small holding on the land rearing rare breed chickens, ducks, sheep and turkeys giving an estimated turnover of £9,000;
- It is considered that this level of small holding does not constitute a rural enterprise and is therefore contrary to policy LP3 of the Local Plan;
- Middle Level advises that insufficient consideration may have been given to the future long-term maintenance of the adjacent private watercourse. The applicant has not provided adequate evidence to provide a viable scheme that meets the board's requirements and current design standards exist, that it could be constructed and arrangements have been established for the whole life funding, management and maintenance of the associated water level/flood risk management systems. Requires further supporting evidence to prove to the board that a viable scheme for appropriate water level/flood risk management exists.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey stated that members had previously been unaware of the medical history of the applicant, he hoped that they were now. He pointed out that the application is personal to Mrs Jones, she had undergone a big operation and he was confident that the report is available for members to read. The Chairman confirmed that the medical report had been made available to members and had been read by them.

Mr Humphrey stated that the application had been refused in December 2013 where it was highlighted that the applicant wanted to live the good life. He pointed out that the applicant needs to be on her own and requires a house on her own. He stated that this is not a get rich quick scheme, the applicant currently lives in Chatteris and he was surprised at officers reference to LP2 and feels that the health and wellbeing of Fenland residents and the Councils goal to attain a standard of health should be referred to. He stated that there needs to be a balance and requested members assistance to give those grounds to Policy LP2.

Mr Humphrey stated that the dwelling had been redesigned, it is more eco-friendly, he commented that 78 dwellings have been allowed and asked if that is in open countryside, stating that this application is in a hamlet and the proposal will enhance the area. He pointed out that Natural England comments that this application may provide opportunities to enhance the character and nature of the built environment. He asked members to take notice of this as this is an important statement and he would like members to place weight on LP2 to support this personal application.

Councillor Owen commented that having considered the plan and the applicants need to live alone and pointed out that this is a three bedroom property incorporating a play room. Mr Humphrey responded that the play room will double as a bedroom, there will be a spare bedroom with a toilet and bathroom adjacent, confirming that the applicant is downsizing from her home in Chatteris.

Members made comments, asked questions and received responses as follows:

- Councillor Mrs Newell commented that members are told that Eastwood End is not sustainable and she did not believe that this is the case. She stated that people in the Fens use the car and she would like to go against officers recommendations, listen to what people want, there is no evidence of Localism and she would like to support the application;
- Councillor Mrs Newell gave reasons for supporting the application, the application is sustainable as it is in Wimblington, there are no objections from officers that go against. Officers commented that the following conditions would need to be considered should the application be approved:

1. Start date within 3 years;
 2. Suitable materials;
 3. Visibility splays;
 4. Flood Risk Strategy;
 5. Removal of permitted development rights;
- Councillor Humphrey reminded members that the site is within a Flood Zone 3 and members should consider this if they were mindful to grant the application;
 - Officers confirmed that the site is in a Flood Zone 3. Councillor Mrs Newell commented that the area was bone dry and unlikely to flood.

It was proposed by Councillor Mrs Newell, seconded by Councillor Keane that the application be Granted, subject to suitable conditions, which was not supported by a majority on vote by members.

Proposed by Councillor Humphrey, seconded by Councillor Quince and decided that the application be:

Refused for the following reason:

1. **The proposed development, which is located outside the main settlement of Wimblington, will be situated within open countryside which forms the rural character of this area, and has not been supported by sufficient justification for the introduction of a dwelling within an isolated and unsustainable location. As a result the proposal is contrary to the provisions of the National Planning Policy Framework paragraph 55 and Policies LP3, LP12 and LP16 of the Fenland Local Plan 2014;**
2. **The site is located within Flood Zone 3. The proposal is considered to have failed to demonstrate the acceptability of locating housing development on this site in sequential terms when compared to other sites around Fenland which have a lower probability of flooding;**
3. **The proposal is therefore contrary to Policy LP14 of the Fenland Local Plan 2014.**

(All Councillors registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

(Councillor Sutton declared a Non-Pecuniary Interest in this application, by virtue of the applicants son being part of the boxing club, and retired from the discussion for the duration of the application and voting thereon)

(Councillor Humphrey declared a Non-Pecuniary Interest in this application, by virtue of him being a cousin of the Agent)

P22/14 **F/YR14/0365/O**
WHITTLESEY - LAND NORTH OF SNOWLEY PARK AND GLENFIELDS -
RESIDENTIAL DEVELOPMENT (150 DWELLINGS MAX) WITH ASSOCIATED
INFRASTRUCTURE

This application was considered as the first item of the Agenda and was followed by a 10 minute refreshment break.

Members considered 34 representations of objection.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

The Chairman suspended the meeting for members to read the extensive updates provided by planning officers.

Officers provided a verbal update from the residents of Snowley Park who state that the roads are unable to cope with the number of vehicles at Crossway Hands, there will be a strain on health care, the B1040 floods in winter, there are also problems with shopping in the town centre, water displacement, irreverent damage to wildlife, road safety risk, no urban green space.

Officers informed members that:

- Paul Jenkins from Peter Brett Associates, Independent Flood Risk Assessors and Peter Todd and Mark Salter from the Local Highways Authority were in attendance;
- Bob Young, the Interim Area Development Manager with the Planning Delivery Team in attendance and was welcomed by members;
- Consultation responses have been received from:
 - The Wildlife Trust - 'I can confirm that professionally as a member of the Chartered Institute of Ecology and Environmental Management I do not believe there would be any impacts on the Nene Washes SPA or SAC. My current understanding of the facts in this case means that I would not be prepared to attend at a public inquiry to try to prevent this development on ecological grounds (as if the mitigation/conditions that we suggested are followed there should not be significant adverse impacts). Further, my understanding of current case law is that if Natural England have not raised any objections or requested any specific mitigation to avoid an objection by them, then the LPA must assume that there will be no impacts on the Nene Washes. It would be highly inadvisable for the LPA to quote ecological grounds or impacts on the Nene Washes as a reason for refusal.'
 - Peterborough City Council Wildlife Officer - confirms that the Nene Washes SSSI is approximately 200m north of the application site. Members can be reassured that the proposal is unlikely to impact upon the Nene Washes by noting Natural England (NE) consultation response which states that NE 'has no objection and the proposal is not likely to have a significant effect on the interest features of the site, and the LPA is not required to undertake an appropriate assessment.' Note that the Ecological Report acknowledges that the site supports habitat suitable for use by reptiles, and proposes to clear the site using a passive displacement method. Note that substantial areas of habitats are being retained within the master-plan, therefore recommend that a reptile survey is carried out and appropriate mitigation included within the Ecological Management Plan to be provided at the Reserved Matters stage;
 - FDC Drainage Consultant - amendments to Condition 07 are required. It should read as follows: *No development shall take place until a detailed drainage strategy has been submitted to, and approved in writing by, the Local Planning Authority. This strategy should include the impacts of high water levels in the Nene Washes and also consider the impacts of overland flows from the existing and proposed developments. The works shall be carried out in accordance with the approved details;*
 - Middle Level Commissioners - The development involves two water level/flood risk management aspects which are surface water disposal/external flood risk and treated effluent disposal. Surface water disposal and external flood risk falls within the jurisdiction of the Environment Agency and the North Level Internal Drainage Board. Foul effluent from the development would be directed to Anglian Water Services Whittlesey Waste Water Treatment Works. Whilst it is accepted that Anglian Water Services may advise that there is capacity within the system to accept the foul water from the proposal, the receiving watercourse may not have the capacity to accept the

increased discharge of treated effluent. In order for these issues to be dealt with the following condition is required: *'Prior to the occupation of any part of the development a proper solution for dealing with the discharge of treated effluent flows and the reimbursement of the proper costs incurred in dealing with such discharges to the receiving watercourses, must be agreed in writing by the LPA and the relevant Drainage Authority.'* Reason - *To ensure a satisfactory method of treated effluent disposal in accordance with Policies CS11 and CS13 and to prevent the increased risk of flooding in accordance with Policy CS14.'*

- Councillor Martin Curtis - Planning Committee has an important job to do, the implications go far wider than just Whittlesey. The decision will have an impact on the integrity of Fenland's Local Plan. An Inspector has made an evidence based decision to support 1,000 new homes in Whittlesey and 11,000 for Fenland, including those currently in the pipeline. The 1,000 for Whittlesey are nearly delivered. There are no issues about land supply for them and it is clear that number will be achieved without the Snowley Park site being developed. The homes on this land will mean we deliver well over and above the requirement identified in Whittlesey, on land that has not been identified for development in the Local Plan. What does this mean for Fenland? It sets a precedent and opens a door for developers to make a case that any of our land can be developed, irrespective of whether it is identified in the plan, using Whittlesey as an example.

I am also extremely concerned about highway matters. The issues Whittlesey faces have long been recognised - going way back to the early 90's when it was stated that there should be no major development in Whittlesey without a link road that takes pressure off the A605 - that is exactly why Whittlesey only had 1,000 homes identified for it in the plan. I know that was about the east of Whittlesey, but development has been allowed for 460 homes and an extra care home to the east and, thankfully, we also have approval for a business park on the A605. All of this traffic will flow along the A605 and past the junction with Crossway Hand. How much of this already agreed increase has been taken into account in the highways assessments (the report says only existing levels have been measured)? What sort of S106 agreement has been agreed – it needs more than just a “subject to” – you must be assured that the contributions are sufficient to deal with the problems that arise.

Furthermore, your officers comment, quite rightly, that the NPPF requires that sites should promote the use of sustainable transport. Whittlesey does not have a sustainable transport system. How will this application contribute to it? It is impossible for Whittlesey residents to access Peterborough for work for anything other than normal hours without access to a car – if you are not aware of the bus limitations and exactly how they will improve and become sustainable from this development, in my view you cannot approve. Long stretches of the cycle routes into Peterborough are now virtually unusable and they are certainly not safe at night. I would respectfully request that you ask officers about the work they have done to ensure this is changed? Currently, there are no bus stops near the site. A small contribution is not enough, if the site isn't sustainable, it shouldn't be delivered – if longer bus operating hours aren't guaranteed then it shouldn't happen.

Flooding and the impact both on Whittlesey and the ability of Whittlesey wash to store water has been discussed and raised perfectly well by others, but it cannot and should not be ignored. However, I would point out that the officers suggest that “what are they designed to do” is the way to answer this question. Surely, more importantly, is the history of the last two years? We are advised by the EA that the reason the washes have flooded more often is because of upstream flood defence

work in Northants and Peterborough – for which no local mitigation has been made.

I want to also raise the issue of consultation. The Localism Act 2011 and the NPPF open the door for much better public and political engagement in planning. The engagement on this site has not been good enough. It has been tokenistic at best. Consultation should inform and change plans to make them more acceptable, not just be a means of disseminating information. For major developments like this, Councillors and, in particular, planning committee members should have had the ability to challenge, question, influence and have their own thinking stimulated about the site early in the pre-app phase. If the first time Councillors have the opportunity to challenge a major application is at planning committee then it means they will not be sufficiently enough informed to make a good decision. There are absolutely no reasons why this should not happen, other councils have been doing it for years. If you have not had that opportunity – can you be confident that this is the best that can be done? Can you be convinced that this decision is right? Will you be convinced that it was impossible to squeeze a better S106 deal that dealt with the impact this development will have both on the junctions with Drybread Road and Peterborough Road, especially given that the latter will, in future, have to suffer the impacts of traffic from 460 homes and a business park flowing past the junction every day?

I respectfully request that you refuse this application.

Stephen Barclay MP - I raise my objection to the new planning application F/YR14/0365/O for the Snowley Park site which I understand has been submitted by Gladman Developments. This relates to the new residential development (150 dwellings max) with associated infrastructure at Land North of Snowley Park and Glenfields, Whittlesey.

I endorse the concerns already raised by Whittlesey Town and District Council who have objected on the grounds that there should not be any form of development North of Whittlesey towards the Whittlesey Washes. There is currently a working partnership between the Environment Agency and other key local stakeholders to strengthen the South Barrier Bank to maintain its structural stability. Clearly, the more concrete poured into the storage land in the area will place even more existing properties at risk of flooding and compromise this work.

The fact that the land north of Snowley Park and Glenfields wasn't identified as a development site in Fenland District Council's 1993 Core Strategy/Local Plan, or adopted in the new FDC Core Strategy/Local Plan in May 2014 making it hard to understand why there is such a push for this development and this still needs to be explained.

Finally, Whittlesey Town Council's Statement of Development has been tasked to deliver 1,000 houses between 2011-2031. I am told that this was an exercise based on approved decision notices issued from 2011 by FDC to demonstrate to FDCs Planning Department that the Town Council has already identified a 5 year land bank of far more suitable and sustainable sites already for development. These should be prioritised before any works at the area proposed by Gladman Developments.

Neighbours - a petition from 131 separate addresses (some of which have already written individual letters) has been received and letters from 12 addresses have been received. No additional issues to the ones commented on in the original report have been raised;

- **Planning Contributions**

- Fenland Rail Strategy - It has been agreed that £85,000 will be contributed towards the Fenland Rail Strategy. This is consistent with contributions towards the Strategy elsewhere within the District. The money this particular proposal generates will fund ticket machines and shelters;
- Library - A Community Hub facility is being considered by the County Council which may include a library however as the project is still at an early stage it is not possible to confirm whether additional floor space is required as a direct result of this development. A contribution is therefore sought;

- **Assessment**

- The comments raised by the additional consultation responses have been noted. They support the recommendations outlined in the original committee report. It has been recommended that a reptile survey is carried out and appropriate mitigation included within the Ecological Management Plan to be provided at the Reserved Matters stage. A condition to this effect is therefore recommended as follows:
 - Prior to the approval of the layout of the scheme (which is to be approved as part of the Reserved Matters) a reptile survey and an Ecological Management Plan which details appropriate mitigation measures for the safeguarding of protected species shall be submitted to, and approved in writing by, the Local Planning Authority. The Ecological Management Plan shall be implemented as approved.
 - Reason - In order to ensure that compliance with the Wildlife and Countryside Act 1981 (as amended) with respect to specially protected species and to provide biodiversity mitigation in line with the aims of the National Planning Policy Framework.
 - The Middle Level Commissioners (MLC) have noted that the site lies outside of their jurisdiction and therefore flood risk and surface water drainage issues should be addressed by the Environment Agency and the North Level Internal Drainage Board. As per sections 3.7, 3.8 and 5 (c) of the committee report, neither of these bodies have raised an objection to the proposal. MLC have noted that Anglian Water have acknowledged that there is capacity at the Whittlesey Waste Water Treatment Works for effluent disposal however they have stated that a condition is required to ensure that the treated water does not unduly impact on the drainage system which is managed by MLC. The condition recommended by MLC to address the treated effluent water would not comply with the provisions of the Planning Practice Guidance and as such it is recommended that it is amended as follows:
 - Prior to the occupation of any part of the development, a strategy for the discharge of treated effluent flows shall be submitted to an approval in writing by the Local Planning Authority. The strategy shall be implemented as approved;
 - Reason - To ensure a satisfactory method of treated effluent disposal in accordance with Policies LP13 and to prevent the increased risk of flooding in accordance with Policy LP14 of the Fenland Local Plan 2014;
 - Presentations from the local Flood Warden and residents have been received and noted.

- **Resolution - Grant subject to a Section 106 Agreement to provide contributions as set out above and in section 5 (k) of the agenda, the conditions set out in section 7 of the agenda, and the following additional conditions:**
- **Prior to the approval of the layout of the scheme (which is to be approved as part of the Reserved Matters) a reptile survey and an Ecological Management Plan which details appropriate mitigation measures for the safeguarding of protected species shall be submitted to, and approved in writing by, the Local Planning Authority. The Ecological Management Plan shall be implemented as approved;**
- **Reason - In order to ensure that compliance with the Wildlife and Countryside Act 1981 (as amended) with respect to specially protected species and to provide biodiversity mitigation in line with the aims of the National Planning Policy Framework;**
- **Prior to the occupation of any part of the development, a strategy for the discharge of treated effluent flows shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented as approved;**
- **Reason - To ensure a satisfactory method of treated effluent disposal in accordance with Policies LP13 and to prevent the increased risk of flooding in accordance with Policy LP14 of the Fenland Local Plan 2014.**

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Laws, Whittlesey Town Councillor. Councillor Mrs Laws commented that she had understood that there would be no experts available to make enquiries in any shape or form and asked that this fact be registered. Councillor Mrs Laws stated that she was at the meeting in her role as Chairman of Whittlesey Town Council's Planning Committee and had been nominated as the representative of Whittlesey Town Council to strongly object to planning application F/YR14/0365/O.

Councillor Mrs Laws pointed out that Planning Members should have received a copy of Whittlesey Town Council's lengthy official response to Fenland District Council Planning Department as Consultees and purely our Statement of Development for Whittlesey - not a Neighbourhood Plan.

Councillor Mrs Laws stated that flood plain management of water levels are required to reduce flood risk and this must clearly influence the consideration given to development proposals and their effects on the Fens. The IDB's and Commissioners with associated boards consider the draft NPPF to be a significantly retrograde step in that they seek to dilute the consideration of flood risks both too and caused by further development in this area. The commission and allied members thereby request that local by-laws are adhered to and compliance contained within PPS25 and the practice guide together with the provision of an FRA that meets the minimum requirements of Annexe E (2012). That proper consideration is given to flood risk issues arising from future developments.

Councillor Mrs Laws requested that members ask yourselves why has the Environment Agencies Little Bridge Gauging Station been moved which measures the river level at Morton's Leam, and is a useful indicator of how high the level in the Whittlesey Washes is. Since November 2012 this sensitive equipment has been "drowned out" with a maximum reading of 2.7m AOD. The equipment has been raised to prevent the same thing from happening again. The top end of the instrument range is now 4.2m AOD, which is high enough to trigger all of the high level alarms that the EA have set on this station.

Councillor Mrs Laws pointed out that the applicant claims there is a need for housing in Whittlesey. Whittlesey's Statement of Development for our District is not a Neighbourhood Plan but the information is valid and is taken from 2011 – to April 2014 Fenland District Council's planning

decision notices. Whittlesey Town Council's Statement of Development has been tasked to deliver 1,000 houses between 2011 - 2031. This was an exercise based on approved decision notices issued for 854 x dwellings from 2011 and demonstrates to Fenland District Council's Planning Department that the Town Council has already identified a 5 year land bank of far more suitable and sustainable sites crying out for development. These should be prioritised before any works at the area proposed by Gladman Developments.

Councillor Mrs Laws stated that Whittlesey Town Council question why this site is being suddenly recommended to the rear of Snowley Park and Glenfields as it wasn't identified or designated as a development site in the 1993 Local Plan or in FDC's recently adopted Core Strategy.

Councillor Mrs Laws drew Members attention to LP11 and LP19 where there is no mention of a Policy for National, Regional and Local planning in the National Planning Framework to protect SSSI's incorporating County Wildlife of protected species. Snowley Park/Glenfields have the following protected species on site; Voles, Adders, Grass Snakes, Bats, Owls and Great Crested Newts also Tree Sparrows which are on the Red Protection list of the RSPB. There is a statutory requirement under the Wildlife and Countryside Act (of 1981 to protect SSSI's and under section 28G statutory authorities must take steps to protect and further enhance the environment of SSSI's. There may also be a need to obtain a licence if there is likely to be an impact on protected species, the Applicant's intent is to remove the habitat of the above protected species contrary to the Countryside and Wildlife Act 1981 (as amended). Councillor Mrs Laws pointed out that Whittlesey Town Council has tendered other potential building sites within the Town located South, East and West, further development to the North will have a detrimental effect on the flood plains. The Countryside and Wildlife Act 1981 (as amended) states that small-scale urban development is not permitted within 400m's to 5Km's of a protected species wildlife habitat. The northern boundary of Snowley Park/Glenfields potential development site comes well within this area and even if buildings were to be erected beyond the 400m protected habitat boundary it will still have a detrimental effect on the protected habitat.

Councillor Mrs Laws referred to Flood Plains - Whittlesey Town Council know their own District and can only highlight to Members what has happened over the last 30, 20 and 10 years even in the last 12 months – we must learn from these events and we all have a duty of care and responsibility to protect existing homes known to be at risk of flooding. We all know you cannot control water and as stated by the EA and IDB's on a number of occasions we only manage water. The cheapest flood defence is not to build on or near any lands at risk of flooding. Councillor Mrs Laws asked member to consider the 600 homes at Boston Stump flooded out during January 2014 – only now has Boston Council been awarded emergency funding set up by Government following the Somerset Levels flood disaster – as of yet no Family has been able to move back to their home.

Councillor Mrs Laws stated that Whittlesey Town Council have managed to collect in depth and a wealth of information that strongly challenges officers and the Applicants reports. Water is gradually creeping nearer and nearer to existing properties and Whittlesey residents are witnessing floodwater, surface water and a high water table – with water bubbling out of the ground. She asked why further developments are being considered adjacent to the River Nene, Whittlesey Washes, designated Flood Plains, lands within Flood Zones when there is a considerable land bank available elsewhere in Whittlesey.

Councillors Mrs Laws requested that members be consistent in their decision making by refusing the proposed development for Snowley Park that has only been slightly modified and she was hopeful that members would decide to support Whittlesey Town Council's strong objections and it must be left to the Planning Officers to defend the decision not challenge it.

Councillor Owen asked Councillor Mrs Laws about the Stonald Road site which was approved in

2000 and built in 2005 and what flooding issues have arisen as a result of this site being built and how this could be related as an example to Snowley Park. Councillor Mrs Laws confirmed that the Stonald Road site has flooded, the National Building Federation is involved, there is flooding and surface water to the north of the properties and this has happened after the development was reduced to half. She stated that water is getting nearer and nearer, being attributable to rain, surface and underground water, the ground is clay based and the water table is extremely high all the time.

Members received a presentation, in accordance with the public participation procedure, from Mr Wollaston, an objector to the proposal. Mr Wollaston asked officers to show his presentation on the screen. The Chairman asked Mr Wollaston if he was speaking to the presentation, Mr Wollaston responded that he was not. Mr Wollaston stated that he is the Chairman of Snowley and Glenfields Residents Action Group and that the application had previously been submitted and there are three petitions against this application. Mr Wollaston pointed out that the Transport Assessment is not robust, there is an absence of a drainage master plan. He stated that the area is linked to Morton Leam and Whittlesey Washes, being 200metres north of site, causing significant effects with noise, light and air pollution which have not been evaluated. Mr Wollaston pointed out that protected wildlife use the site and we cannot afford to lose this important environment. He stated that in line with Planning Policy Fenland District Council has a duty of care to protect new and existing residents.

Members received a presentation, in accordance with the public participation procedure, from Ms Mailey-Hulme, an objector to the proposal. Ms Mailey-Hulme stated that she is a Flood Warden and a local business owner and has lived next to the site for the last three years, stating that the streets often flood and waters have reached halfway up her drive. She pointed out that the Council thought the drainage was robust for this area when in 1991 waters reached the land proposed. Ms Mailey-Hulme stated that the South East corner of the site is a riparian drain that floods, land is lower and surface water affects existing residents in Glenfields. She pointed out that Fallowfields experience flooding and water tables are high despite it having suitable drainage. Ms Mailey-Hulme stated that many home owners are already moving from the area despite the NPPF stating that there should be lower problems of flooding and stated that this application should be rejected and other more suitable sites developed, as this site is the very last buffer against flooding and asked that this protection not be taken away.

Councillor Owen asked Mr Wollaston if the applicant had taken care regarding SSSI and biodiversity. Mr Wollaston made reference to the Magic Map SSSI impact zones shown on the right of the map denoted by a purple line, with another purple line below that being part of the SSSI impact zone, the whole site covered by the impact zone.

Ms Mailey-Hulme pointed out that the Natural England statements have been challenged as their documentation states that protected species have not been taken into consideration and a response is awaited from them.

Councillor Humphrey requested clarity on the slide regarding the third purple line. Officers confirmed that the impact zone requires careful assessment, however, this does not mean that the proposal cannot be built. They also confirmed that consultation with Natural England has been carried out.

Members received a presentation, in accordance with the public participation procedure, from Mr Beamon, the applicant/agent. Mr Beamon stated that Gladman Developments Ltd have followed an evidence based process and the site studies are far beyond what is expected at outline stage. He stated that the proposal is in a flood management area and it is incorrect that the application lies within Flood Zone 3. Mr Beamon pointed out that the previous presentation states stops at 5

metres AOD and he clarified that all the site is above 5 metres AOD. Mr Beamon stated that since the previous application further testing has been carried out and has been scrutinised by experts and Council appointed experts and the area is in Flood Zone 1 and the proposal will not increase the risk of flooding.

Mr Beamon pointed out that the housing supply of 1,000 dwellings have not all been allocated, 1,000 houses is not a minimum and can be more. He pointed out that the report states that this site can be considered under Policy LP16, as this is not previously designated and is less than 250 dwellings, this proposal is for 150 dwellings and does not fall in that policy criteria. Mr Beamon stated that Gladman Developments have provided technical assessment work, scrutinised by experts and Fenland District Council experts show that the site is in a sustainable location and complies with the Local Plan and the NPPF.

Councillor Stebbing asked Mr Beamon if he had carried out a transport survey on relative roads such as Crossway Hand at a time when the Wash road is flooded and not just a desk top study. Mr Beamon responded that flooding cannot be predicted and traffic counts are carried out as and when required by the statutory requirements, he confirmed traffic counts have been carried out at the level crossing and 5-6 junctions in the area. Councillor Stebbing stated that there is a genuine problem in Whittlesey and requested that an actual study be carried when it is important to do so. Mr Beamon responded that he could not predict when roads would be closed and roads have been assessed as required.

Members asked questions regarding Flood Risk Management and Highways, answered by Mr Salter from the LHA and Mr Jenkins, Drainage Consultant;

- Councillor Stebbing asked Mr Salter if traffic surveys are carried out at times of known risk for future reference as when the B1040 is closed due to flooding the A605 is the only road out. He suggested that surveys should be carried out at different times throughout the year and not be reliant on desktop studies. Mr Salter responded that surveys have been undertaken and numbers provided. The A605 to Kings Dike has 900 vehicles per hour and in times of flood when traffic is diverted this leads up to an additional 500 vehicle passing through, creating a baseline of 900 + 400 and this assessment broadly follows professional guidance and is in line with what is expected and the change in traffic flow is not significant;
- Councillor Mrs Mayor commented that in 2008 a planning application was approved for 37 dwellings in Stonald Road, this has still not been built, part of the plan was to pay for traffic calming for Stonald Road, taking in the Snowley Park entrance and asked if the LHA have taken that into account. She stated that a development of 150 dwellings would have a much bigger impact, with an approximate increase of 2 cars per house. The LHA confirmed that the applicant has taken into account the existing traffic survey, known developments have been added in and a baseline built up then compared with the impact. The 37 dwellings have not been included in the assessment, which was a shortcoming, however additional traffic has been taken into account, equating to 15-20 movements during peak hours, this is considered comfortable and is more than covered by the traffic report. Traffic calming measures would manage speed along that road and with those in place reduce vehicle speed. Councillor Mrs Mayor made reference to the development of Fallowfields in 2008 where 40+ houses were built, 9 of these were allowed to drive out onto Stonald Road, all the rest had to exit through Yarwells Headland, the reason being that infrastructure could not take more than 9 vehicles. Fallowfields was built on an incline which doesn't flood, however Bowker Way does and storms in the last two days have meant the whole area has been under water and she asked why 9 properties had a different access. The LHA could not answer this specific question however they have spoken to Highway Development Control who have advised that Stonald Road into Snowley Park will be 5.5 metres wide with a 2.5 metre footway which is common throughout residential streets in the county and the view geometrically speaking the type of road proposed is adequate to cater for the additional 150 homes and advised that there are no highway grounds on which to refuse the

application;

- Councillor Mrs Mayor asked LHA if the measurement from the highway has changed since Fallowfields was built as the road is not meant for the increase in traffic. The LHA disagreed and stated that the roads are adequate for the number of trips proposed;
- Councillor Mrs Newell commented that if LHA did not have satisfactory answers to members questions this should be looked into;
- Councillor Humphrey commented that having considered the report and the work done to evidence and address the issues he could understand the comments from Whittlesey members, however it would be difficult to challenge the recommendation;
- Councillor Owen commented that he had listened carefully to Mr Wollaston, Councillors Mrs Mayor and Stebbing, those with local knowledge, experts, PCC, drainage and highway consultants and commented that if the application should go to appeal who would the Inspector take notice of, local or expert opinion. In his experience it would be expert opinion and despite what the committee feel emotionally the views of experts cannot be ignored, the development is in Flood Zone 1 and the application is fine for approval;
- Councillor Sutton commented that he had listened to the concerns of local residents and he would like to hear from the drainage expert to convince those with concerns that the concerns are not as valid as they think they are. Mr Jenkins responded that he was at the meeting to give advice, stating that there are two issues, planning policy regarding sequential test and appropriateness of the site and Flood Risk issue, the development shown in this case being in Flood Zone 1 and in policy there is no reason to object to the proposal. He commented that Flood Risk Assessment on the outline application did not present the detail of drainage and this will need to be secured by planning permission and details to discharge that condition. He noted the concerns regarding the drainage scheme being above normal. There are other issues regarding overland flow and design and here and nationally when the pipe network is overloaded there will be surface water and it will find its way and the drainage through the proposed land would need to be managed to pass through the development and would need to form part of the detailed scheme. In his opinion there is no technical reason to prevent the scheme;
- Councillor Quince asked what was the possibility of this site flooding, excess water is pumped from Northampton into the Fens and his gut feeling is that this site will still flood. Mr Jenkins reiterated that the development is in Flood Zone 1, considered out of 1 in 1000 flood plain. Mr Jenkins advised members to base their decision on the evidence in front of them from the Environment Agency and the Flood Map;
- Councillor Stebbing asked if the development was adjacent/close proximity to Flood Zone 2 or would it be at higher risk of flooding. Mr Jenkins advised that the risk does not affect its suitability as the development would be built in Flood Zone 1, in line with guidance in the NPPF;
- Councillor Mrs Mayor commented that 220 houses have been identified as at risk of flooding and asked why the Environment Agency are working with 19 volunteers as flood wardens for this area, suggesting that there are problems in the north of Whittlesey, this development will provide more concrete to flood other properties and asked why the north of Whittlesey is not included in the Development Plan;
- Councillors Humphrey, Owen and Sutton commented that this development could be a disservice to Whittlesey, however it would be a disservice to Fenland as a whole should refusal of the development be referred to the Planning Inspector. Councillor Mrs Mayor commented that this is the second application, pointing out that the original is with the Planning Inspector and the decision has not yet been made;
- The Legal Officer reminded members of the legal implications and asked members to consider the technical evidence provided by the experts and asked that they consider the application on its own merits.

Proposed by Councillor Humphrey, seconded by Councillor Humphrey and decided that the application be:

Granted, subject to the conditions reported.

(Councillors Mrs Mayor and Stebbing stated that they are Members of Whittlesey Town Council, but take no part in planning matters)

(Councillor Mrs Mayor declared a Non-Pecuniary Interest in this application, by virtue of her being a Ward Councillor, but has no involvement with the residents association or the application)

(Councillor Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he is a Member of Whittlesey Town Council Planning Committee and stated that he will consider all relevant matters before reaching a decision on this proposal)

(All Councillors registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P23/14 **APPLICATION TO DESIGNATE A NEIGHBOURHOOD AREA (TYDD ST GILES PARISH COUNCIL)**

Members considered an application from Tydd St Giles Parish Council to designate a neighbourhood area, in accordance with the procedures contained in the adopted Fenland District Council Statement of Community Involvement (June 2013).

Officers informed members that:

- The Parish Council had followed the correct procedure to apply to Designate a neighbourhood area.

Members received a presentation, in accordance with the public participation procedure, from Mr Mathias, a supporter of the proposal. Mr Mathias stated that he was speaking on behalf of Tydd St Giles Parish Council sub committee who had been tasked with taking forward the design for a Neighbourhood area. He stated that the Parish Council want to achieve a more orderly developed Neighbourhood Plan. Mr Mathias stated that the application supports and compliments the Council's Core Strategy/Local Plan. He commented that of the comments received regarding the Neighbourhood Plan, two are neutral and two are in support. There was an opportunity for residents to register any objections and there were none received. He confirmed that the process is transparent and democratic.

Councillor Humphrey stated that he had been the Chairman of the community meeting that was held to discuss the prospect of preparing a Neighbourhood Plan and he had had some concerns, he commented that there had been four valid responses and there were others raising concerns about the outcome of the meeting. Mr Mathias responded that voters were counted at the meeting and the result was announced by one vote and there were three yes votes that had not been included and a possible one no vote that was recorded as a vote. The Chairman of Planning Committee reminded members that the relevance of ethics of that community meeting were not required for members of this meeting to consider. Councillor Humphrey commented that he had concerns regarding the methodology. Mr Mathias responded that after the meeting he was approached by a large number of residents, their views were all in favour, comments were made as to how the meeting was disrupted, open debate was not allowed, it was a general mess and residents were confused. Mr Mathias confirmed that the results of the community meeting were taken back to the Parish Council and it was asked to continue, the previous objectors were there and raised no objections. Councillor Humphrey did not feel that the meeting fell into the manner suggested, there was an airing of views from both sides, approximately 50:50 result and it was a well conducted meeting.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, who was requested to attend the Community Meeting by local Parish members. He stated that as a member who deals with the Planning Department he was intrigued to follow the process through. Mr Humphrey stated that there was a public meeting with about 130 in attendance and he believed the vote to be a 50:50 split. Mr Humphrey pointed out that there was no reference to the feelings of members of the village. He raised concerns that he is aware that people of the village can hijack the meeting and those that did not want to attend were not sent emails regarding the meeting. He feels that there needs to be better awareness of the process to enable the Neighbourhood Plan to be supported.

The Chairman consulted with the Legal Officer and the Head of Planning to clarify the process before the meeting continued.

Members made comments, asked questions and received responses as follows:

- Councillor Sutton commented if the Parish Council decide to support the process of a Neighbourhood Plan they are entitled to do so. He pointed out that nationally the Neighbourhood Plan is promoted as a good thing and the Parish Council have taken the decision to go forward;
- Councillor Humphrey commented that he had no objections to the recommendations with any concerns re-emerging at the next stage and eventually at the referendum stage residents will get another opportunity to take part;
- Councillor Owen commented on paragraph 5.2 of the report stating that members could only approve the proposal and the next stage of the process will take it forward.

Proposed by Councillor Owen, seconded by Councillor Humphrey and decided that:

The application to designate a neighbourhood area be approved.

(Councillor Humphrey declared a Non-Pecuniary Interest in this application, by virtue of him being the Chairman at the community public consultation meeting)

3.35pm

Chairman