

PLANNING COMMITTEE

3 FEBRUARY 2016 - 1.00PM



PRESENT: Councillor A Miscandlon(Chairman), Councillor M G Bucknor, Councillor D W Connor, Councillor M Cornwell, Councillor A Hay, Councillor D Laws, Councillor P Murphy, Councillor Mrs F S Newell, Councillor C C Owen, Councillor W Sutton.

APOLOGIES: Councillor S Clark(Vice-Chairman)

Officers in attendance: N Harding (Head of Planning), R McKenna (Senior Solicitor), Mella McMahon (Development Manager), Shanna Jackson (Senior Planning Officer)

P65/15 TO SIGN AND CONFIRM THE MINUTES OF THE MEETING OF 13 JANUARY 2016.

The minutes of the meeting of 13 January 2016 were signed and confirmed.

In answer to a request from Councillor Sutton the Chairman suspended the meeting in order to allow time to read the Planning Updates, as he had not had time due to attending another meeting just prior to Planning Committee.

**P66/15 F/YR15/0636/RM
WHITTLESEY - LAND NORTH OF SNOWLEY PARK AND GLENFIELDS
RESERVED MATTERS APPLICATION RELATING TO THE DETAILED MATTERS
OF LAYOUT, SCALE, APPEARANCE, AND LANDSCAPING PURSUANT TO
OUTLINE PERMISSION F/YR14/0365/O (RESIDENTIAL DEVELOPMENT (150
DWELLINGS MAX) WITH ASSOCIATED INFRASTRUCTURE) COMPRISING OF
144 X 2-STOREY DWELLINGS 7 X 1-BED, 23 X 2-BED, 38 X 3-BED, 71 X 4-BED
AND 5 X 5-BED WITH GARAGES AND ASSOCIATED INFRASTRUCTURE)**

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute 19/04 refers)) during its deliberations.

Officers presented the application to Members and informed them that updates had been received as per the documents handed out (attached).

Members received a presentation in accordance with the public participation from Councillor Mrs Jolley, Whittlesey Town Councillor.

Councillor Mrs Jolley stated she had been asked as Chairman of Planning at Whittlesey Town Council to ask if Members would give consideration to the following concerns that have been raised by the Ward Councillor Ray Whitwell as he was unable to attend due to other commitments.

- The play area is situated in an area which is not overlooked by any neighbouring properties and there appears to be no lighting provision giving rise to concerns for safety of the children using the area unsupervised.
- The new build is in close proximity to existing properties with north facing windows, this will impact on the amount of daylight entering these properties.
- The drainage system - there have been problems in the past when the third party who

manage the system have no longer been able to maintain the contract. Is there any provision in place to address this in the future?

Councillor Mrs Jolley stated she realised these issues come under reserved matters and she would attempt to answer any questions that Members may have.

No questions were asked of Councillor Mrs Jolley.

Members received a presentation in accordance with the public participation from Councillor Mrs Laws, Whittlesey District Councillor.

Councillor Mrs Laws explained she was under the impression that she would receive ten minutes therefore she would need to be brief and selective as to what her presentation would now be. Councillor Mrs Laws stated as Members were already aware this was a very sensitive site (having obtained outline planning consent) this was principally due to the site being in close proximity to Whittlesey, River Nene, Washes, Site of Special Interest and RAMSAR - as explained the flood zones have already been discussed; the principle of developing this land in flood risk and drainage terms has already been established, the details are only required prior to commencement of the development and are not required to submit as part of this current application. Neither site has sensitive water issues and I ask the question why. She stated she would like to identify there is a ditch running across the centre of the site and for some strange reason this has not been picked up in any surveys in sufficient detail for it to be considered a functional flood plain; water does back up in this ditch when the washes are in use but the EA appear to have dismissed it as a functional waterway and not taken into account the part of the calculations of the volume of storage available within the Washes. She read the following, " comfortable to afford a free outfall bearing exceptional circumstances events resulting in the Washes of greater than 3.85AOD and this should have capacity to store in the lagoons for once in a hundred years."

Consider climate change - She refreshed Members' memories and consider recorded flooding events in our area in Whittlesey in 1998, 2001, 2012, 2013 and recently as 2014; how many times do we have to be told the water can only be managed and not controlled. She stated her understanding was that North Level IDB will be adopting two drainage ditches to the east and the west of the development site and on the site layout the two maintenance strips indicate access to the drainage ditches have been reduced from 9m to 5m, considering drainage machinery is increasing in size, will this be sufficient to maintain? Clearly both SUDS are an issue, it is proposed that west side drains into existing water courses and currently drains from Snowley Park, have any calculations for existing drainage been taken into account? The northeast side is proposed to have an outfall into the drainage ditch that was registered as well below 5aod and has potential to back up in Glenfields, the adjacent development, in times of flood lock, have any calculations been done when flood lock exists? The EA with their independent survey data have concluded that whilst there are differences in the results, there is apparently no lost function on flood plains but bear in mind that this land, the gardens near the north boundary will be lain in wet areas with the Washes being in flood or whether the Washes are not in flood.

The lagoons - water is a great attraction for children and to consider any play equipment on the northern boundary buffer zone and in close proximity to two lagoons may be an accident waiting to happen. There have been recommendations by North Level to step these lagoons, this appears to be a sensible solution. If a child falls into a lagoon then they have an opportunity of walking out rather than climbing up a slippery slope. This type of construction may be more expensive or aesthetically not pleasing to the eye but we should be deciding on the factors of safety and protection; she asked Members to look at that recommendation.

The play area - at all stages we have asked for the play area to move away from the established one. There is known anti-social behaviour and is well reported with the local police, Fenland District Council went out to consultation and they received a response from the local

Cambridgeshire Constabulary and they clearly said that the play area is not in the right position and should be moved, there is a letter from the Constabulary and she would like this to be read or if not, if Members would like her to read a section out, it clearly demonstrates all the reasons to keep our children safe, we need this illuminated, we need it in good vision of everybody and therefore why are we having these consultation if professional advice is completely ignored?

The 106 Agreement which probably cannot be discussed here - she would like an explanation as there are two serious sites in close proximity, why were no contributions asked for pre-school or primary school? This site only delivers £23,800 for senior schools and she did not consider that is best delivery to the site.

She also added that she asked the matters to be refused as we have a responsibility to ensure this site delivers the best drainage in exceptional circumstances for new homeowners compatible with existing properties and most importantly, offers protection for the children by constructing step lagoons and relocating the play area.

Questions were asked of Councillor Mrs Laws as follows:

Councillor Connor asked for Councillor Mrs Law's views on drainage system including her views on the lagoons currently known as balancing ponds. Councillor Mrs Laws stated that she thought that all Members needed to recognise this was a sensitive site and she did accept that the developer has moved forward with the drainage and has been working with organisations like the EA and North Level but she thought that all Members needed to be mindful of was that at the moment there is no legal requirement for the local drainage board to take the drainage system over and we have experienced a site where after two or three years the developer has walked away and the management company has gone into liquidation. Her personal opinion would be, and it has worked in Turves where they have the residents management structure where each household pays an amount of money for a play area and open space and that is tied every time the properties are sold and that contributes then to the maintenance of the drainage and the play area forever more. That to her seems, if we are going out of the area of having a professional authority to look after it correctly, we need to have a structure in place; these members have a responsibility to get that type of structure in place and she thought that reassured the residents when they were buying a property. With reference to the lagoons, it may look part of the landscaping if they are sloped but she thought personally and if you looked at all the paperwork on the system on Fenland's website, the professionals say construction of stepped slopes so that people can walk in and they can walk out; a child can drown in inches of water, it does not need a metre and from experience there is a balancing pond quite near the site on another development and that has water 9 months of the year and it is further away from the northern boundary than this one therefore she thought if we had a stepping system it may be more expensive but children have to be considered, this was a family development site. Councillor Connor asked if Councillor Mrs Laws if she thought that on this site that safety was paramount to which Councillor Mrs Laws stated absolutely.

Councillor Connor asked for Councillor Mrs Law's comments on the play area. Councillor Mrs Laws stated that there was an existing play area that has a record of vandalism and anti-social behaviour and is lit by one street light. She stated that the proposed extension of the existing play area would create a crime hot spot and this was from the Police Architect and be detrimental to both the existing and new residents, the current play area which is maintained by Fenland District Council has consistently endured vandalism and boundary fences being damaged and leading to an unsafe environment. She stated, that moving forward, the Police Architect is principally stating that play areas tucked away in one corner of the site and whilst positioned next to an existing play area is not the best position for a play area, its current advice is to reduce the crime and anti-social behaviour of any play area should be placed in the central location for development with surveillance maximised from active rooms or surrounding dwellings that play space should be better positioned at the road junction within the site where the roads of the two halves of the

development split. These are professional people and she thought that it has to be considered this is a family development and moving forward, that play area is recognised already as problematic; it has to be in the centre of the site.

Councillor Miscandlon stated Officers had an update on the lighting of that area which is called into question as there is only one light. The Planning officer clarified that they had recommended a condition (Condition 2 Page 39) asking for an external lighting scheme but more importantly officers have recommended a Deed of Variation to Section 106 which would require a contribution to upgrade and improve the existing play area as they were aware of the existing issues therefore securing that financial payment would allow an upgrade and hopefully help to resolve the current situation.

Councillor Bucknor asked if the current play area had lighting to which Councillor Mrs Laws stated it had one street light and no CCTV and she wished Members could have read the Constabulary Architect's report because it was very detailed and no matter what is being offered, this is not a suitable area. You could suffer with light pollution because it is close proximity to residents, whereas you look at the design for the central play area that all the residents, town council and councillors and professional recommend, you do not get the light pollution or the noise issues; there are lots of bonuses to having this in the centre of the site.

Councillor Sutton stated that up and down the country there are plenty of play areas that have been designed and approved by professionals and they have exactly the same kind of problems as she referred to therefore he was not so sure whether her assessment of professional as being correct. Councillor Mrs Laws stated she had not said they were correct all the time but what she was saying was that Members have an opportunity to get the best out of this development and the best design and it was not herself, not one professional but other people have been involved and they consider this as not suitable to extend the site and you have a perfect example of a good development and a good play area on the Fallowfields estate only half a mile away and that was built four years ago with tremendous input from the developer, tremendous input from the Town Council and Fenland's Parks and Open Spaces officer and she noticed here that there were possibly 14 pieces of equipment, why not develop this brand new play area and bring it in line with what is needed for that site; she certainly would not recommend a play area on the buffer zone because of the ecology reasons and also it would bring children near the lagoon and they love water; lets get it professionally designed with our own officers and bring it into the centre of the site.

Councillor Owen stated he had lived in the Fens for all his life and he had seen rivers, drains, dykes, ponds, attenuation lakes and ponds. Councillor Mrs Laws asked if Councillor Owen would he say that children have the opportunity to fall into any of them to which Councillor Owen said yes and if Councillor Mrs Laws was going to say this application should be put in jeopardy because parents are unable to discipline their children. Councillor Mrs Laws stated she was trying to bring forward the best options for this site, stepped lagoons are recommended, the lagoons needs to be there for water abatement, the washes, what she was saying was to have them stepped so that if a child does fall in then they are very visible and they walk in and walk out; if they are slippery slopes children can drown in inches. She understood that there should be responsible parents but kids will get out and they are attracted to water therefore there has to be protection. Councillor Owen stated that most attenuation ponds do not have any water in for a significant part of the year may be nine, ten or eleven months. Councillor Mrs Laws stated she accepted what he said but stated that the site of Fallowfields where they have the balancing point and nine months of the year water is in there. We are on the northern boundary of a flood plain and on the site visit you would have noticed that the water is prevalent.

Councillor Cornwell stated he too was concerned about the lagoons and the safety aspect of them and he had to say that the difference between this and most other schemes that are looked at is that these are designed to be part of the public open space; they are there for two purposes and

because of that there is going to be a risk and frankly whoever takes on responsibility for these ultimately has got to take responsibility for those risks. He stated that Councillor Mrs Laws had mentioned the 5m maintenance strip; why is there no maintenance strip on the western boundary that is also mentioned as a drain and yet according to the plan that drain ultimately connects with another drain. Councillor Miscandlon advised this was a question that should be posed to the applicant.

Councillor Mrs Newell stated that Councillor Mrs Laws had mentioned a dyke in the middle and asked whereabouts on the map it was. Councillor Mrs Laws explained that it went right through the centre; Councillor Mrs Newell asked as to why that has not been identified. Councillor Mrs Laws explained that the EA stated they have not got any measurements recorded to actually give a comparison and in her mind that should not be ignored and further investigation should be done. Councillor Miscandlon stated this was not a question that she could answer but may be the applicant could when it was his turn.

Members received a presentation in accordance with the public participation from Michael Woolaston, Chairman of the Snowley Park and Glenfields Action Group.

Mr Woolaston asked if he could circulate a hand out that briefly covered the subjects he was going to speak about with a letter from Natural England that he thought was paramount for Members to read today. Councillor Miscandlon stated this should have been handed to officers earlier to give them chance to read them but on this occasion he would permit this but in future these needed to be presented at least 24 hours beforehand in order for them to be sent to committee members. This was circulated to all Members.

The Chairman suspended the meeting for three minutes in order to allow time to read the hand-out.

Mr Woolaston stated he lived at 51 Snowley Park, Whittlesey and was speaking on behalf of the Snowley Park and Glenfields Action Group.

The three primary areas of concern and reasons why the planning committee should refuse this application today are:

1. The siting the of the play area
2. Design philosophy is not sensitive to existing dwellings
3. The open space requirements for the ecological northern buffer zone has not been adequately addressed to mitigate against impact to the SSSI, CWS, SPA, SAC and RAMSAR.

To elaborate on these points - the pay area is suggested to be added to the existing play area in Snowley Park. The current play area is both poorly illuminated and currently has on-going issues of vandalism and anti-social behaviour. Fenland District Council's Parks and Open Space Manager has offered cleared guidance that it should not be added to the existing play area but moved to the other side of the new housing estate to give a more balanced play provision. Additional previous comments made by the Architectural Liaison Officer for Cambridgeshire Constabulary should be taken into consideration. These comments we would suggest offer guidance in delivering a positive integration of the play area for both new and existing residents and compliance with LP2 and 16.

In conclusion by extending this play area you will increase the risk of fear of crime and would encourage the anti-social use of the play area without fear of being observed. This would prejudice the amenity of both new and existing residents.

The current layout proposals has new dwellings in very close proximity to existing residential dwellings on the southern boundary, this will not only be detrimental in terms of sensitive visual

amenity but will also invade the privacy currently enjoyed by existing residents. The best example of this fact is that no reference is made in the officers' report to the north facing primary use windows of 51 Snowley Park which would be subject to harmful overlooking and a loss of privacy and the impact would be unacceptable. This would not be in accord with LP16. Additional residential concerns have been raised regarding damage caused by construction works in close proximity to existing dwellings, the officers' comments in Section 9.51 of the report states this is a civil issue and not within the remit and refers the matters application to control. We wholeheartedly disagree with this statement as there is clear guidance in LP2 that development proposals should positively contribute to creating a healthy, safe and equitable living environment by avoiding adverse impacts.

The illustrative development framework plan was submitted for the outline planning application showed 1.7Ha of public open space, the last submitted update for this application shows nearly 1Ha of public open space and this is way below what was offered at the outline stage and was set as a condition of the application and referred to in a decision notice of the outline application which was Condition 14. The reduction in public open space from when the date of the illustrative development framework plan was submitted until the planning obligation was submitted is a conflict which is highlighted in the officers' report. We would state that it would logically follow that all standard consultee's offered responses based on the fact that the public open space was 1.7Ha. Natural England were consulted on the outline application on 16/5/14 and responded in their letter on 20/5/14. "Natural England is satisfied that proposed development being carried out in strict accordance with the details of the application as submitted will not damage or destroy the interest features of which the Nene Washes SSSI was notified. We therefore advise your authority that the SSSI does not present a constraint in determining this application. Should the details of this application change Natural England draws your attention to Section 28I of the Wildlife and Countryside Act as amended, requiring your authority to reconsult Natural England." Natural England was consulted once more regarding discharging Conditions 16, 17 and 24; when this reserved matters applications comes forward due to the reduction in the public open space surely that would have necessitated another consultation with Natural England, Natural England was not included on the standard Consultation list for this application. Both Peterborough City Council ecology has stated it should have been preferable to redesign the overall scheme; the Wildlife Trust stated it is unacceptable for developers to get outline planning permission for one scheme and then to fundamentally change the scheme at the reserved matters stage so as to dumb down the green infrastructure.

In summary the consultees have made it clear the importance of the open space requirements and importance of the buffer zone not to have a negative impact on CWS, SSSI, SPA, SAC, RAMSAR but the key consultee out of these Natural England were not re-consulted.

Questions were asked of Mr Woolaston as follows:

- Councillor Owen stated he was intrigued as he had this document in his possession for nearly two years why had it been so last minute. Mr Woolaston stated he came across it last week by chance when he was going through the documentation about the importance of the open space requirements and the reduction of the open space from 1.7Ha down to virtually 1Ha and why was Natural England not consulted and when he went through their responses to the officers within the consultation process, it became clear that that segment was regarding wildlife and the importance or re-consulting Natural England should the proposals change he thought that it should be something that should have been carried out. Planning Officers clarified that since November 2015 the application has moved on and planning officers consulted the Peterborough City Council Ecologist to look at the proposal in detail in terms of the ecology and Natural England would take more of a strategic view but because they were mindful of the importance of the site and the location of the SSSI, planning officers wanted a more detailed view therefore Peterborough Ecology were consulted to look at the details of the application.

- Councillor Cornwell asked if there was any consultation with Natural England on the revised plan as opposed to Peterborough Ecology. Planning Officers stated that Natural England were not consulted on the reserved matters and because it was a detailed application then Peterborough Ecology were consulted; therefore Natural England were not consulted on this application.

Members received a presentation in accordance with the public participation from Trevor Rockley, the applicant.

Mr Rockley stated that over the last ten months they had been working closely with the planning officers and consultees on their reserved matters application to create a scheme that was satisfactory both in terms of design and engineering and the response to the outline approval for up to 150 dwellings. These include pre-application consultations with Fenland, presentations to Whittlesey Town Council and further consultations and conversations with the planning officers. There have been several key design constraints, most notably the drainage at the site. Foul drainage is by gravity piped system to the existing systems within Glenfields, storm water is drained by two separate surface water systems. The discharge rate into the ditch courses has been agreed with IDB and is controlled by hydro brakes contained within manholes upstream of the outfall. In addition the design encompasses for the 1 in 10,000 year tide lock event and floor levels are set above the existing ground levels. Detention bases are offline features and designed to be predominantly dry other than in the extreme events. The detention bases also have a freeboard level of between 450mm and 500mm. Our proposals have changed in the consultation process, we have reviewed the responses and made amendments where possible, redesigning aspects of the layout with the hope that officers can support our application, these include flooding and the 5m contour. The designs proposed have been approved the EA and the IDB, there were concerns that they were developing within the 5m contour and we have proven that there were two small areas within the site along the northern boundary which were below the 5m contour but they were found to be depressions rather than linkage to the Whittlesey Washes. The Wildlife Trust buffer zone; the design of the scheme along the northern boundary has been amended so that the built-form is outside of the 5m buffer zone. The northern boundary treatment - the majority of the existing planting will be reinforced and the existing retained. There is significant existing planting outside the site which is not within our control. The IDB drainage ditch easement along the eastern edge of the site has been amended to encompass a 7m easement from the top of the ditch to allow the IDB to maintain the ditch which they have confirmed is acceptable. Affordable housing provision has been amended following comments regarding cluster sizing and the housing now provides a broad spectrum of both in terms of tenure of one and five bedroom houses with 36 affordable houses. If we were to gain planning at today's committee we would intend to commence as soon as practically possible delivering 30 units between now and June 2017, 12 of which would be affordable. He thanked the officers and the consultees for their assistance in arriving at the positive recommendation before Members today and he hoped Members would support officers' recommendation and approve the application.

Questions were asked of Mr Rockley as follows:

- Councillor Miscandlon asked with regard to the proposal of a management system for the drainage, what did they have coming forward in relationship to it. Mr Rockley stated that on the table at the moment there is an option to have Fenland adopt the public open space areas and also have the areas maintained by a management company. Councillor Miscandlon asked how the management company would be financed. Mr Rockley stated this would be done through them setting up a fund to set the management company up from the start and there would be obligations within the transfers to each property that there is a management fee to be paid. They would set the management company up to start off with and they maintain for a certain period and then they continue to maintain but how the management companies are set up there is an option for a residents' committee to form where they can appoint their own management committee and arrangements to take these

forward. They have not yet appointed a management company as they are far from completing but they had done management arrangements on these types of schemes numerous times and in similar drainage situations maintaining hydro brakes, headwalls, green spaces with no issues.

- Councillor Connor asked why they had reduced the maintenance strip to 5m instead of 9m. Mr Rockley stated they had been working with the IDB and this has now been increased to 7m and they were happy with that. There is also outside that 7m a highway extent up to the ditch course. Councillor Connor stated his machine is a 25 tonne and the overall length was 5.5m and the width is 4.9m therefore 5m would not have been enough and 7m is hardly enough.
- Councillor Connor asked if they would consider a stepped lagoon instead of a sloping one as in his opinion it was a far safer option and as all were aware that with regard to children that safety was paramount. Mr Rockley stated they always consider every option but in these circumstances because they are offline systems, they are dry basins, they have designed them as sloping sides for ease of maintenance; when cutting grass a stepped lagoon creates maintenance issues of its own making. Councillor Connor stated that surely would not outweigh safety. Mr Rockley explained the bank slopes were designed for 1 in 3 which is ROSPA approved for the numerous detention basins, they are the gradients that are designed so that people can get out of if they get into difficulties and they work within those guidelines. Councillor Connor stated the point he was making was that if the residents asked for steps then would they take that on board. Mr Rockley stated that steps would have an impact on the visual amenity of that public open space.
- Councillor Mrs Newell stated that a dyke had been mentioned that went right through the middle of the site; had they taken this into consideration. Mr Rockley stated this had not been taken into consideration on the drainage, on the topographical survey that was carried out showed no linkage to the northern boundary and the IDB did not mention it as part of their consultation either. Councillor Mrs Newell stated that whether it had been mentioned or not, it was still there. Mr Rockley stated that what it was draining was the land around it and not land to the south and they were now creating its own drainage system that drains into the two ponds therefore they were directing whatever flows that went into the ditch, which was a field drain, discharges into the northern boundary.
- Councillor Bucknor asked if Mr Rockley had previously mentioned that Fenland District Council would take over the play area. Mr Rockley stated the scheme was to improve the existing play area which was already in Fenland's control. Councillor Bucknor asked who would pay the maintenance of the play equipment. Mr Rockley stated the fee that they would pay would include this.
- Councillor Cornwell stated that there was no maintenance strip shown on the western side and asked if that was an IDB dyke as it seemed to link onto everything else within the system. Mr Rockley explained that the dyke was outside of their land ownership and the maintenance was on the other side and would be accessed from there.

Members made comments and asked questions as follows:

- Councillor Bucknor asked if there was any requirement to consult against the new development. Planning officers stated that under the rules entwined in the legislation Fenland did not have to consult Natural England where there was a reserved matters application, this has to be done when it is a full planning permission or an outline planning permission but there is a distinction between the words permission but as had been indicated by one of the planning officers earlier, they did consult with the ecology officer at Peterborough City Council who would give a far more detailed view than would be received from Natural England.
- Councillor Mrs Newell asked why Members had not been given a full report from Cambridgeshire Police because if they have raised serious concerns about the safety then there should be some comment made from them that Members are able to read. Councillor Miscandlon stated that at 5.8 in the report was the Police Architectural Liaison

Officer's report. Planning officers identified where the existing playground and equipped play area was and where the proposed open space would adjoin it. Under the current Section 106 the proposed open space was going to have play equipment put on it but the current proposal is for a grass open space area. The idea is a financial contribution in lieu of on site provision so that improvements and alterations can be made to the existing play area and equipped play ground and this could include measures to reduce incidents of vandalism and anti-social behaviour on what is an existing play facility. The existing and the proposed open space area would be over looked by a number of proposed properties therefore there is good level of surveillance. If that area of open space was to be removed and put elsewhere into the scheme then you would end up with residential development which effectively will turn its back on the existing playground and play area and this would enable the various activities to continue because there would be the same lack of over looking as presently therefore there are benefits associated with having the residential area over looking an area of open space. Councillor Mrs Newell stated it seemed strange that the police have commented their concerns that it would not adequately be lit. Planning officers explained that if the Deed of Variation went through then the money received could be spent on improving the lighting to the Council's existing play area and hopefully that would resolve the issues of anti social behaviour.

- Councillor Mrs Newell stated there were no comments from North Level Internal Drainage Board which she found strange as they objected to the proposal but why; she did not think that report was extensive enough. Planning officers explained that the IDB stated that it failed to allow access to the drain on the eastern boundary. Councillor Miscandlon stated that the maintenance strip had now been increased. Planning officers explained the report stated that there had been revisions and that has now satisfied the IDB's concerns. Councillor Miscandlon stated that 5.5 in the report stated the discharge rate of 8.21 litres per second had been approved by the North Level IDB Board.
- Councillor Cornwell stated he could not understand the issue with regard to Natural England; if we do not need to re-consult with them then why have they said that we should because in their letter it very clearly states (where they are commenting on the outline application) "should the details of this application change Natural England draws your attention to....requiring your authority to re-consult Natural England" does this mean they are not telling the truth? Planning officers stated that the distinction has to be drawn between what is required by the legislation and what Natural England asked for as a voluntary arrangement; under the terms of the legislation there is no requirement for us to consult them on the reserved matters application and as pointed out earlier they have liaised at a more detailed level on this proposal with a qualified ecologist. Councillor Cornwell stated that the reserved application substantially reduces the amount of space therefore surely that is a substantial alteration. Planning officers explained the outline application included an ecology report which stated there should be a 5m to 8m buffer zone to the north of the site therefore that is what Natural England would have looked at when they looked at the application. This reserved matters layout does include that same 5m to 8m buffer zone therefore she understood what Councillor Cornwell had said about Natural England's comments however it is planning's opinion that it has not drastically changed in that respect as it still provides that same adequate buffer level. Councillor Cornwell stated then Fenland would not end up in court because they had not re-consulted Natural England and was that definite.
- Councillor Connor stated he could not get his head around the lagoon balancing pond sloping and he thought it was an accident waiting to happen and would like to see it put into a condition then he would support this but he thought Members needed to be mindful as to what children do when they are let out of sight for five minutes whilst playing football. Councillor Owen stated for a point of clarification that if Members supported what Councillor Connor was proposing then would Members decide that on any future application or current applications that all drains, dykes and ditches are filled in. Councillor Connor explained that on this particular application the lagoon and balancing ponds he was not happy with them being sloped and for a safety issue it should be stepped in order the children can get

out if they get into trouble; this was just his opinion. Planning officers explained that a 1 in 3 slope was an industry standard and has already been mentioned it is ROSPA approved; if Members were to go for the stepped arrangement then the slopes between each level would be 1 in 3 therefore there would be no significant advantage of having a stepped arrangement as opposed to a sloped arrangement and he thought Members would be hard pressed to refuse this application on the grounds that it being a 1 in 3 continuous slope as opposed to being stepped because ROSPA are supportive of a 1 in 3 slope. Councillor Connor stated that he was not talking about refusing the application he just wanted to make the point that he would like to see a stepped arrangement as opposed to a sloped arrangement.

- Councillor Sutton stated that if steps were added, within a couple of months, it would become a slope as it was just the natural way soil interacts with water and it would become a worse slope than is currently proposed. If ROSPA are happy with this then why are Members worried about, he understood Members concerns but he did not think it was that important of an issue because by adding steps it would be worse.
- Councillor Murphy stated he totally agreed with Councillor Sutton and thought Members were getting "bogged" down on this issue because there is the same lagoon in Cricketers in Chatteris and people were worried that children would fall in as it was next to the play ground but it eventually grew over and you would not know it was now there but it is a needed part of the ecology of that area. No-one has fallen into the lagoon at the Cricketers therefore he did not understand why Members were worried. He stated they had heard that everyone was happy with this except those from Whittlesey who did not like it. Councillor Murphy stated they can be attractive features once they are grown over which they would not be to start with as they would be full of mud.
- Councillor Cornwell stated that Councillor Murphy had just proved the point to a certain extent that this was part of the public open space and the applicant mentioned grass cutting; this should be maintained as part of the public open space therefore it does not get overgrown and this was the whole point of the issue, it is a natural indentation within the area that is subject to normal maintenance and it will not fill up with reeds, it will have water and therefore it becomes a risk. Somewhere there is a drawing of a design of this pond and along side it there is a child playing football, this was produced by the applicant and therefore there is an expectation that children will play around the area as it is part of the open space. It will either create a risk or grow over and almost disappear and become a piece of part time temporary wetland.
- Councillor Bucknor stated Councillor Cornwell had confused him as he was looking for assurance; the planning officer has informed Members that ROSPA approved this but if it were a stepped lagoon, did this mean it would eventually go back to being a 1 in 3 slope. Planning officers explained that there would be a flat section then a sloped section, then a flat section, then a sloped section and those sloped sections would be 1 in 3 and in his view he could not see the difference between having a continuous 1 in 3 and the stepped with 1 in 3. Councillor Bucknor asked if the planning officer thought that would be more beneficial to someone falling in; was there any ROSPA ruling on that? Planning officers explained they were not aware that there was any preference of one over the other. Councillor Bucknor stated he did not want to make a decision of choosing something that could cause a young child an issue. Planning officers stated there were two issues, one was that the committee needed to recognise that the 1 in 3 slope is an industry standard and that was proposed with this scheme, which is perfectly safe. Secondly, if it is the District Council which becomes the responsible authority for this area then as a matter of course an inspection would be undertaken before it is adopted and if there were any revisions needed to it to ensure it was fit for purpose and safe then those would be undertaken before the Council took on that responsibility. Councillor Bucknor stated the planning officer had stated it was perfectly safe and therefore he could accept that.
- Councillor Mrs Hay stated that as a grandmother that had a four year old; she could not see that there was a problem because children of less than 3ft she would not expect them to be outdoors unsupervised without a parent therefore when would they get the opportunity to fall

in without the responsible parent there who could fish them out again. Also, one of the concerns about crime and disorder, the Section 106 monies, would there be sufficient there to provide CCTV because that would be an area that could be looked at. Planning officers stated it would be up to the authority in discussions with the applicant to determine how it wished to spend the money and if it is the Council's preference to spend it on CCTV overlooking the existing equipped play area then he doubted that would be an issue for the house builder as long as the money was going to something which was play related then he was sure they would be comfortable with that.

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

APPROVED as per the officer recommendations on the Update, subject to:

- **The completion of a Deed of Variation to the S106 attached to F/YR14/0365/O for the payment of a financial contribution to upgrade and improve the play area adjoining the site;**
- **Receipt of consolidated drawings;**
- **LLFA confirmation that the arrangements for the surface water management are acceptable;**
- **Additional condition relating to emergency access.**

(Councillors Miscandlon, Cornwell, Owen, Connor, Bucknor, Sutton and Murphy registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application.)

(Councillor Miscandlon declared a Non-Pecuniary Interest by virtue of being a Member of Whittlesey Town Council, but take no part on planning matters.)

(Councillor Mrs Laws declared a Non-Pecuniary Interest by virtue of being a Member of Whittlesey Town Council attending the Planning meetings but take no part, also a representative for Fenland District Council on the North Level Drainage Board and Washland Commissioners for Mitigations of Water.)

(Councillor Mrs Laws stated that she had decided not to speak or vote on this application as a Fenland District Council Planning Committee District Councillor by virtue of her prior involvement in the outline application in her capacity of Chairman of Whittlesey Town Council Planning Committee. Having reflected on her participation, even though she did not consider herself to have interest to declare, she nonetheless felt that there could be a suggestion or perception of a bias on her part and as such she withdrew mindful of her duties to Fenland District Council and would speak as the Ward Councillor.)

P67/15 **F/YR15/0770/O**
MARCH - 250 CREEK ROAD
ERECTION OF 4 DWELLINGS INVOLVING DEMOLITION OF EXISTING
BUILDINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

The Chairman informed Members that this item had been withdrawn.

P68/15 **F/YR15/0961/F**
MARCH - LAND NORTH OF MILL HILL GARAGE, WIMBLINGTON ROAD
ERECTION OF A 2-STOREY BUILDING FOR USE AS OFFICES (SUPPORTED BY
A PRELIMINARY BROAD CONCEPT PLAN FOR THE SOUTH WEST MARCH
BROAD LOCATION FOR GROWTH)

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute 19/04 refers)) during its deliberations.

Officers presented the application to Members and informed them that updates had been received as per the documents handed out (attached).

Members received a presentation in accordance with the public participation from Mr Mark Hayden, the applicant.

Mr Hayden stated that Whiting and Partners' aims were to service, support and encourage our clients to flourish and develop and in order to respond to our clients' evolving and increasing demand in needs, the business requires a new modern office building. This would create a centre of excellence providing specialist skills for support for companies in five local market towns. Whiting is proud of its historical connection with March which goes back over 80 years. Location is strategically good for our Fenland catchment and geographically accessible for our wider clients and for these reasons we want to continue our tradition of a presence in March. This proposed office development represents a significantly big investment for the company and would initially bring up to 14 skilled jobs into Fenland with a further six and provides an opportunity to support our numerous local clients and demonstrates that local firms have the home grown ability to grow, expand and enhance skill levels in this Fenland community. The development would also provide further opportunities for economic growth as part of the building and construction stages. The National Planning Policy Guidance and Local Planning Policy support principles of growth, business development, skills enhancement and employment expansion which this planning application represents. The application site is within an area designated as a broad location for growth which requires an extension to be planned and implemented in a coordinated way through an agreed plan. As part of the planning process a broad concept plan for the whole of this broad growth area has been prepared and the proposed office building will form an important gateway to the town delivering a modern, contemporary and purpose built building set back from the road in a spacious environment and will make a very positive message about the town. Moreover being stand alone with independent access it will not prejudice further development within the wider broad concept plan area nor compromise or interfere with the development of a more detailed master plan at a later date. Notwithstanding future master plan considerations, the proposal is now deliverable and represents significant opportunities through growth, jobs in the local construction industry and the provision of skilled employment opportunities and will also provide high quality, well designed gateway building for the town. This building will represent the local March Fenland business, ourselves, and demonstrates how good Fenland services are; this public message is clear that this is the place to be and this is where we want to work from. In conclusion he felt this excellent scheme provides great opportunities to initiate growth, boost employment, higher level skills and the local economy whilst also delivering a fine building worthy of being at the gateway of the flourishing town of March.

Members received a presentation in accordance with the public participation from Mr Ted Brand, the agent.

Mr Brand stated this would reinforce the broad concept plan and this project in particular will kick start an area of high end employment and buildings which March desperately needs. His client looked at offices on Hostmoor but it is not the sort of place you would want to take your clients and March desperately needs some high end employment and this would be a good example to set the scene as a gateway to March and the broad concept plan envisages the employment area spreading which would be for the benefit of March.

Questions were asked of both Mark Hayden and Ted Brand as follows:

- Councillor Owen stated this was in his ward and he was familiar with this area of land between Gaul Road and Mill Hill and we have endeavoured to ascertain the ownership of the various pieces of land and get them interested. He welcomed this application, the proposal and in particular the design; he stated he been approached by so many people once this was in the public domain to say that it is not the broad concept plan, it is not a

master plan, its pink shading and brown shading on a map, there is no road, there is no infrastructure, there is no anything and therefore he could not see how this could be a broad concept plan particularly when the planning department have only managed to get responses from four landowners and there are numerous landowners involved in the pink area of the plan. How can this be put forward as a broad concept plan, was it because it was asked to be put forward by the officers of the planning department therefore this is what I have put forward, take it or leave it; although he did state he did not have a problem with the application. Mr Brand stated this was instigated by Fenland planners and the agent had contacted at least five landowners and the Council contacted more and they also contacted Anglia Water, Highway Authority and all the usual consultees and some have responded and some have not; nobody has made an effort to comment on the content of plan; this was a simple preliminary plan and there was much more work to be done regarding public surveys etc. The broad location of road positions and highways and housing, the bio diversity areas, the attenuation areas and all the main infrastructure things are there and no one has come back to object to anything at this stage; yes there was a lot more work to do to bring the landowners together to do all the traffic surveys etc but there was nothing here that would not work, all master plans have to be flexible as they develop over time and this application does not in any way effect it at all, it is right on the edge and therefore whatever they do the master plan can still go ahead.

- Councillor Cornwell asked if Mr Brand was actually saying that he had attempted to put forward a master plan for this particular broad area of growth but the support that he actually received from all the people that should be engaged in it had not been good but there was the bones of something there. He stated he had nothing against this application but his real concern was how policy wise this fits in and do we open ourselves to other problems by approving it. Councillor Cornwell stated they actually had something that has been drawn up that does give some pretty good indications of where you see things going if only people would join in therefore you have done what you can to get us to this point and cannot do any more. Mr Brand stated that if this building goes ahead then that would kick start interest.
- Councillor Mrs Laws asked how many landowners had they been in touch with. Mr Brand stated they consulted as many as they could find in the timescale available, which was five and probably about a third of the area as one was a very large landowner. There is another planning agent that has been looking at this land who is acting for the major landowner and they are hoping to pull everyone together. Mr Brand stated they had engaged with probably more than five landowners but only five had been actively interested but these were significant landowners.

Members made comments and asked questions as follows:

- Councillor Connor stated in his view this would be "a feather in the cap" for March for the fact that Whiting & Partners, a local firm, want to transfer their offices from various other towns within Fenland and Norfolk to March and this should be encouraged by Members today and he urged other Members to recommend this application for approval.
- Councillor Murphy stated he supported this application but he had concerns that this should not make a precedent to keep building industrial buildings on that piece of land because it was land allocation within the Local Plan for residential land for March and if too much was taken for commercial reasons then it would put the Local Plan in jeopardy for March in that area.
- Councillor Mrs Laws stated she was concerned about the point that Councillor Cornwell had raised; and asked Officers if this would set a precedent and would this open up in other areas. Planning officers explained that each planning application was dealt with on its own merits and if someone wished to use the same argument for their development proposal then they would have to demonstrate how similar their situation to this was because clearly as a Planning Authority we have to make consistent decisions and therefore the important thing to note was that if planning approval were to be given for this particular scheme then that does not automatically mean that the floodgates would open and the broad concept

plans and their production would fall by the wayside. Councillor Murphy stated that the agents needed to be told this as they will come back and state that a precedent was made and they would want theirs on there as well. In his opinion the "on merit" for each application did not work; this happened with the wind turbines and therefore Members needed to be very careful on this issue.

- Councillor Mrs Hay stated she agreed and would not like to see that area of land turn into another industrial estate but this particular plan was a very well designed building and if housing was built there then she would rather live next door to this building than directly next door to the garage; she thought it would make a good buffer between the garage and any building of housing.
- Councillor Sutton stated that with regarding to setting precedents, Members look at everything on "its own merit" and had this proposal been in any other area of the Broad Concept Plan then he was sure officers would have had a completely different opinion and he did not think it would have been acceptable but given where it is, it is absolutely ideally placed as a gateway into the town with a really nice looking building and therefore did not think it compromised other areas at all. If another application was received in another broad concept area where it was similar to this then Members would have to be consistent and he thought officers had done the right thing having to move slightly away from policy but Members needed to welcome the fact that a company that had a presence in five or six other towns who could quite easily have gone to those towns and what image would that have given to March if they went elsewhere. He welcomed this application and thought that Members should unanimously support it.
- Councillor Mrs Laws stated she thought the design was very good but she also thought the landscaping around it as a buffer was consistent with the plan but most importantly this was a mixed site development therefore it would be commercial and residential and did not think it would end up a designated industrial area and with all the designs coming forward like this then it should be welcomed.
- Councillor Cornwell pointed out that this was not a reserved for housing area. In approving this application are Members committing themselves to accepting the broad concept here as the basis of going forward to the remainder. Planning officers explained that the overarching broad concept plan was not a document that would be approved if Members were to give consent to this development and this was because there has to be broader engagement and involvement with the various landowners and as was indicated by the agent, there was a lot more work to be done on the infrastructure with regard to both housing and commercial.
- Councillor Mrs Newell stated that one of the conditions was the archaeological work to be undertaken and asked if this would definitely take place to which planning officers confirmed that it would be.

Proposed by Councillor Connor and seconded by Councillor Bucknor and decided that the application be:

GRANTED as per the recommendations within the report (attached).

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

(Councillor Owen stated he was a Member of March Town Council, but take no part in planning matters.)

(Councillor Sutton declared a Non-Pecuniary Interest in this application, by virtue of the applicant being his accountants and his nephew working for the agent.)