

PLANNING COMMITTEE



WEDNESDAY, 11 JUNE 2025 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner and Councillor E Sennitt Clough, Councillor M Purser (Substitute)

APOLOGIES: Councillor N Meekins,

Officers in attendance: Richard Fitzjohn (Senior Planning Officer), Matthew Leigh (Head of Planning), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

P12/25 PREVIOUS MINUTES

The minutes of the meeting of the 14 May 2025 were confirmed and signed as an accurate record.

P13/25 F/YR21/1013/F LAND WEST OF 180 TO 200 ELM ROAD, MARCH HYBRID APPLICATION: FULL APPLICATION TO ERECT 37 X DWELLINGS (SIX X TWO-STOREY TWO-BED, 18 X TWO-STOREY THREE-BED AND 13 X TWO- STOREY FOUR-BED) WITH ASSOCIATED PARKING, LANDSCAPING AND A NEW ACCESS, AND OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS FOR THE ERECTION OF UP TO TWO SELF-BUILD DWELLINGS

Richard Fitzjohn presented the report to members.

Members asked officers the following questions:

- Councillor Mrs French stated that she does have concerns with regards to the flooding issues in Elm Road, with the last time it flooded being in 2020 with raw sewage, which was an issue for Anglian Water and she is surprised that the County Council Lead Local Flood Authority (LLFA) are sanctioning a pumping system. She added that for many years there was a pumping system, which still exists, but it has cost the County Council hundreds of thousands of pounds to correct it down Sycamore Close in March West and for over 20 years as soon as it rained heavily, the pump shut down and the houses were flooded. Councillor Mrs French expressed the opinion that it will be a case of buyer beware and the people who buy the properties should be made aware that they are going to have to maintain it and that should the pump develop a fault or break down then they are likely to be flooded. Harry Pickford from the County Council's LLFA stated that, with regards to the pump station, the applicants undertook some pump failure modelling which is a requirement for using pumps to remove water from off a site. He explained that the requirement is quite onerous, and it looks at the one hundred years plus climate change event with the storage at half capacity and zero discharge from the site. Harry Pickford added that they have looked at whether the water will pond on the site in that situation and it demonstrated to be held fully within the red line boundary and within the curtilage of the highway itself. He made the point that from the modelling which has been undertaken by the applicant it should not be flooding any properties in the development and should not be shedding any pumped water off site. Councillor Mrs French stated that there can be no guarantees that bad

weather is not going to close the pumps down which is what happened at Sycamore Close for over 20 years and there were possibly 10 to 15 homes which suffered from constant flooding, so she is not convinced. She added that Middle Level Commissioners (MLC) are also not convinced, and she is pleased that they have provided an update.

- Councillor Marks stated that in the officer's report it explains that during a significant flood event, the downstream may take 5 to 10 days to return to normal and during this time discharge of any kind may not be possible with half drain times becoming unachievable. He asked officers to explain what happens to the water during the 5 to 10 days? Harry Pickford explained that the attenuation on site is provided to accommodate for the storm durations and the half drain times have also been included within the modelling. He made the point that when they have modelled the system it has been designed to accommodate the half drain times within the receiving network as well. Harry Pickford added that they have modelled it with half drain times and the calculations have all been included and they have demonstrated that they have the capacity during the 100 years plus climate change storm for the drain down time within the system.
- Councillor Gerstner stated that with regards to the pumping there are nationwide issues with regards to pumps breaking down as well as the automation not working correctly, the communication and data links not being configured correctly as well as a breakdown in the software. He added that this has happened a number of times in the Lake District and, in his view, modern technology today should ensure and test the resilience of the pumps, the communications and the data systems. Councillor Gerstner asked whether it is the normal now that modern technology is software driven and if a pump breaks down in the middle of the night would an on-call engineer be notified? Harry Pickford explained that with regards to pump functioning they do come with a residual risk, with the LLFA not generally supporting the use of pumps unless they are necessary to get water off a site and he appreciates the concerns regarding their functions during storm events. He added that with regards to their maintenance in perpetuity, they do generally have alarm systems which are triggered when they are failing. Harry Pickford explained that with regards to their long-time monitoring, the County Council do not take on pumps themselves and, therefore, they do not have any maintenance responsibilities. He explained that to the best of his knowledge of how pumps work if they do fail an alarm is triggered and normally within 24 hours an engineer is sent out to repair them and get them functioning again. Harry Pickford added that pumps do generally have a backup secondary pump as well which is driven from a different main circuit to what the main pumps use and the manufacturer does try to make them as robust as possible, but they are accompanied with that residual risk.
- Councillor Marks referred to 5.16 of the officer's report which refers to Network Rail, however, it does not mention that this railway line may become a live rail line in the future and he referred to the presentation screen, highlighting the boundary of the old rail line which is very close to the development and added that he has safety concerns and as a result would like to see a 6 or 8 foot fence erected along that length. He added that it needs to be specified now due to the fact that in years to come Railtrack will only erect a wire fence and that does concern him as it could become an issue in the future. Richard Fitzjohn expressed the view that Network Rail would have it in their gift to provide a fence along their land if they have any concerns about access or safety issues with the railway track. He added that the proposed houses would erect boundary treatments as part of their curtilage and there are publicly accessible areas where there would be access to the railway line. Richard Fitzjohn explained that if members wish to impose a planning condition which requires the developer to erect a fence along that boundary that is within their gift to ask for that condition to be added to the recommendation should they wish to.
- Councillor Mrs French stated that it is very unusual for there to be no applicant or agent present at the meeting to address the committee.
- Councillor Connor referred to the roads, path and lighting that are not due to be adopted by the Highway Authority and he does not want to see the roadways left in a condition where they are not to adoptable standard. He added that he cannot see a path coming off of Elm Road into the application site. Richard Fitzjohn explained that as part of the scheme the

Highway Authority have requested that some of the existing footpath is widened and he indicated on the presentation screen where there is a footpath which leads into the site on either side and follows the majority of the site apart from the shared surface areas.

- Councillor Connor stated that in the management plan there is a wheel wash facility but there is no direct request for a road sweeper. He added that Elm Road is a very busy road and when he undertook a site visit, he was surprised by the amount of traffic which was using the road. Councillor Connor added that if a wheel wash is used correctly, it will stop a great deal of the debris from going onto the road, however, he would still like to see a road sweeper at least twice a day. He stated that as it is a main road he does not want to see any debris on the road, and he would like to see a robust management plan included as part of any conditions.
- Councillor Connor added that both he and Councillor Marks discussed at their briefing earlier that they did not wish to see lorries queuing on the road to access the site and it was felt that there should be somewhere for lorries to wait off the highway to prevent congestion issues on the busy highway. He added that this is another condition he would like to see added if the application is approved and he made the point that the condition needs to be robust.
- Councillor Marks stated that with regards to construction on a Saturday morning he believed that the commencement time was 8am, however, this time now appears to have altered to 7.30am and he is receiving numerous complaints with regards to construction works in Manea where deliveries are arriving early so he would like to see that time changed to 8am. He added that if the pavements are going to be extended then the likelihood is that there is going to be a situation where there will be half a road closure across the neighbouring properties which are already there and he has been made aware that the Highway Authority have changed the design of the kerb stones which are being installed where there appears just to be one continuous run of beam, which then means that properties cannot be entered for up to 3 to 4 days whilst it sets into place, which as a result causes parking problems and charging issues for any residents with electric cars. Councillor Marks added that he would like to see this built into any conditions that access needs to be permitted to residents during those periods of time.
- Councillor Mrs French responded to the point made by Councillor Marks and stated that in theory that would be welcomed but it will not work. She explained that at the current time work is taking place on Upwell Road which resulted in the road being closed for three or four days which had resulted in an ambulance having to undertake a 14-mile detour which, in her view, is totally unacceptable when new estates are developed.
- Councillor Mrs French made the point that it mentions in the officer's report that a new bus stop is being installed and it also mentions there was going to be a bus shelter, however, nobody would assume responsibility for it but March Town Council were never asked to adopt the maintenance of it and, in her view, the information is wrong although she made the point that they would not assume the responsibility for it anyway.
- Councillor Mrs French stated that the road has a 60mph speed limit on it and there is going to be a minimum of 50 to 60 cars coming out of the site and she would like a speed reduction implemented, even if the speed can be reduced to 40mph, because, in her view, it is a horrendous road.
- Councillor Mrs French added that she also has concerns with regards to road adoption and, in her view, she believes that it may end up becoming another road such as The Croft in Christchurch which was developed in 2003 and still has ironworks in place. She expressed the opinion that there will need to be some very stringent conditions applied to this application.
- Councillor Connor referred to the non-adoption of roads, paths and streetlamps and added that there are too many roads in Fenland which have been left with raised iron works which cannot be allowed to continue.
- Councillor Connor stated that he is going to propose that out of the 37 dwellings, the last 7 cannot be occupied until the road, paths and street lighting have been brought up to an adoptable standard in order that residents are not left to pick up the pieces in a few years'

time. Richard Fitzjohn stated that he considers that request to be acceptable.

- Councillor Purser stated that the officer's report refers to the fact that in extreme weather some of the pumps have a tendency to burn out which he does find worrying. Harry Pickford explained that this is not an ideal situation for managing surface water and they do come with a residual risk which is why the applicant has been asked to look at a pump failure scenario. He added that they do have back up pumps and safety pumps installed within them as standard and they come with alarms in the event of failure, however, that does not mean that they will not fail. Harry Pickford explained that due to the risk of failure the applicants have been asked to undertake the pump failure modelling to ensure that they can manage the water within the red line boundary to ensure that the properties do not suffer from flooding at all. Councillor Purser stated that due to the modern technology that exists there would be equipment in place which can negate any issues prior to pumps burning out. Harry Pickford stated that he totally agrees but made the point that the pumps that are installed in sites are designed as a standard piece of equipment and his team does not have any influence on the pumps that are installed but explained that maintenance has been requested to be included as part of the conditions and, therefore, there should be further maintenance details which come forwards as part of a future conditions application.
- Councillor Purser stated that the report indicates that the site is located in Flood Zone 1 which is a low flood zone, however, the report does state that some of the site is prone to flooding and the flooding does not go away for several days. He made the point that the report also states that the drainage board require further detail with regards to on and off-site water levels could be risk managed and maintained, and he questioned whether officers have any details with regards to that request. Richard Fitzjohn stated that as Harry Pickford has mentioned there is a drainage condition regarding the maintenance of the drainage scheme and there is a detailed drainage scheme that would need to be agreed as part of a condition as well. He added that any information will be contained within any discharge of conditions application should the application be approved.
- Councillor Purser stated that he noted from his site visit that the width of the pathway is narrow and could cause issues for pedestrians, pram and wheelchair users and he questioned whether consideration has been given to the safety implications. Richard Fitzjohn stated that the views of the Highway Authority have been sought, and they have requested that there is some widening of the footpath along the frontage of the site as he indicated on the presentation screen. He explained that further south leading into March, the Highway Authority did comment that it is acknowledged that the footpath is narrower along there and there are some points along the footpath where they would not be able to viably widen. Richard Fitzjohn explained that Highways did not consider it necessary in terms of highway safety that this planning application requires any sort of further widening of existing footway further to the south as part of the application. He added that any condition for widening of the footway would need an element of it being reasonable and necessary to the development and unless there is robust justification it would not be reasonable on the basis of Highway comments to request any sort of further footway widening other than what highways have requested.
- Councillor Marks referred to the presentation screen and the entrance of the two self-build properties and he questioned whether the Highway Authority have considered that should the railway line ever be reopened there will not be an issue due to the proximity to the new crossing point. Richard Fitzjohn stated that he has not received any specific comments from the Highway Authority with regards to the proximity to the railway line and any impacts of any future reopening of the railway line. He added that the Highway Authority have considered the details of the planning application, and he is not aware whether that includes any consideration or future reopening of the railway.
- Councillor Mrs French questioned whether a speed reduction can be insisted upon if the application is approved? Matthew Leigh stated that the Highway Authority have been consulted, and they have not indicated that it is something that they feel is necessary for this application and, therefore, that is not something that would be able to be requested because there is not any evidence according to Highways to state that there is a need.

Councillor Mrs French stated that she appreciates the point made by Mathew Leigh, but in the event of any issues on the A47 or the A141 then Elm Road is used as the road to get back into March and whilst the County Council only record incidents resulting in fatalities, there are very many other minor road traffic collisions accidents which do occur. She expressed the view that if the application should be approved then the developer should consider reducing the speed because it is a very fast road.

- Councillor Connor stated that he concurs because on the site visit he witnessed some of the speeding which was very excessive. He made the point that there will be an additional 70 or 80 cars at least once the dwellings are built out and a speed reduction should be considered. Councillor Connor stated that there does not appear enough detail in the report with regards to the provision of a management company and, in his view, the applicant must ensure a management company is formed as soon as possible and he would like to see the attenuation pond being adopted by Anglian Water ideally. He added that as other members have mentioned if the pump fails then the attenuation pond will need to take up all of the slack and as has already been mentioned it could take 5 or 10 days for the water level to recede and, in his view, maintenance and adoption of the attenuation pond is paramount. Richard Fitzjohn explained that one of the conditions which relates to drainage includes the requirement of the full details of the maintenance and adoption of the surface water drainage system which would include the attenuation basin. He explained that officers would not be able to insist that Anglian Water adopt the basin as that would fall under the jurisdiction of the applicant as it may end up with a private management company who assume responsibility for it but that would form part of the planning condition.
- Councillor Connor stated that there have been instances where attenuation ponds have not been adopted and probably not produced to the right specification to be adopted when application sites have been built out and have been lived in for several years. He asked whether there could be any timescales included as part of the condition to state that the basin needs to be adopted before the first house is occupied. Matthew Leigh explained that the condition already requires full details of the maintenance and adoption of the surface water drainage system to be provided to officers and to be agreed. He added that as part of that it would require an agreement of when the basin would be adopted and, therefore, if it was not adopted or not implemented it would conflict with any of the points that have been agreed through the maintenance and the adoption and would be a breach of planning control. Matthew Leigh expressed the opinion that the condition already covers that matter and will be left to officers as part of the delegation process, but he does not think that it would be likely that an adoption would be accepted many years after development as that would not be reasonable.
- Councillor Mrs French stated that there are many sites within the District which have breached planning approvals and are not in accordance with the original plans and no action has been taken.
- Councillor Sennitt Clough stated that with regards to attenuation ponds she has seen many of them which do not contain any water, however, there are some that have water in. She added that when considering safety measures would it be possible to add a condition so that the developer takes steps to make it safe by adding a fence around the pond. Richard Fitzjohn stated that if members consider it to be a safety issue then a condition could be added requiring a fence to be erected around it.
- Councillor Gerstner stated that he notes from the officer's report that the land is agricultural and he asked whether officers could confirm when the land was used for such purposes or has the land been left fallow for a period? Richard Fitzjohn stated that he did not know when the land was last used for arable purposes.
- Councillor Mrs French stated that the land has not been used for many years and due to the size of the land it is not viable for farming.

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

- Councillor Marks expressed the view that fencing is a must along the rail track as looking forwards in years to come there could be issues regarding it. He added that with regards to

the attenuation pond if a ball goes into the pond and it is fenced off then children will climb over the fence, but he agrees that it would be a deterrent.

- Councillor Marks stated that he thinks that it is imperative to have a waiting area for vehicles wishing to enter the application site due to the volume and speed of the vehicles that use Elm Road. He added that he would also like to see the working hours on a Saturday morning increased to 8am out of a courtesy to those residents who live in the vicinity of the site.
- Councillor Gerstner stated that his main concern is that the developer has not attended the meeting in order to present to the committee and to give the committee the opportunity to ask questions.
- Councillor Mrs French stated that she also agrees that it is a pity that there is nobody for the committee to pose questions too. She made reference to the lack of Section 106 contributions, with it clearly stating that the three GP practices are full and cannot cope and she does not know how all the additional residents are going to find a doctor's surgery with space, making the point also that all the schools are full and there are no new schools which are coming forward. Councillor Mrs French stated that the £78,000 of contributions is going to be between the 39 dwellings and she questioned where those monies will be spent.
- Councillor Connor stated that during construction he would like to see a very robust flooding plan included from the start of build. He explained that management companies do worry him and they are put in place by the builder for the length of time the build takes place and then there have been instances where they have gone bankrupt and he would like a condition which sets out that a management company needs to be in place at the start of the build.
- Councillor Mrs French stated that there are going to be a high number of children who will live in the new houses and over the last couple of days she has been watching the Central Government debates concerning the new planning policy, with the Government appearing to be pushing the fact that there should be good play equipment installed, however, it is still not clear as to whether that will be legislated. She added that the application site is located nearly two miles outside of the town and, in her opinion, there should be some play equipment included on the development but she does not know whether it can be conditioned but she would like to see it if possible. Councillor Connor asked whether a condition would be possible? Richard Fitzjohn explained that in theory it can be conditioned, however, it should accord with planning policy requirements as set out within the Local Plan and that determines which type of application, including size of applications, require play equipment to conform with policy. He added that a condition can be added to provide play equipment but that is not to say that it would comply with planning policy in the Local Plan.
- Councillor Marks stated that there are two other aspects to consider which includes a speed reduction as, in his view, Elm Road is a fast road and he has researched as to whether you can have railway crossings in a 60mph zone and they are permitted. He made the point that should Network Rail reinstate the railway then consideration may or may not be given to reduce the speed limit along the road. Councillor Marks added that there also appears to be a lack of street lighting along the road and, therefore, the development is located two miles out of town with young and elderly residents with minimal street lighting.
- Councillor Purser referred to the attenuation basin and explained that many domestic dwellings have ponds located in their gardens which for safety reasons are netted and he wondered if that was possible instead of fencing. Matthew Leigh explained that it is important to note that most attenuation basins are empty and in theory that would mean that a piece of net would be lying on the ground and, in his view, the fence does not meet the planning test in relation to need.
- Councillor Connor added that theoretically the basins should be dry but in the weather episodes that sometimes occur there could be occasions where that is not the case. He added that it is difficult to consider conditions with no applicant or agent present to answer members questions for a decent size planning application in Fenland it is a disservice to the committee that nobody has chosen to attend the meeting.
- Councillor Mrs French referred to a supplementary planning document which was adopted

from 26 February 2015 for developer's contributions and on Page 17 it makes reference to children's play areas and should the application be approved, she would like officers to investigate whether a quality play area can be insisted upon.

- Councillor Mrs French stated that she would like to make a proposal to approve the application, however, she added that she would like to add the following recommendation as set out in the officer's report so that the committee delegates authority to refuse the application in the event that the applicant does not agree any necessary extensions to the determination period to enable the completion of the Section 106 legal agreement, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.
- Councillor Connor stated that he is happy to second that proposal, however, he also wished to add further conditions to the application, he would like officers to explore the inclusion of play equipment on the development, that a management company be formed as soon as possible as well as a robust flood plan to include an attenuation pond and if officers feel that it is appropriate to include fencing around or a net over it as suggested. He added that Councillor Marks has requested that a 6ft or 8ft solid fence should be erected on the boundary with the rail line which he would like to see conditioned and he would also like to see a road sweeper twice a day to ensure that highway safety is maintained especially on a 60mph road. Councillor Connor stated that he would like it conditioned to reflect that only 30 houses are to be occupied until such times as the road, paths and lighting are brought up to adoptable standard.
- Councillor Marks added that he would also like a condition to reflect that working hours on a Saturday can only commence at 8am as well as off road parking for HGV vehicles on arrival at the site and he would like to see that from the commencement of development as he does not want to see HGV lorries waiting on Elm Road in order to deliver especially when considering it is such a fast road.
- Councillor Connor questioned whether the reduction of speed limit on Elm Road could be considered under a Local Highway Improvement (LHI)? Councillor Mrs French explained that March Town Council are no longer undertaking any more LHIs due to the significant time frame that it takes and the Town Council are still waiting on 22 applications for improvements.
- Councillor Mrs French referred to the point made by Councillor Marks concerning the delivery of supplies to sites, making the point that it did become an issue for a development in Wisbech Road for 118 dwellings which included a three-way traffic light system in operation, however, residents took it upon themselves to move the traffic lights. She added that the County Council had to make numerous trips to keep the road clean so there needs to be an element of monitoring when conditions are added to ensure that they are adhered to.
- Matthew Leigh stated that he has noted 8 suggested conditions which have been put forward by members and with regards to the play equipment, planning policy does not require it for a scheme of this size and the management company, flood plan and attenuation pond are all covered by conditions already.
- Councillor Marks added that the time period needs to be included because a management company can be set up on the last occupation and he would like it to set up from day 1. Matthew Leigh explained that the requirements for all of that level of detail has to be submitted to officers and that will be required as part of the agreement.
- Councillor Marks stated that means that the developer is advising officers what they are going to do as opposed to the committee telling the developer what they want. Matthew Leigh explained that is not how conditions work, and it is within the gift of the developer to make suggestions to officers and officers can then refuse to agree the details. He added that it does have to be reasonable and in accordance with planning policy and officers very rarely explicitly say what is required and it is in accordance with the details submitted. Matthew Leigh explained that this application is the same, the information will be required, and it will either be acceptable or not.
- Councillor Benney added that the committee are asking for conditions to be added,

however, the developer can appeal them as a variation of condition and ask for them to be removed and if the committee make the conditions too onerous then that means that officers are tied down with paperwork. He added that there has been a significant amount of debate which has never been the case before, and he stated that with regards to the play equipment it does not meet the criteria because there are not enough dwellings proposed to require it. Councillor Benney added that concerns regarding attenuation basins have never been raised before, and applications have just been passed, making the point that if conditions are made too onerous then the applicant will submit a variation of conditions application and if that then goes to appeal, he does not see how that is going to be supported.

- Councillor Connor stated that he does not recall an application for 39 houses where there has been no attendance from the agent or applicant to present to the committee. He added that whilst he takes the point made by Councillor Benney and appreciates that the applicant can appeal them, in his view, they are not excessive conditions.
- Matthew Leigh stated there needs to be consistency and several of the points being suggested by the committee are above what is required by planning policy, and they are above what has been required on any other application for larger schemes since he has been at the authority. He added that he is concerned that the committee appear to be taking a different approach and one of the key points about planning is supposed to consistency and a number of the suggested conditions appear to go above and beyond what policy requires or what the Council requires. Matthew Leigh stated that the fact that an applicant has not turned up at the meeting to address the committee is not a material consideration and should not impact the members thoughts on what conditions are applied to an application. He added that anything that an applicant states has no merit at all in the decision-making process and the application should be dealt with in the same manner as any other application.
- Councillor Connor stated that the play equipment and fencing around the attenuation pond will be disregarded as it appears that those conditions are not consistent. He added that the management company and a robust flooding plan still needs to be conditioned as well as the boundary fence by the rail track for safety reasons. Councillor Connor stated that he would still like to see a sweeper included for highway safety and for consistency as that has been included before in other applications, he would like a condition included so that it states that only 30 out of the 37 houses can be occupied until the roads are brought up to an adoptable standard.
- Matthew Leigh explained that the point with regards to the fencing by the railway line is very specific to this application, however, if members consider that it is necessary then it is within their gift to impose a condition in relation to that. He made the point that with regards to the request for a sweeper twice a day and off-road parking for lorries both of those aspects would normally be dealt with by the construction management plan. Matthew Leigh explained that there is a condition requiring that which can be amended to include those points but, in his view, it does not need its own separate condition. He added that he does have concerns with regards to the provision of a sweeper twice a day through the whole development because there will be times when that does not happen, explaining that if the road is adopted and the developer is still working on other properties then there could be a sweeper on site even though it may only be internal works being undertaken on the dwellings, with him having concerns in relation to the onerous level of such a blanket condition regarding road sweeping. Matthew Leigh added that when considering the point made concerning flooding and whether it is the management company or the flood plan, in his view, he considers the current conditions already cover those aspects like they do on every other application and there does not need to be additional ones for them.
- Councillor Connor referred to previous applications where the road surface did require a sweepers presence, and he stated that he would still like the sweeper condition included. He added that the road is a 60mph road and the fact that it is unlikely that the speed limit will be reduced he would still like to see the lorries taken off the road for highway safety reasons.

- Councillor Marks stated that he is under the impression that the sweeper is for the highway and not the actual estate itself. He expressed the view that it is a health and safety issue as is the lorries parking up on the highway and the fence against the railway line.
- Matthew Leigh clarified that the point that he was trying to make was that members are requesting for a sweeper to attend the site twice a day where in theory the estate could be built out and it is just the internal works which are being undertaken. He added that the wording is not proportionate to what the harm is, and, in his view, it should just be as normal and dealt within the Construction Management Plan (CMP). Matthew Leigh added that within the CMP it can explicitly say that with regards to a sweeper and off-road parking that those details will be required to be agreed by officers and a standard condition which just states during construction a road sweeper must sweep twice a day is not proportionate to when there would be harm from dirt, mud and detritus. He stated that there is a requirement for it to be proportionate as it forms one of the six tests and it is part of the standard CMP. Matthew Leigh added that he is concerned that members feel that this application, which is a lot smaller than some of the others that members have determined, appears to be being seen as so much more harmful in relation to dirt.
- Councillor Connor expressed the view that members are being consistent with other applications which have been considered.
- Matthew Leigh stated that it is not consistent to add a specific condition regarding this and what is consistent is to have it included within the CMP which is what officers have suggested. He made the point that it would still require a sweeper to attend if there was detritus on the road through the normal process and the point he is trying to make is that to require a sweeper twice a day for the whole construction process is not appropriate.
- Councillor Purser stated that any mud on the road could be very dangerous and cause a serious accident, and he does feel quite strongly about that from a health and safety perspective.
- Matthew Leigh explained that the CMP will normally require sweeping and there will still need to be details, but to require sweeping for the whole of the construction period is not proportionate because there will be significant period of time when there will not be any construction work which lends itself to cause excess mud and dirt and that is where members need to be proportionate when considering the application.
- Councillor Connor stated that he takes the point being made and added that if it is a very robust CMP then he will agree.
- Councillor Benney expressed the view that the committee are being very harsh when considering the application and they have determined far bigger applications previously and they have never debated them like this. He added that a CMP is in place and are nearly always standardised and can be adapted to include specific requirements. Councillor Benney added that he agrees with the lorries being taken off the road, however, if the lorries are parked on the road it does slow the traffic down. He made the point that in all the time he has been a committee member he has never known a debate to go on for so long, with the application being just for 37 houses and the CMP will be what it is and it does not need adapting or adjusting as, in his opinion, it works in every other case.
- Councillor Marks questioned whether the CMP does actually work and he knows other application sites where the CMP was not specific enough and is now causing issues with local residents and, in his opinion, developers need to have it in writing as to the views and requirements of the committee.
- Councillor Connor stated that he agrees with Councillor Marks as the same issue arose at another site on Wisbech Road.
- Councillor Benney stated that if you have a good CMP and the agent places his contact number on the front of the site then if there are any issues local residents can make contact and, in his experience, they are very responsive and do come back. He added that if there is a good Site Manager they will take steps to alleviate issues and if there is a bad Site Manager he will not adhere to any number of conditions which are added to the CMP.
- Councillor Connor stated that those instances it is where enforcement action needs to take place, but he would like to see a robust CMP.

- Matthew Leigh expressed the opinion that the management company and the flood plan is already covered through the standard conditions. He added that out of the 8 original proposed conditions the ones which members are suggesting are the fence adjacent to the railway line, no more than 30 dwellings to be occupied in relation to highways and the change of working hours.

Proposed by Councillor Mrs French, seconded by Councillor Connor and agreed that the application be GRANTED as per the officer's recommendation with officers to apply the additional and amended conditions as agreed.

(Councillor Mrs French and Councillor Purser declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council but take no part in planning)

P14/25

F/YR23/0477/O

LAND EAST OF HALFPENNY LANE, WISBECH

HYBRID APPLICATION: OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS TO ERECT UP TO 250 X DWELLINGS AND FULL APPLICATION TO ERECT 102 X DWELLINGS (15NO. 1-BED, 41NO. 2-BED, 35NO. 3-BED AND 11NO. 4-BED) WITH ASSOCIATED PARKING, LANDSCAPING AND PUBLIC OPEN SPACE, AND THE FORMATION OF A BUND AND AN ATTENUATION BASIN, INVOLVING THE DEMOLITION OF EXISTING BUILDING

Richard Fitzjohn presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Councillor Tierney, District Councillor. Councillor Tierney made the point that he is not just speaking for himself but for both the other District Councillors who represent this ward. He expressed his amazement that he has to be at the committee meeting at all and that this proposal has been recommended for approval by officers and he urged committee to reject it immediately.

Councillor Tierney expressed the opinion that this is not just an ill-considered proposal, it is mad and in all the time he has been a councillor he cannot think of a proposal that has been crazier than this for lots of reasons. He made the point that the public often think they are at war with applicants and the planning officers, which he understands as increasingly, in his view, no common sense is applied.

Councillor Tierney stated that in the Local Plan it is very clear that South Wisbech developments would need to overcome pressure on Weasenham Lane and that the area will be predominantly for business purposes but this application proposes hundreds of houses. He feels this would create an enormous amount of additional traffic, with additional traffic for 300+ houses equating to hundreds and hundreds of cars, with these roads not being ready to take that level of traffic and no amount of the proposed changes is going to fix this and it would create so much congestion and an unacceptable impact on highway safety, contrary to LP15 of the Local Plan.

Councillor Tierney referred to the use of best and most versatile land (BMV), making the point that other applications have been refused because they were not good use of Fenland's brilliant agricultural land and this land cannot be kept being built on when it should be used for farming, making this contrary to Policy LP3 due to the advice in regard to the best use of agricultural land. He stated that the key point for him relates to flooding, the IDB have stated that they do not support this proposal and have objected, with, in his view, good reason, Councillor Hoy and himself were so worried about this development that she e-mailed the members of the committee to try and show members the big problems with this development and they would have seen the photos that he has seen which show that in the last year that area has completely flooded multiple times and there is no amount of fixing that, it is a natural problem for the low level of that land and

allowing houses to be built here is allowing trouble for the future.

Councillor Tierney expressed the view that officers, experts and the applicant are trying to suggest that this is not true but they are wrong and he feels in a few years time when these houses are all completely flooded and hundreds of people are devastated and have huge expenses, none of those officers giving this advice will be culpable for it and there will be no consequences for them. He urged members to use their common sense, look at the photos which shows this is land that floods and if this application is allowed it is storing disaster for the future and it is crazy that it is even being considered.

Councillor Tierney expressed the view that if any members had this in their area proposed under the same circumstances they would be sitting where he is saying how mad it was. He feels in some circumstances common sense and local knowledge overrides whatever “flim flam” is given by officers and urged members to refuse the proposal.

Members asked questions of Councillor Tierney as follows:

- Councillor Sennitt Clough expressed concerns about the viability, with it being a very large proposal for 352 dwellings and as everyone is aware an incinerator has been given permission just a few hundred metres down the road. She asked, as a Wisbech councillor and in his opinion, what is the viability of this development in terms of are these houses going to be able to be sold, are they going to be left half built and the impact of the incinerator? Councillor Tierney expressed the opinion that he cannot imagine there will be a huge uptake of sales so close to the proposed incinerator, if it still goes ahead which he hopes it will not, and sales will not be easy and if people do buy he suspects they will not realise what they are letting themselves in for. He feels the location opposite the local school creates the additional traffic problem which will then be heightened by the vehicles to and from the incinerator, which will be using all the local roads so it is a cumulative problem and although he is not an expert believes sales of those properties will be difficult.
- Councillor Gerstner stated that his views are known on using agricultural land for development, although he is not pre-determined on this application. He asked if Councillor Tierney has any idea when the land was last used for agricultural purposes? Councillor Tierney responded that he would have to defer to officers as he does not follow what all the land is used for all the time but to the best of his knowledge it is used now or has fairly recently been used.
- Councillor Marks referred to Councillor Tierney having been involved previously with the Broad Concept Plan (BCP) for Wisbech and this proposal lies within that area and asked where he feels that these properties, bearing in mind that the District needs these properties, should be built? Councillor Tierney stated that he is not an expert but he does think the applicants could have showed that they had looked at other areas in the same way that they have looked at this location and then it could have been seen if others were suitable. He expressed the view that continually building and building on towns is something that should be challenged because eventually if it keeps happening there are no towns and everything is just one continuous mass of buildings. Councillor Tierney made the point that towns are communities with clearly defined limits and, in his view, it needs to be considered before permission is given to huge developments such as this whether there is damage to that community and in this case he would suggest there is. He added that he does not know of another area though and he does not know if he would support another area, but without the applicants giving any other options he cannot say for sure.
- Councillor Marks referred to the mention of commercial properties and an industrial area and asked if Councillor Tierney thinks it would be better being a commercial area bearing in mind where it is sited within the Weasenham Lane area or should it just be left as it is? Councillor Tierney expressed the opinion that he does not think it should be developed at all because it is good agricultural land and it should be used for that but this is just a personal view. He made the point that the Local Plan says it should be used primarily for business purposes and if the Council's own guidance is followed then why are applications being

allowed to come forward for hundreds of houses.

Members receive a presentation, in accordance with the public participation procedure, from Lee Russell, the applicant. Mr Russell stated this is a very complex scheme and bringing this site forward from the original BCP stage proposals at Local Plan level has taken a significant number of years and committed effort. He added that landowners have been involved along with numerous other parties for 20+ years, with Seagate Homes taking on the scheme in 2019 and have worked hard with several parties resolving difficult components to unlock the site and get to this stage.

Mr Russell stated that there have been 3 years' worth of consultations and statutory authority communications before this application was made in early 2023 to ensure that issues could be overcome with more detailed conversations and amendments throughout the planning process since then in order to ensure comments and requirements were addressed. He expressed the view that it is the most complex scheme he has worked on but without the dedication of his team and a team of specialist consultants this broad concept scheme would not have been able to have come forward.

Mr Russell made the point that the site has been earmarked in the emerging Local Plan as a potential allocation and he believes this is phase 1 of the Wisbech South BCP which is earmarked for residential as opposed to commercial or industrial. He stated that a suite of ecological surveys has been completed, some more than once to maintain their validity and extensive archaeological work has been undertaken to appease the County Council.

Mr Russell expressed the view that the highway works have taken a considerable amount of time to get agreement from the County Council, with consistent communications and adaptations to appease the various transport and engineering teams as the off-site Section 278 works are significant and an important element of this site. He added that road improvements and crossing points along with bus stop enhancements have all been incorporated as necessary with a contribution request of £150,000 to the Toucan crossing point that will inevitably be required for the proposed new school, for which he thinks the application is well progressed.

Mr Russell expressed the opinion that the site is incredibly well positioned for sustainable pedestrian access to the existing and new school and for access around the edge of the town, with great connections to lengthy pedestrian and cycle routes that run adjacent to the site and the historic Halfpenny Lane that runs through to Elm and the national cycle route 63 that comes along the western edge of the site and cuts across close to the access. He stated that the site is currently set to agricultural use with very few trees, although those that are there are generally being retained and fall along the edges of the small water courses and whilst there are five fields here he believes the cropping is very poor in this area probably due to the water issues.

Mr Russell stated that they have ensured that all existing natural dyke features in the IDB maintained watercourse to the east have required offsets for ease of maintenance respecting the 9 metres clear easement left to grass on the edge of the IDB watercourse. He referred to the concerns raised by the IDB and Middle Level on the effects of the watercourse as there have been some issues with upstream and downstream elements in the past and possibly currently, but the water course is restricted as it passes below the A47 to a 1 diameter pipe and where it comes from Weasenham Lane from a 1200 diameter pipe, there are also several culvert crossings to the 5 individual fields that make this application site, with the proposal being to remove these restricted culverts that form the current field accesses and to provide a water storage attenuation facility at the corner of the site to assist the IDB with additional storage capacity before the A47 crossing vastly improving what is there at the moment.

Mr Russell stated that there is a culvert proposed at the access of the site and through various discussions and the IDB and Middle Level they have requested that this culvert to be a 3 metre by 2 metre box culvert significantly larger than the 1200 diameter that feeds it and this requested size

was to ensure the highest water levels provided would be accommodated along with providing an ease of access and cleaning. He expressed the view that the development will offer a wide range of housing, bungalows and a few maisonettes in the detailed scheme, with the dwellings being arranged from one to four bedroom units together with a selection of affordable homes in Section 106 terms and affordability.

Mr Russell stated the scheme has been through a viability process and the Council's assessor has concluded around 14% affordable housing and £700,000 of contribution should be provided. He added that the Section 106 Heads of Terms have been discussed and adapted back and forth over the past weeks with the draft 106 currently held by the Council.

Mr Russell stated that the overall scheme will deliver approximately 350 dwellings and will provide some great areas of open space incorporating SUDs, water features, landscaping techniques inclusive of children's play areas. He added that a large useable open space in the centre of the site will be delivered with all homes designed well to overlook this open space rather than backing onto it, with parts of the public open space falling into the detailed scheme area but that will be extended.

Members asked questions of Mr Russell as follows:

- Councillor Gerstner stated that, having attended last week a Medworth incinerator meeting, the operators seem to have a very good travel plan in place for delivering the incinerator and using only certain roads within Wisbech. He asked if Mr Russell has been talking to the Medworth incinerator operator at all? Mr Russell responded that they have not been directly talking to the Medworth incinerator but their transport assessment team were asked by Highways to incorporate all of their travel plan traffic updates and this has been included. He added that he has his civil engineer expert in drainage and highways in attendance should they need to answer any questions.
- Councillor Marks referred to the use of words appease regarding the engineers but has also read the objection by the Hundred of Wisbech IDB. He asked how much the proposed 200 metres of culvert will cost to put in? Mr Russell responded that the culvert that has been requested has gone out for three budget quotes for civil engineering as it had to be included in viability and it is in the region of £1.7 million. Councillor Marks expressed the opinion that it can be understood why a small IDB with very little money who pumps water is really concerned because the road is not being adopted so that culvert will fall to them for the upkeep going forward. He asked what provision has been made to give them monies for the upkeep? Mr Russell responded that there are various options, they have been in lengthy discussions with Highways throughout the process but commuted sums have not been discussed as yet and nothing has been requested but these usually come forward at the detailed application consent stage. He stated that the culvert process could go with either the IDB, Highways or a legal agreement with a management company. Councillor Marks asked if it is being said that they are looking at the option of having the culvert highway into the site adopted? Mr Russell responded that Highways are not keen on taking adoption of the culvert so that leaves IDB adoption or private adoption in perpetuity by a specialist management company, not a management company of the site. Councillor Marks expressed the view that the IDB would be less than happy to take a hole in a ground that they have no control over, bearing in mind that the IDB are good at what they do and that is moving water, they are not at management of culverts and items such as this. He referred to mention of a specialist management company and asked who is that, is the developer going to be this specialist management company that could go into administration in the future leaving the residents with a pipe and if it collapses it falls to them to repair, which he has experienced firsthand? Mr Russell responded that these structures have moved on and these substantial concrete structures are designed for hundreds of years lifetime. He stated that they will push for adoption to either the IDB or Highways under commuted sums otherwise it will be a private adoption in perpetuity by a management company which will take a commuted sum also. Councillor Marks asked who is this management company

going to be, usually it is a developer who will take on that role and run that company and asked if he was saying that they are not prepared to? He acknowledges that things do move on and a lot of things in the Fens move as well, such as soil and pipes, and that is a really big concern to him, with the finger being pointed at the IDB which he feels is totally unacceptable for the upkeep of a pipe which they do not want and it is obvious that Highways do not want it either and it will fall to the residents probably to pick up the bill in the future. Mr Russell responded that there is no expectation but it will certainly be offered to them for adoption, the commuted sums are there for this reason.

- Councillor Sennitt Clough referred to the report where it says the contributions fall significantly short and asked why is this? Mr Russell responded that it is known around Fenland and north of the A47 that there are issues with making sites viable because of house prices due to the difference between build cost and the value of the houses being thin so along with other complications of this site adding to the viability, with all the contribution requests put into the viability assessment and it came out at zero but the Council's viability assessor has come back with something different, which they will provide.
- Councillor Sennitt Clough asked, if the incinerator is built and it does have an impact on house prices, will this development be left not finished? Mr Russell responded that hopefully due diligence has been undertaken on the incinerator project so not to affect residents' pollution wise. He stated that they are a well-established developer in the area, they have targeted this and invested substantial figures to get it to this stage so they are confident these houses will sell in this location. Mr Russell advised that they have built out other sites in the area too and he knows that Homes England are demanding properties from this development.
- Councillor Sennitt Clough stated that the Fenland Local Plan says that South Wisbech developments would need to overcome pressure on Weasenham Lane and she is not completely confident with the transport report that has been achieved at this stage. She continued that the Wisbech Access Study was supposed to allow access to this site through roundabout improvements but that has not been progressed. Mr Russell responded that transport is left to the transport specialists and Highways, which has followed a process where they have mitigated against what they require. He is unable to confirm numbers, facts and figures of vehicles but it has been through a substantially long process and reports have been revised several times to include different things that come online such as the incinerator. Mr Russell made the point that other developments that have come through Wisbech since 2019 means it has continually been updated and other matters included.
- Councillor Connor referred to Councillor Marks touching on the 200 metres long culvert and agrees with his comments, Highways will not take this and neither will the IDB and his concern is, with it being said that these pipes would last many years, what happens if no one will take this pipe on, a management company has been mentioned but what if it fails, with their appearing to be no Plan B and also what happens to the maintenance of the attenuation of the pond, feeling there are too many unanswered questions. He referred to the previous application where the roads, paths and street lighting are not being adopted and it concerns him when developers are not looking to enter into a Section 38 Agreement and to give him comfort he would request that only 80 be sold and the rest to be unoccupied until such time as the road is brought up to adoptable standard.
- Councillor Purser referred to Mr Russell stating that he was not too sure on the number of vehicles that would be entering and accessing the site and, in his opinion, if there are 250 houses there will probably be 300-400 vehicles. He asked if Weasenham Lane and the road leading down to the site is wholly adequate for that number of vehicles? Mr Russell responded that the numbers are in the report and it has been assessed and they have been in discussions with Highways for several years who find it to be acceptable and agree with what has been put forward. Councillor Purser made the point that at other meetings he has attended Highways have undertaken their assessment via desktop survey and have not been out on site to look at it, which makes a mockery of the survey.
- Councillor Purser referred to the report stating that they are thinking of having a Toucan crossing at one part or an island at the other, two crossings where pedestrians and cyclists

can cross and have to press a button and asked why there cannot be a Toucan crossing on the island down the road and it be amalgamated into one? The applicant's engineer responded that there were discussions with Highways and the roads are not wide enough at that point so they put in a pedestrian and cycle refuge which is wider but the amount of people crossing is not representative of the Toucan unless the school extension comes forward, which was added at the request of Highways. Councillor Purser made the point that if it is wide enough to have an island down the road then surely it is wide enough to have a Toucan on it as well. The applicant's engineer responded that the location was moved at the request of Highways because the Toucan would not just serve the development but other areas and this is the location that they wanted it.

- Councillor Benney stated that he has concerns about the culvert and the maintenance thereof. He asked would they put £300,000 into a management company and ring fence it to safeguard it and keep the maintenance on it, which has happened in a similar situation in Fenland and has worked. Mr Russell responded that they have been talking to three specific management companies who they use on sites and all would have a commuted sum, which is the same in theory as putting a ring-fenced amount of money and they do not have a problem with this because it is expected.
- Councillor Mrs French asked when was the last time that they spoke to the IDB? The applicant's engineer responded that it was two weeks ago. Councillor Mrs French stated that most drainage boards are joining together and as from April next year this will transfer to North Level for the administration so she suggested, if this is approved, that they start talking to North Level.
- Councillor Marks stated that he has real concern over a management company and he does not like that a sum of money is going to be given to a management company because there is no guarantee that a management company is going to be there in the future but as developer they have an obligation if the money is ring-fenced. He asked if they are also going to be asking residents to pay towards the upkeep of a management scheme and is money going to be made available to the IDB for this culvert? Councillor Marks asked for some answers on what they are going to do as opposed to what they are thinking of doing? Mr Russell reiterated that they would prefer for Highways and the IDB to both be approached first. Councillor Marks asked if they had not already been approached and have said no? Mr Russell confirmed this to be correct but when the proposal goes to detailed design and application consents stage they are offering a commuted sum and the maintenance in perpetuity. He continued that there is a process, they would rather it go to Highways, then to the IDB but if they do not want it there are two last options for a management company, either residents paying but that is not their approach for the culvert element but just for on-site elements and the culvert element will be the commuted sum in perpetuity with a management company that deal with this type of thing. Mr Russell stated the funds would be ring-fenced and they use an element of the money for maintenance and an element of the money gains interest. Councillor Marks expressed the view that they are being very hopeful that the interest will cover the upkeep and any major expense.
- Councillor Sennitt Clough stated she has a lack of confidence regarding flooding and asked if they would commit to covering the residents' cost if these drainage plans fail and it does flood referring to pictures of the site showing it underwater. The applicant's engineer responded that the site is in Flood Zone One and they are aware from the IDB that there are issues with flooding but that is caused by the culvert under the A47 as it is a large open section of drain that then goes into a metre culvert under the A47, which is what causes the flooding on the site. She stated that in their proposal they have included a basin that would be linked to the main drain to take or to mitigate against that flooding and that together with the section of culvert provides in excess of double the amount of volume that is there at the moment. Councillor Sennitt Clough stated that this comes back to the point that Councillor Marks keeps making if it is going to double the volume and there is no guaranteed plan of responsibility for that culvert it leaves her lacking confidence, whilst it is appreciated it is Flood Zone One there is no clear plan going forward particularly in light of the fact that it is going to double the volume coming into that culvert. The applicant's engineer responded

that she meant the attenuation volume is doubled so they are providing a betterment than what is there at the moment.

- Councillor Mrs French stated that if the IDB do give them permission they would not be able to build within 9 metres of their watercourse and their recommendations are actually 11 metres if you are putting trees there due to the overhang. The applicant's engineer responded that they do have a 9 metre easement along the open section so allowance has been made in the plans.
- Councillor Marks requested clarification that an attenuation pond was being installed as it being said there is a culvert that cannot cope under the A47? The applicant's engineer responded that was what they were advised by the Hundred of Wisbech IDB. Councillor Marks questioned, if the development goes ahead, that this is going to take the extra water from the site which they are going to have to hold as well, with it being farmland at present so the runoff rate is a lot different to what it will be when the site is developed. The applicant's engineer responded that the water on site is attenuated to greenfield rates, there are two attenuation basins, one at the bottom of the site to help mitigate the culvert and one within the site that attenuates the flows, and there is also storage within the permeable paving sub-base within the site. She continued that the site is then restricted to existing greenfield rates QBAR for all storm events including climate change so the site developed will produce less discharge than it does now because at the moment it is producing greenfield for all storm events and they will be reducing that. Councillor Marks stated this is from the site but what cannot be legislated for is what happens before the site and when it gets to this culvert, this is an existing dyke which brings water already via this site to that culvert and has this calculation been taken into account. He added that it is being said that one of the attenuation ponds will hold water from the site as well. The applicant's engineer responded that directly upstream of the site is a culvert that goes from the small section of open watercourse along Weasenham Lane under New Drove and comes out into Halfpenny Lane so essentially any network upstream of that is restricted by the diameter of that culvert. She continued that whatever they do downstream that flooding upstream would still occur because that existing 1200 diameter culvert is still in place and they are proposing to install a 3 metre by 2 metre box section culvert after this so they can install the access road and then keep the existing open section and provide mitigation downstream for that existing culvert that goes under the A47.
- Councillor Mrs French asked who is responsible for that pipe currently? The applicant's engineer responded that the one upstream is the responsibility of the IDB. Councillor Mrs French asked if this has been discussed with the IDB and are they prepared to undertake any work to improve it? Councillor Marks stated that he went to one of the IDB meetings and at the minute the runoff rate is fine at the back of Weasenham Lane, however, there has been some pollution there but it is about what happens going forward and the culvert not being able to cope on the A47 as well.
- Councillor Sennitt Clough referred to her previous question and it was not answered about whether they would cover residents' costs should they flood. Mr Russell responded that it is not something he has heard of before, with the development being in accordance with planning policies and it would generally be down to residents to have their own home insurance.
- Councillor Connor expressed the view that there are lots of questions that have not been answered to his satisfaction. He referred to the culvert and it has not been said how much money would be set aside for its maintenance or repairs and they have been speaking to a specialist management company but there are no letters of intent for this, which does not mean that it will be taken forward. Councillor Connor stated that he is also concerned about the roads and asked if they would be happy, if this application was successful, that 20 remain unoccupied until such time as the road have been brought up to standard and a management company has been formed? Mr Russell responded that the attenuation basins would be put forward to Anglian Water for adoption when they undertake the Section 104 design but what they find is a management company on site look after those basins better than Anglian Water but it will be offered to Anglian Water first. He stated that, in regard to

road, this scheme has a spine road which has secondary roads off it feeding the houses and ordinarily Highways on a spine road during construction would not want that road topping before heavy construction traffic has finished using the spine road but this does not mean that they would not and will top the secondary roads that feed the houses and on the spine road they can install the iron works level from the start and raise them when that spine road is topped but they are restricted to Highways requirements on that element. Mr Russell added that from speaking with Highways when it comes to the detailed road design and adoption with sewers etc, which is all conditioned, they were happy to have a discussion to see if they would relax that topping to allow construction traffic before the end of the development. He referred to numbers of properties occupied and is more than willing to enter into a conversation to suggest a condition about a highway finishing programme against occupations so they could list occupations of each house and when each part of road would be finished just to give councillors and planners enough comfort that the road will be to adoptable standard as soon as it can be.

- Councillor Purser referred to mention of Anglian Water and requested clarification. Mr Russell responded that this will be in regard to the adoption of the attenuation basins, with all the sewers being put forward for adoption together with the attenuation basins, which would be in the Section 104 detailed design. Councillor Purser stated that his point is that surely they have already spoken to Anglian Water before this application was submitted. The applicant's engineer responded that Anglian Water will not look at offering an approval in principle on an adoption until there is a full detailed design, which comes after this stage of planning.

Members asked questions of officers as follows:

- Councillor Benny referred to this being a hybrid application where there is an outline application for 250, assuming that it is 250 as this is a magic number in planning as if you go over that it triggers additional steps, and a full application committing to the access and 102 dwellings. He feels that until there is a full application for the full site a full drainage strategy cannot be undertaken as it is not known where the houses will be and the runoffs cannot be calculated and asked if this is correct? Richard Fitzjohn responded that what would normally happen, and is the case in this instance, is that there is a drainage strategy which takes into consideration the whole scheme and site, however, the actual detailed scheme would be reserved by a condition to deal with this later. Harry Pickford from the Lead Local Flood Authority (LLFA) stated there is the full application which has the basin design to volume to QBAR rate and the outline part would be subject to further details that would be secured through reserved matters, with there being conditions put on the permission and they would expect to see the details come through for the outline part of it through the reserved matters application.
- Councillor Mrs French stated that the last application had an update from the IDB and asked if there is an update for this application? Richard Fitzjohn responded that the IDB have provided further correspondence yesterday afternoon which reiterates the points they made within their original objection and raising no new issues.
- Councillor Marks referred to concerns regarding the culvert and asked if the LLFA advise Highways in relation to culverts? Harry Pickford responded that its responsibility around consenting and culverting sits outside of the IDB areas so if it was not an IDB area and Highways wanted to come forward for consent they would apply to his team and they would be the responsible authority for approving that. He added for a scheme like this, no is the short answer as they do not have the requirement because it is an application for the IDB and the IDB owning that structure currently and being responsible for the maintenance. Councillor Marks asked, as the applicant has said they have spoken to Highways and it seems unlikely that they would want to take it on, would they have been contacted regarding this? Harry Pickford responded that they would not be involved with this as it sits as a structure within the IDB area so outside of the County Council's responsibility. Councillor Marks asked that, if even if the top was adopted by County Council, they would still not be involved? Harry Pickford responded that it would be very unlikely.

- Councillor Mrs French stated there is a proposed new school and asked if there is any idea when this will come forward? Richard Fitzjohn responded that the planning application for the new Wisbech Free School is currently pending consideration and it is highly likely that it will be coming to Planning Committee next month, with them agreeing to the £150,000 contribution towards the Toucan crossing scheme as well. Councillor Mrs French questioned that the application was coming to Fenland Planning Committee and not County? Richard Fitzjohn responded that was correct as the applicant is the Department for Education.
- Councillor Gerstner asked how best use of land is evaluated, with in this case the land being used for agricultural purposes and what weight is given to housing over this? Richard Fitzjohn responded that specifically to this application he would give significant weight to the South Wisbech BCP that has been approved by the Council already for residential development in principle on this site, which outweighs the loss of the agricultural land. Matthew Leigh added that the Council has already accepted that the loss of agricultural land on this site is acceptable.
- Councillor Mrs French stated that she remembers the BCP but expressed the view that she thought this was for commercial/industry and not for housing on this piece of land. Richard Fitzjohn responded the BCP approved this site for residential development, referring to the presentation screen which showed this area in the BCP and the BCP also confirms that Phase 2 is for full residential development of approximately 350 dwellings which is what is being proposed by this application.
- Councillor Marks referred to the site being landlocked and would the BCP have said the land is for development thinking that somebody might put a roundabout in or better access than is being proposed? Richard Fitzjohn responded that the BCP states that the key proposals for the site are around 350 homes to the east of the site, around 54 hectares of employment land, a new east west roundabout from Cromwell Road and Newbridge Lane to the west along the site to link Newbridge Lane with Boleness Road to facilitate access into the whole of the south west Wisbech site but would also offer improved access for the whole of Wisbech, a new roundabout on the A47, new junctions or upgrades to existing junctions, the retention and enhancement of some of the existing high quality woodlands and mature orchards which can serve as multi-functional public open space areas and the location of pedestrian and cycleways within the proposed development linking to existing facilities elsewhere such as the town centre. He feels it is acknowledged that some of these things have not been brought forward but specifically in terms of the roundabout for the A47, officers have to look at the transport and highway impacts of this development in isolation and there are no objections from Highways on any transport or highway matters. Richard Fitzjohn expressed the view that there is no basis for any objection to this application because some of those other things have not been brought forward yet. Councillor Marks expressed the view that what speaks volumes is that Highways have said that they are not interested in adopting the road. Richard Fitzjohn confirmed that Highways will not adopt the access road because of the culvert, however, the Transport Assessment Team have reviewed the transport impacts in terms of the wider area and reviewed the applicant's transport modelling so have carried out a thorough review of the additional waiting times and car lengths at traffic lights and junctions and the wider implications of the proposal. He added that the new school has also been taken into account.
- Councillor Sennitt Clough asked whether the NPPF overrides the BCP as there are areas where this application is contrary, particularly in relation to sustainable development? Matthew Leigh responded that the starting point with any application is the development plan unless material considerations indicate otherwise and the NPPF is a material consideration. He is not sure why there is a conflict with sustainability as this has been assessed to be a sustainable location. Councillor Sennitt Clough stated that she specifically meant the loss of BMV land and how that conflicts with the BCP. Richard Fitzjohn responded that the majority of the District outside of the built areas is BMV land and to provide residential development on any major scale such as this would very likely be on BMV land, with it being very difficult in this District to avoid.

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

- Councillor Marks expressed concern regarding this proposal and feels it is an incomplete application because, in his view, members do not have all the information in front of them. He stated he is minded to ask for a deferral for the applicant to answer some of the questions that have been put to them today. Councillor Marks stated he is concerned regarding the culvert, there seems to be a major issue with the IDB and members need to be conscious of flooding, seeing the pictures of flooded fields and hearing that the culvert under the A47 has issues. He feels that questions are being asked by members but they are not receiving a 100% response and getting told what they want members to hear as opposed to what members need to hear.
- Councillor Benney stated that he welcomes this application as if you look around the District Whittlesey has built its BCPs out, March has 2,500 houses planned in its BCP and Chatteris has 1,700 houses planned so Wisbech needs to take its share of the housing market. He made the point that the site is in Flood Zone 1 and, therefore, there is no reason to refuse it on flooding and also if there is a flooding problem there is a technical solution to it, if not it would not be built. Councillor Benney expressed the view that the fact that it is agricultural land, the A47 is a natural boundary for building on and you will always fill in the bits of land before you start building outside in accordance with LP3, building in the open countryside. He feels that this land is ripe for development and it is within the BCP. Councillor Benney referred to Womb Farm in Chatteris which was earmarked for industrial land and that was changed to housing for 248 houses in its first phase and approved by committee several years ago, being Persimmons best selling site in East Anglia and he provided some statistics on this site. He stated that he is very much for private home ownership and feels that if houses are not approved, a generation is robbed of the opportunity for home ownership and the price is driven up for everybody. Councillor Benney stated that those were the positives but in relation to the negatives he feels this is an incomplete application as it does not answer the questions, with the culvert being an on-going issue for years and it is not fair to pass this problem down to another planning authority to deal with. He referred back to the 1,700 houses planned for Chatteris but these will not all be built in his lifetime and it is planning for children's and grandchildren's lives. Councillor Benney expressed the opinion that he does not like the culvert and the access, if it was coming off the A47 it would be a much better access to this but that is not what is being proposed. He expressed the view that the finances and the way that this is being presented to committee is an incomplete application and unlike Councillor Marks, because it is incomplete, he does not think a deferral will answer these questions and thinks it should be refused.
- Councillor Mrs French stated whilst it is in a BCP area and Wisbech do need home, this is not the right site and proposals should not just be approved because Wisbech needs homes. She agreed that, in her view, it is not complete and she cannot support it.
- Councillor Connor agreed as there are too many unanswered queries and ifs and buts. He referred to a specialist management company but there is no agreement in place and no one is going to pick up the £1.7 million cost in the future and he is not filled with comfort. Councillor Connor expressed his lack of confidence with the status of the roads, a Section 38 agreement is not going to be entered into and it needs to be properly undertaken so comfort can be given to the residents in years to come. He referred to the two attenuation ponds and questioned whether they are going to be adopted by Anglian Water or maintained by a private developer, it is not known as there are no agreements in place. Councillor Connor stated that although the site is within the BCP area he cannot support this application.
- Councillor Sennitt Clough stated this discussion was started with a question about location and, in her view, it is not a good application because of its location near to the incinerator without a confidence inducing drainage strategy in place on BMV land and without a comprehensive transport plan or management company strategy. She added that she was not left with the greatest amount of confidence through the answers when she asked questions and felt the applicant was evasive and, therefore, she cannot support the

application.

- Councillor Mrs French asked when looking at the emerging Local Plan has this site been removed from the allocation? Matthew Leigh responded that allocated sites are automatically discounted in the new plan.
- Councillor Gerstner stated he was also uncomfortable with the details, it works out that the culvert is going to cost £6,800 per property when all the dwellings are built and if the first 102 are built it equates to £16,000 per property and whilst members are not that interested in the viability of it all, it seems 'iffy' to him when they have all the other contributions to make as well on top of the cost of this culvert and it is somewhat concerning. He added that it is not just the build of it but the ongoing management of it as if this is what it costs to start with what is it going to cost to maintain and manage it.
- Councillor Marks expressed the opinion that what has not been discussed fully is that going forward it will not be the local IDB as in Middle Level but it will fall to North Level who will have a view on this. He stated that whilst he is 50/50, he is erring on the side of refusal as the applicant needs to be speaking to the relevant people as if in 12 months' time that IDB goes by the wayside and somebody else is picking up that problem should it become a problem.
- Councillor Benney made the point that there is an application in front of committee that needs determination today and has to be dealt with as it is. He feels the application has far too many question marks hanging over it and should come back as a full application with details of how the management company was going to be structured, what kind of funding they were going to have within that to protect this culvert and what the drainage strategy would be as there are too many variables. Councillor Benney referred to the other culvert on the A47 which may or may not take that water and a problem cannot be pushed onto somebody else and committee needs to deal with the problems in front of them. He stated that he does not like the access proposed but not liking something is not a reason to turn it down and feels in an outline application committee need more information than what it has got and it cannot be approved in its present form.
- Matthew Leigh understands that members have a number of concerns but these are things that are generally dealt with through conditions and the Section 106. He stated that it is a hybrid application, which legally can be done and they are common for large schemes, and as the Local Planning Authority officers consider there is all the information needed to determine this application. Matthew Leigh made the point that there are a lot of things he does not like and he is not a fan of outline applications but this is the planning system and the applicant is legally allowed to do this, with there being question marks with outline applications and the reserved matters and discharge of conditions is there to fill in those gaps.
- Councillor Marks expressed the view that he feels this application is in the grey area, although he understands what is being said and officers' point of view. Councillor Connor agreed.
- In formulating reasons for refusal, Councillor Marks stated that he has major concerns about the culvert and its management, the IDB and drainage feeling it is an incomplete application and a better access is needed. Councillor Sennitt Clough added that there is also the loss of BMV land and the pressure on Weasenham Lane particularly in light of the incinerator proposal. Councillor Connor added that not enough information has been provided and he is not happy with the inner roads and paths.
- The Legal Officer warned members that any reason for refusal needs to be supported by evidence so it is not enough to say I do not like the layout or there is not enough information, there has to be some explanation on why that lack of information should have been forthcoming and the harm and a decision cannot be made in the absence of that information. He expressed the view that it is making the officers job quite difficult to defend an appeal and from a cost application being submitted.
- Matthew Leigh expressed the opinion that there seems to be multiple reasons for refusal that have been mentioned so if it is put forward the issue of lack information, should this sit together as one or it is different things to a certain extent and also the structure of what it is

members are objecting to is not clear and where members concerns are. He added that it is better to have one good reason for refusal than 10 bad ones.

- Councillor Benney expressed the view that the viability of the site does not come into the committee's remit but the structure of the management company should do as it is pivotal on whether the ongoing maintenance can be undertaken to this culvert and there have not been any firm answers back from the applicant. He added that without knowing how the structure could be, committee could approve it and then end up finding that it is put into a management company that the residents have to pay into and members are here to represent the residents. Councillor Benney stated that for this reason committee owes it to its future residents to make the right decision and the answers have not been forthcoming. He stated that he is very wary of management companies and it is known that they fail.
- Matthew Leigh stated for clarity viability is a consideration for committee, the culvert is expensive and the scheme is providing lower affordable housing than other schemes because of the cost of delivery. He added that committee is not here for common sense reasons it is here to determine applications in accordance with the development plan unless there are material considerations.
- Councillor Benney expressed the opinion that because the site will have affordable housing it makes that problem worse for the market housing because people who live in affordable housing will not contribute as it is not their house so is the housing association going to put money into this, he would doubt it.
- Councillor Marks referred to the IDB report, which is very clear in that they are not happy with the application and thinks this should be used as one of the reasons for refusing this. He made the point that the IDB know the area, pump the water keeping everybody dry and if they are unhappy it needs to be highlighted.
- Councillor Sennitt Clough added that unacceptable highway safety issues that have been discussed are contrary to LP15 of the Local Plan, Paragraph 111 of the NPPF and in terms of the inadequate flood risk management that is contrary to Policy LP14 and Paragraphs 167-169 of the NPPF.
- Councillor Gerstner stated that he agrees with Councillor Marks comments but it also raises concerns regarding biodiversity impact.
- Matthew Leigh made the point that Highways have not objected and as the Legal Officer said there needs to be evidence and Highways have said it is fine. He feels this also applies to the BNG as it does deliver what it needs to deliver and, therefore, these two reasons would be dangerous to progress.
- Councillor Connor expressed the view that incomplete applications should be built upon, who is going to manage the culvert if anything goes wrong, it is not known about the roads or the management company.
- Councillor Marks reiterated that the IDB have responded and are not in favour of the application.
- Matthew Leigh stated that officer's do not agree with that reasoning and the officer's report details why.
- Councillor Marks made the point that the Legal Officer has said it needs to be evidenced based and the evidence is in black and white from the IDB and committee feel the IDB is correct in what they are saying and also Councillor Benney mentioned what management companies are like and have been like in the past in Fenland. He expressed the view that it is incomplete application firstly and secondly it is the objection from the IDB.
- The Legal Officer stated that he feels the IDB reason is a weak reason because the statutory consultee, which is the LLFA, have not objected to the application. He feels that members are standing in judgement between a statutory consultee and the IDB and he suspects that reason will not carry much weight.
- Councillor Mrs French stated that she thought the LLFA said it would not get involved with that drain so asked who else is going to get involved if the IDB is not relied upon. She added that it is the IDB that keeps the District dry.
- Councillor Marks made the point that he asked the LLFA officer and was told that they had

not been involved so if they have not been involved surely the IDB should be listened to. Harry Pickford responded that the LLFA's involvement in this planning application is source management from the site and works to water courses are for the IDB to agree with the applicant when it comes to the works under the Land Drainage Act. He added that their involvement is reviewing the application from how they are managing water from the site itself and there is other statute under the Land Drainage Act that requires work to be done and consent to be given for work to water courses, which is a matter for the IDB to agree. Harry Pickford appreciated that there is crossover with planning but it is very much the case for the IDB to agree with the applicant.

- The Legal Officer felt that there may have been a misunderstanding, what has been said is that the IDB have control over giving consents for things being done or not done but the Development Management Procedure Order requires the Local Planning Authority to consult with the LLFA, which it has done and that authority has not objected to the application. He stated that if committee is relying on the IDB comments, it is more about this culvert and the likelihood of that being built out and maintained and that is a stronger reason.
- Councillor Marks requested clarification that County Council LLFA would have seen the IDB's response and then made its response? Harry Pickford responded that they do look at consultations on applications from the IDB and the works that are going to be carried out are outside their control and it is not really its position to comment as to whether that is acceptable or not as it is not its asset to input on.
- Matthew Leigh stated that the County have looked at it as a consultee just like they do on any scheme, looking at the technical information, assessing and considering it and they think it is acceptable, meeting policies. He advised that the consultation response from the IDB is that they would not adopt it as it does not meet their requirements, which is a separate matter and legislative role. Matthew Leigh referred to comments about Highways being involved being a moot point as it is all about who will adopt it, control it and manage it and this can be controlled by conditions.
- Councillor Mrs French stated that there is the Land Drainage Act which IDBs work from and in the present form with this application and from what Middle Level have said there is no way the drainage board would give consent and without consent the development is not going to happen.
- Councillor Gerstner made the point that the Hundred of Wisbech IDB have given 8 reasons for refusal and what is of concern to them.
- Councillor Benney referred to an application in Upwell Road which was refused on flooding and the Council had to pay £40,000 in costs because it was not refused for a good enough reason and if this is put in the reasons it gives weight to the argument but it could be the same situation with this application. He feels that the proposal being an incomplete application without knowing the details of the management company is still a stronger and valid reason.
- Councillor Marks acknowledged the comments of Councillor Benney, however, there are two reasons, one being an incomplete application due to the management company and, in his view, the flooding. He feels as much as members need to be mindful of money if it went to appeal, they also need to be mindful that there could be 350+ homes in an inadequate situation of drainage, with Wisbech having flooded and millions is spent on the flood defences along the Nene and mindful of the people who are going to live there that are going to be put at risk.
- Councillor Connor stated that he thinks that the Planning Committee have got two reasons:
 - the application in their view is incomplete regarding the maintenance and the detail concerning the management company which is paramount and also the fact that the application is going against the IDB.
- Councillor Benney stated this is surface water flooding and you can build in Flood Zone 3 in Wisbech so is this a good enough reason and feels it is about water management rather than flooding.
- Councillor Marks agreed with the comments of Councillor Benney, it is water management

but what is being missed is that there is not only the water off this site but managing the water coming to the site and through the site and members have been told that it holds up at the A47, which is why mitigation is required to try and hold water back because the culvert cannot cope on the A47. He made the point that he is proposing it and should it ever go to appeal he is happy to state the case.

- Matthew Leigh requested clarity on the second reason for refusal. In addition, he stated that just to agree with the concerns raised by the IDB is not a reason to refuse the application and the committee need to consider what the actual harm would be.
- Councillor Marks stated that he felt that the committee should take forward the list of concerns of the IDB as the reasons for refusal.
- Matthew Leigh clarified that the IDB have raised multiple points in their response that are not all to do with water management and he advised members that it would be appropriate to just agree with the IDB comments blanketly, but instead Members would need to pick out points within the consultation response that they agree with and that cause harm. In addition, Matthew Leigh states that it could put officers in a difficult position of trying to bring forward a reason for refusal. He made the point that members are able to determine applications as they see fit and officers will defend that decision if it came to an appeal but members need to verbalise what the reason for refusal is and what the harm is. Councillor French cited the detrimental effect of surface water runoff and overland flows from the site adversely impacting neighbouring properties and other locations which may be affected by the proposed ground raising / reshaping operations. Councillor Mrs French stated the NPPF does state that you do not pass something that is going to cause flooding further downstream.
- Matthew Leigh stated, for clarity, the first reason is lack of information in relation to the culvert management etc because of the high cost of the equipment, and the second reason is those key points from the IDB consultation response.

Proposed by Councillor Marks, seconded by Councillor Mrs French and agreed that the application be REFUSED against officer's recommendation.

Members do not support officer's recommendation of grant of planning permission as they feel that there is a lack of information on how the culvert is going to be maintained in the future and if by a management company how is this going to be structured and the IDB, who are local water managers, have objected to the scheme due to the detrimental effect of surface water runoff and overland flows from the site adversely impacting neighbouring properties and other locations which may be affected by the proposed ground raising, reshaping operations.

(All members present declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

(Councillor Connor declared that he did speak to the applicant yesterday regarding a perceived update from Middle Level but he had not been copied into the perceived e-mail and gave the applicant the Head of Planning's contact details. He did not speak to the applicant about this planning application and will keep an open mind about the application.

P15/25 CONFIDENTIAL - PREVIOUS MINUTES

The confidential minutes of the 14 May 2025 were agreed and signed as an accurate record.

5.00 pm

Chairman