

# PLANNING COMMITTEE



**WEDNESDAY, 30 OCTOBER 2024 - 1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner, Councillor S Imafidon and Councillor E Sennitt Clough.

Officers in attendance: Matthew Leigh (Head of Planning), David Rowen (Development Manager), Gavin Taylor (Principal Development Officer), Stephen Turnbull (Legal Officer) and Elaine Cooper (Member Services).

**P49/24**      **F/YR23/0370/O**  
**LAND TO THE SOUTH OF BARKERS LANE, MARCH**  
**ERECT UP TO 130NO DWELLINGS (OUTLINE APPLICATION WITH MATTERS**  
**COMMITTED IN RESPECT OF ACCESS)**

Gavin Taylor presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Karl Timberlake, Director of V10 Homes, a supporter of the proposal. Mr Timberlake stated that V10 is an affordable homes developer and they partner with landowners, build contractors and housing associations to fund and construct affordable homes utilising Homes England grant. He added that V10 has been responsible for creating over 1,250 new affordable homes, which has helped around 3,000 people on low to middle incomes, including key workers, to obtain a safe and secure home to rent at an affordable level or realise their homeowner aspirations through shared ownership.

Mr Timberlake stated that having worked with Fenland's Housing Enabling Team they are aware of the level of need in the district, which at the end of July this year there were 1,690 households on the Housing Register in Fenland and almost 50% needing categories A and B. He expressed the view that within Fenland, March has the second highest recorded need behind Wisbech and the current projected delivery of affordable housing in the District for the current year is 239 homes or just 14% of the overall level of need so 86% of those who need a home locally will not get one this year.

Mr Timberlake stated that, as of 8 August, the Council had 89 households in temporary accommodation and in respect of shared ownership properties there is no similar data available but a recent release of 40 shared ownership properties in Fenland received 579 enquiries. He expressed the view that the demand for all types of affordable homes in Fenland is overwhelming and compelling.

Mr Timberlake stated that V10 is partnering with Platform Housing Group, and United Livings Lowrise Construction, with representatives in attendance today, to bring about the supply of those vitally needed additional affordable homes. He made the point that Platform is a fully funded strategic partner to Homes England and is already investing tens of millions of pounds in Fenland, referring to a recent article in the Wisbech Standard regarding their 100% affordable housing scheme which has just been launched for 137 homes in Wisbech, with Platform's Chief Executive being quoted as saying "this is the first time we have worked with Fenland District Council and we are absolutely delighted to see this development come to fruition providing local people with a place to call home, we are committed to providing more such homes in the area and look forward to strengthening our partnerships in the region".

Mr Timberlake expressed the opinion that with the committee's support today the project at Barkers Lane would be Platform's second 100% affordable homes development in Fenland, which will be built out in one single operation. He stated that after working closely with the Housing Team to align the local need with the delivery of the right type of housing and tenure, Platform expect to submit a reserved matters application in the first half of 2025 and to start on site by the end of 2025.

Mr Timberlake stated that he is present at the meeting today to give voice to those people with an urgent affordable housing need and requested the application be approved.

Members asked questions of Mr Timberlake as follows:

- Councillor Mrs French asked if any discussions have taken place with Anglian Water with regard to the sewage? Mr Timberlake stated that he was not in a position to answer that question but the agent or technical advisers would be able to do this.
- Councillor Mrs French referred to the report being confusing as it states 20% affordable and then 100%, asking which is it? Mr Timberlake responded that they will be looking for a Section 106 which provides 20% as policy and the Housing Association will come along and convert the other 80% to affordable so ultimately it will be 100%.
- Councillor Mrs French asked if he had been to the site at school run time? Mr Timberlake responded that he has been to the site.
- Councillor Mrs French referred to mention of the lack of affordable housing and that they would not be provided this year, making the point that neither would these as this is an outline application.
- Councillor Gerstner questioned that his company was the supplier of the housing, there is external funding through the Government's housing fund and asked who is going to pay for the infrastructure part of the application? Mr Timberlake responded that the contractor would build all the houses and all the infrastructure.
- Councillor Marks referred to the question asked by Councillor Mrs French about the proposal being 100% affordable housing and the response was it was 20% and then it is expected that somebody else will pick up the 80%, with the way it is being sold to members is 100% and asked if he had been involved with schemes like this before where it has been 100% but had to be reduced as some properties were sold privately? Mr Timberlake responded that every project they have undertaken ends up being 100% affordable as what Platform will do is apply a Homes England grant to the 80% converting them into affordable with the 20% affordable being secured as part of the Section 106 so the delivery will end up being 100% affordable as has been the case at Wisbech.
- Councillor Imafidon stated that he attended the Wisbech completion as Mayor of Wisbech and he feels the quality of the houses that Platform deliver is very good. He made the point that when it says the houses are affordable, with the 137 in Wisbech a certain percentage were on a social rented basis and he met one of the residents who purchased 50% by part rent, part buy, and asked what percentage of these houses will be part buy, part rent and when affordable is mentioned is it the part buy, part rent or the social housing? Mr Timberlake responded that 73 properties will be affordable rented to be delivered by Platform.

Members received a presentation, in accordance with the public participation procedure, from Leslie Short, the agent. Mr Short advised that he has with him Damian Tungatt, the Highways Engineer, and Mark Jones, the Drainage Engineer, who will be able to answer any technical questions committee may have. He stated that planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise and the application site before members today is part of an allocation for housing land in the adopted Fenland Local Plan 2014, with 10 years on from its adoption this applicant is seeking to deliver this allocation with 130 dwellings.

Mr Short made the point that the same adopted development plan requires that a Broad Concept Plan (BCP) be prepared and this was approved by the committee in June 2023, with this application complying with the adopted BCP and in doing so aligns with the allocation of the more recent March Neighbourhood Plan. He expressed the opinion that in planning policy terms there is nothing to say that this application should be determined otherwise than has been in accordance with the adopted development plan and that statutory duty for the Council is set out in Paragraph 6.1 of the officer's report.

Mr Short made the point that there are no technical objections, with the key features of this scheme for 130 dwellings comprising of the access, the surface water and foul drainage strategies, the landscaping and amenity proposals, the biodiversity net gain, planning obligations contributing towards infrastructure improvements, heritage impact and the delivery of housing and affordable housing, which have all been successfully addressed in the application's proposals. He stated that he is not going to ignore or pretend that this area will not change as a result of this development but the details need to be looked at before committee comes to their balanced decision today, the applicant acknowledges that there will be an element of disturbance to the existing residents of Barkers Lane both during construction and after the development is complete but the right amount of weight needs to be applied to this noting that the Council's Environmental Health Officer has not raised any objection regarding noise and disturbance and considers that any noise impact arising from traffic is not likely to be such that it warrants a noise assessment, with the same advice being given in respect of air quality.

Mr Short expressed the view that any local impact can be mitigated by the imposition of a Construction Management Plan and by restricting the hours of operation, which is one of the officer's recommended conditions. He advised that the roadway in Barkers Lane is designed to be a 20mph zone where traffic speed is limited and the consequent road dimension designed taking only land that is essential, with the provision of a 3 metre wide combined cycle/footway along the north side of Barkers Lane linking into the housing site and the wider allocation beyond being key to the scheme's design and will provide an invaluable, sustainable travel mode connection between one of the largest housing allocations to the Neale Wade Academy and to the wider town and town centre.

Mr Short referred to drainage and flooding, with the applicant listening to the discussions about this on the proposal for 425 dwellings adjacent to this site and revised his foul drainage proposals so that they are now independent of any existing Anglian Water foul drainage infrastructure in Barkers Lane, with there being no impact on the existing provision. He stated in terms of surface water flooding, that section of Barkers Lane, which is already a tarmacked surface, will have specific drainage improvements resulting in a change to the experience in that area, with part of the road's reconstruction brought about by this scheme providing a new dedicated highway drainage system to take away surface water in an easterly direction and into the attenuation basin within the application site.

Mr Short referred to their development partner supporter speaking about the provision of affordable housing and he asked the committee to note and place great weight on the early delivery of housing having heard the adjacent site being given up to 5 years for the submission of reserved matters in June 2024, with this applicant volunteering to accept the condition that says that the reserved matters must be delivered inside 2 years which can only result, in his view, in the early delivery of much needed housing with a start on site likely towards the end of 2025. He stated the benefits of the scheme as outlined and listed in the officer's report at Paragraph 11.4 far outweigh any disbenefits and he hoped that the committee will come to the same conclusion.

Members asked questions of Mr Short, Mr Tungatt and Mr Jones as follows:

- Councillor Mrs French asked if they have had discussions with Anglian Water? Mr Short responded yes. Councillor Mrs French questioned if they were aware when there has been flooding there has been raw sewage pouring down Barkers Lane, she has videos of it, it is

disgusting and the sandbags that Anglian Water put down the lane several months ago are still there even after Anglian Water attending a Planning Committee meeting in August for the 425 dwellings promised to do something about it. She has a meeting tomorrow with Anglian Water at Barkers Lane. Mr Jones responded that they have consulted with Anglian Water and undertook a pre-development enquiry with them at the very beginning, with its advice being to connect into Barkers Lane. He added that as his colleague has stated following the committee meeting in June on the Barratt's development, they have consulted them several times as they were aware of the flooding issues and come up with a new connection point which is now The Avenue to avoid putting any foul drainage into Barkers Lane. Mr Jones stated they are following Anglian Water's guidance, with the solution that they have for this development being a pump solution from the site from a pump station that will be adopted so that they can control the discharge rate from this development into the Anglian Water system, with the rate being set by Anglian Water through the adoption process.

- Councillor Mrs French referred to a pending application for an access through Lambs Hill Drove and asked if that is approved will they change the access away from Barkers Lane? Mr Short responded that they have a separate application which has been in a considerable amount of time for Lambs Hill Drove but account needs to be taken of the timing of these applications as they were first on the scene, with this application in Barkers Lane being submitted before there was any other application but the Lambs Hill Drove access, which is just for an improvement of that junction between Lambs Hill Drove and Wimblington Road, is dependent upon other parties coming along and it may be 5 years before that access comes into operation.
- Councillor Connor stated that he has had considerable contact with Anglian Water and he has spoken to them again today, with him being told there were two issues, you cannot put the foul drainage system into Barkers Lane drain as it blocks up and as Councillor Mrs French stated there has been raw sewage coming out of those drains. He referred to their report which states that they may wish to connect to the Barratt David Wilson Homes (BDWH) site drainage system but that is not what he is led to believe as he has spoken to the Development Director of BDWH who says "I have reviewed your committee report for the March East Development Ltd (MEDL) site there is reference in the report to MEDL potentially utilising FW drainage system within our development I must make you aware at this stage we don't have a formal agreement in place with MEDL for them to connect into our drains and further they have made no contact with us in an attempt to agree formal rights of connection or for access across our land to allow them to make a connection." Councillor Connor asked whether they had spoken to BDWH? Mr Jones responded that they have not made any contact with them, the meeting he had with Anglian Water was purely to take away drainage from the site, wanting their development to be as standalone as much as possible so it can be delivered within timescales that they can control and not be reliant on BDWH. He reiterated that they have a pump solution and that will be pumped to the Anglian Water network in The Avenue, it is not dependent upon the BDWH development coming forward and is in agreement with Anglian Water.
- Councillor Connor stated that roadway is another concern and asked if they are looking to have the road and spur roads being made up to adoptable standards? Mr Tungatt responded that at this stage the only thing that is in detailed form is the access from Barkers Lane, which will be to adoptable standards and he thinks the internal spine road is something that would be potentially constructed to adoptable standard.
- Councillor Connor stated Highways have lots of highway agreements that need to be settled and if this application is approved he would like to see all the properties being built but only 90% occupancy until the road has been fully adopted by Cambridgeshire County Council, which would alleviate the problem of roads not being completed in Fenland and asked for their views on this. Mr Short responded that it is a condition that they would have to take instruction on but he does not see it as being particularly unreasonable. Councillor Connor stated it has happened before in an application in Wimblington so they would agree to this in principle? Mr Short responded in principle yes and asked if the Highways Officer knows

what the experience and arrangement of the Platform development in Wisbech is with regard to the adoption of roads and he cannot see any difficulty with doing the same on this development. Nigel Egger, Cambridgeshire County Council's Highways, stated that there can be an undertaking in the planning permission to have the roads completed to a given standard by the 90% house occupation but to say that it should be adopted is a different matter because it is subject to a technical assessment process not least the drainage and getting acceptable outfalls, there is not a problem with adopting a housing estate road but it is iterative process of submission, design and implementation as well. He feels it would be better to say that it gets to a point of completion surfacing because that is the major problem in Cambridgeshire that roads are left unsurfaced, unfinished and then they do not drain properly because the water is not getting to the gully but he does not think it can be a requirement for it to be adopted because it is separate to an entirely different area of law and beyond the planning remit unless they wanted to enter into a Section 106 Agreement, which if they fail to do or there are technical issues with the road becomes a problem. Councillor Connor stated that this does not always happen in Fenland where roads are left unfinished. Nigel Egger responded that there should be a condition that says the road should be completed to binder course level which is the layer below the surface course and would be the approach whereby at 90% house occupancy those roads should be finished off and surfaced and he feels this a good idea and a model that should be used across the County.

- Councillor Gerstner stated within the report there is a lot of number, figures, charts, diagrams, junctions, calculations, algebra, which is a lot to take in, this is an outline planning application to deal with access and asked why can there not be access from a different place other than Barkers Lane, with there being a route that residents have suggested that could be taken? Mr Short responded that it is not feasible for the very reason that these 130 dwellings need to be delivered as soon as possible and at the previous committee where permission was given for the development with the access approved off Wimblington Road, similarly with Lambs Hill Drove, it could take 5 years for the details to come forward and that allocation to begin to start being developed. Councillor Gerstner questioned whether it was technically not feasible. Mr Short stated that there is nothing technically difficult with using Barkers Lane as an access, with the mitigation proposals and with the design details that they have delivered and in discussion with the County Council's Highway Authority who confirms they have no objection. He added that the other 2 access points could be up to 5 years away and there is an affordable housing need.
- Councillor Gerstner expressed concern over public safety, whilst he accepts what Highways have said there is a school with children and access onto Barkers Lane and this development is proposing 130 affordable houses, which will probably be families with children accessing Barkers Lane. He asked how safe are children and the public going to be with that road and the new pathway? Mr Tungatt responded that in terms of the actual trip generation from the site it will still be relatively low compared to other locations and Barkers Lane the fact that there is a school adjacent to it is fairly normal, there are a number of areas where there are schools next to the highway. He continued that they are also delivering a 3 metre wide shared cycle/pedestrian way adjacent to the school, which would be a safety benefit. Mr Short added that the first 120 metres of Barkers Lane is being designed as a 20mph zone so safety is at its heart. Councillor Gerstner made the point that the District has a lot of other 20mph zones but they are not enforced. Mr Short stated that looking at the design details there is a dedicated 3 metre wide cycleway/footway on the northern side of Barkers Lane and for the bulk of the children accessing Neale Wade Academy or going on into the town centre they will come up from the development and use a continuous 3 metre wide cycleway, which will be separate from the vehicle carriageway.
- Councillor Gerstner asked, as the build out is started, when is that pathway going to be delivered? Mr Short responded that the resolution seeks that committee approve the scheme subject to the conclusion of a Section 106 Agreement and appropriate conditions, with the usual condition, in his experience, is that the access has to be delivered first before other events in the scheme happen. He stated that he is expecting to meet with Gavin

Taylor and agree a condition which seeks the early delivery of the access.

- Councillor Mrs French asked where the 5 years has come from as in August committee recommended approval of an outline application for 425 houses and they were asked when they were going to submit a reserved matters application and members were told as soon as possible so she does not understand where the 5 year delay has come from. Mr Short responded that the resolution included a condition that requires the submission of reserved matters on that consent any time before the end of 5 years and he is sure officers will confirm this. Councillor Mrs French disagreed and stated it was 2 years, it has never been 5 years, with the applicant confirming they would submit a reserved matters application as soon as possible.
- Councillor Marks asked if the pumps will be installed from day one and adopted by Anglian Water? Mr Jones responded that the general process of putting in the adoptable pumps is that there will be a Section 104 design process and once that technical approval is granted the chamber is then built, with there needing to be a set number of dwellings outfalling and discharging into that station for it then to become active. He added that there will be a mechanism to deal with foul water, ie pump, to a place where Anglian Water agree, which happens on every site where there is a foul water pump station and it will all be undertaken with Anglian Water's approval so the station would have to be built very early on and they will be looking to get as many houses into that station as quickly as possible as that gets the adoption process finalised. Councillor Marks asked if there could be a situation where it is still pumped into Barkers Lane for a period of time? Mr Jones responded that with the agreement with Anglian Water there is no connection from this application to go into Barkers Lane and it will not happen, the main will have to go from the pump station to The Avenue and a temporary connection cannot be made on a pump.
- Councillor Marks asked about attempts to speak to the IDB? Mr Jones responded that his first email to the Middle Level Commissioners was in January 2023, there were several emails asking for comments, asking for meetings, he even spoke to one of the engineers saying that they wanted to bring it to committee and would like to bring a strategy that they are in acceptance of and even offered to drive to their office and have the meeting. Councillor Connor suggested that Councillor Mrs French takes this up with the IDB and she agreed to do this.

Members asked questions of officers as follows:

- Councillor Mrs French asked for clarification on whether it is five or two years? Gavin Taylor responded that condition 2 of the proposed condition schedule for the BDWH scheme was a requirement for approval of the reserved matters to be made to the Local Planning Authority before the expiration of 5 years from the date of the permission. He stated that the reason for this was that the proposal is to phase this development and a situation was not wanted where a couple of the first phases were agreed and they ran out of time to submit that last phase so it does give them ultimately 5 years to submit their reserved matters application and then to begin within 2 years from the approval of that last reserved matters. Councillor Mrs French made the point that this does not mean they are not going to start for five years though.
- Councillor Mrs French referred to the agent saying they wanted to submit their reserved matters as soon as possible and asked if the reserved matters application had been submitted? Gavin Taylor responded that the Section 106 Agreement is still being finalised and he has not been made aware that they are working on a reserved matters but he would like to think they were.
- Councillor Connor asked that as soon as the Section 106 Agreement is finalised the reserved matters can be submitted so it does not have to be 5 years, which is the longest timescale it can be. Gavin Taylor confirmed this was correct and a reserved matters could be submitted the day after the Section 106 is signed and the decision notice is issued. He believes that the applicant for this development was alluding to the fact that they have got no control over that and they want to make sure they try and deliver their site as soon as possible.

- Councillor Gerstner requested clarification that Barkers Lane is the sole access for this development and there will be no other accesses? Gavin Taylor confirmed this was correct, although they would expect to put in an emergency point, a drop bollard or similar, so that in the event that there are emergency services needing to get to either this application site or the wider site. Councillor Gerstner asked if these were shown on the previous map? Gavin Taylor responded that the ones shown on the previous map were pedestrian/cycle connectivity points so that there is permeability through the site for sustainable travel modes through the entire allocation.
- Councillor Gerstner referred to Highways being satisfied with the access arrangement to achieve a safe and suitable access to the development but he still has concerns with all the pinch points, the junctions, the formulas and it is very difficult for him to understand, with 130 potential houses potentially producing a lot of vehicle movements on a very short stretch of road and the engineering of the road looks to him to be quite complicated especially with a 3 metre cycle and shared pedestrian path. He asked for explanation on how that Highways have come to their conclusions as he needs to be fully satisfied about the safety aspect to pedestrians. Nigel Egger responded that Highways are presented with development proposals and they consider them in relation to the policies in the NPPF and for them to object the development there needs to be an unacceptable impact on highway safety or a severe impact on capacity. He does not look at the numbers that are being referred to, his colleagues in the Transport Assessment Team do this, but typically 130 dwellings is probably only going to generate one to two vehicle movements in the busiest hours, 8-9 in the morning and 5-6 in the evening. Nigel Egger made the point that this is not a very high bar in terms of capacity so the junction will cope, a 5½ metre wide carriageway and 3 metre cycleway will cope with the traffic and the pedestrians adequately. He stated that the latest iteration of the plan includes the raised table to make it 20mph compliant, the speed narrowing and raised table within 50 metres of each other in conjunction with a 20mph zone should police itself nicely, it is when you introduce 20mph zones without the additional engineering feature where compliance is more of an issue. Nigel Egger stated that children and cars are always an emotive issue next to a school and if it becomes a problem with on-street parking throughout the picking up and dropping off period in the future or as part of the 278 Agreement they can ask the developer to consider restriction times, double yellow lines or single yellow line to further regulate the area. He expressed the opinion that overall, given the high bar that is set by the NPPF to have an unacceptable impact on highway safety or a severe impact on capacity, there is not enough trip generation given that this development only serves 130 dwellings, it does not go through the rest of the site and is an enclosed cul-de-sac so an objection could not be justified.
- Councillor Connor made the point that during pick up time from the school both those sides of Barkers Lane are full up with cars and he would like to see, if the application is approved, a restriction on people parking there. Nigel Egger responded that it is difficult because parking restrictions and traffic regulation orders are a separate area of legislation but you could write into the travel plan something that says the applicant shall promote/investigate/ implement in conjunction with the District and County Council measures to manage on-street parking and then this can be put into the legal agreement that Highways have with the developer, either a Section 38 Agreement for the adoption of the streets or more likely a 278 Agreement for the highway works that they must have to implement the work on Barkers Lane so it is a question of how to secure it in planning terms in principle so that it can be delivered in engineering terms. Councillor Connor asked Gavin Taylor if he had made a note of this? Gavin Taylor confirmed he had against the Travel Plan condition.
- Councillor Mrs French referred to a meeting she attended a couple of weeks ago where it was crystal clear the Police will not enforce 20mph zones and you can put double yellow lines everywhere but they are not enforced either. She stated she has been trying since 2019 to introduce Civil Parking Enforcement across Fenland and due to the unreasonable conditions that the Rainbow Alliance at the County Council have put on it is impossible at this time for the Council to do it. Councillor Connor endorsed these comments and that Fenland is the poor relation in the eyes of the Rainbow Alliance.

- Councillor Mrs French stated that there are some beautiful trees along Barkers Lane that have TPOs and asked if they are going to be felled, which she hopes not? Gavin Taylor referred to a landscaping plan on the screen, with regard to TPO trees there is a Horse Chestnut tree directly opposite the first house as you come into Barkers Lane and the proposal is that this may be felled, however, there is a condition 5 proposed that requires further details in that regard as it does sit quite close to where the footway/cycleway is proposed to be located and whilst there may be an engineering solution they are not certain at this stage. He stated that there is a proposal as secured through condition 5 to have a robust landscaping scheme which would include replanting of trees, hedgerow, etc., but the report acknowledges there will be some loss of vegetation along there.
- Councillor Marks asked if to the entrance of Barkers Lane is that County Council or District Council land? Gavin Taylor responded that the area to the north of Barkers Lane is highway land and the area immediately south is a Fenland District Council asset but there is not proposed to be any works to that area of land, with the area of works being to the northern side of Barkers Lane in order to achieve the footpath/cycleway. Councillor Marks asked if those trees have a TPO on them? Gavin Taylor responded that the TPO recording is a group recording for two Horse Chestnuts, which is actually now only one, which is identified in the arboricultural report submitted as a category B/C tree. He believes there are some historic TPOs further along Barkers Lane but some of them have been removed for some of the school buildings historically but the TPO records are a bit out of date in parts and could do with a refresh.
- Councillor Mrs French stated that with the TPO she thinks it is disgraceful that this tree may have to come down. She referred to the Section 106 and notes that what is proposed is for Early Years, Primary and Secondary schools, libraries and strategy and asked why nothing is included for doctors, NHS or anything else and stated that the County Council is sitting on over £72 million for education and there was no money spent on education in 2022/23 and there was an agreement through the last Government that the area was going to obtain a new SENs school, with the Government in place now pulling this, which is another disgrace. She made the point that the County Council does not need this money, they are sitting on all of the Section 106 money, including travel, health care etc, of over £89 million and education keeps being put on a Section 106 but infrastructure is needed which will help doctors etc, especially with that amount of homes with March East being one of the most deprived areas in March, and open space contributions are required and play areas need upgrading. Councillor Connor advised that this issue has been raised with the Head of Planning and a meeting will take place regarding this shortly, it may not be possible for this application but for ones in the future. Gavin Taylor referred to Section 10.80 of the officer's report where the applicant is proposing to provide contributions towards transport impact mitigation, there is a MATS scheme of £1,500 per dwelling and there is also £96,000 towards the on-site demand responsive bus service, which members may recall from the BDWH scheme with there already being land gifted or proposed to be reserved for the school site so in terms of addressing some of the education requirements that could be deemed to do so and the £96,000 for the demand responsive bus service could be argued that the site is not actually that far from the nearest bus stop at Wimblington Road, therefore, that £96,000 could instead be directed towards health care requirements of which there is a request for £561,000 for upgraded surgery facilities and £138,139 for ambulance services so there could be a pro rata split for these items instead of directing it towards education. Councillor Connor expressed the view that the £96,000 for the buses can be redirected elsewhere into health care or open space.
- Councillor Mrs French referred to the £96,000 for buses and asked what buses as there are no decent buses in March. She referred to 10.76 with regarding to financial contributions of £1,500 per dwelling for MATS and stated that she is Chairman of MATS, with the money from MATS coming from the Combined Authority so why are developers trying to be milked when developers could actually be doing something for the town that these houses are going to be built in. Councillor Mrs French stated that she has been working since 2018 for a BMX track, pump track for West End Park and finally there is an application in, which has



taken 6 years to achieve, March is the fastest growing town and there is nothing for the children to do and this is where the money should be going to keep the youngsters busy and stop anti-social behaviour. Councillor Connor added that within 400 yards of the application site on Wimblington Road there are two bus stops so another bus stop is not required and the £96,000 can be diverted somewhere else where it is needed. Councillor Mrs French stated that she has been the Chairman since 2017 on MATS and they have never discussed this or asked developers for money, she has a meeting in about 3 weeks time, there is major work that they are doing and she will be bringing this up at the next meeting. Councillor Connor asked if the £96,000 can be used for something else? Gavin Taylor responded that subject to being CIL compliant project then money could be put towards this and what is suggested is the identified health care requests the money could go towards this. He stated in terms of other projects, such as for young people, he is not aware of any being put forward through this application to consider and consultation was undertaken with the Open Spaces Team but that is not to say that it cannot. Gavin Taylor made the point that the application is before committee at a time when it is known what is required in terms of formal requests so in terms of health care contributions this could be proportionately split between the surgeries and the Ambulance Service. He referred to the MATS scheme and reminded members that the BDWH scheme came forward at the end of August with exactly the same request from the Transport Team, the same financial contribution per dwelling, and that was accepted at that time and it has also been a requirement of all the strategic allocations in March from the Transport Team in order to finance that MATS scheme which will improve Peas Hill roundabout and Hostmoor Avenue. He feels that not supporting this at this stage needs further discussion as the amount requested through this application is consistent with the previous one on the same allocation.

- Councillor Marks suggested that the Chairman and himself deal with this via the Head of Planning to sort out the distribution of this money? Gavin Taylor responded that one point of note, 10.78 of the report does refer to the developer contributions SPD and sets out where a scheme is affordable housing led the Council would not look to secure financial contributions against that scheme because of the other benefits it would otherwise provide and possible viability considerations. He made the point that if the scheme does come forward as 100% affordable housing which is what is being put forward then the Council would not be seeking financial contributions and whilst it would be built into the Section 106 there would also need to be a clause in there that should it ultimately come forward as 100% affordable housing that those contributions would fall away. Councillor Marks expressed concern that if only 50% affordable housing is provided then it needs to be clear where the money should be allocated and it wants to be kept local as Fenland does miss out. Gavin Taylor asked members to be mindful of the recommendation as that is seeking delegated powers for officers to finalise the Section 106 Agreement so if that needs to be changed that needs to form part of the proposal. Matthew Leigh added that members would need to slightly amend Clause 1 to add in "in consultation with the Chairman and Vice-Chairman" if they wished.
- Councillor Mrs French referred to Table 1 of the Section 106 requests and she has advised that the County Council are sitting on £89 million, they keep asking for education money and why are they being given it if they are not building schools, no money was used in 2022/23 and there is nothing planned to her knowledge for 2024/25. She expressed the opinion that the difference between Barratt Homes and this development, is they did not push for extra money as they offered a piece of land that will be available as an orchard which she understands that many people in March want which she feels was generous of them. Matthew Leigh responded that he cannot answer the specifics but the issue that has been raised is county wide and Section 106 contributions will be allocated to certain projects and there will be periods of time allowed for them to be put into before they will happen so if there is a scheme occurring in an adjacent authority, a large scheme for 2,000 houses, that may well need to deliver a junior school or even two, that scheme would require through the phasing to pay for various contributions, it is unlikely that the scheme would then deliver the

school until all that money has been received by the council as they have limited budgets and they are unable to fund forward so what that results in is a significant build up of money with the County Council for them to look to deliver schemes in the future. He referred to transportation and that money is taken to cover transportation for a period going forward for however many years for the future occupiers of these dwellings to be transported to their schools so that money needs to sit in perpetuity as it will be spent on an on-going rotation. Matthew Leigh stated that the issue that Fenland has the inverse of that as month after month education requirements are not being met, schemes are being accepted that put additional burden on the existing education facilities and the funding that they require is not brought in so unlike other authorities where they are viable and the application for the scheme provides all the money that the County needs to deliver that school, Fenland does not have that so that means there is a deficit that puts it onto the County and this is a general point about the planning system. He stated that this needs to be balanced and in a different situation where you have x amount of units and you need a junior school, four or five viable schemes would bring forward that junior school within the country but in Fenland due to its viability issues that does not happen and it is not as simple as saying there is money because if there is money sitting there for Section 106 it probably is not from any of Fenland's schemes and from other councils adjacent within Cambridgeshire who have met their requirements. Councillor Mrs French stated that she does realise this but she has sat here for years and seen the millions that has been allocated to education and nothing has been built.

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

- Councillor Benney made the point that this is a policy compliant application and the foul water drainage has been addressed, which may not be to the satisfaction of all members but does not give committee any grounds to refuse the application.
- Councillor Sennitt Clough agreed that there does not seem to be the material considerations to refuse the application having covered all the concerns and there will be on-going discussions with the conditions.

**Proposed by Councillor Benney, seconded by Councillor Sennitt Clough and agreed that the application be GRANTED as per the officer's recommendation to include the amendment to conditions as discussed.**

*(Councillor Connor declared that he does live near to this site but the proposal has no impact on his well-being and he has also been involved with drainage issues in Barkers Lane but he is not pre-determined and has an open mind)*

*(Councillors Mrs French and Gerstner declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)*

*(Councillor Mrs French declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of March Town Council but takes no part in Planning. She also declared that she is a member of 11 Drainage Boards)*

**P50/24**

**F/YR24/0509/RM**

**LAND SOUTH OF 73-81 UPWELL ROAD, MARCH**

**RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PERMISSION APP/D0515/W/23/3327578, RELATING TO APPLICATION F/YR22/0062/O TO ERECT 110 X DWELLINGS (3 X 1-BED FLATS, 3 X 2-BED FLATS, 32 X 2-STOREY 2-BED, 4 X 3-STOREY 3-BED, 55 X 2-STOREY 3-BED AND 13 X 2-STOREY 4-BED)**

Gavin Taylor presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from George Wilkinson, on behalf of the applicant. Mr Wilkinson stated that the reserved matters application was submitted in May 2024 and is for the details of appearance, landscaping, layout and scale following the grant of outline planning permission in January 2024. He expressed the view that the development will provide 110 new homes including a minimum of 20% affordable housing in a sustainable location making a notable contribution to the housing land supply and affordable provision in Fenland of a mix of one to four bed properties, with Fenland's affordable housing officers involved in ensuring the affordable mix meets local needs.

Mr Wilkinson stated that throughout the last six months Allison Homes has worked constructively with officers and key statutory consultees including the LLFA, Local Highways Authority and affordable housing officers to address all concerns raised. He stated that amendments through planning include the introduction of vertical and horizontal vehicle deflection to reduce traffic speeds, the inclusion of permeable paving to help control the discharge rate of surface water as well as providing a form of water treatment and a 3 metre easement has also been provided along the entire length of the eastern ditch outside of plot gardens.

Mr Wilkson advised that the development would provide 2.2 acres of publicly accessible open space, providing areas of play and habitat creation throughout the site and enhancements to the public right of way to the south of the site along with financial contributions to improve the bridleway running north-south along the western boundary, which would also allow for improved connection to existing development. He stated that the scheme will provide energy efficient homes with all homes achieving an EPC rating of B or higher, with every house having an electric charging point, solar panels and air source heat pumps to provide sustainable homes.

Mr Wilkinson made the point that Allison Homes has worked closely with the Planning Authority and consultees to positively address all comments raised and the proposal has no objections raised by technical statutory consultees. He feels the proposal represents a high-quality development and he hopes that members are able to support the officer's recommendations, thanking the officer for his comprehensive report and Gavin for his presentation today.

Members asked questions of Mr Wilkinson and Ms McCrae as follows:

- Councillor Sennitt Clough referred to the open space and the habitat, which sounds lovely on paper, and asked who will manage this because on the Whittlesey application they wanted the Town Council to manage it and is there anyone in place to manage these areas? Ms McCrae responded that the management of the public open space is already secured through the Section 106 Agreement so on this site it is a residents management company and residents will be made aware of this before purchasing their properties, with Allison Homes managing the open space until a point where it can be transferred to the residents. Mr Wilkinson added that as part of the application they have submitted a landscape ecological management plan which highlights the maintenance schedules that the management company have to comply with and has been reviewed by Cambridgeshire

Ecology with no objections.

- Councillor Mrs French made the point that the outline application was granted on appeal and she was against it due to the flooding issues in this area and currently they are undertaking archaeology digs, where they are having to use pumps to pump out the amount of water and she hopes they get the drainage system sorted once and for all because this land does flood and she hopes the residents who eventually live here do not suffer. She stated that March Town Council would not take on the public open space.
- Councillor Marks asked what happens if the residents decide they are not going to upkeep the open space areas, does it fall back to Allison Homes? Ms McCrae responded that it will form part of the TP1 to the transfer of that property so it is secured in perpetuity on the property rather than the resident and what the residents do, being directors of that management company, is the ability to change the managing agent so Allison Homes will set up the managing agent and if they are not happy with what that agent is doing they can change who is carrying out that maintenance. Councillor Marks clarified that Allison Homes sell the house and hand it over to the residents so it could get to a situation where the owners have no interest in upkeeping the open spaces and the land could fall into disrepair. Ms McCrae responded that the fact that it is secured on the property not the resident means they are legally obliged to be part of that management company. Councillor Marks stated he understands this but if the residents do not do anything who polices this, is this something that Allison Homes behind the scenes will police? Ms McCrae responded that no, once they finish that open space it will be transferred to the management company.
- Councillor Gerstner asked how money is secured from the management company after it has been handed over and who sets who pays what and when? Ms McCrae responded that it is all part of the legal setup of that management company so residents will be informed of what that legal charge is at the point of purchase and how that is paid will vary by management company, it is normally a monthly or annual payment, and it is legally secured on that property so Allison Homes have no part to play in collecting that money or distributing that money, it is a legal setup of that management company with Companies House.
- Councillor Gerstner asked if there is only one access in and out of the site and is there going to be any emergency access for emergency vehicles? Ms McCrae responded that there is one access off Upwell Road in and out of the site and through the determination of the outline permission appeal the Inspector added a condition requiring a non-vehicular emergency access, which comes in at the south-western corner of the site.
- Councillor Connor asked how long they envisage being involved with the management company or will they walk away once the last house is built? Ms McCrae responded that they have to complete all the open space and landscaping in accordance with the approved plans and it has to be signed off by the management company and the Council before they transfer the land and the responsibility to the management company, which will be on final occupation.
- Councillor Connor referred to the road and spur road and asked if they were going to be constructed to highway adoptable standard? Ms McCrae responded that they have undertaken a lot of work with Highways to make sure that all roads are up to adoptable standard, there were some amendments to the scheme after comments were received from Highways so it is known that the scheme presented today can be fully adopted. Councillor Connor asked if all roads are going to be adopted before it is handed over to the management company? Ms McCrae confirmed this was correct and there is a condition securing this on the outline planning permission.
- Councillor Marks asked if the ditches and dykes will fall within the remit of the management company as IDBs keep getting hit with developments when suddenly residents are moving fences and they are unable to get the machinery in to clear them. Mr Wilkinson responded that it would become management company land and there is a condition placed on the outline planning permission that secures the drainage maintenance and management, which will get approved by the IDB or LLFA. Councillor Marks asked if this includes the distance the flail needs to drive down the side of dykes with fencing? Mr Wilkinson

responded that there is a condition placed on the outline permission for ditch works which includes cut back, flailing, removing vegetation, excavating ditches, creating sumps and ensuring the ditch line has a suitable gradient for at least 765 metres. Councillor Marks asked if the width is known as the IDBs have increased it to 9 metres and looking at some of the properties that is going to be tight? Ms McCrae advised that it was a 3 metres requirement through the outline so all down the eastern boundary there is a 3 metre easement that is outside plot boundaries.

- Councillor Mrs French made the point that drainage boards require 9 metres and there is no possibility that their machines will access these if 3 metres is being talked about and these dykes and ditches have to be kept in perpetuity. Ms McCrae responded that the ditch they are referring to down the eastern boundary is not an IDB ditch so the works that were mentioned are the works to get to the IDB ditch but the on-site ditch is not an IDB one.
- Councillor Connor referred to the public right of way and bridleway between Cavalry Barn estate and this proposed development not being in very good condition and he acknowledges that they have voluntarily given £16,000 towards improving it but he does not believe that is enough as health and well-being is important, with walking being part of that. He asked, although recognising it is voluntary, can the £16,000 be increased to a realistic amount of money to make that a lot better? Ms McCrae stated that she would have to delegate to legal officers as she does not believe it can be undertaken on a reserved matters application. Councillor Connor stated he is just asking for it as a voluntary contribution as he realises it cannot form part of the Section 106 and asking out of the goodness of the company can they pledge any more money than £16,000 to bring it to a better standard for the health and well-being of residents. Ms McCrae responded that a discussion can take place outside of Planning Committee about what they can do as a developer to work with the local community but that cannot form part of a planning decision. The Legal Officer stated that this is not a material planning consideration, therefore, members should not take it into account when determining whether to approve or refuse this application. Councillor Connor reiterated that he understands this but it was just a voluntary ask for more money.
- Councillor Sennitt Clough questioned that, when it is said that there will be something attached to the property in relation to the management company, is this a restrictive covenant on each property. Ms McCrae stated that this is her understanding.
- Councillor Gerstner asked who the pumping station on this development belongs to, them, Anglian Water or the IDB and who is going to build and maintain it. Ms McCrae responded that they would build it and it will be adopted by Anglian Water. She added that they have been in discussions with Anglian Water and they know there is capacity within their network and the recycling centre so they will be adopting it and it would be designed in accordance with their standards.
- Councillor Connor asked where the foul water is going to go to in the immediate vicinity? Ms McCrae advised that they would connect into the existing Anglian Water sewer in Upwell Road and it would eventually end up at March Recycling Centre.

**Proposed by Councillor Mrs French, seconded by Councillor Imafidon and agreed that the application be GRANTED as per the officer's recommendation.**

*(Councillor Mrs French declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of March Town Council but takes no part in planning. She also declared that she is a member of 11 Drainage Boards)*

**P51/24**

**F/YR24/0562/F**

**2 DODDINGTON ROAD, CHATTERIS**

**ERECT 14 DWELLINGS (2-STOREY, 4 X 2-BED, 10 X 3-BED) WITH ASSOCIATED GARAGES AND PARKING AND FORMATION OF A NEW ACCESS INVOLVING DEMOLITION OF EXISTING DWELLING AND STORAGE BUILDING**

Gavin Taylor presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens, the agent. Mr Bevens made the point that this site has an extant permission for up to nine dwellings approved in January 2022 and whilst the layout was not committed it showed larger detached housing on site with a roadway that will not work. He stated that given the location of the site and the adjacent Persimmon scheme his client felt this was the wrong approach, particularly as he is completing a scheme of nine two and three bedroom houses elsewhere in Chatteris for rent and these dwellings will be for rent too.

Mr Bevens expressed the opinion that there is a strong demand for two and three bedroom homes in Chatteris, both for rent and buy, and with recent new companies coming to Chatteris, like Aerotron, and companies, like Metalcraft, expanding a better mix of housing is required. He stated that the scheme was designed with early engagement with Highways who were helpful and satisfied with the road layout, this helped inform the layout particularly with the narrow entry section from Doddington Road.

Mr Bevens expressed the view that they have always tried to engage with officers at the earliest opportunity and be proactive to address any concerns and it has only been in the last few weeks that this has taken place. He expressed the opinion that they have addressed biodiversity concerns and this has been satisfied with credits being purchased to achieve the 10% gain, new native species trees will be planted as well as new hedgerows.

Mr Bevens expressed the view that his client has spent thousands of pounds exploring and resolving the drainage concerns, infiltration tests confirm that surface water cannot discharge via infiltration and the next step in the drainage hierarchy is to discharge surface water to an existing water course or ditch and this solution suggested taking it to the Slade End roundabout but Highways believe this is Highways owned and will not allow discharge. He stated that their consultants, MTC, have now confirmed that surface water can be discharged to an IDB ditch further along the Isle of Ely Way so, in his opinion, the drainage hierarchy has been met and they have a solution that the LLFA will accept and are happy to have a surface and foul water condition applied to the scheme.

Mr Bevens expressed the opinion that the proposed density of the scheme is comparable with that of the adjacent Persimmon development with both schemes achieving about 37 dwellings to the hectare. He referred to the reasons for refusal and using the presentation slide showed that, in his view, plot 1 does have a prominent front elevation to the street as you enter the site but he would argue that the side elevation is not as prominent in the development, with plot 1 not having a blank wall as it has a first floor en-suite window clearly shown but the gable is alongside a driveway and a garage to the dwelling and does not face directly onto the public realm, with car parking and public green space separating the dwellings from plots 11 and 12 which are opposite some 22 metres away.

Mr Bevens showed on the presentation scheme examples in Chatteris of dwellings approved by the Council with blank gables to the public realm and whilst this is not always good design there are often mitigating factors to do so and in this case the driveway and green buffer separating the side elevation to the road. He referred to refusal reason 2, showing on a presentation slide that

plots 13 and 14 are no closer to 4B Doddington Road than the two pairs of semi-detached houses in Fillenham Way, which is the Persimmon development, and there are actually three of the four facing into the garden of 4B and they are closer to the dwelling than plots 13 and 14, with plots 2 and 9 having over 12 metres between the front elevations and this is fairly typical of a dual sided development.

Mr Bevens showed on the presentation slide a photograph of a scheme in Juniper Drive, Chatteris where 4-bedroom houses are separated by 9 metres front to front and, in his view, it is not uncommon on schemes for smaller houses to have parking outside of another house, with there being numerous examples of this in Chatteris and also parking courts in developments such as Saddlers Way. He showed further slides of development in Chatteris where front elevations of executive homes overlook other private gardens with less than 8 metre distances and these distances are much worse than is being proposed on this scheme.

Mr Bevens stated that he believes that this scheme is the right one for this location, it is not overdevelopment by virtue of it being comparable to the Persimmon's development next door, the scheme is a sustainable proposal, it will support local shops, businesses and facilities and, in his view, the benefits do outweigh the harm. He added the Town Council support the proposal and they will endeavour to propose as many trees in the landscaping scheme as possible.

Mr Bevens asked members to go against the officer's recommendation and approve this scheme for much needed smaller dwellings.

Members asked questions of Mr Bevens as follows:

- Councillor Imafidon asked for further information on the drainage situation. Mr Bevens responded that they have had fairly extensive recent negotiations, backwards and forwards with their consultants who were appointed to find a drainage solution as part of the drainage strategy. He stated that they followed the hierarchy by undertaking infiltration testing on site but it is not conducive to soakaways on site and they firstly thought the ditch by Slade End roundabout was an IDB drain but it is not and is a highway drain so the next hierarchy is to take it to an IDB drain which is further up the Isle of Ely Way. Mr Bevens added that their consultants are satisfied that the LLFA would approve this drainage solution and remove its objection but this has only come to light in the last 24 hours. He stated that if a foul and surface water condition is applied to the scheme he is confident that there is a solution that will work. Councillor Imafidon asked what if the IDB come back and say they do not have capacity or they are unable to connect to the drain? Mr Bevens responded that the next stage of hierarchy is to look at taking the surface water into the foul sewer that runs in Doddington Road. Councillor Imafidon expressed the view that these options have not been explored and questioned why they have not been explored. Mr Bevens responded that it has been undertaken in a logical way but the feedback from officers has been late in the process so it has been a reactory issue, with the consultants trying to follow the hierarchy and have done what they can at every stage proactively, with them relying on the consultants telling them that this is the right approach and they are satisfied with the approach.
- Councillor Marks referred to comments that the plot 1 property has a bland wall and Mr Bevens has shown development elsewhere in Chatteris which shows a very bland wall and questioned whether this bland wall could be enhanced by putting in a false window surround on this wall? Mr Bevens responded that this could be a possibility, subject to officers they are happy to look at this, adding something on the ground floor level and looking at the floor plan to see if they can put some passive surveillance on here if needed.
- Councillor Marks referred to overlooking on other properties and some of the properties around here have higher fences than others and asked if this is something they would look to do? Mr Bevens responded that as part of the planning conditions they can look at increasing the height of boundary fences by trellis, etc., so it is not a solid fence it has got some privacy but also lets some daylight through it.

- Councillor Benney referred to the main reasons for refusal being poor design and asked at what stage he was notified that it was poor design and what timescales did he have to design something better as the architect to come up with a scheme that would be more aesthetically pleasing to Chatteris and officers. Mr Bevens responded that they are proactive architects, they try to and engage with officers at an early opportunity and they had their first real feedback from the officer about 9½ weeks into the planning process having asked on numerous occasions for feedback on all items. He continued that they met the officer on site after 9½ weeks where it was identified that the biodiversity net gain and the drainage were a concern which almost superseded the design element but it was felt that it was quite late in the day. Councillor Benney asked how far back from today is 9½ weeks and it does not appear that they have a satisfactory drainage scheme that is ready to go today and what was the issues and timescales with getting an approved drainage scheme? Mr Bevens responded that the last 1½-2 weeks is when the majority of the backwards and forwards on the drainage has taken place and every time they have had something from the officer to say there is an issue it has gone straight back to the consultant to find a solution and follow the hierarchy. He feels that they have not had the support at officer level on this application. Councillor Benney asked if an extension of time has been requested to resolve the issues? Mr Bevens responded that they have not asked for an extension of time given the lateness of what has been happening with the drainage, he has spoken with Gavin this morning and it is something they would consider if the drainage is the overarching issue that members have to get the LLFA to remove its objection.
- Councillor Connor expressed the view that this application is “putting the cart before the horse” as with the issues of flooding and potential issues with drainage the application should probably be withdrawn as it is not a complete application and he is unable to approve this application as it is with no confirmation of where the foul water is going to go. Mr Bevens stated that the foul water is going into Doddington Road and it is the surface water that is the issue. Councillor Connor made the point that the drainage system as a whole is not conclusive.
- Councillor Connor asked what kind of road surface is it going to be, tarmac or block paving? Mr Bevens responded that the road is designed to adoptable standards but it will be a private road which will be block paved in a similar way to the scheme that is being undertaken currently in Black Horse Lane. Councillor Connor referred to the mention of up to adoptable standard and questioned whether it was going to be adopted? Mr Bevens confirmed it would not be adopted. Councillor Connor continued that there will be a management company then if this is approved? Mr Bevens confirmed this was correct. Councillor Connor stated that if he was to support this application on this aspect he would want two houses being built but unoccupied until such time as the road was brought up to standard and asked if this could be considered? Mr Bevens responded that this is a private road that is designed to adoptable standards but will be in a management company run by the applicant but if it is felt appropriate that 2 dwellings need to be held back prior to it being finished off he does not see a problem with this. Councillor Connor expressed the opinion that he would insist upon it.
- Councillor Sennitt Clough referred to a couple of references within the report to soil contamination and asked what this is or what it might be? Mr Bevens responded that he is not aware of any significant soil contamination on the site, it has been up until this point a back garden.
- Councillor Gerstner asked if they agreed that putting surface water down a foul water system is not conducive in normal operations? Mr Bevens agreed but that is following the stages of hierarchy and is the last resort with Anglian Water but it is hoping that it can be taken into an IDB drain and will form part of a condition on the permission. Councillor Gerstner stated it is his understanding that Anglian Water and other water authorities would normally only allow surface water when flooding is an issue in a place for them to go down this route and it is not a normal part of a building programme.



- Councillor Marks agreed with Councillor Gerstner as there is the same problem in Manea where there is standing water going in with dirty water and it causes all sorts of flooding issues. He feels that this application is being considered prematurely and asked would it not be better to be deferred for a period of time to come back to committee with a full drainage package as opposed to what there is currently, which is ifs, buts and maybe, and it can be conditioned but he feels it would be better to be deferred. Mr Bevens stated that if it is the drainage side of the application that is the issue he believes the next committee is on 13 November and if it was bringing it back to that committee he would hope they would be able to deal with the drainage and have an approval in place from the LLFA by that time as negotiations have already commenced. He added that if it is felt within those two weeks that other amendments might be needed to the design they could be included. Councillor Connor made the point that he does not think it is realistic to be referred back to 13 November meeting. Matthew Leigh stated that irrespective of this any additional information received will need to be consulted upon and they have to give the statutory consultees 21 days to respond and they have no ability to ensure it is received before this and members will want a fully robust report drafted once the consultation responses have been received, with it being Tuesday that reports are due for the next committee. Mr Bevens asked if it would be able to go to the December committee? Councillor Mrs French made the point that it does say on the report that the application has to be determined by 1 November. Councillor Connor expressed the view that if the applicant gives an extension of time that would not affect the figures. Matthew Leigh stated that when an extension of time is agreed that provides a new determination date but there will not be one in place in time if the application is deferred.

Matthew Leigh made the point that the applicant did not enter into pre-application discussion prior to the submission of the application, either with the Council or the LLFA, both of which offer a pre-application service and the NPPF encourages engagement in pre-application so that it does not end up in situations where applications are being submitted that are stumbling on relatively minor issues as if they had gone to the County Council early on it would have been highlighted that there were issues with their delivery of mitigation and how they would have had to go through the hierarchy. He referred to the agent mentioning late interaction and limited engagement and stated there is no requirement for a council to engage during a planning application process, the system is set up to an extent for an application to be submitted, consulted, reviewed and determined, they try to do this but the opportunity is limited in relation to time and consultation responses. Matthew Leigh added that in relation to the matter of the County Council and flooding, three weeks in the process officers received their consultation response that would have been available on the website soon after this. He stated the fact the applicant has not entered into a pre-application service and the fact that officers have been willing to meet the applicant on site to discuss issues means the Council has provided a good level of customer service for this application rather than the criticism that was implied.

Members asked questions of officers as follows:

- Councillor Benney made the point that there is a drainage scheme that has been submitted but has not had the opportunity to be looked at and if members could agree on the other reasons for refusal in terms of design and overlooking, could the drainage be conditioned so that it could be something that officers deal with later? Matthew Leigh responded that there are 6 tests for imposing a condition and one of the issues that officers have in relation to this matter is a lack of clarity, they have to be confident that a condition that is imposed can legally be discharged and the issue on this site is a lack of knowledge so his advice would be no to a condition as it would not meet the test in this instance.
- Councillor Marks requested clarity that what is being said is because officers believe there is a lack of information regarding the drainage, although there is already another plan in place, officers are unhappy for the application to be approved. Matthew Leigh responded that two strategies have already been brought forward that have failed so there is clear lack of confidence there is going to be a strategy coming forward because normally there would

be some level of submission that gives you some level of confidence. Councillor Marks queried it being conditioned? Matthew Leigh reiterated that officers are not confident that the condition would meet the test so it would not be within their gift legally to do this.

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

- Councillor Mrs French expressed the opinion that this is a bad application and the thought of even considering putting water into Anglian Water's drain is absolutely appalling, which is why the area is flooding everywhere and raw sewerage is coming up all over across the town and she is sure this happens in Chatteris as well as March. She feels that officer's have got the recommendation correct on this application.
- Councillor Connor stated that he agrees.
- Councillor Benney stated that he does not personally have a problem with the design, referring to two houses that were approved at the top of Eastwood that he drives past every day that have got just as bland a wall as this development does and there are examples down Juniper Drive that are equally as bland and as close so he would not want to refuse it on the design aspect because he feels this can be overcome. He agreed that the drainage has to be right and there is not a drainage scheme in front of members that is right for this application.
- Councillor Marks stated he agrees with Councillor Mrs French as currently it is a poor design but feels it can be made better. He made the point that it is drainage that is the issue and he wonders if it would be better to defer the application for 31 days and let the agent bring it back.
- Matthew Leigh made the point that the application in front of committee does not have a different design so his advice would be to refuse it on this.

**Proposed by Councillor Mrs French, seconded by Councillor Connor and agreed that the application be REFUSED as per the officer's recommendation.**

*(Councillor Marks declared that the applicant is known to him on a professional basis but he does not socialise with him and is not pre-determined and will consider the application with an open mind)*

*(Councillor Benney declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council but takes no part in planning)*

**P52/24**

**F/YR24/0471/O**

**LAND SOUTH OF 59 PEAS HILL ROAD, MARCH**

**ERECT UP TO 9 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Shaun Lee, an objector. Mr Lee stated that a high level of 82.3% of the responses received oppose the application, with the proposal outlining the development to erect a number of 4-bed double storey detached properties which will apparently mirror the adjacent properties but, in his view, the adjacent properties are primarily 2-bed semi-detached single storey homes. He expressed the opinion that the application references missing information and highlights that the photograph of the proposed access road is that of Knights End Road and not Peas Hill Road.

Mr Lee stated that, whilst it is agreed that the Local Plan 2014 Policy LP9 outlines both strategic allocations and the broad locations for growth, it can very loosely indicate that any development east of the bypass is acceptable, however, digesting the specific details and key diagram the area east of the bypass and north of Gaul Road towards Wisbech Road is not included within this. He expressed the view that the policies map defines the settlement boundary and it clearly shows that

the proposed development is in an area that is outside of the settlement boundary and is, therefore, defined as countryside development, with policies LP12 and LP18 not applying also.

Mr Lee expressed the view that the impact of noise pollution, given the proximity of the bypass, cannot be underestimated, with the proposed location being well below road level and having no substantial fence or natural soundproofing that could logically be applied and the obvious effect of noise funnelling and the increase in noise levels for the adjacent properties cannot be ignored. He made the point that as outlined by the Environment Agency the area is within Flood Zone 3 and as a result has a high risk of flooding, with the northern edge of the site, where the access road is proposed, having regular occurrences of stagnant water and flooding.

Mr Lee stated that the western edge has a shallow dyke, which acts as a natural drain for the bypass and, in his opinion, any development on this site would create concentration of rainwater from the rooftops and existing issues would worsen. He expressed the view that the area has existing sewerage constraints, there are nearby septic tanks in use and limited options for main sewerage, with the Government, just over a year ago, updating the waste management guidelines and for all new discharges if it is deemed not reasonable to connect to a public sewer then the installation of a sewage treatment system would be needed which in turn disperses liquid into or onto the surrounding area and this risks additional saturation.

Mr Lee expressed the opinion that the access roads are very narrow and raise concerns for safety, not only for the local children when playing nearby but it also restricts options for emergency vehicles, with any new development exaggerating the current issues. He expressed concern regarding the layout, in terms of proximity and projected elevation, with the development most likely impacting privacy, raising noise levels, causing pollution of light and raising concerns for health, safety and well-being of local residents.

Mr Lee expressed the opinion that any potential development in the area would cause harm to the rural appearance of a market town and if allowed to proceed would set a precedent for future developments and further encroachment on the countryside. He displayed on the presentation screen a table highlighting the breach of policy and previously refused local applications under the same infringement, which includes the location, noise, flood and environmental risks, access, layout concerns and lastly the impact on the character of the town.

Members asked questions of Mr Lee as follows:

- Councillor Gerstner asked where he got the noise survey figures from? Mr Lee responded that these were from a previous application that is referenced in the application to the west of the bypass. Councillor Gerstner asked if he knew when this was carried out? Mr Lee responded that it was in 2021, with, in his view, there being no doubt with the increase in traffic that it has gotten worse.
- Councillor Marks asked if his property backs onto this site? Mr Lee responded that he currently lives on West End directly opposite where the proposed development is likely to be.
- Councillor Imafidon asked if he had any concerns about access to the development site? Mr Lee responded that are constraints currently with Peas Hill and emergency vehicles have at times had to push vehicles out of the way to gain access to a local substation when there was a fire recently and because of those constraints and the highway route that has been outlined there is concern for access to that site.
- Councillor Imafidon stated that when he visited the site there was a caravan on site and asked if he knows whether the site is currently being used for any purpose? Mr Lee responded that as he understands the caravan is used for storage for equipment for the horses that occupy the land, the land was originally designated as agricultural land but has been rented out by the owner as agricultural land.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that the application seeks outline planning permission for up to 9 dwellings and at this stage it is only matters of access that is being looked at. She expressed the opinion that the application site is within the built-up framework of March and the committee report confirms that the principle of development is acceptable under policies of the Local Plan, however, the application has been recommended for refusal.

Mrs Jackson stated that the reasons for refusal include concerns with the visual impact of the development, the potential for noise caused by the A141 and the failure to meet the sequential test. She expressed the view, in relation to the visual impact, the site is within the built-up framework of March, it has been acknowledged that the principle of development is acceptable and, therefore, visual impact is inevitable.

Mrs Jackson expressed the opinion that the development will be set against the backdrop of the built-up settlement of the town when viewed from the public realm and along the A141 the development will be seen within the context of the remainder of the town, therefore, she feels it is unreasonable to say that the proposal would appear harmful. She added that in any event the indicative layout shows that the existing vegetation on the road boundary will remain and that there will be an internal roadway between the vegetation and the proposed dwellings, which would retain the feeling of openness and the green buffer which the committee report discusses and she would also highlight that this is an outline application and, therefore, the scale and design of the dwellings can be dealt with later and if the Local Planning Authority has specific design aspirations for the dwellings which will promote the character and quality of the area they would be happy to take those on board during the design process.

Mrs Jackson referred to the second reason for refusal that relates to the potential for noise caused by the A141 which is considered to cause harm to future residential amenities and whilst these comments have been noted, in her view, Fenland's own Environmental Protection Team has raised no objection to the proposal and when the Council's own technical experts do not consider there to be a harmful issue or an issue harmful enough to object she fails to see how this reason for refusal can be upheld. She feels the situation is no different to a recently approved development on the other side of the road in terms of noise impact and Environmental Protection have acknowledged this and raised no objections accordingly but she would take on board their comments and include the mitigation measures as part of any condition or subsequent reserved matters application.

Mrs Jackson referred to the third reason for refusal, which relates to the sequential test which is an issue the committee has discussed at length over the years, with the site being in Flood Zone 3 and officers highlight that there is other land in March which is at lower risk of flooding, however, this site is available and deliverable now. She expressed the view that there are significant benefits to the scheme which include providing housing within a primary market town which can be delivered in the short term and this would comply with the Government's agenda of build, build, with this in mind and given that the Environment Agency has raised no objection to the proposal she would argue that the benefits gained from the development would outweigh the sequential test concerns.

Mrs Jackson expressed the opinion that the proposal represents an excellent opportunity to provide new housing within a primary market town which can be delivered in the short term, there are no technical objections to the proposal including Highways, the visual impact is somewhat subjective and requested that planning permission be granted.

Members asked questions of Mrs Jackson as follows:

- Councillor Mrs French referred to the mention of the other side of the road and asked what development this was? Mrs Jackson responded that it is in the committee report, it was an outline application in 2020 and reserved matters in 2021. Councillor Mrs French asked what

it was for? Mrs Jackson responded residential development. Councillor Marks advised that this was the carpenter's garage on the side of the road but if you go further along there is an acoustic fence which is quite high that virtually goes to the roundabout. Councillor Mrs French stated that she did think this but this was certainly not for 9 dwellings.

- Councillor Marks stated that dwellings across the road are a distance away from the fencing and this development will be a lot closer and there will be vehicles speeding up and braking going into the roundabout and asked if any noise mitigation had been put into the site? Mrs Jackson responded that the application is in outline so no details have been submitted but their position is that the Council's technical experts are telling them that there is no issue and that they are not going to object, recommending mitigation measures as part of a condition which they will happily accept.
- Councillor Marks referred to flooding on the site, it is in Flood Zone 3, the committee questions constantly the feasibility of building on these flood zones and asked if she was not concerned about the site flooding bearing in mind the field across the road floods on occasion? Mrs Jackson responded that she takes a lead from the technical experts, with the Environment Agency telling them there is no issue and they are not objecting. Councillor Marks made the point that they are also producing a map that says Flood Zone 3. Mrs Jackson replied that this is an academic process which directs new developments to certain areas and what they are looking at is the technical detail in this case and they are saying they are not objecting.

Officers made the following comments:

- Matthew Leigh made the point that the Environment Agency do not object ever on the lack of a sequential test that is the responsibility of the Local Planning Authority. He stated to say that the Environment Agency has not objected and, therefore, there is no issue with flooding is false.
- David Rowen referred to the comments from the Environmental Health Team which states that "a robust noise impact assessment should be undertaken by a suitably qualified acoustic consultant to establish what extent passing vehicle noise is likely to have at the proposed site and what mitigation measure will, therefore, be necessary to protect both external and internal amenity areas" and made the point that they are not giving a free pass on the issue of noise they are saying that there is potentially an issue that would need to be addressed and the issue officers would have in dealing with this through a condition is that without that noise survey being undertaken they do not know whether it can be satisfactorily addressed or not.

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

- Councillor Mrs French stated that she knows this site exceptionally well, it used to be in her ward and she feels the application is ludicrous, it is in Flood Zone 3, the noise on the bypass would be horrendous, under the MATS scheme they are going to upgrade Peas Hill Roundabout, it was not included in the Neighbourhood Plan and there has never been any development on that side of the road and she does not think there should be. She made the point that West End used to be viewed as the jewel of March and to build houses on that side blights West End. Councillor Mrs French expressed the opinion that the officer's recommendation is correct.
- Councillor Marks agreed with the comments from Councillor Mrs French and expressed amazement that the application is in front of committee, the land is wet, there are environmental issue, vehicles coming in and out of the roundabout cause noise and pollution and the access is not great

**Proposed by Councillor Mrs French, seconded by Councillor Connor and agreed that the application be REFUSED as per the officer's recommendation.**

*(Councillor Mrs French declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of March Town Council but takes no part in planning)*

**P53/24**

**F/YR24/0304/F**

**LAND EAST OF FERN HOUSE, BIRDS DROVE, GOREFIELD**

**CHANGE OF USE OF LAND TO GYPSY TRAVELLER'S PLOT INVOLVING THE SITING OF 2 X RESIDENTIAL MOBILE HOMES AND 2 X TOURING CARAVANS, THE FORMATION OF HARDSTANDING, IN-FILLING OF DITCH (TO CREATE VEHICULAR ACCESS) AND ERECTION OF 1.8M HIGH FENCING AND A GATE WITH 2.15M HIGH BRICK PIERS (RETROSPECTIVE)**

David Rowen presented the report and drew members attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Alexandra Patrick, the agent. Mrs Patrick stated the development offers much needed traveller accommodation, which she feels will positively contribute to the needs of the Council and furthermore the proposal's design and scale is appropriate for a small self-build development. She advised that the applicant already resides on site so this is a retrospective application but they are a small family unit, they have a baby on the way, and asked members to support the officer's recommendation.

Mrs Patrick stated that Mill Road, opposite to the east of the site, was a very similar application to this, which came to committee and was approved by members.

Members asked questions of Mrs Patrick as follows:

- Councillor Gerstner referred to the proposal being retrospective and that the papers say the scheme has been carried out in its entirety already and asked if this is correct? Mrs Patrick responded that the family are already residing on site and the access has already been widened.
- Councillor Imafidon asked how long the occupants have been on site and do they own the property? Mrs Patrick responded that they do own the property and referred to the applicant to how long they have been there. The applicant responded since the middle of February. Councillor Imafidon questioned why the application was not submitted at this point and has been undertaken retrospectively? Mrs Patrick responded that the applicant has been in the area a long time with their family, the family has expanded and they have had to move and reside in the nearest piece of land that was available to them. Councillor Connor reminded members that the same weight needs to be given to a retrospective application as any other application. Councillor Imafidon made the point that he has visited the site and it was very well kept and tidy and he was impressed by what he saw.

Members asked officers the following questions:

- Councillor Mrs French asked when the Council is going to get its Gypsy and Traveller Policy as she has been asking for this for years? Matthew Leigh responded that he was asked about this prior to the committee but was unable to action it and would provide information to members in the next couple of days.

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

- Councillor Imafidon referred to a similar application to this considered a while ago where there was a young family on a site that did not have planning permission, it was initially deferred, it came back and it was approved as committee did not want to make a young family homeless. He stated that he will be supporting this application.
- Councillor Mrs French stated that she agrees and fully supports the application.

**Proposed by Councillor Mrs French, seconded by Councillor Imafidon and agreed that the application be GRANTED as per the officer's recommendation.**

**P54/24**

**F/YR24/0590/PIP**

**LAND SOUTH WEST OF WOODBURY, MANEA ROAD, WIMBLINGTON**  
**PERMISSION IN PRINCIPLE FOR 7 X DWELLINGS**

David Rowen presented the report to members.

Members received a written presentation, in accordance with the public participation procedure, from Wimblington Parish Council read out by Member Services. Wimblington Parish Council stated that it was in agreement with the Planning Officer's recommendation of refusal as per the Parish Council's previous comments, which are still relevant, the 'high quality residential environmental design' under LP16 and as raised in the Design Guidance and Codes adopted by the Parish, would be compromised in the busy location of the proposed site. They stated that although the Highway Authority now consider its concerns to have been adequately addressed the local community and parish's concerns regarding the congestion around the location of the site have not been adequately addressed.

Wimblington Parish Council expressed the opinion that the change of use to '7 residential dwellings' is not within the village settlement area as per LP3, LP4 and LP12 and shown in the development draft Neighbourhood Plan and it is also not meeting local housing needs as per LP5 and LP13 and shown in the Housing Needs Assessment adopted by the Parish, in the growth of Wimblington village. They expressed the view that the support representation raises points but fails to address the fact that the location will cause additional amounts of traffic at the junction area, the present site access is only used intermittently by customers and present residents.

Wimblington Parish Council stated that the village has superseded the built expectation for a growth village, larger developments have taken the residential growth over the predicted growth, access to the village from the proposed site involves crossing the busy Manea Road and then A141.

Member received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall expressed the opinion that this site is not in the open countryside and is part of the built-up, established form of Wimblington, with it not being agricultural field, paddock land or undeveloped land. He stated presently a large part of the site is occupied by a dog grooming and kennel business, which has been in existence for about 6-7 years, with the business hours being Monday to Saturday 6am to 7pm for the kennels and 8.30am to 5.30pm for the grooming, with the site having a licence for up to 45 dogs.

Mr Hall stated that the applicant has advised him that vehicles to this site vary depending on the time of year, however, in the Summer months this can be up to 50 cars a day between the grooming and kennel businesses and there are also work vans on the applicant's site for his job which is groundworks and civil engineering. He expressed the view that the proposal for up to 7 properties, it can be less, is likely to see a decrease in the amount of vehicles entering and exiting this site and Highways have not objected.

Mr Hall stated that the site is all located in Flood Zone 1 and there have been no concerns raised within the report in this regard. He advised that there have been various discussions with Cambridgeshire County Council Highways who have assisted them tremendously, amendments have been made with a private 6 metre wide surface shown to enter and exit the site and the bin lorry can enter and exit this site, although the plan is indicative it gives members an idea that it can be addressed and he reiterated that Highways are not objecting.

Mr Hall referred to 9.6 of the officer's report where it states that 7 dwellings could comfortably be accommodated on site that would not be considered overdevelopment and he hoped that members could see from the aerial photograph that this site is part of the built-up form of

Wimblington, with the site being surrounded by buildings and directly opposite there is a residential dwelling, it is well screened by the trees to the west which are within the highway verge and would have to stay. He made the point that the applicant's grandchildren walk across the road to go to Thomas Eaton school every day and this site is to the east of the A141, just like all of Eastwood End is, there are traffic lights here to cross and the facilities of the village are within easy reach.

Mr Hall made the point that there are no technical objections from any of the consultees in the report and, in his opinion, it is not in open Fen land, it does not create a loss of agricultural land, it is not paddock land, it is already partly developed with the buildings over the site, there will be less vehicle movements than what there is at present and in 9.6 of the report it states it would not be overdevelopment for up to 7 dwellings.

Members asked questions of Mr Hall as follows:

- Councillor Marks questioned the comment that it is not paddock land as he is confused as his daughter used to keep her horse here where there is a menage and a field. Mr Hall responded that there are various buildings in the site and towards the back there is a menage but the green area the applicant does not own and there is no paddock land there. Councillor Marks stated that the field beyond the site runs onto Lord De Ramsey's or Lavenham Farms land and to the side of it there are industrial buildings and across the road, apart from the one house on the corner, there is the Knowles grain store, which has had access problems previously so there are no other houses within that area but it still being said this is the built-up form of Wimblington. Mr Hall expressed the opinion that he does consider it the built-up form of Wimblington including the industrial buildings and the very small residential buildings.
- Councillor Gerstner referred to the officer's report stating that they have not demonstrated how refuse is going to be taken away. Mr Hall responded that this was highlighted as an informative comment by Cambridgeshire County Council Highways, they amended the plans to show how a bin lorry can enter and exit the site.

Members asked questions of officers as follows:

- Councillor Marks asked for confirmation that a standard 26 tonne dustcart is going to manage to access the site? Nigel Egger responded that he had not seen this application before but has been looking at the application in front of him and the plan does show a standard refuse freight as far as he can see coming into the site and turning around in the turning head at the bottom but it does not show it turning off the main road or the tracking for that, however, there is a 6-7 metre wide carriageway into a 6 metre wide access so it should be possible geometrically. He added that it does mean the vehicle will dominate the access so no other vehicles will be able to pass while that vehicle is coming in but it should only be once a week and that is not abnormal for any residential estate.
- Councillor Marks referred to Highways raising no issues with the access but he travels this road every day and he has also been an HGV driver so he knows when you come around the corner and someone is turning into those two gateways or into Knowles or the potato store yard it causes traffic to back up and is a bottleneck. He asked if this was just a desktop survey undertaken by Highways? Nigel Egger responded that he does not know as he was not involved with this planning application but he does know the site, he made the point that they are closing off the access that is closest to the signals, it does have an existing use that generates x number of vehicle movements but again this is a development that may generate around 40 odd vehicle movements a day for the residential, one vehicle every 10 minutes going in and out of the site. He stated that the qualification in the NNPF, Paragraph 115, is whether or not the harm is unacceptable in safety terms and that is a really high bar when there is a reasonable access width, an existing use on the site being removed and replaced by residential development and whether or not an objection could be justified in front of an Inspector at an appeal and it is apparent to him that his colleagues determine that they could not do that. Councillor Marks made the point that having come round that corner off the Wimblington Road with a trailer and 9 times out of 10 it is people



trying to turn either left or right are parked across the access, with a trailer you have to mount the kerb when you stop which then blocks up the A141 and surely this should be a safety issue that should have been considered. Nigel Egger responded that he suspects it was but he cannot answer it as he was not involved with the application but he reiterated that they are closing the access closest to the A141. Councillor Marks made the point that the current occupier run the accesses as in and out, with the furthest access being in and the closest to the traffic lights being out. Nigel Egger reiterated that the proposal is to close the closest one and have the access relocated to the north. Councillor Marks stated that this is the one that causes the problem as they use this as the in at present. Nigel Egger responded that Keep Clear markings can be considered which will help anybody accessing the site. Councillor Marks made the point that there are Keep Clear markings further along the road for the potato store already, they are unreadable and causes more problems.

- Councillor Benney asked if there is any accident data for this junction because a near miss is not an accident and there could be near misses on every junction in Fenland. Nigel Egger responded that in the last 5 years there have been no incidents on the A141 traffic signal junction or anywhere near, the next nearest incident is a slight injury accident on the bend to the east of the potato packing store. He is surprised as it is a priority signalised junction on an A classified road so you would expect a degree of incidents. Councillor Marks stated that there have been accidents, with the road being closed on numerous occasions and on the junction itself but not so much, it is cars going up the back and in the side of each other so he thinks the data may be questionable. Nigel Egger clarified that stats 19 data from the Police is personal injury accidents only so it is only serious and fatal accidents are recorded, anything that ends up in A&E but that does not mean there are not overshoots and rear end shunts, etc., which are not recorded.

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

- Councillor Marks stated it is not in his ward but he travels the road every day, he knows the property and the vicinity and he feels that Wimblington Parish Council and officers have the recommendation 110% right. He expressed the view that this is the wrong place, it is not part of Wimblington, it is an industrial area, the problems in the area will be compounded on that junction and it is overdevelopment.
- Councillor Benney made the point as heard from the Highways Officer there have been no accidents, with there being potential accidents at every single junction and there is no objection from Highways on the access. He feels the only reason for refusing this application is LP3 and LP12, with LP3 being building in an elsewhere location but, in his view, the site is a stone throw from the Church which is the heart of a community, it has a road running through one side to the other and there are developments on both sides of the road and an Inspector stated that Eastwood End is part of Wimblington, with that application being much further out than this one. Councillor Benney expressed the opinion that he does not consider this to be an elsewhere location, it is part of Wimblington and it is a brownfield site, where development should take place, residential units are replacing two businesses so the amount of traffic will reduce not increase it and improve the safety. He expressed the view that it is a good application.
- Councillor Marks stated that he hears what Councillor Benney says but disagrees and referred to discussions on a previous application where air quality and noise was mentioned, which will be an issue here because of vehicles slowing down and starting up which needs to be taken into consideration. He feels this is a very poor application and the officer recommendation is correct.
- Matthew Leigh made the point that this is an application for a PIP, which is different to a planning application and a lot of the points that Councillor Benney raised are in consideration of determination of a planning application they are not the same things as in the consideration of a PIP. Councillor Connor made the point that committee should be considering if the application site is fit for putting anything on it.
- Councillor Marks expressed the view that if this had been an application for 1-2 properties he would be comfortable with it but he is not comfortable with is 7 properties, with it being

increased previously from 5 to 7 and feels it is too much for the site.

- Councillor Benney stated that Councillor Marks has already admitted that it is suitable for residential development and this is a PIP, he would accept 3, 4, 5 but not 7 and it does say in the officer's report that it will accommodate 7 dwellings so the report backs up the fact that 7 fits on the site .
- Councillor Marks made the point that there is already a mobile home on site, possibly two, and he does not believe this should sustain what they are looking to put on the site.
- Councillor Mrs French expressed the view that she does not believe that the site is big enough for 7 dwellings.
- Councillor Gerstner stated that he is being led by local councillor as they know the area, however, there is a complete conflict, but he would personally support the officer's recommendation of refusal.
- Matthew Leigh reiterated that this is a PIP and a lot of what has been debated is for material consideration of a planning application and not applicable for this application.

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

*(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind)*

*(Councillor Marks declared that the applicant was a customer to the business that he is director of but he is not pre-determined and will consider the application with an open mind)*

**P55/24**

**F/YR22/1416/O**

**LAND TO THE EAST OF 114 MAIN ROAD, PARSON DROVE**

**ERECT UP TO 4 X DWELLINGS INVOLVING THE FORMATION OF A NEW ACCESS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)**

David Rowen presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson reminded members that they will recall this application which has been before committee previously where it was resolved to grant planning permission subject to a Section 106 Agreement and the application is before committee again as the agreement has not been finalised. She feels it is unfair that the previously proposed reasons for refusal have been carried forward as she understood that committee was happy with the application in general.

Mrs Jackson stated that having consulted their own highway engineer it has transpired that the situation in terms of requiring the appropriate visibility can be achieved if the speed limit for the area is reduced to 30mph and by reducing the speed limit they can achieve the required 2.4 x 43 metre visibility splays all within highways and the applicant's land. She continued that as they had an opportunity to reduce the speed limit in the area they felt they should embrace it as the proposal would then provide a benefit to the wider community.

Mrs Jackson made the point that reducing the speed limit takes quite a while but as this is providing such a benefit she is also sure members would agree that it is worth the wait. She stated that she has spoken to their highway consultant this afternoon and he has confirmed that they are in the depths of the legal process but the signs and the feedback that have been received from the pre-consultation is that there is full support from everyone including Cambridgeshire Constabulary who are the main stakeholder for this type of proposal.

Mrs Jackson stated that the designs for the work are complete but they need to follow the due legal process so whilst it is regrettable that the situation has taken so long to be resolved she assured members that they are committed to resolving the situation. She requested that they be allowed to continue to secure the highway improvements and rather than refuse the application allow them a further extension of time.

Members asked questions of Mrs Jackson as follows:

- Councillor Mrs French asked what length of time is being requested? Mrs Jackson responded that she has been informed by the highway engineer that it will be 2-4 months as with a legal agreement it has to go through so many different processes.
- Councillor Connor made the point that committee went against officer's recommendation and approved the application subject to the splays and that was hopefully going to be achieved. He asked why the committee's decision is not being followed and this application is back before committee? Mrs Jackson responded that when they asked the highway engineer to have a look at it to get the visibility splays drawn up because there were some ambiguity over the ownership of the land, they were advised that there was an option available to reduce the speed limit to, therefore, reduce the visibility splays and that would have a wider benefit for everybody and they have entered into the process of reducing the speed limit. Councillor Connor questioned whether the applicant has undertaken any more negotiations in relation to buying the third-party land? Mrs Jackson responded that the feedback she has received is that they own all the land anyway but the Local Authority did not have comfort that they did own the land hence the Section 106 as a belt and braces approach. Councillor Connor expressed his confusion and this is not what the committee agreed or envisaged.
- Councillor Marks made the point that the application was submitted, committee went again officer's recommendation because as the agent it was believed that the splay area could be achieved, with at the time the likelihood being that some of splay area was in third party ownership, however, now it is being said that it is owned by the applicant but it is not going to be used and the speed limit is going to be reduced to 30mph. He asked does the third party, whoever it is, not want to sell or has it transpired that there is somebody else within this? Mrs Jackson responded to her knowledge when they went out to do the surveys to ascertain whose land it was there seemed to be a simpler solution which was to reduce the speed limit and, therefore, reduce the splays and this was deemed to be a better situation.
- Councillor Marks expressed the view that due to the wooliness of the answer's members are receiving he feels that the land is owned by a third party who is not prepared to sell and this is now the best of a bad job to get it over the line to reduce the speed limit, which is not what this committee agreed 12 months ago and asked if he was correct? Mrs Jackson responded that she personally does not know that and the advice she has been given is to say to committee that they can provide a betterment, which is being offered now.
- Councillor Connor agreed this is clearly the case as why would they change the speed limit when all they have to do is obtain the third party-land or use their own land to obtain and prove the splays can be achieved.
- Councillor Benney stated that if he was doing Mrs Jackson's job the first thing he would do would be to look at the Land Registry to see who owned the land so it is known what is being dealt with. He asked if Swann Edwards did this? Mrs Jackson responded that there is a process when there is a scheme that comes before them that they will check the Land Registry to make sure they know all the owners of the land, which is also needed for the Ownership Certificate. She stated that she does not know the specific details of this application but she would imagine that during the course of the application through various consultation responses it would transpire that the visibility splays were required so the work might not have necessarily be undertaken up front and it has come to fruition during the course of the application.
- Councillor Sennitt Clough stated, in Mrs Jackson's defence, that Land Registry is not always correct and some land is not even registered.

- Councillor Marks asked that when the application was before committee last time were they not clear who owned the land because he believes it was stated that the splay could be dealt with by dealing with a third party but now members are hearing conflicting information. Mrs Jackson was unable to answer.

Members asked officers the following questions:

- Councillor Gerstner questioned land ownership being a civil matter and not being a material consideration of planning? David Rowen responded that yes land ownership is normally a civil matter, however, when third-party land is being relied upon to deliver visibility splays to ensure that an access is safe and adequate then it does become material to the determination. He added that as in this instance if you cannot secure that third-party land there is no mechanism to ensure those visibility splays are maintained and safeguarded going forward to ensure that the access is safe and adequate then this is key to the determination of the application. Councillor Gerstner made the point that there have been similar applications before.

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

- Councillor Marks stated that the information provided by the agent is very woolly and he thinks they are pushing their luck by coming back with a 30mph scheme and he would be happier to support the officer's recommendation to refuse the application. He added that he does not think a 30mph scheme could be turned around in 3-4 months and it would probably be the best part of a year.
- Councillor Connor stated that he will be supporting the officer's recommendation, this application is nonsense, it is wasting officer time, it is wasting Mrs Jackson's time and it is an embarrassment for her to come to committee and present this application.

**Proposed by Councillor Marks, seconded by Councillor Connor and agreed that the application be REFUSED as per the officer's recommendation.**

## **P56/24      ADOPTION OF LOCAL VALIDATION LIST**

Matthew Leigh presented revisions to the Council's Local Validation List for adoption.

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

- Councillor Mrs French stated that members have been asking for this for years, it will strengthen validation and stop wasting officer's time with incomplete applications. She would, however, like to include other benefits in the Section 106 requests. Matthew Leigh stated that he is happy to add community infrastructure in this element.
- Councillor Marks stated that he has made various observations that he needs to feed back and he feels that there should be a meeting with Matthew to go through the list line by line but he is aware that Matthew is keen to get the document adopted and in place for 1 November 2024 but there are things in the document that he feels need more tweaking. He would like it to be considered at the next planning committee in 14 days' time.
- Councillor Sennitt Clough stated that she has read the document, but it has been tagged on to a lengthy meeting and it needs more time for appropriate discussion.
- Councillor Connor questioned about it being deferred and brought back to the meeting on 13 November 2024. David Rowen responded that there is already a number of items for that meeting and members may be in a similar position at that meeting.
- Matthew Leigh stated that the document, whilst it has changed in character and appearance, contains mainly the same requirements as the current list and he is not sure if it is good use of officer's and members time to go through the document line by line. He asked if it could be delegated to certain members and himself to have a meeting to formally discuss it as a formal committee would not be an appropriate forum.
- Councillor Connor agreed that it could be undertaken with 2-3 members and the rest of the committee could feed back their comments.

- Councillor Mrs French suggested that it be the Chairman and Vice-Chairman to have the discussion, she has read it and has waited for it for years.

**Members agreed to delegate authority to the Head of Planning, in consultation with the Chairman and Vice-Chairman, to make changes and approve the Local Validation List.**

5.32 pm

Chairman