

# PLANNING COMMITTEE



**WEDNESDAY, 12 SEPTEMBER 2018 -  
1.00 PM**

**PRESENT:** Councillor A Miscandlon (Chairman), Councillor S Clark (Vice-Chairman), Councillor Benney, Councillor S Court, Councillor Mrs M Davis, Councillor Mrs A Hay, Councillor Mrs D Laws, Councillor Mrs F Newell, Councillor W Sutton and Councillor Mrs S Bligh,

**APOLOGIES:** Councillor D Connor and Councillor P Murphy,

**OFFICERS IN ATTENDANCE:** Jo Goodrum (Member Services & Governance Officer), Nick Harding (Head of Shared Planning), David Rowen (Development Manager), Gavin Taylor (Senior Development Officer) and Stephen Turnbull (Legal Officer)

## **P26/18      PREVIOUS MINUTES**

The minutes of the meeting of the 15 August 2018 were confirmed and signed subject to the following comments.

- Councillor Mrs Laws referred to minute number P17/18 F/YR17/0507/O. She stated that bullet point 7 of questions from members states that there is a large piece of County Council land which houses a village school. It should have actually stated that there is County Council Land available that could be used for a village school in the future.

## **P27/18      TPO 09/2018 TREE PRESERVATION ORDER FOOTPATH EAST OF 16 NENE PARADE, MARCH**

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

Officers presented the application to members and informed them that no updates had been received.

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

- Councillor Sutton commented that he cannot see any cracks in the wall and it looks as though it has been recently rebuilt. He made reference to the fact that a method of tree valuation called a CAVAT (Capital Asset Value for Amenity Trees) had been carried out on this tree and questioned how this type of valuation is calculated.
- Councillor Sutton commented that he feels we should be mindful where Tree Preservation Orders (TPO's) are applied. He questioned if this tree needs to have a preservation order and suggested that the tree could be felled so it does not impact the neighbour, and that a replacement could be planted elsewhere in the town.
- Councillor Mrs Laws stated that TPO's are essential. Without them people will carry out unprofessional work on trees. With a TPO, if a tree is subsequently unhealthy and or unsafe, it would be reasonable to fell the tree and replace. She added that trees form part of street scene and for that reason she will be supporting the application.

**Proposed by Councillor Mrs Laws, seconded by Councillor Mrs Davis and decided that the**

**application be APPROVED as per the Officer's recommendation.**

(Councillor Court registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a Member of March Town Council but takes no part in Planning Matters).

**P28/18**

**F/YR15/0668/O**

**LAND NORTH OF 75 - 127, ESTOVER ROAD, MARCH, CAMBRIDGESHIRE**

**OUTLINE WITH ONE MATTER COMMITTED DETAILED AS ACCESS IN RELATION TO 95NO DWELLINGS (MAX) WITH ASSOCIATED LANDSCAPING, DRAINAGE AND OPEN SPACES**

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

Officers presented the application and informed members that updates had been received as per the documents circulated.

Members received a presentation in accordance with the public participation procedure from Councillor Mrs French.

Councillor Mrs French made the following comments;

The application goes against March Town Council's Neighbourhood Plan and Fenland District Council's (FDC) Local Plan. The original Draft Local Plan in 2014 highlighted that March North had an allocation of 450 dwellings to be built over time. Due to strong planning reasons put forward by residents, it was decided that it was not sustainable to build on that scale in the area at that time.

In March 2014, FDC stated 'that the removal of the North East March allocation of 450 homes is both sound from a sustainable, prospective and from democratic choice perspective'. This site was the only site in the district that generated significant local opposition; to reintroduce into the local plan of March North site would be contrary to sustainability, appraisal evidence and contrary to the principles of localism.

The NPPF (National Planning Policy Framework) states windfall sites which have not been specifically identified in the local plan process, normally comprise of previously developed land which have come unexpectedly available.

The proposal would also result in a loss of agricultural land. The NPPF states that where an application conflicts with the local Neighbourhood Plan it should not normally be granted. She questioned why Officers are recommending approval when it goes against March Neighbourhood Plan which was only approved by the Council in November 2017.

The NPPF states that where practical, particularly with large scale developments, key facilities such as a primary school and local shops should be located within walking distance. This is an application for 95 dwellings with future applications for 300 more; she questioned why this application has not been subject to a Broad Concept Plan when other developments have.

County Council are carrying out a full transport study for March and until that study is complete no new developments should be approved in that area.

The development offers no benefit to the local community and there is a lack of affordable housing, with just 6 units being offered where there should be 24.

The rail crossing barriers are down for about 28 minutes in every hour and that is likely to increase

due to more goods trains passing through.

Middle Level Commissioners strongly object to the application.

More schools are already required and County Council have been in discussion for over 2 years about opening a new school which is needed.

Councillor Mrs French stated that there are many flaws in this application and it should not be approved.

Members received a presentation in accordance with the public participation from Mr Graham Moore (Middle Level Commissioners), who was speaking on behalf of Middle Level Commissioners and March Fifth Internal Drainage Board and Mrs Liz Whitehouse, who were both speaking in objection to the Application.

Graham Moore stated that in addition to its own functions, Middle Level Commissioners provide planning consultancy services to various Internal Drainage Boards.

He stated that March Fifth Internal Drainage Board and Middle Level Commissioners are not Statutory Consultees on Planning Applications and Internal Drainage Boards (IDB's) are independent public bodies funded by the rate payer, responsible for water level and flood risk management in local areas and work in partnership with other authorities to manage and reduce the risk of flooding.

It is the IDB not the Environment Agency, FDC, CCC or Anglian Water, which has to receive and transfer the flows that emit from the site.

The IDB does not believe that the downstream water level and proposed flood risk management system can receive the flow concerned and or that for the lifetime of the development the site, the IDB is not currently prepared to accept any increase to the rate of flow into the system, and will not agree to any discharge until the necessary requirements are met.

During the planning process the applicant has amended the previous proposals for surface water disposal and the scheme is now for a balancing pond facility which is a better solution, however there has been no consideration regarding the upkeep and management arrangements going forward.

Liz Whitehouse stated that there have been 267 objections to this application and sustainability should be at the heart of all local planning. She mentioned that this had been raised by a public planning inspector in 2014, when the FDC Local Plan was formulated.

The block plan shows in excess of 200 homes and questioned why FDC has allowed this application for only 95 homes. The Neighbourhood Plan adopted in 2017, only allocates land in the south east, west and south west. Liz Whitehouse quoted from section 10.1 of the Officer's report section 10.1 'The delivery of housing on this site would form a logical extension of existing development to the south-west of March in a sustainable location' and commented that this is misleading as Estover lies to the north of March and not the south west.

The Neighbourhood Plan states that developments should not create flooding problems either on or off site. Estover Road runs to the south east of the site and the risk assessment states that any flow will tend to flow towards the lower land in the south east of the site and the solution that has been recommended leaves an unacceptable risk for local residents.

The third transport assessment still contains errors and shows that there are 6 trains that stop between 10am and 4pm. The first report from 2015 shows 6 trains an hour making 24 trains and

she questioned how Cambridgeshire County Council and Fenland District Council agree to the transport assessment which is incorrect. There have been 2 bus shelters proposed in Station Road, when the nearest functioning bus stops are in Estover Road.

Members received a presentation in accordance with the public participation procedure from Rosanna Metcalfe the applicant's agent.

Rosanna Metcalfe explained that the matter is being determined today for outline planning permission for up to 95 homes.

The proposal is for much needed new homes in a sustainable settlement which has seen little development. March has been identified as a primary market town in the Fenland Local plan which highlights 3 strategic growth locations in March; however, the developments have not yet commenced and are not likely to do so for a period of time.

March has seen very little growth in recent times and is a long way from meeting its housing target of 4200 new homes. The matter for determination today proposes to provide new homes and will help to contribute towards the local economy. The site is considered to be a suitable location and it is located within walking and cycling distance to the train station and other community facilities.

The transport assessment has looked at what effect the development could have on the railway crossing and Cambridgeshire County Council have agreed that the proposal will not have a material impact on queuing and this is detailed in the Officers report. She stated that Cambridgeshire Highways have not objected to the proposal and support the application.

The site is located in flood zone 1 and the applicant has provided information to evidence that surface water from the development can be managed and there have been no objections from the Lead Local Flood Authority and Environment Agency who are statutory consultees. The Middle Level Commissioners are not statutory consultees; however the queries that have been raised by them have been looked at by the applicant but as this is an outline planning application and it would not be reasonable to supply the information requested currently and the details relating to the design of the scheme and details regarding the drainage scheme details are unknown. The condition that the LLFA have requested will put an appropriate safeguard in place to ensure a suitable strategy is established prior to the commencement of construction.

The application is policy compliant and the principal of the development has always been considered as acceptable. Detailed discussions have been held with CCC and FDC Officers concerning the viability of the scheme, a detailed viability assessment using the assessment models requested by both authorities has been used and is in accordance with policy LP5.

She stated that the comments concerning the sites removal from the Local Plan 2014 are recognised, however the site is not removed due to technical reasons and also not due to the request of the local planning Inspector.

She concluded that the site is not found as unsound and was not found to be unsuitable or unsustainable in the Local Plans sustainability appraisal. The benefits of the application are the provision of 95 dwellings which will be deliverable between 1 and 5 years and will be in a sustainable settlement and location. There is a contribution of £800,000 towards education, contributions towards other community services and upgrades to existing bus stops and rail contributions. The application is in line with the Fenland Local Plan and Neighbourhood Plan.

Members asked Rosanna Metcalfe the following questions.

- Councillor Mrs Laws asked for clarification that the application complies with the March Neighbourhood Plan. Rosanna Metcalfe confirmed that it does and stated there is no policy

in the Neighbourhood Plan that restricts the site.

**At this point in the meeting Councillor Court left the Council Chamber.**

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

- Councillor Mrs Laws asked for clarification as a speaker had mentioned that there are three other sites that have been considered and approved but to date the developments have not commenced and that is why the proposal before the Committee today is the preferred site. Officers clarified that the speaker was probably referring to the Broad Concept Plan (BCP) sites in South West March, West March and East March. As members will be aware that the allocations have yet to come forward with either BCP's or planning applications.
- Councillor Mrs Laws asked whether the applications will come forward. Officers stated that at the present, there are no BCP's or planning applications in place.
- Councillor Bligh stated that there are many Members of the public present today who object to the proposal which shows how strongly local people feel about it. Whilst she appreciates that the application is compliant, there are Councillors present in the public gallery who are familiar with their locality who also disagree with the proposal.
- Councillor Mrs Davis stated that although it would appear that the site is compliant, we have also heard how the site has drainage issues from the representative from the Drainage Board. Whilst she understands what Officers have stated, and although the proposal fits all of the requirements, it doesn't sit well with the local residents.
- Councillor Mrs Laws stated that a great deal of time and trouble has been taken with regard to the production of the Neighbourhood Plan, and in her opinion that document is the voice of the local community and it should be considered alongside the Local Plan. With regard to the emphasis placed on delivering development and the work undertaken by landowners, architects and developers if there are other Broad Concept plans that are in place, members must be mindful of that.
- Councillor Mrs Laws stated that it is a windfall site but the drainage issue is an area of concern. With regard to viability, the site does not deliver what it should and although the Section 106 Officer has looked into this. The development is therefore less sustainable than it should be.
- Councillor Sutton stated that he believes the development is sustainable. It is in flood zone 1 and the Lead Local Flood Authority who is a Statutory Consultee has no objection to the proposal. The issues concerning the discharge raised by Middle Level Commissioners and the IDB can be reviewed at a later stage and do not need to be considered today. Planning Committee Members have to make decisions on material planning reasons. The proposal does not go against the Neighbourhood Plan; if it did then Officers would not be recommending it for approval.
- Councillor Sutton stated he can see no material planning reason to refuse the application.
- Councillor Sutton stated that the neighbouring site has just been approved for a sports development and there were no objections raised concerning the associated traffic that may arise as a result.
- Councillor Mrs Hay stated that she is very concerned about this application. Members are here to represent the residents of Fenland and the residents' concerns and level of objection must be considered. Although not statutory consultees, the views and issues raised by the IDB need to be considered as they have taken the time to present to the Committee to raise their concerns.
- Councillor Mrs Newell stated that in her opinion, members must take notice of the IDB. The March water recycling centre does not have the capacity to treat the flows from the site.
- Nick Harding, stated that in terms of the March Neighbourhood Plan under Policy H1, it states that it supports those major site that are identified in Fenland District Council's plan and in terms of those allocations they are South East March, West March, South West March and March trading Estate. It then goes on to say that the Neighbourhood Plan does not advocate anymore major development sites on the outskirts of March. Therefore his

understanding of that is in the context of the capacity of those developments as aforementioned, South East March 600 dwellings, West March 2000 dwellings, South West March 500 dwellings and for the March Trading Estate it does not give a figure. The plan then continues by stating that it will consider windfall developments and the scheme before members today is for 95 dwellings and this is substantially lower than those major site allocations previously mentioned.

- Nick Harding stated that in terms of the surface water issues which have been raised. The IDB have recognised that the LLFA is the authority that we should be going to in consideration of these matters and if the NPPF is referred to it does state that major development should incorporate sustainable drainage systems and should take account of the advice of the LLFA. The advice from the LLFA is that this development proposal with conditions is acceptable.
- Nick Harding stated that he is very supportive of the IDB's they have a separate legal process which has to be complied with by persons who wish to discharge their surface water and just because planning permission is granted for a development it does not mean they are automatically going to get consent from the IDB's. The Developer still has to apply to the IDB and the detail of the scheme has to be agreed.
- Nick Harding stated that with regard to maintenance contained within the NPPF the guidelines state that there must be an arrangement in place to ensure there is an acceptable standard of operation for the lifetime of the development. The Government has been looking at how to deal with surface water flooding for many years. It looked like they were going to ensure that all surface water drainage schemes were adopted by a responsible authority, however this has not happened and the Government are no longer forcing developers to have their schemes adopted by a responsible authority. We cannot realistically insist on adoption of this system by the District Council, Anglian Water or the IDB's and therefore if an alternative option is tabled which is satisfactory there would be no reasonable prospect of being successful in defending a refusal of planning permission.
- Nick Harding stated that with regard to Anglian Water, they have raised no objection to this application. They have indicated that they will make necessary improvements to their network to ensure they can deal with the water and therefore as we do not have an objection from Anglian Water, and members should consider on what basis would we be able to defend a reason for refusal based on foul water capacity.
- Councillor Mrs Newell stated that on Page 32 of the report, Middle Level IDB have expressed concern over water levels and flood risks.
- Councillor Mrs Laws asked for further information with regard to the transport strategy. Nick Harding stated that the application has been subject to the necessary transport assessment which has been submitted with the proposal. That has been vetted by CCC highways authority, they are satisfied with the scheme, it is safe and the necessary sustainable travel arrangements are in place. There may be a wider transportation study review for the March area but all of the junctions which could be impacted by the potential development have been investigated and assessed as part of the planning application process.
- Councillor Mrs Bligh commented that whilst she appreciates that the NPPF have been referred to, members must be mindful that this is Fenland and the area is reliant on drains and dykes.
- Councillor Sutton stated that a comment was made earlier with regard to the Planning Inspector who had acknowledged that unallocated land in March North would be brought forward in any event in order for Fenland District Council to meet its planning target.
- Councillor Mrs Laws stated that she has concerns over this application, especially as there are three other sites coming forward and she would like to refuse this application under the grounds of LP16, with regard to item D where it states does it make a positive contribution to the local distinctiveness, the neighbourhood plan needs to be considered.
- Nick Harding asked for clarification from Members that their concern is in relation to the fact that the location for this site does not fit well with the build form for the settlement.

**Proposed by Councillor Mrs Laws, seconded by Councillor Mrs Davis and decided that the**

application be REFUSED contrary to the Officer's recommendation for the following reason.

The application proposes a form and scale of development which would not respond to the core shape and characteristics of the existing settlement, and which, if permitted, would be to the detriment of the character and appearance of the area and would, therefore, fail to make a positive contribution to local distinctiveness and character or enhance its local setting. This would be contrary to Policy LP16 (d) of the Fenland Local Plan (2014)

- Councillor Sutton requested that his vote against the proposal to refuse the application be noted.

*(Councillor Court registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a Member of March Town Council but takes no part in Planning Matters. Councillor Court also registered that with regard to this planning application he would like it noted that he has previously been lobbied on this application and he was also a Member of March Town Council Planning Committee who acted as Consultees to Fenland District Council when the application was first submitted in 2015).*

*(Councillor Court requested the permission of the Chairman of the Planning Committee to remain in the Council Chamber to hear the the presentations given by the speakers and will then leave the Council Chamber whilst the application is debated by Members).*

**P29/18**

**F/YR17/1231/VOC**

**LAND NORTH OF WHITTLESEY EAST OF, EAST DELPH, WHITTLESEY, REMOVAL OR VARIATION OF CONDITIONS OF PLANNING PERMISSION F/YR15/0134/O, OUTLINE APPLICATION FOR THE ERECTION OF 220 DWELLINGS (MAX.. FULL APPLICATION FOR THE ENGINEERING WORKS ASSOCIATED WITH THE FORMATION OF THE VEHICULAR ACCESS ROAD.**

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

Officers presented the report and update report to members.

Members received a presentation, in accordance with the Public Participation Procedure from Mr Nightingale, an objector to the application.

Mr Nightingale explained that the original outline planning permission was granted with conditions imposed to ensure there was no impact after development. Many of the residents have expressed their concern in their objections, about the level of changes which have been requested. They believe has fundamentally changed the original consent so a new application should be submitted.

Mr Nightingale commented that he would like to ask all the Councillors on behalf of the residents, to robustly challenge the applicant's and the planning officer's suggestion that the variations to the application are for the good of the town's current and future residents, as he does not believe it is.

Mr Nightingale added that he would ask the Councillors to consider whether the report is a proper and robust report or whether areas have been missed. There are a number of questions which have been raised about the content of the report and the surveys and he would ask for Councillors to make the right decision and have confidence in the information presented to them today which is right, proper and correct.

Members received a presentation, in accordance with the Public Participation Procedure from Mr Hodson, as an objector to the application.

Mr Hodson explained that he is a local resident of Whittlesey and the application in his opinion is wholly dependent on the case made for it by Cheffins Consultants.

Mr Hodson stated that the applicants planning report is flawed and out of date, as it states that Fenland does not have a five year land supply and that is not correct. The Consultants have also stated that the lack of land supply means 'it is indicative of a poor housing market in the district'. This may have been the case in the past in Fenland, however that is not the case in Whittlesey, it is a boom time currently for housing and there are currently 9 housing sites which have either been completed or in the construction phase. There are lots of single plots and Whittlesey has benefited from a massive expansion in Peterborough, it has been predicted that there will be a 1000 houses constructed in Whittlesey in the next 5 years.

Mr Hodson stated that the Consultants have made a statement concerning a poor housing market which has in his opinion given it a negative review in value, therefore that is why they have asked for the removal of most conditions that were present in the 2015 application. He added that he is also concerned about the reduction of the social housing contribution from 25% down to 8.5% or even 6.4%. He stated that the report does not reflect the housing market in Whittlesey and the request for removal of most conditions, approved in 2015 is not justified. With regard to phasing, if Phase A is allowed, there is a risk that all traffic will use Teal Road which is already congested with school traffic from Drybread Road nearby.

Members received a presentation in accordance with the public participation procedure from Mr Ian Smith the Director of Cheffins, the Agent and from Mr Chris Hatfield who is a Housing Development Consultant.

Ian Smith stated that Fenland District Council has previously granted outline planning permission for this development. The application before the Committee today concerns the details, including the terms of the Section 106 agreement and the detail surrounding the specific conditions. The application does not relate to the principle of 220 dwellings which has previously been approved.

It is unfortunate that one of the conditions is undeliverable and that is due to the financial implications of the current section 106 package including affordable housing combined with constraining conditions. It is also the case that the previous application was not formulated to include phasing. For a site of 220 houses, it is appropriate that some phasing is included to ensure the delivery of housing, infrastructure and local space is structured. The site has a long and complicated planning history and the report goes back to 1961, in 2016 the Planning Committee approved the outline application which comprised of an amended version of an earlier scheme which had been refused on appeal. Discussions and debate have taken place with Officer's concerning conditions and section 106 over a period of time.

Chris Hatfield stated that the proposals that have been put forward contained in the Officer's report are robust. There have been discussions with the Combined Authority and Officers regarding affordable housing if it is reduced the developer would work with the Combined Authority to bring a grant to replace the affordable housing and to prevent landbanking they have agreed to a section 106 provision for affordable housing review mechanism.

With regard to phasing, the purpose would be to broaden the appeal of the site to developers and 220 units would only appeal to larger housing builders, but by phasing it, it will appeal to a wider section of builders. It is the intention that East Delph is the primary access for construction, sales and the majority of the development which would form part of the Officers precondition.

With regard to the management and maintenance of the Surface Water Drainage (SUD) facilities, it is now common practice for a private management company, funded by estates contributions to assume responsibility. If that is not deemed an acceptable solution by the Committee, a contribution to the Internal Drainage Board would be paid to ensure a satisfactory mechanism was



in place in the future.

Ian Smith stated that currently there is planning permission for 220 dwellings, and 120 of those dwellings, would go towards the Council's 5 year land supply. There has been no change in the Local Plan since the planning permission was granted and the flooding risks have been addressed as well as the Section 106, with the conditions stated.

Chris Hatfield stated that it is the landowners intention following consent, to put the site immediately to market.

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

- Councillor Mrs Laws stated that when the previous application went to a public enquiry, she was asked by members of Whittlesey Town Council, as the Chairman of planning at that time, to represent them at the enquiry, at no time was that a personal decision, she was under the instruction from the members of that Council. She confirmed that she has never discussed or had an opinion on this application. There have been resident action groups, the Mayor at the time called a public meeting and at no time has she entered into debate. She confirmed that she was the ward Councillor, however since the boundary changes in 2016; she is no longer the Ward Councillor and has had no person lobby her.
- Councillor Mrs Hay commented that within the existing condition 7, the scheme requires the design and provision of flood warning signage prior to commencement. The applicant has suggested that this should be a pre occupation condition; however she is concerned because it also states that the reasoning behind flood warning designs is to warn future occupiers of any high risk of flooding of East Delph. If we are saying that the signage does not need to be displayed till pre occupation it could be that the houses are built and the day before they are occupied the signage goes up which would be too late. A number of people purchase properties off plan and therefore they would have purchased a property and not realised that this was a potential issue and therefore condition 7 should remain as it is.
- Councillor Mrs Laws stated that she is pleased to hear that the agents have stated that they will work with the IDB. The written representation information before Committee members today from the drainage board concerning the drainage proposal is described as 'folly'. Previously, the Environment Agency have alerted Whittlesey Town Council to the fact that there are 220 residents along the boundary of this application that are at risk and that identifies them as being in the Kingfisher area, North End, Lapwing and Teal Road. The drainage for the new dwellings needs to be considered as do the adjacent dwellings and if the applicant is prepared to work with the North Level IDB instead of a Management Company, it would give the residents peace of mind.
- Councillor Mrs Laws stated that any construction traffic must go through East Delph. Bassenhally Road leading into Drybread Road is very narrow and due to the school the road is congested in peak hours due to parking. Therefore if the condition could state that construction and delivery traffic use the B1040 and request that there is a hardstanding base made on site that to accommodate all contractors' and workers' vehicles.
- Officers stated that with regard to construction traffic, in the proposed condition 18, section (b), it details the requirement concerning contractors' access arrangements for vehicles, plant and personnel. This includes the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers. With regard to the construction phasing program in Condition 18, section a, it should give an indication as to how the phasing is going to work in construction terms and therefore with the criteria in aforementioned 18(b), access routes should also be secure with those phasing details. Officers have considered this is robust enough. With regard to hard standing, it is not uncommon for a construction plan to provide a plan to denote where routes are and where plant equipment is going to be stored. In addition the requirement as detailed in 18(j) details the Dust management and wheel washing measures to prevent the release of dusts into the

local environment and deposition of debris on the highway.

- Councillor Mrs Laws stated that she appreciates the inclusion of wheel washing, but would also like a water bowser on site.
- Officers stated that the Environmental Health Officer's and Highways Officers have considered these approaches and if they consider that there is not enough detail in them to ensure certain aspects then they would ask for further detail as part of the condition discharge requirement.
- Councillor Mrs Laws stated that she is aware of another development where after construction started there were issues and eventually the developer implemented the 'Construction Care Scheme' which gave residents the ability to resolve any issues. Officers confirmed that contained with condition 18(s), it proposes a complaints procedure where residents can air their grievances.
- Officer's stated that with regard to condition 7 dealing with the timing and delivery of the flood warning measures, there is a condition that requires flood warning signs to be erected and the current condition requires it to be initiated prior to development. The signage is to help future residents and concerns that future occupiers may not be aware of the issue are down to house purchasers and conveyancers to pick up on planning conditions, they should be alerted to such conditions upon purchase. Therefore is it felt that the preoccupation condition is appropriate in this situation.
- The Chairman stated that with regard to wheel washing, any reasonable Constructor within Fenland is always aware that the vehicles can often create contamination of the road.
- Councillor Mrs Laws commented that she is disappointed with regard to the reduction in Section 106 contributions. With regard to the phasing issue, once a first phase is completed can we revisit the viability and challenge it when the subsequent phases are constructed.
- Officer's stated that the proposal is for a review mechanism and this would need to be agreed with the applicant through a section 106. Officers are proposing a 75% occupation of the site and at this stage a review is proposed as there should be enough evidence to assist with a thorough review. If Members require a more frequent review then that could be considered. The application is proposing that the section 106 agreement is to be delegated to Officer's but with the Chairman and Vice Chairman's agreement, the review mechanism would be scheduled within the Section 106 agreement.
- Councillor Mrs Davis asked whether the 75% occupation figure could be reduced. Officer's responded that the application is determined by members and therefore the section 106 is to be agreed by the Chairman and Vice Chairman.
- Councillor Mrs Hay asked with regard to the phasing approach at what point is the Section 106 money payable. Officer's stated that there are various triggers for different payments, so the education and health payments will be implemented at different stages.
- Councillor Mrs Laws stated that she feels this application would be impossible to refuse, as outline permission has already been granted, but that she has serious concerns over Teal Road and the parking issues. With regard to the previous appeal, the Inspector implied that the drainage system will be adopted by the IDB. She added that she knows this cannot be enforced but the presenter today gave the impression that they will work with the IDB and she welcomes this.
- Councillor Mrs Laws asked if the application could be deferred, to ensure that the correct construction conditions are in place and to check that the drainage system is in place. It would also be helpful to continue negotiations with the landowner with regard to the delivery of social housing.
- Nick Harding stated that in terms of a deferment to obtain drainage details, in his opinion it would be normal practice for an outline planning consent to have a condition that requires a detailed drainage scheme to be submitted in advance of making a decision on the application and there are no special circumstances at play here that require the details. With regard to construction, a Construction Management Plan (CMP) forms part of the conditions and the precise details of that plan will be submitted subsequently for each phase as they come forward. It would be appropriate to add an informative if there are any particular items that members want to be included as part of the plan for consideration.

Officers stated that with regard to phasing arrangements, there is a condition which requires a phasing plan which needs to demonstrate that the phasing approach will consider transport impacts throughout construction. In addition the CMP also asks for construction routes under that approach, ie East Delph. The phasing design and plan that is submitted has to take note of the transport impact which the highway authority has requested.

- Councillor Mrs Laws stated that established residents should not have to deal with construction traffic.
- Officer's stated that the main haul road is proposed as East Delph and this is indicative phase of the plan and indications are that on this particular plan construction traffic would enter through East Delph and development would start to the east of the site. The highways authority asked for the phasing plan to include transport and impact detail due to the fact that they were also concerned that the expectation was for construction traffic to go through Teal Road which they considered to be unacceptable. Therefore if there was to be any exception to using East Delph then there would need to be justification for a revised transport plan to demonstrate that it would still be safe.
- Nick Harding stated that an informative could be added to say that the construction access route that the District Council wish to see in the CMP.
- The Chairman commented that the Contractors vehicles should park considerately and the overall Contractor should make that quite clear to the sub-contractors.
- Councillor Sutton commented that he has 100% confidence in the Officers; they have gone to great lengths to make sure everything is in place.

**Proposed by Councillor Sutton, seconded by Councillor Benney and decided that the application be: APPROVED as per the Officer's recommendation.**

(Councillor Mrs Laws registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a Member of Whittlesey Town Council planning committee meeting but takes no part in discussions or voting.) Councillor Miscandlon registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application.)

**P30/18**

**F/YR18/0646/O**

**LAND SOUTH OF 6, EASTWOOD END, WIMBLINGTON, CAMBRIDGESHIRE**

**ERECTION OF UP TO 3NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

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

Officers presented the report to members.

Members received a presentation in accordance with the public participation procedure from Mr David Green in support of the application.

Mr Green explained he is a resident of the area and knows the proposed location well. His main concern is that if the area isn't developed on, it could be used for further industrial use but he totally understands the Officer's recommendation.

There is a good opportunity to develop and use the land as per the proposal, and if the application was granted it would safeguard the area. The hedgerows could benefit from some husbandry and the Council could impose some conditions on the developer to enforce the maintenance of the hedgerow. He feels that there is a missed opportunity here and there is a great opportunity to safeguard the area especially with industrial areas encroaching and there are residential houses to the left and right hand side of the application site.

Members received a presentation in accordance with the public participation procedure from Mr Peter Humphrey the applicants Agent.

Mr Humphrey stated that he agrees with the previous speaker, that there is an opportunity to carry on building large detached dwellings to enhance the area.

The Parish Council have no objections to this application and if there were concerns there would be objections. The site is in flood zone 1. Highways have no objections and there is a proposal for a footpath to link this site with the village and there is already a pedestrian crossing to cross the A141. The Planning Officers have appeared to focus on LP3 which is growth of the village and have separated Eastwood End from the village of Wimblington.

On the previous local plan, Eastwood End was always shown as part of the village and he had asked Planning Officers when the new local plan came out whether he could be provided with a copy of what they define as villages, but there is no such plan. This site, when taken in context the whole of Eastwood End, just forms a natural infill gap and is ideal for development.

Referring to 11.1 of the Officers report, it states that it fails to protect and enhance the natural environment and Mr Humphrey disagrees with this. There are numerous new houses at Eastwood End and the proposal is not a new example and it is not setting a precedent, it is helping the village. Villages have a dense concentration of houses in the middle and sporadic large houses on the fringe, and the proposal is for three large houses on the fringe to retain the form and character of the village.

Officers are concerned with regard to LP12 which is rural areas development policy; however the application is not affected by an agricultural application so that cannot be considered as a reason for refusal. LP3 is a village classification and Officers have classed the application as to being elsewhere he is unsure as to whether it should be classed as elsewhere or as the village as Wimblington is a growth village and should fall within the growth village category and not classed as elsewhere.

It is the intention to retain the hedge and in his opinion there are a few anomalies within the report and therefore if members are minded to approve the application, the village can be enhanced 3 houses can be delivered in a suitable location and they are closer to amenities rather than some other applications which have been approved.

Members asked Mr Humphrey the following questions;

- Councillor Mrs Hay stated that she recognises that this is an outline planning application and she is concerned as one of the benefits of the application will be the footpath; however the Highways Authority has some concern over the deliverability of the proposed footpath. She asked whether the applicant has carried out any costings for this. Mr Humphrey responded and stated that the applicant has worked out that one of the plots will fund the offsite works.
- Councillor Mrs Hay asked whether the applicant has checked the figures and pricing with the Highways Authority. Mr Humphrey confirmed that the applicant has not checked with Highways Authority but they are his budget costs and he is well aware of the cost implication of a footpath.
- Councillor Mrs Newell asked for clarification with regard to access and asked whether it would be along the bridleway. Mr Humphrey confirmed that it would not be along the bridleway.

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

- Councillor Mrs Davis stated that she cannot support the Officer's recommendation to refuse

the application. Immediately opposite the proposed site is a brand new house which has recently been occupied. She stated that she also understands there are planning applications which have been submitted for houses either side of it.

- Councillor Mrs Davis stated that she agrees with the speakers, it makes what is known as unsustainable more sustainable, it will link the area to the village and with the addition of the footpath it will make things easier. It may be a footpath on one side of the road in one part and another part of the footpath on the opposite side of the road, but that is not uncommon. The application also has local support and there are no objections.
- Councillor Mrs Bligh agreed with Councillor Mrs Davis. Following the site visit, the proposal is an infill development this would improve the area and she is struggling to see why it has been recommended for refusal.
- Councillor Benney commented that he has revisited the site and the proposal is on the bypass side of the village, going away from the bypass there are 10 houses on one side and 11 on the other, in his opinion it looks like a piece on infill where 3 dwellings would fit well.
- Councillor Sutton stated that he cannot believe that the highway authority have not objected to the application as he feels that the road is unsafe, but whatever people say about the proposal being in Wimblington; it is not in Wimblington and never has been. He stated that before the road, there was a railway line which ran through, which cut off Eastwood End from Wimblington. It has been like it for many years and it has been confirmed by Planning appeals that it doesn't fit with the plan. He stated that in his opinion this application is not policy compliant and finds it hard to believe that the Highways Authority have not objected to this on safety grounds alone.
- Councillor Mrs Davis stated that if Councillor Sutton thinks the road is dangerous there is all the more reason to have the footpath constructed. She understands that there needs to be a balance between industrial and residential premises and the proposal before members today of 3 dwellings is going to have an impact.
- Councillor Sutton commented that members need to be mindful that a planning inspector's decision is a material decision and he is not prepared to go against a Planning Inspectors decision.
- Councillor Mrs Bligh commented that she does not understand why members would not approve this application when the other dwellings are in close proximity.
- Officers stated that the dwelling across the road from the proposed development was the result of a planning permission granted in 2002 under the old Local Plan which had different planning considerations. Now the NPPF has been introduced and the Local Plan was introduced in 2014. Therefore in terms of other recent planning decisions in relation to residential development on Eastwood End, and since the local plan was introduced in 2014, there have been approximately 16 applications for residential development of which 11 have been refused. The only ones which have been granted are ones which have had follow up to previous permissions which have been granted before the adoption of the Local Plan.
- Officers also advised members of the number of appeal decisions that have been recorded. In 2013, 2016 and more recently in 2017, where the Inspector has recognised that Eastwood End does not form part of Wimblington and it is not part of the growth village but is part of an elsewhere location, consequently residential development would not fit in with the spatial hierarchy set out in the Local Plan.
- Officers suggested that members may also wish to consider that the Highways Authority have commented in terms of the footpath, on Page 116 of the report, point 5.2 states that the Highway Authority express concerns as to whether the footpath can be delivered and in terms of the footpath and the benefits it may provide to the wider settlement of Eastwood End, it is only actually proposed to take the footpath to the application site and not any further.
- Councillor Mrs Davis stated that the houses opposite was approved in 2002, however it has only just been built. Officers clarified that it was an outline planning permission granted in 2002 and final approval was in 2011.
- Councillor Mrs Hay commented that her main concern is this application is an outline planning permission and if approval is granted they will come back regarding viability and

say that they cannot afford to install the footpath. The fact that the Highways Authority has raised the concern indicates that it is not deliverable and therefore there is nothing given back to the community and that is why she will support the Officer's recommendation.

**Proposed by Councillor Sutton, and seconded by Councillor Mrs Hay to go with the Officer's recommendation for refusal.**

**This vote failed and therefore the Chairman requested a Proposal for the application to be approved.**

- Officers clarified with Councillor Mrs Davis that any proposal approved might include delegated authority for Officers to add appropriate conditions.
- Councillor Sutton stated that one of the conditions must be that if the application is approved then the footpath must be in place prior to any development and Councillor Mrs Bligh Agreed.
- Nick Harding stated that one of the options that members could consider is to defer the application, so that the County Council and applicant can liaise with a view to establishing the issue of deliverability of the footpath. Alternatively members could give authority to the Head of Planning to approve if the path was deliverable and refuse if it were not.
- Nick Harding stated that members can either choose to defer the application and bring it back to Committee or the application can be approved by Officers, but only if it can demonstrate that the footpath can be delivered and if it cannot be delivered then Officers can refuse the application. The Highways authority did not recommend refusal of the application and neither did it insist that there should be a condition in respect of footway provision. Nick Harding stated that he would suggest to members the application be deferred.
- The Chairman stated that the concerns of the Head of Planning have been heard. He has suggested a deferment so that all of the concerns members have raised are investigated. The decision to either approve or refuse the application is then delegated to Officers in consultation with the Chairman and Vice Chairman, or he asked if members want the Application to be brought back to Committee.
- Councillor Mrs Newell asked for clarification with regard to the Highways Authority not raising any objection. The Chairman referred Councillor Mrs Newell to Page 116, Section 5.2.
- Nick Harding stated that if the application had been submitted with no footpath proposal, Officers do not know whether the County Council would have stated that they object because a footpath is needed. The Council needs the requirement for a footpath to be set by the County Councils Highway Authority. If members are concerned about the footpath deliverability then the best option is to defer the application, and the queries can be addressed and the application can be brought back to committee.
- Councillor Mrs Hay stated that if she could be assured that the footpath would be delivered she may have voted differently and therefore she will support a deferment and ask Highways to clarify the issue of deliverability. The Agent has already stated that one of the plots will pay for the footpath, however Highways may provide figures which will mean that one plot will not pay for the footpath.
- Officers stated that the concerns expressed by Highways Authority in terms of deliverability are not necessarily just in terms of funding it is whether it can be physically constructed.
- The Chairman agreed and said that the Highways Authority needs to clarify this.
- Councillor Mrs Davis stated that the Parish Council were prepared to support the application if there was a footpath and with the retention of the hedge. In addition they would like to see only one access point and if the applicant and the Agent agreed to all of those aspects, the Parish Council would support it.
- Councillor Mrs Laws stated that not only should the hedgerow be retained but also maintained. Officers stated that there would be a reluctance to place a condition on the application to require the maintenance of a piece of private land.

**Proposed by Councillor Mrs Davis, seconded by Councillor Mrs Hay and decided that the application be; DEFERRED and brought back to Planning Committee.**

(Councillor Mrs Davis registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a Member of Wimblington Parish Council but takes no part in Planning matters. Councillor Miscandlon registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application.)

**P31/18**

**F/YR18/0653/O**

**LAND SOUTH WEST OF THE ORCHARDS, GULL ROAD, GUYHIRN, CAMBRIDGESHIRE**

**ERECTION OF UP TO 3 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED) INCLUDING THE FORMATION OF 3 X NEW ACCESSSES**

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

Officers presented the report to members.

Members received a presentation in accordance with the public participation procedure from Gaenor Parry the Agent.

Gaenor Parry stated that there have 2 previous applications on this site and both of those were significantly larger than the proposal before members today and in her opinion the refusals were clearly justified. The proposal today is for a small infill, windfall development for 3 dwellings and is a reduction in numbers, size and location from previous applications.

The houses are now sited at the western end of the site immediately opposite the existing dwellings in Gull Road. If considered together they form a cohesive development and as such do not appear as isolated dwellings in the countryside. The location has enabled a large part of the current open frontage along the B1187 to be retained free of development.

The proposal is for dedicated tree planting and landscaping along the frontage and the private gardens of the three houses behind a further hedgerow will add to the amount of open space and maintain a deep rural edge to the site effectively screening it. The paddock grazing area including trees and grassland are significant visual amenities and she cannot find any designation of this land in any Fenland District Council policy. The current application has addressed the Officer's concerns and the Agent stated that the application in her opinion complies with LP12 (n) and LP16 (a) of the Local Plan.

She stated that she also has concerns over the Officers first reason for refusal and that Guyhirn has been identified as a village capable of some development, there are no comments within the Councils policy documents which state that new housing should be excluded from any particular part of the existing settlement. The Fenland Development Policy is set out in three parts, firstly to look at applications on their own merits, secondly it will normally be of a very limited nature and thirdly it will be normally be limited in scale, the use of normally is used twice in the policy is quite deliberate and it clearly underlines the fact that there is some flexibility in the policy to enable appropriate development. The Officers report states that the development is limited in scale and

does not represent an infill opportunity. The Agent stated that she does not dispute the fact that the proposal is not infill but she does dispute that the policy itself requires more development in these identified settlements to be infill only. The small development is not an isolated development and the officers concerns with regard to the previous development have been overcome by this proposal.

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

- Councillor Mrs Bligh stated that she has previously spoken with regard to previous applications on this site, but she has made no comment on this current application. She stated that she knows the area well, there is access to shops, Tall Trees Leisure, there is also a footpath along the length of the whole road and it is a more built up area compared to the other end of the village. She stated that she can see the merits of this application and the Parish Council have no objection to the application.
- Councillor Mrs Hay asked whether if Councillor Mrs Bligh has already spoken in favour of this, does it make her decision pre-determined. The Legal Officer, clarified that Councillor Mrs Bligh has made representations on previous applications but she has given assurances that she has not made representation on this application and so there was no predetermination at play.
- Councillor Sutton stated that he does not support this application as it does not fit with policy and Officers have made the correct recommendation.
- Councillor Mrs Bligh stated that the people who use the green space for grazing have no objection to the application.
- Councillor Mrs Laws stated that the site description of the proposal states that it is a 0.85 hectare site off Gull Road which was formerly ponds and the site is in flood zone 1, with only a small area in flood zone 2 and 3. The area was also used as a tipped land site. She is very mindful of local opinion and also the views of the Parish Council, however when reading the Officers recommendations and the consultee's responses these have to be taken into consideration.
- Councillor Mrs Bligh stated that the pond was filled in with rubble from the Horsefair Shopping Centre in Wisbech.
- Nick Harding stated that with regard to contaminated land, that should not be used as a reason for refusal and if the development was approved, the issue of contaminated land could be dealt with by a condition which was recommended by the Environmental Health Team.
- Councillor Mrs Laws stated that she was more concerned regarding the flooding aspect.

**Proposed by Councillor Sutton, seconded by Councillor Mrs Hay and decided that the application be REFUSED as per the Officer's recommendation.**

*(Councillor Mrs Bligh, registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she has been lobbied on this application as she is the Ward Councillor.)*

3.54 pm

Chairman