

# PLANNING COMMITTEE



**WEDNESDAY, 31 MARCH 2021 - 1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis, Councillor Mrs J French, Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor M Purser and Councillor W Sutton, Councillor A Miscandlon (Substitute)

**APOLOGIES:** Councillor R Skoulding,

Officers in attendance: Jo Goodrum (Member Services & Governance Officer), Alison Hoffman (Senior Development Officer), Nick Harding (Head of Shared Planning), David Rowen (Development Manager) and Gavin Taylor (Senior Development Officer)

## **P79/20      PREVIOUS MINUTES**

The minutes of the meeting of the 24 February were agreed as an accurate record.

## **P80/20      F/YR20/0471/RM SITE OF FORMER EASTFIELD NURSERY, EASTREA ROAD, WHITTLESEY RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PERMISSION F/YR16/1017/O FOR THE ERECTION OF (UP TO) 169 DWELLINGS AND ASSOCIATED WORKS**

Gavin Taylor presented the report to members:

Members received a presentation in accordance with the public participation procedure from Councillor David Davies of Whittlesey Town Council.

Councillor Davies stated that as the Ward Councillor for Lattersey on Whittlesey Town Council he objects strongly to the proposed development as it currently stands. He questioned whether the issue concerning the water drainage from the site into the lake to the east of the development has been properly investigated as it is understanding that the owners of that land will refuse permission for that to happen and, therefore, the drainage strategy needs to be revisited.

Councillor Davies stated that the proposed foot path link into Diana Close/ Charles Road has raised many objections to date, there has been over one hundred from residents and it is still a major concern for them in this part of the ward. He added that most are elderly and are concerned about this foot path if it goes ahead, what controls will be put in place to stop it being used as a rat run for motorcycles and bikes and the possibility of anti-social behavior.

Councillor Davies stated that the original Taylor Wimpey plans did remove the footpath following a consultation with the residents, and he added that this is the only consultation that Taylor Wimpey have ever carried out. He added that this proposed footpath only goes to the perimeter of their site and to connect this footpath to Diana Close or Charles Road a new planning submission will need to be submitted and he questioned as to what will happen when someone falls and is injured due to the fact that the ground is uneven?

Councillor Davies reiterated the concerns from the residents regarding the footpath which needs to be revisited due to the number of resident objections and concerns.

Members received a presentation, in accordance with the public participation procedure, from Andrew Stimson, an objector to the application.

Mr Stimson stated that he is speaking on behalf of all residents who have objected to the footpath link, including himself. He made the point that there are many elderly and vulnerable residents in the area around Diana Close, who have lived here for many years, and are very worried and anxious about a footpath link and all the additional anti-social issues it will bring. He expressed the view that the area is already known for drug dealing and this has been witnessed and reported to the Police on numerous occasions over the past couple of years.

Mr Stimson stated that in June 2015 a public meeting was advertised and promoted at the Manor Leisure Centre in Whittlesey, to invite the views of the residents to the initial plans and design of the nursery development, with there even being a book for residents to record their comments and almost all residents who attended objected to the proposed footpath link which was shown on the initial drawings. He stated that to their credit, Taylor Wimpey removed this link and created a revised document called "Design and Access Statement" and this document is attached to the 2016 planning application, with residents being generally happy with the proposal, and they only had few other issues with the development taking place.

Mr Stimson stated that all subsequent planning updates, starting again in 2020, then showed the footpath link had been re-instated and this was during last year's lockdown when residents were shielding and no-one was aware of this change, as only 12 houses bordering the site were actually informed that planning was proceeding after a lull of 5 years. He added that a flyer was created and sent to all residents east of Bellmans Road inviting them to make any comments and this has led to well over 100 objections on this point alone.

Mr Stimson expressed the view that this issue has made the residents very concerned, many who moved here years ago for a quiet life in their retirement and he questioned whether anyone from Fenland District Council or Taylor Wimpey has taken time to speak to them? He stated that there is very limited natural surveillance from the new development according to the latest housing layout, no-one is looking out their window all day and night to keep an eye on the open spaces and there is none from the existing estates along with limited street lighting shown around the new public open spaces. He expressed the view that this will only make a link option a magnet for anti-social behaviour and a risk to public safety.

Mr Stimson added that if a link was created, then the easy access to the Nature Reserve would also attract more anti-social behaviour and drug dealing as there is no surveillance at all. He added that school children are more likely to go through the Nature Reserve to New Road School, simply because it will be quicker than Diana Close, Charles Road and Bellmans Road route. He stated that recently an incident occurred where a dog-walker was almost mugged in the Nature Reserve and he asked how would this safety issue be resolved?

Mr Stimson questioned as to what would happen if the issues highlighted by residents, over creating a link, are correct and the situation worsens? He stated that the Taylor Wimpey document presented at this meeting now states a 2m wide footway come cycleway which is different to the plans and not in the application. He added that this will also allow access to motorbikes, etc and create a rat-run to exit the development in a hurry.

Members asked Mr Stimson the following questions:

- Councillor Sutton referred to the anti-social behavior that Mr Stimson had referred to in Diana Close and stated that as the road is currently a direct end, it is an opportune location for anti-social behaviour to take place, however, if the road is made a through way it will get

used more which will alleviate some of the current issues. Mr Stimson stated that he appreciates the point raised, but it is a currently a very quiet area and there is one house at the very far end of Charles Road, who have noticed at strange times of days there has been unusual behavior and a result drug paraphernalia has been recovered. He added that the residents are aware of the local people who use the wooded area to dog walk and if the area is opened it will allow for a significant increase in the usage of that area. Mr Stimson added that there is no surveillance in that area or the nature reserve and the fear of the residents is the increase in anti-social behaviour.

- Councillor Connor stated that with regard to the footpath, he has spoken to Phil Hughes, the Council's Parks and Green Spaces Manager, who has agreed that the proposed footpath to be constructed by the Council will be in consultation with the Police and a representative from local residents should the proposal be approved. Councillor Connor added that a scheme will be put in place which stops all forms of motorized travel, but will encourage walking and cycling and there may be an amount of money available for CCTV installation to minimize anti-social behaviour and he would hope that this will go some way to alleviate some of the concerns raised by the local residents. Mr Stimson stated that he is sure this will help to reassure people going forward.
- Councillor Cornwell stated that there is always the risk of anti-social behaviour when there are dead end roads and he is aware that the area is very quiet and was so when he visited. He expressed the view that if the road is opened up it would provide further surveillance and would allow the local children in the area to walk to school using the southern entrance rather than having to walk around the main road and back through Bellmans Road. He asked that if enough mitigation is put in place would the residents support the footpath? Mr Stimson stated that most of the anti-social behaviour is taking place during the evenings. Councillor Cornwell asked whether all the instances are reported to the Police and recorded? Mr Stimson confirmed that they are reported, and crime numbers have been obtained.
- Councillor Cornwell asked for clarification as to whether the consultation with the Police has identified the instances which have been reported. Councillor Connor stated that no such detail has been received from the Police for consideration by the committee and he added that he had asked for a representative from the Constabulary to attend the meeting, but they were unable to. Councillor Connor reiterated that if there is CCTV installed, along with adequate lighting, following a consultation with residents, it will only improve the area from the current situation described by Mr Stimpson.
- Councillor Marks asked Mr Stimpson to clarify that the dog walkers are already walking over the field to the nature reserve? Mr Stimson stated that there are a group of dog walkers who use the open space on a daily basis.
- Councillor Murphy stated that he is aware that when he carries out his regular litter picks, he finds drug paraphernalia on a regular basis and it is not just found in one location. He added that he is aware that due to the pandemic, the Government are encouraging people to walk and cycle to exercise and this is something that along with Phil Hughes, he will continue to encourage in parks and open spaces. Mr Stimson stated that the open area has never been opened up and based on the recent instances of anti-social behaviour, the residents have pride in the local area and are concerned that the area will become a rat run and there is a very strong feeling of discontent among the local residents concerning the link footpath, which will change the area in their view.

Members received a presentation, in accordance with the public participation procedure, from Mr Forster, an objector to the application

Mr Forster explained that he has further documentation that he will be sending into the Planning Department for them to hold on file and whilst he does not object to the development, he does oppose the drainage strategy due to the fact that Taylor Wimpey have failed to consult with Guildenburgh Water, Middle Level Commissioners and other consultees on the overland options that are available. He added that since the 1970's the surface water from Bellmans has been

drained by underground pipe across the former nursery site into the only available drain which flows north to south from the former nursery site to the former London Bridge Site, which is now Guildenburgh Water, bypassing the main lake.

Mr Forster stated that the historical existence of this original drain is confirmed by several Middle Level Commissioners maps and that without any legal agreement with Guildenburgh Water, the owner of the former nursery site excavated a west to east ditch which discharged irrigation run off from their greenfield site into the Guildenburgh main lake, which, in his view, is in breach of the Land Drainage Act 1991 and the ditch is not a legally agreed watercourse. He expressed the opinion that the nursery also constructed an illegal irrigation lagoon on the site without any planning permission from the Council and without the approval of the Middle Level Commissioners, which also breached the Land Drainage Act.

Mr Forster stated that Taylor Wimpey proposed to block the existing natural drainage outlet to the south, so the surface water from two housing estates can be unnaturally forced to drain into the Guildenburgh main lake, by the west to east ditch which was constructed. He added that he has never been consulted by Taylor Wimpey for them to gain permission to discharge into his lake and he has made numerous attempts to suggest to them the overland route for drainage, but these suggestions have been ignored.

Mr Forster stated that at a meeting with Middle Level Commissioners in 2002 a representative from the Internal Drainage Board confirmed that the natural drainage route is to the north and this was then contradicted in a letter in 1997 which stated that the surface drainage water from Bellmans flowed from north to south. He expressed the view that conflicting information from various bodies has led to the Council and Middle Level Commissioners to believe that the natural flow is from south to north.

Mr Forster stated that in 1998 the lagoon failed to cope with flood water, resulting in the flooding of Guildenburgh House, and a second flood was also experienced on 24 December 2020. He expressed the view that the Land Drainage Act 1991 requires riparian owners to pass on the flow of water in its natural state without any interference to quantity or quality, and without obstruction, pollution or diversion which would affect the rights of others, with the previous owners of the nursery site having all been in breach of the Land Drainage Act and the Taylor Wimpey drainage strategy, in his view, breaches the Act in that it proposes to block off the natural drainage route and divert the flow in the Guildenburgh Water Lake, effecting the rights of the owners and users, adding that an independent water analysis of the Guildenburgh Lake has determined that the water is 500 times purer than the Government statistics for tap water and at least 100% purer than bottled water.

Mr Forster stated that the lake is an area of natural beauty and it does not deserve to be exposed to the risk of contamination and pollution from surface water drainage. He expressed the view that the technical content of the drainage strategy is flawed as the SUDS scheme only services the southern part of the development and surface water from the northern part would be discharged into the Guildenburgh lake untreated. He asked that if members are considering approval of the application, that the application be deferred until all parties have met for further discussions.

Members asked Mr Forster the following questions:

- Councillor Marks asked whether Mr Forster had raised his concerns with the previous owners concerning the discharge and was any legal action taken? Mr Forster stated that legal action could not be taken as his insurers were the same as the previous owners. He added that when his house was flooded, he could claim damages, but he was advised that no legal action could be taken. Councillor Marks asked whether that information relates to the early 1990's and Mr Forster stated that it did. Councillor Marks asked for clarification as to when the property flooded, and Mr Forster confirmed it was 1998.

Members received a presentation, in accordance with the public participation procedure, from Matt Collerson and Phil Brown, the Agent and Drainage Consultant for the application.

Matt Collerson stated that he is a Chartered Town Planner and Director of CC Town Planning and is speaking on behalf of Taylor Wimpey East Midlands who is the developer of the site. He stated that also speaking on behalf of Taylor Wimpey will be Phil Brown of JPP who will explain the drainage situation.

Mr Collerson stated he would like to highlight a few key points which he would like members to take into consideration in determining the application. He stated that he would like to highlight that this site was granted outline planning permission for up to 169 dwellings in 2019, subject to the approval of 4 reserved matters – appearance, landscaping, layout and scale - and the application relates solely to those reserved matters.

Mr Collerson stated that the site is allocated as a strategic housing site within the Fenland Local Plan and within the Council's latest monitoring report (Nov 2020) all dwellings are forecast to come forward within the next 5 years, as such this site is a key strategic site for the Council to maintain a 5 year housing land supply. He made the point that the number of dwellings has been reduced from the maximum permitted under the outline (169) to 158 dwellings comprising of 2, 3- and 4-bedroom homes and it was agreed at outline stage that there is no affordable housing requirement on this site.

Mr Collerson stated that the outline planning permission also secured Section 106 contributions towards education, as well as to the Wildlife Trust to provide improvements to the local Nature Reserve. He explained that concerns relating to matters such as highway impact, traffic congestion, lack of affordable housing and impact on local services have been raised by local residents and stated that these are all matters that were assessed as part of the outline planning permission.

Mr Collerson expressed the opinion that he has worked closely with officers over several months, making several revisions to the scheme to provide a layout that officers support and respond to consultees and local concerns. He added that the proposed dwellings are of a high quality design with a varied materials palette and together with the careful use of landscaping and boundary treatment, along with significant areas of open space and retained landscaping, will create a high quality living environment for future residents.

Mr Collerson stated that the scheme has been amended to provide a footway link from the site to the Charles Road area to the west, at the request of officer's to provide better connectivity and encouraging more sustainable transport options, with the applicant also agreeing to the payment of a financial contribution towards enhancing the footway link on the Council's land which will be secured through the Section 106 agreement. He stated that the concerns relating to surface water drainage will be outlined in more detail by Mr Brown and added that both the IDB and LLFA are satisfied with the proposed drainage strategy, with the drainage proposals having been prepared by an experienced and highly qualified engineer, independently assessed by Mr Brown as a drainage expert, independently assessed from a legal perspective as set out in the advice provided to officers and again have been accepted by the IDB and LLFA.

Mr Collerson stated that as set out in the committee report, the applicant has sought to address the owner of Gildenburgh Lakes concerns by proposing a scheme to monitor the quality of water at outfall source and this is considered by officers to be a pragmatic and effective way of monitoring water quality within the Lake. He stated that the scheme includes policy compliant levels of open space, along with the provision of play equipment and bird boxes, with the reserved matters submission having been accompanied by detailed landscaping plans and these have all been approved by the County Ecologist, Wildlife Trust, and the Council's Arboricultural Officer.

Mr Collerson stated that he understands the local concerns to this development, however, these have either been considered at outline stage or addressed through this submission as recognised by the fact that there are no technical objections and through the officer's recommendation.

Mr Brown stated that he has a degree, with Honours, in Civil Engineering and is a Chartered Engineer and a Fellow of the Institution of Civil Engineering and a Fellow of the Chartered Institute of Highways and Transportation. He stated that his brief from Taylor Wimpey was to provide an independent opinion of the development with respect to storm water drainage and he added that it is his understanding that the consultees to the planning application, that include the IDB and Lead Local Flood Authority, do not object to the development or to the storm water strategy currently proposed and that the development complies with their requirements.

Mr Brown stated that he undertook a site visit on the 15 March with Taylor Wimpey and by reviewing the historic maps of the site, where the development site is shown as a field, and to the east the Gildenburgh Brickworks site has grown significantly to include rail links to the south, with the south eastern boundary of the site showing the current Taylor Wimpey site with the ditches that are there today showing a link between the quarry and a reservoir to the south east. He stated that the Taylor Wimpey site is currently undeveloped and no buildings or hardstanding of the former nursery remain and the drainage features to the south east corner are still in place and comprise the boundary ditches mentioned earlier and lagoon, which appear to be working as there is not flooding and draining occurring both to the south and to the east.

Mr Brown stated that, whilst the site visit was undertaken on a dry day, there was observed a small flow of water from the lagoon going south and east and having examined the topographical survey that was undertaken by MK Surveys in December 2018 it is clear that the outfall from the lagoon is both to the east and to the south, with ditch bed levels falling away from the lagoon, evidenced by a water flow observed on site. He added that these flows are not impeded to both Gildenburgh Water and to the pond to the south and the topographical survey does not extend to Gildenburgh Water or to this pond to the south.

Mr Brown expressed the view that the Terry Stafford drawings show an existing storm water pipe from the housing development off Bellmans Grove, immediately to the east of the Taylor Wimpey development and whilst the catchment details are not known, it is assumed to be the outfall from this housing development, with the outfall to the ditch to the north of the Lagoon at an invert level of 3.49m, lower than the recorded lagoon water level of 3.66m and lower than the bed level of the ditch between this outfall and the lagoon of 3.54m. He stated that the Taylor Wimpey design, produced by Terry Stafford, for Taylor Wimpey, shows the storm water for the development being collected from hardstanding areas and draining by gravity to the south of the site, to a SUDs Basin, with the SUDs basin predominantly a dry pond that has a flow restrictor, or flow control chamber, at the outlet.

Mr Brown expressed the opinion that the SUDs basin also provides a degree of treatment to improve the quality of the water leaving the development, which is achieved by allowing the water to flow across vegetated areas and into a sediment forebay just before final discharge offsite, with the sediment forebay giving the opportunity for suspended solids to drop out of the water during low flow conditions and with the right type of planting offering a final polishing of the water. He explained that the design further incorporates a significant amount of permeable block paving to all private drives and parking areas, which allows water to be collected and treated at source and properly constructed permeable paving can remove pollutants at source both by filtration and anaerobically and it also aids in the management of storm water flows as well, with all these drainage features designed to the normal standards expected.

Mr Brown expressed the view that following the historic drainage routes from 1926 it is clear that a drain linked the application site to what is now Gildenburgh Water and it is likely that the drain constructed was in response to the development of the brickworks to manage flows from what is now the Taylor Wimpey site. He believes the outfall points for the proposed Taylor Wimpey

development outfall to the same place as the previous nursery development, into the existing lagoon, and this in turn outfalls to the existing drains, with the proposed outfall level higher than the existing pond level, the Taylor Wimpey development does not change in anyway where the water flows at present or is likely since 1926.

Mr Brown expressed the view that the pond to the south appears to only have been in existence between 1958 and 1978 and looks to have been fed from the existing drain along the southern boundary and this pond was, therefore, never part of the original drainage system for the application site. He added that this pond has currently no outfall other than some infiltration at water level and, in his opinion, that as this is a later feature it cannot be relied upon as a viable outfall to replace the outfall to Gildenburgh Water.

Mr Brown expressed the view that the drainage design for the proposed development essentially matches the previous situation in that the existing lagoon receives the collected surface water and outfalls both to the south, to the pond, to the east and to Gildenburgh Water to the east. He stated that given the flow control measures that will be constructed, the Taylor Wimpey development will offer a degree of betterment with respect to storm water flow rates and best match green field run off rates and these will be less than the uncontrolled flow rates from the previous development.

Mr Brown expressed the opinion that the proposed Taylor Wimpey development offers well known and widely implemented techniques to improve water quality, certainly higher than the adjacent housing development to the east, and he would recommend to Taylor Wimpey that the planting in the SUDS basin and the sediment forebay are given careful design consideration to use planting that can offer the best enhancement to water quality.

Members asked Mr Collerson and Mr Brown the following questions.

- Councillor Cornwell asked Mr Collerson to clarify whether Fenland Officers have already agreed a proposal for the drainage on the site? Mr Collerson clarified that what he stated was that the application has been recommended for approval and the agreement is on that basis, but the final decision is for members to take.
- Councillor Meekins stated that he finds it strange that a plan has been submitted which shows surface water being drained into somebody else's property. He questioned whether this is a usual occurrence when developing sites? Mr Brown stated that where an established drainage outfall is in place, it already has drainage rights attached to it and, therefore, it is allowed if the connection already exists.
- Councillor Sutton asked Mr Brown to clarify what the ongoing maintenance regime will be for the SUDS area? Mr Brown stated that he would expect Taylor Wimpey to employ a maintenance company to look after the SUDS Basin in perpetuity including the grassed and planting areas. He added that the effectiveness of the SUDS basins relies on good maintenance.
- Councillor Marks asked Mr Brown whether he was aware of any paperwork or contract in existence with regards to the historic discharge of water in Guildenburgh? Mr Brown stated that there is a lot of documentation between the previous owners of the development and the Internal Drainage Board where rights have been established to allow those connections, but he is not aware of any formal agreement or contract in writing.
- Councillor Mrs Davis stated that Guildenburgh Water is a business, is run as a diving lake and she can appreciate the concerns of Mr Forster and she questioned what the difference in cost would be if an alternative solution was looked at? Mr Brown stated he did not know that information as that exercise had not been undertaken or costed by him. He added that there is an existing drainage network in place that works, the Taylor Wimpey development does not alter that network, it just connects to it and it still permits a flow to the east and south of Guildenburgh lake and the routes will not be blocked off, but will remain exactly the same as what is currently in place and what currently operates. He feels that the pollution control measures that will be put in place offer a higher degree of pollution control than what

is currently in place.

- Councillor Marks asked for clarity that no changes will be made including extra piping or larger pipes? Mr Brown stated that the pipe that links from the SUD station to the existing lagoon is set at a higher level than the current water level and there is no intention to drop the water level at all, with the only changes being to put some crossings in, but there are no other fundamental changes.
- Councillor Sutton stated that the amount of rainfall on that particular block of land will make no difference whether it is developed or not and the drainage through the soil, into any drainage, through the ditches, through into Guildenburgh Water will remain the same. He added that mitigation is in place in terms of the SUDs to give a mimicking of the natural drainage. Mr Brown stated that is correct.

Members asked officers the following questions:

- Councillor Murphy asked officers to confirm that a management company will be in place to look after the three open space play areas and asked whether the roadways will be wide enough to allow the refuse freighters access to service the properties? Gavin Taylor stated that the developer has been advised that they will need to secure a management company to maintain the open space. He added that the private roads are narrow, and, therefore, a bin collection point will be identified to allow our refuse team to access and manoeuvre and these arrangements have been agreed with the Council's Refuse and Recycling Manager. Councillor Murphy questioned why the collection points have not been identified on the map provided to members? Gavin Taylor stated the site development plan details the bin collection points at key areas adjacent to the adopted highway and is shown as grouped areas, which are pepper potted around the site.
- Councillor Mrs French asked the Highways Officer to clarify that if the application is approved are the roads going to be adopted and is there going to be a bond in place to ensure that this does happen? Alex Woolnough from the Highway Authority stated that he is currently in discussions with Taylor Wimpey regarding a Section 38 Agreement and added that they are keen for this to be entered into, which will include a bond to be in place.
- Councillor Marks asked whether the footpath could be constructed prior to commencement of the development, should approval be given, so it is not a rough access path on entry? Gavin Taylor stated that on the proposed condition 6 in the officer's report, it refers to the trigger for delivery of the footpath by Taylor Wimpey and sets out that it needs to be then secured until such time that the Council is ready to deliver their elements. He added that the footpath will not be useable until the Council have delivered their aspects of the development and the developer is proposing that they commence works at the north of the site and work their way down and, therefore, in the interim period would need to access services via the north. Councillor Marks asked whether the trigger period is determined by the number of houses built and Gavin Taylor stated that Condition 8 sets a trigger of 100 dwellings.
- Nick Harding stated that the grant of planning permission does not authorise a developer to undertake works that they are not allowed to do for other reasons. He added that the approval of a drainage scheme does not entitle a person to discharge their water into another person's land and into their facilities and it is not part of the planning application process to resolve issues of land ownership and drainage rights. Nick Harding added that with regard to the earlier comments made concerning the footpath link and concerns regarding anti-social behaviour and crime and disorder statistics, the officer's report states that the Police consultee was fully aware of the residents representations and they would have considered whether the development proposal would exacerbate crime and disorder in the area as a consequence of having the footpath link and the officer has concluded that the link would not be detrimental.

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

- Councillor Sutton stated that he noted from the update report the occurrences of crime and



anti-social behaviour from the 1 January 2019 in Bellman Road, Diana Close and Charles Road, and whilst he appreciates the concerns of the local residents, it appears that there is not the level of anti-social behaviour taking place that the residents have mentioned and it could be that there is a fear of crime, rather than crime taking place, with it being likely that the instances of crime are not being reported to the Police. Councillor Sutton stated that the application is a prime example of good planning and officers have worked exceptionally hard with the agent and should be congratulated. He stated that whilst he appreciates the concerns of residents, he will be supporting the officer's recommendation.

- Councillor Mrs French stated that the Council are working on a cycling, walking and mobility improvement strategy and within the strategy it will provide a high level intervention needed to create a consistent and connected network of cycling and walking routes in Fenland towns, which will enable residents to be able to link with places of education and employment. She added that this planning proposal will accord with the strategy and assist with issues of congestion on the local roads and make the roads safer. Councillor Mrs French added that the strategy encourages local people to commute to school, work, and college on foot or on bicycle, which is something that people are now wishing to embrace following the pandemic. She stated that she fully supports the application and is content with the comments made by the Highways Officer and added that the only concern she has is with regard to surface water discharge, which she hopes can be addressed. Councillor Mrs French stated that she appreciates the comments raised by Mr Stimson but agrees that the introduction of lighting will go some way to alleviate residents concerns.
- Councillor Benney stated that the drainage issues will need to be resolved prior to commencement of works. Whilst he appreciates the concerns of the residents, he feels that the residents may have a fear of instances of crime and by increasing the number of residents living in the locality, it will remove the tucked away feeling that the road currently has. Councillor Benney stated that he will be fully supporting the application.
- Councillor Mrs Davis stated that she wanted to congratulate the Planning Officers for the work and detail which has gone into the application. She added that the drainage issues are for others to resolve between them and she expressed the opinion that she can appreciate the concerns raised by the residents with regard to the footpath, however, the footpath will assist the children in the area for their route to school and added that steps are being taking to allay those concerns. Councillor Mrs Davis stated that CCTV could be considered by Taylor Wimpey going forward, but added that she will be fully supporting the application.
- Gavin Taylor stated that the applicant has proposed a financial contribution and added that the Council's transport have also indicated that there may be some alternative funding streams available and that work is ongoing.

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

*(All members declared, in accordance with Paragraph 2 of the Local Code of Conduct on Planning Matters, that they had been lobbied on this item)*

*(Councillor Cornwell took no part in the debate of voting on this item, due to loss of internet connection, and he left the meeting at this point and for the remainder of the meeting)*

*(Councillors Mrs Mayor and Councillor Miscandlon declared an interest, by virtue of the fact that they are both members of the Planning Committee at Whittlesey Town Council and were present when this item was discussed, and, therefore, took no part in the discussion or voting on this item)*

**P81/20**

**F/YR21/0022/VOC**

**SOUTH OF GOREFIELD HOUSE, CATTLE DYKE, GOREFIELD**

**VARIATION OF CONDITION 11 (1.8M FOOTWAY) OF PLANNING PERMISSION**

**F/YR14/0690/F (ERECTION OF 4 X 2-STOREY 4-BED DWELLINGS WITH**

**DOUBLE GARAGE) TO REQUIRE THE DELIVERY OF A FOOTWAY SOLELY TO**

## **THE FRONTAGE OF THE DEVELOPMENT SITE**

Alison Hoffman presented the report to members:

Members received a presentation, in accordance with the public participation procedure, from Peter Moules, the applicant.

Mr Moules stated that the design and specification of the full Condition 11 footpath, as produced in conjunction with Cambridgeshire Highways (LHA), has continually grown and the cost now stands at £124,000. He added that the requirement is no longer for just a footpath, but for a considerable road improvement to remedy the longstanding drainage issues along the frontage of other houses of 39-45 Cattle Dyke.

Mr Moules stated that throughout the current application process, he has focused on the viability issues created by this demanding specification for the existing Condition 11 footpath and he is confident that he has succeeded in demonstrating that the £124K cost of the works is too much for the site to bear. He stated that, his own planning and that of other developers, has shown that the site cannot produce an adequate developer return if the full footpath is constructed and added that this explains why it has proved impossible to deliver the site during the past six years.

Mr Moules expressed the view that the Developer Appraisal Tool (DAT) has also shown that the developer return is too low and the deficit shown by the DAT translates to a £10K net profit on a Gross Development Value (GDV) of £1.45m and this is clearly a non-starter. He added that the S106 Officer has suggested that a higher marketing price is used to increase the GDV to improve the situation, however, he disagrees with this approach and stated that he uses land registry out-turn prices valued for the last three months in accordance with the standard property valuation procedures used by surveyors and, in his opinion, the figures are much more accurate than Rightmove aspirational figures, which are invariably discounted.

Mr Moules added that in any event, even if the S106 Officer's GDV figures are used, the developer return would remain too low and the Council's own Local Plan Viability Assessment (LPVA) methodology used to inform the emerging Local Plan shows an inadequate developer return if applied to this site with the full Condition 11 footpath and, in his opinion, the raw figures are quite startling. He expressed the opinion that in all the crucial areas the costings fail to meet the viability criteria required for site delivery and his off-site costs are 18.8% of direct build costs, whereas the LPVA anticipates 5% for a small greenfield site growing to 15% for a large greenfield site requiring a significant road system and the footpath accounts for most of this excess.

Mr Moules expressed the view that the LPVA uses a 17.5% developer return for its study modelling and accepts 15-20% as reasonable, and if the LPVA pricing maximum for North West Fenland is applied to the site, with adherence to the rest of the methodology, the developer return is between 6-7%, which is way below LPVA and DAT assumed levels and, therefore, the site cannot be delivered without some sort of compromise. He added that he is keen to move on and develop the site, appreciating that the village wants an early completion.

Mr Moules expressed his understanding that there were no houses constructed in Gorefield in 2020 and if a compromise can be agreed then the site can be started immediately. He stated that he is prepared to accept the inevitably low developer return and in the best-case scenario it is likely to be around 11% if a compromise can be found over the footpath, but he cannot risk going ahead at a forecast return of 6-7% with the full footpath; the site would not generate enough funds to cover the forecast 5-8% construction inflation anticipated for subsequent re-investment in any future site and as a result, there is every chance that the development will remain undeliverable for another extended period.

Mr Moules expressed the view that with regard to what is a fair and reasonable infrastructure

charge for a small site, the National Planning Policy Framework (NPPF), S106 and CIL guidance all recognize that viability is the key to providing infrastructure and the third obligatory test of the NPPF is that infrastructure be fair and reasonable and in proportion to the size and scale of the site is not optional and the test must be passed. He stated that the undeniable figures show that the full footpath is 44% of the quoted land value, 18.8% of the direct build cost, 50% of the net profit and these ratios are prohibitive, with the equation only being rebalanced by reducing a significant part of the footpath, i.e. that part within the Village 30mph zone.

Mr Moules stated the road safety input has only emerged during this application and if there is a road safety issue, it already exists and has done for many years. He expressed the view that the issue is certainly not dependent on the development of this site and there are eight additional dwellings further south along Cattle Dyke that have no access to a footpath, nos 39 – 45, but the Highway Authority having defined the problem has never attempted to resolve it and the reduced footpath he is proposing will provide a level of improvement.

Members asked Mr Moules the following questions:

- Councillor Marks asked for clarity over the savings which will be made if the footpath is reduced? Mr Moules stated that if the footpath is 140 metres long it will be £124,000 and if it is reduced to 40 metres the pro rata cost will be £44,000.
- Councillor Marks asked whether number 45 Cattle Dyke falls within the 30mph zone? Mr Moules stated that the vehicle access to number 45 is in the 60mph, but the front part of the dwelling which is the pedestrian access is in 30mph zone.

Members asked officers the following questions:

- Councillor Mrs French asked Alex Woolnough, the Highways Officer, for his professional opinion on the application. Alex Woolnough stated that each application is looked at on its own merits, the development is within a walking catchment of village amenities and, therefore it is anticipated that the development will generate a number of pedestrian trips. He added that if the decision is taken to remove the link between the development footpath and the existing footpath, pedestrians will be forced to walk along the carriageway and, in his view, that proposes an unnecessary risk to highway safety and undermines the policy objectives as set out in LP13 and LP15 of the Local Plan.
- Councillor Miscandlon stated he recalls the original application and Highways were consulted at that time, with the developer putting forward the suggestion of paving it all the way along. Councillor Miscandlon expressed the opinion that highway safety is still an issue and, in his view, getting worse due to the speed vehicles travel at and he asked Alex Woolnough to clarify whether the proposal is a solution to a highways issue that has been generated by the traffic and the development proposal? Alex Woolnough stated that he agrees and as soon as pedestrians are forced to share the carriageway space with vehicles, it is, in his view, unacceptable, especially in times of darkness or poor visibility. He expressed the opinion that it is perfectly reasonable to expect a footway to be delivered as part of the development.
- Councillor Murphy asked Alex Woolnough to clarify that he is saying that anything the other side of the 30mph going into the 50mph zone is dangerous? Alex Woolnough stated that the principle of the 4 unit development, which is going to generate a number of pedestrian trips, and with a development of that nature, it is reasonable to secure a footway link that connects the development with the existing footpath arrangement within the settlement regardless of the speed of road that it sits on.
- Councillor Connor stated that in the officer's report it highlights that Gorfield Parish Council are in support of the application and have stated that at some time in the future they may be able to fund the extension of the footpath and, in his opinion, road safety is paramount in the view of the Parish Council. Alex Woolnough referred to the viability statement that Mr Moules had submitted and said that there is an alternative scheme available as an internal footpath that can be provided, which would avoid carrying out any works within the highway and this would reduce the footway link between the site and the existing footway that is on

Cattle Dyke.

- Councillor Murphy stated that he cannot see a Parish Council being able to fund a pathway at such a significant cost.

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

- Councillor Sutton stated that he has reviewed the history of the site, which show in 2011 three dwellings were approved and in 2014 four dwellings were approved, where a condition was added, which is why the application is before the committee. He expressed the view that he cannot support any proposal which effects highway safety and he will support the officer's recommendation.
- Councillor Miscandlon stated that if the application was built out in 2011, or 2014, it would not be back before the committee. He added that the developer was willing create the footpath in 2014 and since that time road conditions have deteriorated, adding that road safety is paramount, even if it means a developer gaining less profit. Councillor Miscandlon stated that he will be supporting the officer's recommendation.
- Councillor Mrs Davis stated she will also support the officer's recommendation and added that she finds it disappointing that developers agree to conditions to obtain planning permission and then state that they cannot afford it.
- Councillor Sutton stated that prior to December 2011, the plot would not have been worth very much, but in the present day each plot may be worth £100,000, and there are plenty of options available to the developer, who if they choose not to develop it further they could pass it on to another who would be prepared to include a pavement for safety reasons.

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

**P82/20**

**F/YR20/0952/VOC**

**LAND NORTH OF ORCHARD HOUSE, HIGH ROAD, WISBECH ST MARY  
VARIATION OF CONDITIONS 10 (SURFACE WATER DRAINAGE) AND 11 (LIST  
OF APPROVED DRAWINGS) RELATING TO PLANNING PERMISSION  
F/YR17/1217/F (ERECTION OF 76 DWELLINGS COMPRISING 29 X 2-STOREY 4-  
BED, 6 X 3-STOREY 4-BED, 29 X 2-STOREY 3-BED AND 2 X BLOCKS OF FLATS  
(4 X 1-BED AND 8 X 2-BED) WITH ASSOCIATED GARAGES, PARKING, PLAY  
AREA AND LANDSCAPING INVOLVING THE FORMATION OF A NEW ACCESS  
ROAD**

Alison Hoffman presented the report to members:

Members asked officer's the following questions:

- Councillor Murphy asked for clarity with regard to the refuse collection arrangements due to the revised scheme not highlighting the bin collection points on the site layout. Alison Hoffman stated that she has proposed an additional condition detailing the location of the bin collection points to be agreed in writing prior to any occupation of the site.
- Councillor Miscandlon referred to point 5.1 of the report, which refers to a brick-built bus shelter, and asked whether it would impact the visibility splay? Alison Hoffman stated that the bus shelter was in situ at the time the application was considered in 2017 and she added that the developer has a consent that requires the provision of the visibility splays and the onus will be on them to ensure that they gain the necessary approval to undertake the works required to deliver those splays. She stated that she raised the issue with the agent for the scheme and it was indicated that discussions were ongoing, however, that fact was refuted by the Parish Council. Alison Hoffman stated that if the scheme cannot be undertaken by delivering that matter then they will have to come back with an alternative proposal.
- David Rowen added that Condition 17 is proposed, which sets out the visibility splays that are required to make the access acceptable and the onus is on the developer to achieve

that. He added that if the bus shelter has to be removed in order for that to be achieved, planning permission does not automatically give a right for third party land to do that and an arrangement would have to be made with the Parish Council and also the bus providers, so that an adequate relocation of the shelter can be considered.

- Councillor Connor stated that he would like to see conditions added to the application to include a vehicle wheel wash to alleviate mud on the highway and a condition to be added to stipulate the working hours permitted when construction is taking place. Alison Hoffman stated that a construction management plan was included as part of the scheme and that was secured as part of the 2017 consent. David Rowen stated that given that the proposal is a variation of condition application it would be unreasonable to impose conditions that go above and beyond those that have already been imposed. He added that the Highway Authority and Police do have powers with regard to mud on the highway and he added that with regard to operating hours, the Environmental Health Team do have powers which could be used if it needs to address any issues which may arise.
- Councillor Miscandlon stated that the agent and developer must be made aware of their responsibility to ensure that the roads are kept clean during construction

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

- Councillor Sutton stated that he carried out a site visit to review the bus shelter issue and he measured 2.4 metres back from the edge of the kerb and at 2.4 metres, there is clear visibility down the road. He added that although it is not ideal, it can be done and the road curves off to the right going into the village, so there will be no visibility issue.
- Councillor Mrs Davis stated that she will support the officer's recommendation and added that with regards to the bus shelter, if required a new shelter would cost approximately £3,000 and she expressed the view that she is sure the developer would install one if required.
- Alison Hoffman stated that she has reviewed the agreed construction management plan and there is an element of it which concentrates on the delivery vehicles and states that wheel wash facilities will be on site. She added that there is also a review and monitoring process built into the management plan.

**Proposed by Councillor Mrs Davis, seconded by Councillor Mrs Mayor and agreed that the application be APPROVED as per the officer's recommendation.**

**P83/20**

**F/YR20/1013/F**

**LAND NORTH OF MEADOWCROFT, SILT ROAD, MARCH**

**ERECT A BUILDING FOR STORAGE OF VEHICLES AND MACHINERY IN ASSOCIATION WITH GROUNDWORKING BUSINESS AND PERSONAL USE INCLUDING 1.4 METRE HIGH (APPROX) TIMBER GATES AND 1.2 METRE HIGH (APPROX) POST AND RAIL FENCING AND FORMATION OF HARDSTANDING AND 1.5 METRE HIGH (APPROX) GRASS BUNDING**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Councillor John Clark, in support of the application.

Councillor Clark informed members that he has known the applicant's family for many years and they are a local March born and bred family, adding that he has no pecuniary or non-pecuniary interest with the application or with the applicant. He stated that Mr Purse is a ground worker and is looking for somewhere secure to store his plant equipment and machinery, with the first thing that will be implemented prior to construction of a property is the groundworks to add the services.

Councillor Clark stated that he knows the site very well, as it is in his Ward, and he has received no complaints about the site and does not anticipate any if the application is approved. He

expressed the view that when you start a new business, it is very difficult to find suitable and appropriate accommodation to store equipment.

Councillor Clark stated that opposite Silt Road at 107 Upwell Road, members may recall a historic groundworks business which was operated with no problems that he is aware of and that business has not operated for several years since the owner passed away. He stated that the application before members could be seen as a replacement and added that recently planning permission was given to a business to operate at Whitegates Corner, who operate machinery with no issues or concerns either. He asked the committee to support the application with local knowledge he has afforded them.

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens, the agent.

Mr Bevens stated that members will note from the officer's report the area where the proposed storage building is situated goes back to 2016 and what has not been helpful is that previous applications have looked to change the land use. He added that the proposed storage shed is to be used as ancillary use for the applicant's recently extended and approved bungalow, known as Meadowcroft and the associated detached garage.

Mr Bevens stated that it is not intended that the storage shed will be used for any Class B use and it is certainly not his client's intention to use it for anything other than to create secure storage for his machinery associated with his ground working business and separate machinery accumulated from hobbies, including a vintage tractor, horse box, carts and straw and hay relating to their horse passion. He stated that his client looked long and hard for suitable sites in March and the surrounding areas where he relocate to and store his machinery without general nuisance and disturbance and this site fits that description and there were no other suitable properties or sites.

Mr Bevens expressed the view that the client has invested a large sum of money in the extensions and alterations to the former bungalow, known as Meadowcroft, following a successful decision in 2018 and the vast majority of the works have been completed with the triple garage block currently being completed on site. He explained that having reviewed the previous applications and looked at the reasons for previous refusals, he has prepared site section drawings to show that the building will not stand out in the landscape despite its modest height increase.

Mr Bevens expressed the opinion that the site is well screened from long views into the site by the railway embankment to the east and the existing trees screen on the north and eastern boundaries. He added that the building is only some 2.7m higher than the railway line with a grey roof to help blend in with the skyline, and whilst the bulk of the external cladding is proposed to be green to reflect the existing trees near the site, additional landscaping is proposed to the western boundary to help screen the site from Silt Road and with the combination of existing hedge planting, the triple garage and the existing dwelling at Meadowcroft, there will be very little view of the proposed storage building.

Mr Bevens stated that he disagrees with the officer's suggestion that the storage shed is an 'alien feature' in a tranquil rural setting and added that the site lies next to the main railway line to the east, which is due to be expanded with more train use and continued freight use. He explained that Fenland is well known for its agriculture and agricultural sheds located in the open countryside and this building was designed to be fit for purpose and not trying to disguise it.

Mr Bevens that there were earlier conversations with the Council about domesticating the building, which, in his view, would have been wrong and if the building is set some 42m from the nearest window of Medway Cottage and the height of the building is no higher than a typical

bungalow, he does not see how the scale has the potential to result in significant disturbance to the amenity of Medway Cottage. He added that the Town Council support the application and the application has been submitted with a large number of letters of support from nearby residents and only 1 letter of objection from the owner of Medway Cottage, who does not live at the address, but some distance away and to the best of his knowledge the current tenant has not raised any objections to the proposal.

Mr Bevens stated that the applicant is happy to have appropriately worded conditions on the application, regarding landscaping and use of the building, to provide comfort to members as appropriate and once again noting that the building is for the storage of vehicles and machinery associated with the applicants personal use and his business, which he does not run from the address.

Members asked Mr Bevens the following questions:

- Councillor Mrs Mayor stated that this is an area where there are similar buildings throughout the area, and she does not have any concerns with the proposal.
- Councillor Miscandlon stated that the committee approved a similar proposal on the bypass for the rose growers and that was against the officer's recommendation for refusal. He added that the building does not stick out and has blended into the countryside and is no different from any other farm buildings. Councillor Miscandlon stated that JCB equipment is very costly to replace and he would not like to see the applicant to suffer any loss. He added that he will support the application.
- Councillor Meekins asked Mr Bevens to clarify whether the application is going to be used for the applicant's business? Mr Bevens clarified that his client has ground working equipment, which are associated with his business, but there is not a business operating from the site and it is solely to be used for storage in a secure premise. Councillor Meekins asked whether the yard at the application site is already being used to store his equipment? Mr Bevens stated that there is already equipment on site and also equipment associated with the build of the garage and the recent extension to Meadowcroft and as far as he is aware there has only been the one letter of objection, which is the owner of Medway Cottage.
- Councillor Murphy asked for clarity with regard to the temporary mobile home and stated that permission was refused in 2017 and questioned why it was still there and whether it was being lived in? Mr Bevens stated that he cannot comment on the mobile home as he was unaware of its status.
- Nick Harding stated that Mr Bevens has stated that a business will not be operating from the site and has advised members that the description of the application proposal is incorrect, however, if there is storage of commercial groundworks equipment then there is the introduction of a commercial use into the location. He added that storage of plant machinery that is used for groundworks is a commercial use and the administration side of the operation can take place in the residential property next door. Nick Harding clarified that the application site does not have the benefit of domestic use on it so a change of use is also involved.
- Councillor Marks asked for clarity with regard to the storage of vintage tractors on site and added that if it was only personal possessions being stored on site and not equipment associated with the business, would it make a difference? Nick Harding stated that it would be irrelevant as Mr Bevens has made it clear that the site is for the use of plant and machinery for commercial use. Councillor Marks stated if the applicant chose only to store the personal equipment would it make a difference? Nick Harding stated that then an application would be required to construct the barn in question and undertake hard standings and if the use of the land and building was primarily associated with the residential use of the property next door, a residential use of the site would need to be applied for.

Members asked officers the following questions:

- Councillor Mrs French stated that it is her understanding that the vehicles have been on site for a few years. David Rowen stated that a great deal of the activity currently taking place on the site is unauthorised and does not have planning permission. He added that this is something that the Council's Enforcement Team has been aware of, however, due to the renovations that are taking place next door at Meadowcroft, it has been made serving a notice challenging due to trying to ascertain what equipment is needed for the works for the property and differentiating what equipment is there in a commercial basis. He added that once the works to Meadowcroft are completed, it will be easier to serve a precise Enforcement Notice which will be far clearer.

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

- Councillor Mrs French stated that, in her opinion, the site currently is an absolute mess and she is aware of the frequency of plant equipment being stolen. She feels that if approved the site would be cleaned up and there is the need to support local businesses.
- Councillor Marks stated that he concurs with Councillor Mrs French and added that new businesses are finding it very difficult to find secure premises. He added that he will be fully supporting the application.
- Councillor Benney stated that the applicant should be fully supported and he needs to look after his property. He added he does not feel it will be detrimental to the area and it will blend into the area.
- Councillor Mrs Davis stated that the applicant should be supported. The site is out of the way, will not interfere with anybody and she will support the proposal.
- Councillor Mrs Mayor stated that the equipment is expensive and needs to be kept safe and secure and she will be going against the officer's recommendation and will be supporting the application.
- Councillor Sutton stated that the application has been before the committee previously and on both occasions, he voted against the application. He added that he is now aware that another application for a barn in Coleseed Road was approved under delegated officer's powers and had he known that previously he may have voted differently. Councillor Sutton referred to another application, which has been approved out of the village of Manea and, therefore, he is now minded to approve the application against the officer's recommendation.
- David Rowen stated that the application before members does differ from that on Coleseed Road. He added that a great deal of what is already on site is unauthorised and if members were to give weight by granting planning permission to tidy up a site, it would set a dangerous precedent. David Rowen stated that although the appearance of the proposal is similar to a barn, its overall use is not and he referred members to LP3 of the Fenland Local Plan and added that he is not sure how the application fits with that element of the Local Plan. David Rowen referred to the issue of crime and stated that it is not uncommon for plant equipment to be stolen from building sites, however, a building in this location will not necessarily stop the issue of theft.

**Proposed by Councillor Mrs French, seconded by Councillor Benney and agreed that the application be APPROVED against the officer's recommendation, with the conditions imposed on the planning permission to be agreed in conjunction with the Chairman, Councillor Mrs French, and Councillor Benney.**

**Members did not support the officer's recommendation of refusal of planning permission as they feel that the application does not adversely impact on the amenity of neighbouring properties, is not out of character with the open countryside and the proposal has also incorporated appropriate security measures to deter crime and be a safe environment.**

*(Councillor Purser declared an interest in this item, as the applicant is known to him, and he took no part in the discussion on this application and voting thereon)*



**P84/20**

**F/YR20/1138/O**

**LAND SOUTH OF 85-89 UPWELL ROAD, MARCH**

**ERECT UP TO 6 X DWELLINGS INVOLVING UPGRADE TO ACCESS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

Gavin Taylor presented the report to members.

David Rowen presented a written representation on behalf of Councillor Fred Yeulett, as follows:

As a local member for March East, I agree with the Town Council and support this application. In my opinion the reason for opposing the recommendation in Section 12.1 of the agenda item 8, are not valid. There have been many recent developments on both sides of Upwell Road. In addition, twice as many residents are in support of the application than those opposing the application and the Town Council support the application. On Saturday morning I walked from Elwyn Road to Upwell Park along Upwell Road. I counted 14 backland developments which were of recent construction. Some, such as Mills Gardens and Strawberry Way, of much the same size and scope as the proposed development. The existing settlement pattern is mentioned in 12.1. Precedents have already been set in allowing recent development in the existing settlements and this proposal should be granted permission. Additionally, FDC has consistently failed to meet its house building targets in recent years. Granting permission for this application will help towards meeting these targets and meeting much needed housing demand.

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

Mr Brand stated that there is only one reason given for the refusal of the application, which is that there is significant harm to the character of the area due to its incongruous location, but he feels that these are very subjective matters with no clearly defined rules, and often a matter of opinion. He added that before addressing this matter there is a second very important issue, that of consistency of committee decisions, with nine dwellings on a very similar backland site, further out of town, being approved by the Planning Committee, against officers' recommendations, in 2020 and officers appear to consider this application similar to that proposal and have been consistent in their recommendations and he expressed the opinion that the committee should consider consistency.

Mr Brand expressed the view that the proposal is a very similar backland location to the approved nearby scheme and the application site has far less impact on the character of the area, as the 9 dwelling site is very visible as you enter March along Upwell Road. He added that the application site has very little impact on the appearance of Upwell Road as it is screened from view by existing dwellings.

Mr Brand made the point that Policy LP16 of the Local Plan states that schemes should "not adversely impact on the street scene, settlement pattern or the landscape character of the surrounding area" and, in his view, this application has no adverse impact on the street scene or settlement pattern. He stated that regarding other issues raised by officers about the character of the area, in their recommended reason for refusal they state protection of high quality environment and he added that Upwell Road is a nice enough area, but, in his opinion, should not be considered a high quality environment.

Mr Brand referred to officer's stating that the scheme does not respond to the existing linear settlement pattern and, therefore, represents urban sprawl into the open countryside, but, in his view, this scheme is compact, out of sight and not urban sprawl, and whilst Upwell Road in this area could easily be considered urban sprawl, the scheme should not, and does not, reflect or add to this. He added that the officer's report mentions the appeal on a scheme in the same area as

the proposal, which was also given as a reason to refuse the 9 approved dwellings, but was obviously not considered by the committee to justify refusal.

Mr Brand expressed the opinion that officers have no objection, in principle, to this application, which provides much needed, good quality housing in a sustainable location, with there being no evidence to support the one reason for recommending refusal, character of the area, and he feels there is much evidence, which he has summarised, to show there is no adverse impact on the area and approval of the application would be consistent with the recently approved similar scheme.

Members asked Mr Brand the following questions:

- Councillor Sutton stated that Mr Brand has highlighted that there is no evidence to support the officer's recommendation, however, that is not quite true as there is an appeal decision. Mr Brand stated that he was referring to the approved scheme of 9 dwellings at Upwell Park, which is very similar and was determined by the Planning Committee last year, and officers at that time said the same thing which was because of an appeal decision, it should be refused, but the committee went against the officer's recommendation at that time and it was approved. Councillor Sutton stated that there is a difference in quoting an Inspectors decision for refusal on this site.

Members asked officer's the following questions:

- Councillor Mrs Davis referred members to agenda item 6, which was an earlier application determined at the meeting and expressed the view that this proposal is not dissimilar to it, and asked officers to clarify the difference between the two proposals. Gavin Taylor stated that each case is to be determined on its own merits and stated that agenda item 6 is in an entirely different settlement and added that the Council has approved backland schemes in the past and there is no policy as the National Planning Policy Framework (NPPF) suggests that officers should consider to rule out backland or garden land developments. Gavin Taylor stated that an application will be determined by officers on the merits of the case and a scheme for 70 houses would provide significant benefits to a parish and the district in terms of housing delivery and stated that a scheme of 76 dwellings is not comparable to a scheme of 6. He stated that there is a planning history on the proposal site and the history has been determined under the NPPF and the current development plan and the appeal decision supported the Council's decision. Gavin Taylor added that there are schemes around the area which are backland development and they will all have their own anomalies and considerations, but, in his opinion, the scheme at agenda item 6 is not comparable with the proposal before members.
- David Rowen stated that the location plan on page 66 of the agenda pack does not show that to the east of the site there is an existing in-depth development of School Close and Whites Drive, off Churchfield Way. He added that the reasoning behind the Wisbech St Mary scheme was that there had already been the expansion of development into the countryside with significant housing development. He added that there are significant differences between the sites and the planning history, and he reiterated that there is also a recent appeal decision, which is a significant material consideration.
- Councillor Miscandlon stated that he recalls the Wisbech St Mary application and stated that at the time it was felt that it enhanced and was a great benefit to the area.
- Councillor Purser stated that he does not have an issue with the application and added that there are several fields to the rear of the proposal site, where wildlife is being encouraged and he is aware that local residents would like to see a fence erected to protect and contain it.
- Nick Harding stated that members should be aware that the appeal decision is special, due to the fact that at the time of the Inspector looking at the case, the Council did not have a 5 year land supply and, therefore, the significance of that is known as the tilted balance. He added that the Inspector was giving more weight to the fact that planning permission should be granted in their consideration of the scheme, but the tilted balance was in play in favour of granting planning permission, the Inspector still made the decision to refuse planning permission.
- Gavin Taylor stated that, at the previous appeal decision, the Inspector had stated that allowing the appeal would leave two narrow strips on either side of the appeal site which could

potentially be considered as infill sites and the Inspector had stated that by allowing the appeal would make further applications for development on those adjoining fields difficult for the Council to resist.

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

- Councillor Benney stated that he cannot see anything wrong with the application and development cannot keep taking place in towns and more space is needed to move out to. He added that there is the demand for housing, the housing market is buoyant, and the delivery of houses is needed. Councillor Benney stated that he agrees with the comments made by Councillor Mrs Davis regarding the similarities of the scheme in Wisbech St Mary, albeit a different size and scale. He stated that there is plenty of land to build on and homes are needed for people to live in and six houses will give six homes which are much needed, and he will support the application.
- Councillor Mrs French stated that the application was refused on appeal in 2017 and much has changed since that time. She added that in 2019, nine dwellings were approved by Planning Committee and she stated that she would agree with officers if the proposal was past Upwell Park and added that there has been no infill policy in place since 2009. Councillor Mrs French referred to the statement from Councillor Yeulett where he had mentioned the amount of backland development and she added that under delegated authority, officers have approved many applications.
- Councillor Sutton referred to the Inspectors appeal decision which even when presumption was in favour, the Inspector still felt that the committee had made the right decision. He expressed the view that officers have made the correct decision again and following a very strong steer from the Inspector, in his view, that needs to be respected.
- Councillor Miscandlon drew members attention to the fact that the application does not accord to various parts of the NPPF and the Fenland Local Plan. He added that although the refusal was in 2017, the appeal was refused in 2018, which is a lot later than people think. He added that Councillor Sutton is correct as there was not a 5 year land supply at that time and the appeal on the Inspectors advice was that the properties should not be built and he will be supporting the officers recommendation to refuse the application.
- Councillor Benney stated that he appreciates the officer's comments concerning the appeal decision, but each application is treated on its own merits. He expressed the view that the Inspectors decisions are not consistent, and he added that the application will provide 6 much needed homes and he will support the application.
- Gavin Taylor stated that there is a 5-year housing land supply in place, and whilst the housing delivery test has not quite been met there is not a significant gap before the tilted balance would apply. He added that with regard to the comment concerning the changes that have taken place since the last decision, the characteristics of the site and its surroundings, the lack of change to the development plan policies and the fact that the latest appeal decision was made under the latest NPPF, the conclusion is that there has not been much change apart from the 9 dwelling scheme that was proposed. Gavin Taylor referred to some of the NPPF policies that Councillor Miscandlon had alluded to and stated that some of the policies he had highlighted referred to flood risk and adverse impacts on biodiversity and added that whilst they are not recommended reasons for refusal by officers, if they are matters of concern, then they would need to be expanded on if they were to form part of any refusal reasons.
- David Rowen referred to the statement from Councillor Yeulett, which had made reference to backland development in Strawberry Gardens and Mill Way, which are both located towards the town centre in areas where there is in-depth development and are not in the back of linear development or encroaching out into the open countryside. David Rowen stated that with regard to the appeal decision in 2018, the significant material consideration for members to consider when determining the application is the appeal decision before them and he reiterated the importance of the decision made by the Inspector. He added that if the application was refused by members and resulted in the submission of a further appeal, any future Inspector would refer in the first instance to the findings of any previous

appeal decision.

**Proposed by Councillor Sutton, seconded by Councillor Mrs Mayor to refuse the application as per the officer's recommendation. This proposal was not supported on a vote by the majority of members.**

**Proposed by Councillor Benney, seconded by Councillor Mrs French and decided that the application be APPROVED against the officer's recommendation with delegated authority to be given to officers to impose appropriate conditions.**

**Members did not support the refusal of planning permission as they felt, whilst acknowledging the Appeal Decision, that each application is judged on its own merits, under LP16 of the Local Plan there is a requirement to deliver good quality housing, which members feel this proposal is, the application will be a good quality environment in which families can live and grow and the proposal will not bring demonstrable harm to the countryside by the building of six houses.**

5.30 pm

Chairman