

# PLANNING COMMITTEE



**WEDNESDAY, 26 JUNE 2024 - 1.00 PM**

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

Officers in attendance: Matthew Leigh (Head of Planning), David Rowen (Development Manager), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

## **P8/24      PREVIOUS MINUTES**

The minutes of the meeting of 29 May 2024 were signed and agreed as an accurate record.

## **P9/24      F/YR24/0291/O LAND NORTH OF TYDD STEAM BREWERY, KIRKGATE, TYDD ST GILES ERECT 4 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Reverend Helen Gardener, the applicant and Liam Lunn-Towler, the agent.

Mr Lunn-Towler stated that applicant is a charity based in Tydd St Giles and part of that charity's objective is to manage land for the benefit the Parish of Tydd St Giles so the application seeks to develop land for market dwellings to increase its value and then the land will be sold on meaning that the money obtained through that sale will then be available for the charity to fulfil its objective. He stated that the charity has already received some interest in the land.

Mr Lunn-Towler explained that historically the charity has supported various groups and individuals which include student grants, equipment for the church, swimming lessons for the school and a wheelchair for an individual as well as property adaptations. He made the point that the application is, therefore, considered to deliver a community benefit should it be approved and to outweigh the conservation concerns.

Mr Lunn-Towler made reference to the officer's concerns with regards to the character of the proposal and stated that Kirkgate Street has undergone significant growth over the last 10 years and since 2016 the land east of the application site has been developed on both sides of the road for residential properties resulting in land surrounding the Listed Building being developed for residential use and, in his opinion, the character in this area has already been established and the proposal seeks to integrate into that. He expressed the view that the proposal aims to keep the majority of the existing trees on the boundary line adjacent to Kirkgate to maintain a key feature, which will be required to facilitate the new access points and he made the point that the application is considered to enhance the area and provide a community benefit to outweigh the officer's recommendation.

Reverend Gardner stated that she is one of the Trustees of the Brigstock and Wren Charity and is the ex officio due to her status as the Vicar of Tydd St Giles, with the purpose of the charity being

to support the residents of the Parish of Tydd St Giles, along with Four Gotes, Foul Anchor and Tydd Fen. She stated that the charity helps individuals in need to pay for items, services, facilities, and educational costs and it also assists organisations that benefit the residents of the parish and for the relief of need.

Reverend Gardner provided a summary of the more recent payments that have been made which included a £5,000 grant to Kinderley Primary School to go towards swimming and she explained that they have recently received a good rating from Ofsted who had commented that the whole school being offered swimming lessons was one of the contributing factors that went towards the school being offered the good grade and the head teacher has passed on their thanks to the charity. She explained that swimming is something that the charity is able to support on a regular basis and the school has also been given a grant of £1,000 recently for equipment.

Reverend Gardner added that the charity is able to offer energy grants and food vouchers and she stated that the demand for those has gone up a lot in the last two years. She explained that educational grants are provided to those students post 16 who are attending colleges or undertaking apprenticeships and grants are also offered to undergraduates as well as mature students including those that are retraining.

Reverend Gardner made the point that the contributions are made when requested to organizations such as the school, the lunch club, community events and she stated that for complete and open transparency the church also receives contributions as well with the most recent grant to help the church to install equipment for live streaming which following the pandemic has become very important. She explained that individual grants are based on their merit which have included a swimming pass for a young person with specific educational needs and tools have also been provided to enable attendance at the men's shed as well as a contribution being made to young people in their travel costs to attend college.

Reverend Gardner explained that most of the charity's income comes from allotments and this means something very different in the Fens compared to what it means in an urban area and there is also some money invested for which it receives some income and under their constitution, they are unable to use the capital monies and are only able to use the income. She made the point that if the application is approved and the land is sold then it will be for the benefit of the community.

Members asked the following questions:

- Councillor Benney stated that the charity work is very commendable, and he asked whether any monies received as a result of the sale of the land will only help the village of Tydd and the surrounding villages. Reverend Gardner stated that it is specifically for the residents of Tydd St Giles. Councillor Benney stated that it is a very commendable charity.
- Councillor Hicks stated that the application is for outline planning permission, and asked that should the proposal be approved will the properties be similar to those that are already there? Mr Lunn-Towler stated that when considering the design, he would refer to those recently built properties to the north of the site which are adjacent to the Listed Building and would look at that kind of style and adopt that principle.

Members asked officers the following questions:

- Councillor Hicks asked whether the two new build dwellings which are under development at the present time was a decision made by the committee? David Rowen stated that the decision was made by the committee and was approved against the officer's recommendation.
- Councillor Imafidon stated that he notes that one of the reasons for refusal states that the proposal will harm the setting of the nearby Grade 2 Listed Building resulting in dominance and a permanent erosion of what is left of it. He added that when dealing with a previous application at that time he questioned how close a Listed Building has to be and he was advised that there is no specific distance. Councillor Imafidon stated that when he visited

the site there were at least two new build properties which appear to be abandoned. He stated that in order for the committee to remain consistent in their decision making the two dwellings were approved by the committee but the recommendation by officers for the current proposal is to refuse. Councillor Imafidon made the point that the application site appears to be at the same distance from the Listed Building in his view. David Rowen stated that the Conservation Officer's comments at paragraph 5.1 of the officer report sets out that the development which has already taken place along Kirkgate has already eroded the setting of the Listed Building and consequently the importance of the remaining open space around those Listed Buildings becomes increased as that is effectively the remainder of the setting. He added that whilst permission has been granted clearly for those existing properties that does not necessarily set a precedent for the further encroachment and incursion into the setting of those Listed Buildings.

- Councillor Imafidon questioned, whilst he understands the officer's response, how long the preservation of Listed Buildings is going to be for as whilst he appreciates conservation and the preservation of Listed Buildings should this to be the detriment to future development when more houses are required. David Rowen stated that the question is that essentially the Council has a legal duty set out in the in the 1990 act to have regard to preserving the setting of Listed Buildings and the advice that has been provided by the Council's conservation professional that this development would encroach within and harm that setting. He added that the officer's professional opinion is that there are no material planning benefits to the wider public that would outweigh that harm and consequently the officer recommendation is before the committee.
- Councillor Mrs French stated that this issue appears to be raised every time that there are applications near Listed Buildings, and she has repeatedly said that the committee need to have further training with regards to Conservation and Listed Buildings.
- Councillor Sennitt Clough stated that in the adopted Local Plan, Tydd St Giles is described as a small village where development is considered on its merits and she understands that the application is for four detached executive style homes, with, in her view, the style seeming to be sympathetic to the setting. She added that officers have mentioned encroachment and harm in relation to Listed Buildings and she understands that two are across the street and one is the other side of some other buildings on the same side but there are some buildings in between. Councillor Sennitt Clough asked officers to describe how the proposal will specifically impact the Listed Buildings? David Rowen stated that this is an outline application with all matters reserved so there is no indication as to what the final properties would be if members are minded to grant outline planning permission. He added that the agent indicated in his presentation that the intention would be that effectively if outline planning permission is granted the site would be sold on, and, therefore, the actual design of any dwellings in the future would be a separate matter to be considered at that stage. David Rowen added that in terms of the actual impact again the Conservation Officer has stated that essentially this kind of informal group of buildings is very much the type of group that you would have seen at the edge of a settlement and very much marks the transition between what was the historic core of the village and the wider open countryside and as a result of that the buildings would be seen in an open context. He made the point that the assessment is that the existing or the existing development which has taken place has already eroded that edge of settlement feel and made these buildings more located within the core of the village and as a result of that the context in which those buildings were originally developed and the context in which they have been seen historically is therefore eroded. David Rowen added that the significance of those buildings is diminished as a result of that erosion and being seen more in the context of other built form rather than being seen as buildings or a group of dispersed buildings in in more of isolation.
- Councillor Sennitt Clough stated that officers have used the word eroded quite a lot and she understands from the officer's report that it says that the majority of existing vegetation is due to remain which to her is something really positive, however, whilst she understands what officers are saying with regards to the outline planning permission and that in the

future the site will be sold, she is still not confident on how it will erode the historic buildings that are there.

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

- Councillor Benney stated that he undertook a site visit and noticed that there are buildings right next door to the proposed site and, in his view, the committee need to be consistent in their approach to decision making, with the reasons that officers have listed for refusal, LP16 and LP18, being very subjective. He added that consideration needs to be given as to whether the application is considered to be harmful or whether it can be accepted as progress and development, with the fact that right next door to the application site there are dwellings which have already obtained planning permission and the two houses opposite are being built out. Councillor Benney expressed the view that committee cannot sit back and not develop, with villages crying out for homes but the right type of homes which he feels the proposed dwellings would be the right kind on the plots and that the harm if any is minimal as it will not cause monstrous harm to the setting of the Listed Buildings and just because something is built does not mean it is harmful as it can enhance that and make it better. He added that he sees no reason to refuse the application and certainly with a community benefit for this charitable trust that is doing so much good for the village although he recognises that this really is not a concern of a planning application because that is about land usage but, in his opinion, he feels that that there is very clear community benefit that will go back to the community and he thinks that it is a good solid application.
- Councillor Marks stated that he agrees with Council Benney and added that whilst there is a Listed Building to consider, there are a number of areas throughout the country that have Listed Buildings that also have brand new buildings beside them. He made the point that consideration should be given to that when considering the design of the building which will come back to planning should this be given permission. Councillor Marks added that consideration needs to be given as to whether members are content as to whether the land in question should be built on and to consider the benefits it can give to the community. He made the point that things do need to progress and move on and buildings that are listed are probably 150 years old but it does not mean that they are right or wrong but equally building there will provide four more homes and it gives money back to the village which is being ring fenced for the village which is good. Councillor Marks expressed the view that he cannot see any reason why the application should be refused.
- Councillor Hicks stated that the dwellings are going to be surrounded by vegetation and trees, so they are not going to be seen much anyway. He added that the application is in outline form and, therefore, if it comes back to us and members do not like the proposal when it comes before the committee at the next stage it can be refused.
- Councillor Connor stated that if the dwellings are built as sympathetically as the other two dwellings are which are opposite then, in his view, they will be absolutely fantastic, and he thinks it will only enhance the setting and he will be supporting this application.
- Stephen Turnbull, the Legal Officer, reminded members that whilst the charity is a very good cause and the committee have heard the benefits that they propose they are not planning merits and they should be divorced in the committee's mind from when making their decision as to whether to grant planning permission or not. He added that there is no mechanism whereby those benefits are being secured through the planning process.
- Councillor Marks stated over a number of years there have been other applications which have come before the committee, where there has been no mention of any charity and the committee have determined the application on face value for what it is and, in his opinion, it is good use of land and although there are Listed Buildings in the vicinity that is not unusual. Councillor Marks expressed the view that it is a good use of land and regardless of its association with the charity he will still support the application.
- Matthew Leigh clarified that one of the reasons for refusal relates to the impact the application will have on the Listed Building, with the National Planning Policy Framework (NPPF) being clear when it refers to Listed Buildings, differently to where they are with traditional sites. He added that if there is any harm to the character of the area then consideration needs to be

given as to whether there are any public benefits which would outweigh the harm.

- Councillor Benney stated that conservation is only one of the many consultees involved when dealing with a planning application and it would appear that conservation has had an enormous amount of weight given to it as there are no other objections to the proposal. He expressed the view that all of the other positive factors need to be considered when determining the planning application and he feels the application is a solid planning proposal and for that reason the other elements of this outweigh the possible potential harm but, in his opinion, he does not see that harm and whilst he accepts there is harm in the professional opinion of the officers but that difference of opinion does not make people right or wrong.
- Councillor Connor expressed the opinion the application will bring public benefit, much needed houses and it will sustain the village.
- Councillor Sennitt Clough made the point that, with regards to the public benefit, under LP12 of the Local Plan it states that new development will be supported when it contributes to the sustainability of that settlement and, in her view, it will bring forward four very nicely built houses as family homes. She expressed the view that villages do need to have fresh blood and new residents to sustain them in her opinion.

**Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be APPROVED, against the officer's recommendation, with authority delegated to officers to apply suitable conditions.**

Members do not support the officer's recommendation of refusal as they feel that the application does bring with it some community benefit, it will make good use of land and will bring forward four much needed homes.

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

**P10/24**

**F/YR24/0249/F**

**LAND EAST OF 156 HIGH ROAD, NEWTON-IN-THE-ISLE,**

**ERECT 6 X DWELLINGS (2-STOREY 4-BED), AND THE FORMATION OF 2 X**

**ACCESSES AND A PEDESTRIAN FOOTPATH**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from David Pritchard, an objector to the proposal. Mr Pritchard explained that he was addressing the committee on behalf of some of the objectors to the proposal as well as being an adjacent landowner to the development, and he was not made aware of the planning in principle (PIP) application and was also not able or aware until afterwards to submit his objections. He stated the district plan requires new properties to be in the existing developed footprint and under LP12 and LP3 the new developed footprint is quite easily seen and defined by the draft 2022 plan which has been identified in the red line plan.

Mr Pritchard stated that the applicant has described the proposal as an infill development, and he expressed the view that an infill site is a gap between buildings in an area which is already built up and the area should no longer be larger than a gap to accommodate a maximum of two properties and, therefore, in his opinion, it is not infill development. He explained that LP3 defines Newton as a small village and in this type of settlement the Local Plan states that developments will be considered on their own merits but will normally be of limited nature and normally be limited in scale to residential infilling.

Mr Pritchard made the point that LP12 requires a community consultation if the development exceeds the growth threshold and he stated that in the Fenland Plan Clause 23, Table 9 it states that Newton is a small village type B which requires an additional 6 dwellings and that has already

taken place following planning approvals. He explained that since then there have been other suitable sites including the Shrubberies, the Old Colville Site and the Woadmans Arms site, which are all potential development sites, however, no consultation has taken place.

Mr Pritchard referred to LP12 of the Local Plan which concerns the rural development policy and states that the development would be supported if it contributes to the sustainability of the settlement and also states that where a development proposal results in a loss of high-grade agricultural land, comprehensive evidence is provided to justify the loss. He explained that comments were made on the original proposal including the fact that the site falls within Flood Zone 3, which is the highest risk of flooding, and all alternative avenues should be pursued before being built on.

Mr Pritchard made the point that the site is located on a 60mph busy road and adjacent to a corner including a blind road with Rectory Cottage on Rectory Road. He added that the existing linear form of development would be continued along the road frontage and result in extended ribbon development.

Mr Pritchard expressed the opinion that the development would have an impact on the setting of the village church, which is Listed, and it would also have an adverse impact on the open countryside where a gap contributes to the rural character of the area and the village of Newton. He expressed the view that the development will result in adverse harm to the local character and sense of place as the development is substantial with very few services.

Mr Pritchard explained that the site also has limited access to services as the main drains in the village do not extend this far and there are already issues with the treatment plant in the village including periods where sewage is disposed of by tankers. He expressed the view that the proposal is incompatible with the national planning policies for managing flood risk and he made the point that as he is an adjacent land owner with a drain on his property and the site is in Flood Zone 3, he feels that his property is at a greater risk of flooding and he questioned how the water can be controlled, making reference to the sustainable urban development strategy for the site.

Mr Pritchard explained that the Flood Risk Assessment states that the site is free draining, and water can make its way through Taylors Drain to the south of the site and the main drain, however, he has lived in the village for his whole life and he has never heard of Taylors Drain. He explained that the drain at the site was full when he went to look, and the drain should always be taking the water from the highway.

Mr Pritchard explained that as you enter Newton from the south, there is a slope down to the village and the plans appear to be going to incorporate an existing drainage system to the south and he cannot understand how the water is going to be pumped up the hill, unless it can be done in a sustainable manner. He expressed the view that developing the land will change the natural drainage of the site which will affect his property and he added that he is a riparian owner of a ditch.

Mr Pritchard explained that a lottery has been undertaken in the village where 351 responses were received which equates to 56% of the population who wanted Newton to remain a small village and the proposed dwellings will require schools to be developed as the village schools in the adjacent villages are already full and that is not taking into consideration any major developments which are currently being developed in Wisbech and the surrounding areas.

Members asked Mr Pritchard the following questions:

- Councillor Marks asked for clarification with regards to the point that Mr Pritchard had made with regards to the 351 responses received to the lottery. Mr Pritchard explained that the Parish Council carried out a survey which was sponsored by village lottery funding and the responses identified that the majority of the village residents said they wanted the village

to remain a small village and an even larger group of residents expressed the desire for there not to be any further building of any kind. He confirmed that the survey was undertaken by the Parish Council and the results have been published on the Parish Council website.

- Councillor Sennitt Clough asked Mr Pritchard to confirm what Flood Zone the application site falls into in his opinion as the Officers report refer to the site being in Flood Zones 2 and 3. Mr Pritchard stated that on the original proposal for the site it stated that majority of the site was located in Flood Zone 3 on the red line application submission called 4019, where land owners were able to put forward parcels of land for development in villages. He added that he recalls it was a document where lots of comments were made by officers with regards to the unsuitability of the site for development.
- Councillor Mrs French asked Mr Pritchard to confirm who owns the other side of the riparian dyke? Mr Pritchard stated that he believes that the land was sold but was not sure who to, however, he did confirm that it was not owned by the applicant.
- Councillor Mrs French asked Mr Pritchard to confirm that he had not been consulted on the application? Mr Pritchard clarified that was correct. Councillor Mrs French asked whether he had been consulted on the PIP application? Mr Pritchard responded that he was not consulted on that application originally. He added that when he was made aware that the PIP application had been approved, he did go to the site and saw a planning notice on a lamppost, however, there is no village noticeboard and, therefore, he was not aware of the application.
- Councillor Hicks asked officers to confirm what flood zone the application site is located in? David Rowen stated that the majority of the site is located in Flood Zone 3, however, there is a small portion in Flood Zone 2.
- Councillor Connor stated that the Parish Council have considered the application, and the majority of the members have no objection to the proposal. He added that when he visited the site there was a yellow site notice affixed to the lamppost which he is aware is the necessary steps that the Council has to take.
- Councillor Connor referred to the other applications including the Woadmans Arms application which Mr Pritchard had alluded to and the Parish Council always has sight of the applications in order for them to submit their comments and whilst Mr Pritchard personally has not been consulted the Parish Council will have been. Mr Pritchard stated that he owns the adjacent land to the application site and he was not consulted.

Members received a presentation, in accordance with the public participation procedure, from Liam Lunn-Towler, the agent. Mr Lunn-Towler stated that members may recall the site from a previous application in May last year and the application was for PIP for up to 6 dwellings, which was approved by the committee. He stated that this application is for 6 executive style dwellings on the entrance to the village, with these 4-bedroomed dwellings allowing more families to move to the area, with the previous application having support from the Parish Council and this one also has its support.

Mr Lunn-Towler stated that they are proposing a footpath to the site frontage to connect to the existing one and the reason it does not carry east around Rectory Road is because Highways state that it is not required and objected to extending it that way. He made the point that there are no other consultee objections and as such, in his view, the dwelling designs are considered to enhance the character and appearance of the area and would support local amenities to the benefit of the community to outweigh the officer's recommendation.

Mr Lunn-Towler asked committee to support the application as they did the previous one.

Members asked questions of Mr Lunn-Towler as follows:

- Councillor Mrs French expressed concern regarding the riparian dyke and asked for information on it and asked when the PIP application was submitted and approved was he aware that they were not going to be able to achieve the footpath that was promised? Mr

Lunn-Towler responded that he not sure what the concern is regarding the footpath but assumes that it is where it meets the corner of Rectory Road and that is why Highways have conditioned it appropriately and a 2 metre footpath is being proposed. Councillor Mrs French expressed the opinion that the PIP was approved on the promise of a footpath.

- Councillor Mrs French stated that there is 60mph limit and asked if the applicant would be willing to reduce that speed limit at their cost if the application was approved? Mr Lunn-Towler responded that he is not aware of any proposals to do this but if members find that this is a reasonable requirement it is something that can be facilitated and considered.
- Councillor Hicks referred to the intention to create a footpath but the applicant does not own the dyke and the edge of the dyke to the road is not wide enough to put a footpath so asked where the land is going to come from to create a footpath? Mr Lunn-Towler responded that some of the land will be used that is in the applicant's ownership to facilitate this. Councillor Hicks questioned that the footpath is going to be put on the applicant's land behind the dyke, there is the edge of the road, a little bit of land and then the dyke so asked to be shown on a map where the footpath is going to be placed and he does feel there is enough land there? Mr Lunn-Towler stated that he has not measured the area but it can be clarified. Councillor Connor made the point that it is less than a metre. Councillor Hicks stated that this is his point that he does not think a footpath can be achieved. Mr Lunn-Towler expressed the view that as far as he is aware it can be achieved.
- Councillor Marks referred to the comment of officers that these properties are going to look very stark and out of place for a period of time and asked if trees are being proposed and the trees being left that are already on site? Mr Lunn-Towler responded that they are keeping trees where they can and are proposing trees along the frontage.
- Councillor Imafidon expressed the view that under the terms of the PIP there was a footpath which would have influenced the committee to approve the application but now the footpath is in question or has been removed so asked how does he think that the committee is going to be convinced to approve the proposal this time? Mr Lunn-Towler responded that the footpath is not being removed, they are proposing it be achieved to overcome concerns and follow the previous committee's reasons for approving. He continued that the second access to the east of the property no longer extends round towards Rectory Road and Highways stated it was not needed to deliver the development so it was removed accordingly because otherwise they were going to keep their objection.
- Councillor Mrs French stated that she is a bit confused about Highways and she did read their comments on the Planning Portal and her understanding is that what the agent is trying to tell them is not the way she interprets it. She expressed concern being a member of 11 drainage boards and taking drainage extremely seriously that there is a riparian dyke, which is not owned fully by the applicant, and asked how they plan to get rid of the surface water, with Newton not being on main sewage and when there is private sites that have to be tankered out weekly or fortnightly or monthly basis, there is lots of questions in this application that do not have answers and she does not consider it to be a complete application and she would not be looking to support or refuse but to have it deferred to get the answers that are missing.
- Councillor Connor agreed with the comments of Councillor Mrs French as committee do not have answers about the footpath and the drainage.
- Councillor Marks asked, in relation to the sewage, would they be individual treatment plants or would it be one combined plant? Mr Lunn-Towler responded that if required it would be individual per plot for maintenance and personal use, which would discharge to the same point. Councillor Marks made the point that 6 properties discharging in different directions may be a lot different than one big discharge into one drain at a time.

Members asked questions of officers as follows:

- Councillor Hicks asked what weight should be given to a full planning application if a PIP is already in existence? David Rowen responded that by granting the PIP the Council has accepted the principle of having residential development on the site, however, the issue now is can a detailed scheme be designed that is acceptable and as the recommendation



sets out there are a number of detailed concerns which officers have in respect of this scheme rather than it is not thought to be an acceptable site for the principle of housing and reasons for refusal need to relate to detailed matters, which they do, then that is a reasonable and proper decision to make.

- David Rowen referred to the consultation with Mr Pritchard and clarified that with any planning application the Council is only required to notify properties which immediately adjoin the application site and Mr Pritchard's home address is not adjacent to the application site, it is additional land which he owns and the Council is not aware of land ownership details and in those situations the Council is required to publicise the application by way of a site notice, which is what happened in this instance so the statutory requirements in terms of consultation have been carried out.
- Councillor Marks referred to the objector referring to the village notice board and he has never seen any planning notices on these boards and questioned whether this was needed. David Rowen responded that the requirement is that the Council erect a notice as close to the application site as possible so the only circumstances that this may happen is for a very large scale proposal where the maximum number of people need to be made aware. Councillor Connor made the point that the notice is more or less on the application site when he visited it so it has adhered to the requirements.
- Councillor Imafidon requested clarification that when it is said only properties adjacent or nearby does that mean properties that are occupied and lived in? David Rowen responded that a property would be notified if it has a postal address that can be identified and the letter is addressed to the owner or occupier.
- Councillor Benney referred to Mr Pritchard making reference to a village poll that took place and made the point that there was a similar thing in Chatteris, with them being told by the Clerk of Chatteris Town Council that this poll carries no weight in terms of planning but the people still went ahead and ran the poll. He wondered if the same applies here that the poll has no sway and it comes down to planning matters. David Rowen confirmed this to be correct.

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

- Councillor Mrs French expressed the opinion that the application is incomplete and it would be wrong of the committee to make a determination either way until some proper answers have been received, especially in relation to flooding, sewage and discharge of surface water, which she feels have not been addressed. She referred to the situation that occurred in Westry prior to Christmas and she would hate anyone to go through what residents in Westry suffered. Councillor Mrs French expressed the view that there is still no satisfactory answer on highways or the footpath and she knows highways officers are professionals and they do not get things wrong. She added that she would also like to see speed reduction as the site is in a village and, in her view, the application should be deferred.
- Councillor Connor agreed as he feels there is not enough information to approve the application today as there is so much he is unsure of and he feels it needs to be deferred for it to come back at a later date with further information.
- Councillor Benney made the point that the PIP was granted on the basis that there was going to be a footpath for the village and it is not in this application. He has never heard of Highways saying that something is not needed that is on offer and it was on offer before. Councillor Benney stated that if water has to go uphill a pumping station can be built, which is part of a drainage scheme that will work and there is not a drainage scheme in front of committee that says it will work and if the application is going to be deferred it should be on the basis of the footpath and drainage as the committee has already agreed that the principle of development of this land is acceptable.
- Councillor Mrs French made the point that it does say that this application has to be determined by 28 June and asked if this is deferred what effect will this have on the Council? David Rowen responded that there is an extension of time in place until 28 June and the Council is in the applicant's hands as to whether they agree a further extension, if they do not this is an application that will go out of time and will count against the authority

in term of its performance figures.

- Councillor Marks referred to the speed limit and expressed the view that this needs to be considered as to whether they would be prepared to pay towards the reduction of the speed limit from 60mph to 40mph.
- Councillor Benney questioned that if this application needs determining by 28 June could the drainage and path be conditioned?
- Councillor Connor stated it is a poor application.
- Councillor Benney asked if the agent could be brought back to see if he would accept the condition of an extension of time? The Chairman agreed to this. Mr Lunn-Towler stated that they would be happy to agree an extension of time to resolve the concerns if committee were looking to a deferment.
- David Rowen stated that the issue of whether extensions of time are to be given or not is not a material planning consideration, it is an informative issue for members to be aware of but is not material to the determination of the application and should not be used to overcome members concerns.
- Councillor Hicks stated that he wants to know how much land is suitable for a footpath and whether it is achievable and wants this information to come back if the application is deferred.
- Councillor Mrs French stated that she has been on Planning Committee for 25 years on and off and she has never seen such a poor application. She is concerned that when these applications are not determined in time it is the Planning Authority that gets the blame but it is not always the authority and she is surprised over such a poor application knowing who the agent is. Councillor Mrs French stated she has changed her mind and she will be supporting the officer's recommendation of refusal of planning permission as she feels it has been rushed through.
- Councillor Sennitt Clough made the point that Highways recommended a condition over its concerns about drainage and the footway should be constructed before the start of the development so this is not new news and it appears to her to have been overlooked in the application.
- Councillor Marks acknowledged the comments of Councillor Mrs French and this application is probably the worst one he has seen but he does not recall seeing the agent here today before and questioned whether there was naivety on behalf of the agent but committee has given benefit of the doubt on previous occasions to allow deferrals and he feels that a deferral on this occasion may be better than just a no.
- Councillor Hicks stated that he agrees with Councillor Mrs French, there is too much wrong with the application and he cannot see how all these issues can be resolved.
- David Rowen stated that the key point for members to consider is that this is a full planning application so the details that are on the plan are what is being applied for and if members are not happy with that plan they are entitled to refuse the application as recommended. He referred to highways and the issue of the reduction of the speed limit and stated that there is nothing from Highways expressing any concerns in terms of vehicles manoeuvring out onto the road with a 60mph speed limit and it would be unreasonable for the committee to require the applicant to enter into a highway regulation order to lower the speed limit. David Rowen stated that the Highway comments in the report do not indicate that they are saying that the footway only needs to serve the site and does not need to go around the corner and as long as the footway serves the application site Highways are going to be happy because they are looking at the highway impacts of the development. He advised that the Internal Drainage Board have commented on the application and talk about the board requiring formal land drainage consent for access culverts and note that soakaways are the preferred method of surface water disposal but the applicant has to show that surface water soakaway drainage would be effective and as part of the application form it is indicated that foul sewage is to be dealt with by the main sewer.
- Councillor Mrs French made the point that she is a member of numerous drainage boards and one of the big issues is the amount of rain that has occurred over the last 12 months, it is a concern and if you contact the Environmental Team at the Council they can inform

members of the times they have had to go out to private sewage systems to try to sort them out. She expressed the view that the answers for the sewage do not exist as well as surface water and she feels that this is an application that is not ready for determination.

- Councillor Marks requested clarification that sewage will be dealt with via the main sewers. David Rowen stated that he can only comment on what is on the application form which states that it is to be dealt with by main sewers. Councillor Mrs French referred to the comments of Mr Pritchard who said there is no main sewer here. Councillor Marks agreed that he said it did not run up to the site. Councillor Connor stated that this makes it worst as there is contradiction. Councillor Marks asked that as the applicant has put that on the application this could be conditioned? Councillor Mrs French responded how can something be conditioned if there is not a main sewer in the village.
- Councillor Mrs French made the point that Westry, where she lives and is part of March, is not on main sewers so the chances of this village getting on main sewers is zero.

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

*(Councillors Benney, Connor, Mrs French, Imafidon, Marks and Sennitt Clough declared that the applicant for the application is a close relative of an elected member, Councillor Sam Clark. They declared that the extent of their relationship with Councillor Clark is limited to being political and Council member colleague and they will approach the application with an open mind and will make their decision based only on the planning merits)*

*(Councillor Hicks declared that the applicant for the application is a close relative of an elected member, Councillor Sam Clark. He declared that the extent of his relationship with Councillor Clark is limited to being a Council member colleague and he will approach the application with an open mind and will make his decision based only on the planning merits. He further declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application)*

**P11/24**

**F/YR23/0791/F**

**LAND NORTH WEST OF 41 KING STREET, WIMBLINGTON**

**ERECT 3 NO DWELLINGS (1 X 2-STOREY 4-BED AND 2 X SINGLE-STOREY 3-BED) AND ASSOCIATED WORKS WITH ACCESS FROM WILLOW GARDEN**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Liam Lunn-Towler, the agent. Mr Lunn-Towler stated that during the application process the scale of the dwellings were reduced following discussions with the Planning Officer which has enabled a recommendation of approval. He explained that the application is before the committee due to the number of neighbour objections with the main reason of objection being down to the highways concerns.

Mr Lunn-Towler explained that during the application process in the middle of November he received concerns from the Highway Authority with regards to access and then very shortly after that those issues were resolved and found to be agreeable with them. He stated that the amended drawing and highways comment was not uploaded until early March and during that time lapse the neighbours raised objections with regards to the initial highways concerns.

Mr Lunn-Towler expressed the view that the application is considered to be in the heart of the village, within walking distance of local amenities and is surrounded by residential properties and as a result the proposal is a logical development which produces a minimal impact and supports local services. He explained that the Parish Council have raised no objection to the proposal and the applicant and family are long term residents of the village who are looking to develop the land for their families' homes.

Mr Lunn-Towler expressed the opinion that the development is within a residential area and the design of the dwellings is supported by officers and he asked the committee to support the proposal.

Members asked Mr Lunn-Towler the following questions:

- Councillor Connor referred to paragraph 5.1 where Wimblington Parish Council have stated that the three large scale dwellings are not in keeping with the surrounding area of both new developments and pre-existing historic dwellings along Kings Street, with them also making reference to the close boarded fencing and the effect on natural light. He added that on 17 May Wimblington Parish Council have added a further comment which states that they have had the opportunity and ability to compare the old and the revised plans and they have no further objections to this application. Councillor Connor referred to 5.3 of the report where it details a shared access and stated that it is imperative that a Section 38 Agreement is in place as he wants the roadway adopted by the Highway Authority. He added that the Highway Authority have numerous Section 38 Agreements which are outstanding, and he would like to see that the applicant and agent give concrete assurances that they will take steps to get the road adopted. Mr Lunn-Towler stated that he has no control with regards to what Reason Homes do to that road, but he can deliver what has been proposed but they have not proposed that it will be to an adoptable standard. Councillor Connor made the point that at 5.3 it states that it is the developer's intention for it to be adopted, and as result the Highway Authority have been approached regarding a S38 Agreement, with the shared private driveway needing to be at least 5m wide for at least an initial length of 8m from the Willow Gardens. Mr Lunn-Towler stated that he is proposing permeable paving which is not highway standard and expressed the view that the point made in the report is referring to the Reason Homes site which is not currently adopted.
- David Rowen stated that he understands from the officer's report that the reference is being made to the developers of Willow Gardens who have applied for a Section 38 Agreement in respect of the adoption of the roadway serving the wider development. He added that it is the applicant's intention as per the submitted drawings that the actual access road from Willow Gardens to serve the development is to be a shared surface which would not be an adoptable road and, therefore, a private driveway. David Rowen expressed the opinion that the obligation to get the applicant to make the section of Willow Gardens up to an adoptable standard would be unreasonable in the wider context of the Reason Homes development given that there are between 50 and 60 homes which are being served by a road which is not adopted and he cannot see what harm would be added by including a further three dwellings being served by unadopted roadways.
- David Rowen referred to the Willow Gardens development and explained that there was a requirement through a condition which stated that before any dwelling was occupied the road surface needed to be made up to binder course which has taken place and there were also details to be submitted with regards to interim management arrangements if the roadway was not going to be adopted by the County Council. He made the point that whilst there is the intention for adoption as members are aware there is no obligation on the planning system to require a road to be made up to an adoptable standard and it is not a reasonable requirement from a planning perspective.
- Councillor Mrs French stated that the applicant is not Reason Homes, it is Sarah Palmer and Mr Lunn-Towler is the agent, although the bulk of the development is Reason Homes and they have been operating for many years. She expressed the view that most of their developments are made up to an adoptable standard and are then taken over by the County Council. Councillor Mrs French added that members have seen the roads which are unadopted and that has been the case for many years where residents in those particular roads are sometimes left without street lighting. She made the point that this is a large concern when roads are left unadopted and whilst she appreciates that it cannot be enforced, in her opinion, agents and developers need to consider this issue in order to try and get the roads adopted.

Members asked officers the following questions:

- Councillor Imafidon stated that with regards to the Section 38 issue, he has seen roads which have been left unadopted for decades which have also meant that the raised ironworks are left protruding and many roads with no street lighting, and he asked officers if they could explain the issue further. David Rowen explained that there is no obligation and there are no powers through planning legislation to require a road to be actually adopted and the best that can be done is to ensure that there is at least a binder course level added so that people can access their properties on a reasonable standard of road and if the road is not adopted then at least there should be if possible a fallback management arrangement in place which is what has happened with the Willow Gardens development.

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

- Councillor Hicks expressed the view that he does not see how the application can be refused as it makes sense to add the dwellings to the site in order to finish the site off.

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

**P12/24      ENF/050/21/S215  
2 MARKET STREET, WHITTLESEY.**

David Rowen presented the confidential report to members.

Members asked questions, made comments and received responses.

**Proposed by Councillor Mrs French, seconded by Councillor Connor and AGREED that prosecution of the owners and occupiers of the land be authorised, under Section 179 of the Town and Country Planning Act 1990 (as amended).**

*(Members resolved to exclude the public from the meeting for this item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972)*

3.11 pm

Chairman