

## **PLANNING COMMITTEE: MINUTES**

Date: Thursday 11<sup>th</sup> February 2016

Time: 10.00am – 11.40am

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors: B Ashwood, L Harford, R Henson (substituting for Councillor Ashcroft), W Hunt, S Kindersley, A Lay, M Loynes, M Mason, J Scutt

### **161. APOLOGIES AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councilors' P Ashcroft, D Connor and M Smith.

There were no declarations of interest.

### **162. ELECTION OF CHAIRMAN/WOMAN.**

It was necessary, following the receipt of apologies of absence from the Chairman and Vice-Chairwoman, to elect a Chairman/woman to preside over the meeting. Councillor Loynes proposed, seconded by Councillor Hunt that Councillor Harford be elected as Chairwoman for the meeting.

It was resolved to elect Councillor Harford as the Chairwoman for the meeting.

### **163. MINUTES –7<sup>TH</sup> JANUARY 2016**

The minutes of the Planning Committee meeting held on 7<sup>th</sup> January 2016 were agreed as a correct record and signed by the Chairwoman.

Officers provided an update to Members regarding the issues surrounding Block Fen Drove:

- As part of the minutes of the last meeting held on 7 January 2016, there was an action for the Chairman of the Planning Committee to send all the Block Fen operators a letter highlighting the concern and anger of the Committee in relation to the matters still outstanding. This was drafted and checked by legal before being sent out to all the operators on 19 January 2016.
- The meeting planned for Monday 29 February had been confirmed with all the Block Fen operators. The meeting would discuss the road scheme being developed with highway colleagues and would also include the potential option for 'stopping up' the road, which was discussed by the Committee.
- It was confirmed that borehole data was submitted to the Highway Authority on 19 January 2016 by Mick George Ltd, which was supplied just ahead of the letter from the Chairman being sent out. This data would be used for the basis of the second half of the road scheme design to be discussed at the meeting at the end of February. Mick George Ltd held a meeting with Highway Officers to discuss the requirements of the scheme and have recently sent the Chairman an update letter that confirmed the result of these highway discussions that should ensure that they have a scheme (which will help inform the likely costings for the northern sector of Block Fen Drove work) by week commencing

22 February, which would allow this information to be circulated to all the operators ahead of the meeting on 29 February.

- Finally, officers anticipated that further mineral/waste planning applications would be coming forward in the Block Fen area in the short/medium term. Officers confirmed that a planning application had been received from Aggregate Industries to extend their Quarry by 61.9 hectares, with the aim of achieving mineral extraction rights for a further 6 - 9 years. At present, the application was being checked to see if it could be validated, but it was an example of the anticipated planning applications now starting to come forward. Once validated, the planning application would go out for formal consultation.
- A Member informed the Committee that motocross activity had ceased at the site and associated equipment had been removed.

#### **164. WIDENING OF EXISTING BANK BY IMPORTATION OF WASTE SOIL (RETROSPECTIVE).**

**AT: MANOR FARM, LOW ROAD, FENSTANTON, PE28 9HU.**

**FOR: A. M. BEHAGG FARMS**

**LPA REF: H/5003/14/CM**

The Committee considered a retrospective application for the importation and deposit of waste soil next to an existing bank to widen it. The work was carried out in summer 2013 under a permit exemption for the importation of inert waste, issued by the Environment Agency. The applicant claimed not to have been aware that planning permission was also required for the development. It was not known how long the bank had been in situ and no reference to prior planning applications could be found.

In discussion Members:

- Sought clarification of the riparian ownership of the land. Officers informed Members that it was not clear who was the land owner with regard to the Huntingdon Road side but assured Members that maintenance would be enforced by the Lead Local Flood Authority which was more effective than enforcement action under planning legislation.
- Clarified with officers that the concern had been raised that the pipe that ran underneath the bank was insufficient in size in order to allow enough water to flow through it, and this caused greater flooding than necessary. Confirmed that the area was at a high risk of flooding and did so regularly during the winter months.
- Highlighted concerns regarding the lack of dredging on all rivers. They would never flood if River Great Ouse was dredged regularly. Officers informed Members that concerns regarding dredging were outside of the application being determined.

It was explained to the Committee that the agent acting on behalf of the applicant had registered his request to speak at the Committee beyond the 5 working days deadline. It was therefore proposed by the Chairwoman and carried on being put to the vote to allow Mr David Mead to address the Committee on behalf of the applicant.

Mr Mead explained that the land owner widened the agricultural bund to allow for additional access for maintenance and to allow clearing of the drain. The applicant was under the incorrect impression at the time that the works did not require planning permission. Correct

licenses were obtained from the Environment Agency for the importation of the inert waste material.

In response to Member questions, Mr Mead confirmed that the Low Road would flood on average once a year including the fields either side of the road and identified the culvert as an issue regarding the flooding of the land.

Speaking against the application, Mr Barnett of Grove Farm, Fenstanton highlighted to Members that the Environment Agency advised that planning permission was required. He explained that the height levels of the bund at either end made no difference to the level of flooding, along with the notch cut into the centre of the bund. Mr Barnett drew the attention of Members to a flap valve installed on a pipe that prevented water from flowing back to the River Ouse and expressed concern that a full flood risk assessment did not appear to have taken place. Mr Barnett informed Members that his land had been flooded 5 times in the last 2 years which was unprecedented. Mr Barnett accepted that his land was at risk of flooding but was concerned by the increased frequency of flooding.

In response to Member questions Mr Barnett:

- Confirmed that he did not object entirely to the application but requested that the two ends of the bund be lowered, and the issues of the low spot in the middle of the bund and the small pipe with the flap valve be addressed.
- Confirmed that prior to the bund being widened the land flooded once a year but flooding was now occurring more frequently and land had flooded 5 times in the last 2 years.
- Informed Members that his family had been farming the land since 1923 and he had lived there all his life.
- Confirmed that the flap valve on the pipe was installed during the work that was undertaken in 2013. Members were reminded that the valve was in situ when the Environment Agency inspected the works and they were satisfied with it.

During discussion Members:

- Drew attention to Mr Barnett's knowledge of the land and expressed concerns regarding the assessment made by the Environment Agency.
- Raised concern over whether the impact of the proposed A14 building works had been subject to a flood risk assessment. Members were informed that Highways England were consulted and did not raise any concerns.
- Questioned whether the introduction of the small pipe in the base of the bund had no overall impact on flooding in the area, drawing attention to Mr Barnett's comments that flooding had increased on his land following the works and commented that the Environment Agency did not appear to address that issue.
- Confirmed that the low point at the centre of the bund was to enable the flooding of the field in order to prevent the flooding of Huntingdon Road.
- Commented that it had never been known for Huntingdon Road to flood and questioned whether the low point at the centre of the bund was merely cosmetic.

- Sought reassurance from officers regarding the work of the Environment Agency. It was explained that the Council was the Lead Local Flood Authority now, but they would work with the Environment Agency and act on their advice as they held more data than the Council.
- Drew attention to similar issues in nearby villages and requested that a comprehensive flood risk assessment was carried out as it was not clear that the work had not materially changed the amount of flood water that was discharged onto the flood plain.
- Highlighted that the report addressed flooding on Huntingdon Road but the Environment Agency report did not investigate Mr Barnett's concerns regarding land south of the A14.

It was proposed by Councillor Kindersley and seconded by Councillor Ashwood to amend the report recommendation in order to allow the decision to be deferred in order that further discussion could take place between all parties informed by a flood risk assessment that considered the impact of the works to the land south of the A14. On being put to the vote the amendment was carried. Members noted the advice of officers that a deferral for the reasons proposed would make it highly unlikely that the application could be considered again at the next meeting of the Planning Committee.

It was resolved to:

Defer the application pending further discussion between the land owner, the objector and the undertaking of a flood risk assessment to be carried out by the applicant that considered the impact of the works on land south of the A14.

## **165. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWERS**

It was resolved to note the decisions made under delegated powers.

A Member expressed concern regarding planning applications in relation to Black Bank in Little Downham. It was requested that no decisions be made under delegated powers that referred to that site and highlighted the importance Members placed on the issues surrounding the site. Officers explained that it was an enforcement issue that would feature in a future enforcement update report to be presented to the Committee in April.

A Member welcomed the additional external car parking area with adjusted pedestrian access and additional cycle storage at Grove Primary School, Cambridge.

## **166. PLANNING APPLICATIONS UPDATE**

Members were informed that the Horsey Toll cross boundary planning application had been discussed with Group Leaders, alongside the Chairman of Planning Committee (Cllr David Connor) and the local Member (Cllr Ralph Butcher), to agree the most appropriate approach to determining the planning application, which included the most transparent approach for members of the public wishing to comment on the application. It was therefore agreed that Cambridgeshire County Council would delegate the planning application to Peterborough City Council (PCC) for determination under S101 (1) of the Local Government Act 1972. This decision was made on the basis of the setting up of a legal agreement with PCC in advance of the delegation taking place. It was confirmed that the draft legal agreement was with PCC's legal team for checking. Once the legal agreement was signed, PCC would commence the formal planning consultation and CCC would receive a consultation from them. As part of the agreement officers were requesting an extension to the standard 21 day

consultation period to allow Member endorsement of officer comments to be sought on the application. Officers undertook to keep Members informed of when this item is likely to come in front of Planning Committee.

Members were informed that it was likely that Dimmock's Cote planning application; the Kings Dyke Crossing planning application; and the Lodge Farm planning application would be presented to the Committee at the March meeting of the Planning Committee, although this could be subject to change. Officers therefore suggested that a site visit would be organised if Members wished to the three sites on 9March, a day before the March Planning Committee. Members confirmed that they wished for the site visit to take place and officers advised that Democratic Services would issue an invite with further details in due course.

**ACTION**

**167. DATE OF NEXT MEETING: THURSDAY 10<sup>th</sup> MARCH 2016**

Chairman.