

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

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

APPLICANT: A M BEHAGG FARMS

LPA NO: H/5003/14/CM

To: **Planning Committee**

Date: **20 April 2017**

From: **Head of Growth and Economy**

Electoral division(s): **The Hemingfords & Fenstanton**

Purpose: **To consider the above planning application**

Recommendation: **It is recommended that planning permission be granted
subject to the condition set out in paragraph 4.1**

<i>Officer contact:</i>	
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1.0 INTRODUCTION

- 1.1 This application was considered by the Planning Committee on 11 February 2016. At the meeting members heard representations from David Mead, the agent acting for the applicant, and from Mr Barnett, a local landowner who objected to the development. The report to the February 2016 Planning Committee is Appendix 1 of this report.
- 1.2 Members deferred making a decision to give the applicant time to discuss with Mr Barnett means of improving the way in which water moves from the ditch next to Huntingdon Road over or through the bank to the field (flood plain) to the north. It was suggested that the size and operation of the pipe which runs through the bund at its eastern end should be reviewed. Committee's expectation was that modifications would be made so that water from the ditch next to the bank is not impeded from reaching the field in times of high rainfall and consequently causing land elsewhere to flood more frequently.
- 1.3 The applicant has undertaken the works that he agreed with Mr Barnett. The County Council as the highway authority is carrying out work on the bridge and will clear the culvert and replace the back-flap valve. Mr Barnett's agent has advised that his client is now happy that the necessary works have taken place or are in hand. It is considered that there is no longer an objection to this application.

2.0 PLANNING POLICY

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan policies are set out in paragraphs 6.3 to 6.6 of Appendix 1.
- 2.2 The development plan has not changed since the application was considered in February 2016. The emerging Huntingdonshire Local Plan to 2036 is still at the Proposed Submission stage.

3.0 CONCLUSION

- 3.1 On the basis that Mr Barnett's agent has confirmed that his client's concerns about flooding on his land have been removed, either through the necessary works having already taken place, or are in hand, then it is considered appropriate to bring the application back to Planning Committee for determination.

4.0 RECOMMENDATION

- 4.1 It is recommended that planning permission be granted, subject to the following condition:

1. The approved drawings are:
 - 2014-11-1 Location Plan dated April 14
 - 2014-11-2 Rev B Flood Bank Levels dated April 14 (stamped received by Cambs County Council 04 Nov 2015)

Reason: To maintain a connection to the flood plain to the north of the bank and minimise the risk of exacerbating flooding on Huntingdon Road in accordance with the Huntingdonshire Local Plan (1995) policy CS 9 and Huntingdonshire District Council Core Strategy (2009) policy CS1.

Compliance with paragraphs 186 & 187 of the National Planning Policy Framework

The County Planning Authority has worked proactively with the applicant and objector to ensure that the proposed development is acceptable in planning terms. The applicant has responded positively to the advice and recommendations provided and amendments have been made (where required) to satisfy concerns raised. All land use planning matters have been given full consideration, which resulted in overall support for the development proposal from statutory consultees.

Source Documents	Location
<p>Link to the National Planning Policy Framework: https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>Link to the Cambridgeshire and Peterborough Minerals and Waste Core Strategy: http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/7</p> <p>Link to the Huntingdonshire Local Plan (adopted December 1995) http://www.huntingdonshire.gov.uk/planning/adopted-development-plans/current-local-plan/</p>	