

PLANNING COMMITTEE



4 FEBRUARY 2015 - 1.00PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor D Stebbing (Vice-Chairman), Councillor M G Bucknor, Councillor D Hodgson, Councillor B M Keane, Councillor Mrs K F Mayor, Councillor P Murphy, Councillor Mrs F S Newell, Councillor C C Owen, Councillor D R Patrick, Councillor T E W Quince, Councillor W Sutton.

Officers in attendance: G Nourse (Head of Planning), S Manley (Planning Performance Manager), R McKenna (Principal Solicitor - Litigation and Planning), Mrs S Jackson (Senior Development Officer), Miss S Smith (Member Services and Governance Officer)

P79/14 MINUTES OF THE MEETING OF 14 JANUARY 2015

The minutes of the meeting of 14 January 2015 were confirmed and signed.

The Chairman reminded all present that the meeting was being filmed and audio recorded.

The Chairman announced that the first item to be considered would be Application Number F/YR14/0653/F, Land East of Fengrain, Hook Lane, Wimblington and advised that all speakers would be allowed 10 minutes speaking time each for Councillors, Objectors, Supporters and the Applicant.

*** FOR INFORMATION OF THE COUNCIL ***

P80/14 F/YR13/0252/O WISBECH ST MARY - LAND NORTH OF 19 TO 29 CHAPEL AVENUE - RESIDENTIAL DEVELOPMENT (1.35HA) - 20 DWELLINGS

Members considered 7 letters of objection.

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

Officers informed members that:

The following consultation responses have been received:

- CCC Highways stated that conditions are required relating to future management and maintenance of streets, detailed plans of roadways, delivery of roadways, layout details, construction management plan and off-site improvements;
- The conditions requested by CCC Highways are considered reasonable and necessary and as such should be appended to the recommendation set out on pages 19-22 of the Agenda;
- For the avoidance of doubt, point 1 of the recommendation should read 'Receipt of a viability assessment';
- Resolution is to Grant as per pages 19-22 of the Agenda with the following additional conditions:

- No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established). Reason - To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard;
- No works shall commence on site until such time as detailed plans of the roads, footways, street lighting, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans. Reason - To ensure satisfactory development of the site and a satisfactory Standard of highway design and construction;
- Prior to the first occupation of any dwelling the road(s) and footway(s) shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved in writing by the Local Planning Authority in consultation with the Highway Authority;
- Prior to the commencement of the development full details (in the form of scaled plans and/or written specifications) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:
 - Parking provision
 - Turning Area(s)
 - Visibility splays
- No development shall take place including any works of demolition until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - Parking of vehicle of site operatives and visitors
 - Routes for construction traffic
 - Hours of operation
 - Method of prevention of mud being carried onto highway
 - Pedestrian and cyclist protection
 - Any proposed temporary traffic restrictions and proposals for associated safety signage
 - Reason - In the interests of safe operation of the highway;
- Prior to the first occupation of the development hereby permitted the off-site highway improvement works detailed in drawing 4874/(P)_19 (detailing raised table in Chapel Avenue, Wisbech St Mary) shall be completed to the written satisfaction of the Local Planning authority in consultation with the Highway Authority. Reason - to ensure that the highway network is adequate to cater for the development proposed;
- Informative - The applicant is advised that to discharge Condition HDMC 02 the Local Planning Authority requires a copy of a completed agreement between the Applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the Applicant's Agent. Mr Humphrey thanked the Planning Team for their continued support with this application. Mr Humphrey stated that the application site is adjacent to the school, the purchasing contractor, landowner and Circle Housing are happy and Mr Humphrey requested that Members support the application.

Councillor Hodgson asked Mr Humphrey if he saw a problem with the severity of the access. Mr Humphrey responded that there was no severe access and that Highways are happy with the proposal.

Councillor Bucknor asked Mr Humphrey if the proposal for the provision of 50% affordable housing is sustainable. Mr Humphrey responded that this is not an exception site and explained that it would be sensible to replace the 2 x 1-bed bungalows with houses as this application is in a flood risk area.

Councillor Bucknor asked if it was assured that 50% affordable housing could be provided. Officers explained that a planning condition could be included for the affordable housing to be occupied before the other dwellings. Mr Humphrey responded that this could affect the cash flow of the developer and it was agreed to build 50% marketable and 50% affordable.

Councillor Sutton commented that he was pleased to see that viability had been considered and that in the future viability would not be an issue. Mr Humphrey responded that viability was dependent on a number of factors and that a conversation with the landowner would be reasonable.

Councillor Mrs Newell asked if the Archaeological condition had been taken into account. Officers confirmed that an Archaeological condition would be included.

Councillor Stebbing asked for clarification regarding the drain on the north of the site and maintenance of it. Councillor Sutton raised further concerns and requested that a condition for a 3 metre maintenance strip be included so that the drain can be maintained. Officers explained that a landscaping condition would be included, pointed out that the Agent is mindful of Members comments and their request for a management plan/maintenance for the drain. Officers assured Members that it is ingrained in officers to note where maintenance is required and this comment would be included on the case file.

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

- Councillor Sutton asked officers to provide details of finished floor levels. Officers responded that this is covered in Condition 5, page 21 of the report.

Proposed by Councillor Patrick, seconded by Councillor Bucknor and decided that:

Delegated authority be given to the Head of Planning, in agreement with the Chairman, Vice-Chairman and Ward Members, to grant, subject to the conditions reported and further conditions for Highway improvements as follows:

- **No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
Reason - To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard;**
- **No works shall commence on site until such time as detailed plans of the roads, footways, street lighting, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans. Reason - To ensure satisfactory development of the site and a satisfactory Standard of highway design and construction;**
- **Prior to the first occupation of any dwelling the road(s) and footway(s) shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved in writing by the Local Planning Authority in consultation with the Highway Authority;**
- **Prior to the commencement of the development full details (in the form of scaled plans and/or written specifications) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:**
 - **Parking provision**
 - **Turning Area(s)**
 - **Visibility splays**
- **No development shall take place including any works of demolition until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:**
 - **Parking of vehicle of site operatives and visitors**
 - **Routes for construction traffic**
 - **Hours of operation**
 - **Method of prevention of mud being carried onto highway**
 - **Pedestrian and cyclist protection**
 - **Any proposed temporary traffic restrictions and proposals for associated safety signage**
 - **Reason - In the interests of safe operation of the highway;**
- **Prior to the first occupation of the development hereby permitted the off-site highway improvement works detailed in drawing 4874/(P)_19 (detailing raised table in Chapel Avenue, Wisbech St Mary) shall be completed to the written satisfaction of the Local Planning authority in consultation with the Highway Authority. Reason - to ensure that the highway network is adequate to cater for the development proposed;**
- **Informative - The applicant is advised that to discharge Condition HDMC 02 the Local Planning Authority requires a copy of a completed agreement between the Applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.**

P81/14

F/YR14/0653/F

WIMBLINGTON - LAND EAST OF FENGRAIN, HOOK LANE - ERECTION OF AN ANAEROBIC DIGESTER PLANT WITH 3 X SILAGE CLAMPS, CONSTRUCTION OF EARTH BUNDING SURROUNDING AN ALLIGATOR TANK FOR LIQUID STORAGE AND THE FORMATION OF A LAGOON

Members considered 406 letters of objection.

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

Officers informed members that:

- 410 further letters of objection have been received from local residents, the majority of which are duplicate letters. The comments largely relate to issues which have already been addressed within the Committee report;
- Concerns have been raised with regards to transporting waste safely and waste contamination. These issues can be dealt with under health and safety legislation.
- Several comments relate to the proximity of the site being within 200m of residential properties which is contrary to guidance. These comments have been noted and it is understood that the specified 200m refers to the threshold put in place by the Environment Agency. The fact that the site is within 200m of a residential dwelling means that the proposal does not fall within the standard permit requirements as set out by the Environment Agency and instead a special permit would need to be applied for.

Members received a presentation, in accordance with the local council participation procedure, from Councillor D Connor, Cambridgeshire County Council. Councillor Connor thanked the Chairman for the opportunity to address the Planning Committee. Councillor Connor stated that he was against the proposed Anaerobic Digester in Hook Lane, Wimblington. Councillor Connor stated that the increase in traffic as a result of the Anaerobic Digester would make the A141 junction more dangerous and traffic turning left would lead to heavy congestion along Station Road and the right turn into Doddington Road and March Road, adding to the copious amount of traffic in the area.

Councillor Connor stated that there are already issues relating to Data Shredders who have a public weighbridge at the entrance gate which causes lorries to reverse in and out of the village road, there have been several deaths on this stretch of road and one death on Eastwood End junction. He commented that Fengrain stated that they would widen the Business Unit entrance which would be used and implement a one-way system, which was a condition set out on a previous application and pointed out that this was not adhered to. There are already access and parking problems in the area causing problems on a much loved public byway used by walkers and horse riders and is abused for commercial use.

Councillor Connor pointed out that there is a house located within 16 metres of the proposed anaerobic digester, the occupant is elderly and does not want to give up her home due to ill health and has lived there for over 30 years. He stated that constant lighting will be required and an increase in noise and light pollution. The legal requirement for the composting of waste is 200m away from the nearest sensitive receptor, this is unkind and illegal. He stated that the anaerobic digester will increase damage to the environment, there are no footpaths on this side of the village and the grass verges will be devastated and the hedgerows and natural habitat will be damaged. He pointed out that Fengrain say they will provide trees for screening to alleviate visual impact and pointed out that these will take 15-20 years to mature and answers are required as to what screening will be provided during the intermediate years.

Councillor Connor stated that health and safety measures are required as this will affect the quality of life for residents, the smell from the site is likely to be overwhelming from the composting, from the loading and unloading and the dust from the grain store will be detrimental to their health. Councillor Connor pointed out that the lagoons will be 100ft wide and this will increase flies and mosquitoes in the summer months. Councillor Connor stated that in reality this proposal will only possibly increase jobs by 1-2 at the most.

Councillor Connor referred to the anaerobic digester at Chittering which had been fined considerably for pollution of the water course and commented that if Mr Randle, the applicant wanted to ensure his good relationship with residents in the future he would ask him to withdraw the application now and guarantee that he would never build on this site as it was clear from the public meetings, emails and letters received from residents that no one wants this anaerobic digester. Councillor Connor thanked the committee for listening.

Councillor Hodgson and Owen asked Councillor Connor questions relating to the number of proposed 6,000 vehicle movements per annum to and from the site and were these in addition to current movements. Councillor Connor confirmed these were additional movements. Officers confirmed that no more than a maximum of 78 2-way vehicle movements will enter and leave the site in any one day.

Members received a presentation, in accordance with the local council participation procedure, from Councillor P Jolley, Fenland District Council. Councillor Jolley stated that he had been lobbied on this application. Councillor Jolley confirmed that he had been invited to Fengrain for a courtesy visit by Mr Randle but said that on leaving the site after his visit he was not convinced about the proposal. Councillor Jolley stated that he appreciated that the committee had a difficult job concerning this application and he would not want to be in their position.

Councillor Jolley stated that the highway issues were not just about how traffic would enter the A141 but also access roads to the industrial units and roundabouts, CCC have said the road is not to adoptable standard, it is a private road with no kerb or drainage and sometimes floods and these measures would be required to bring the road to an adoptable standard. He stated that the industrial estate is growing, there is no footway and no provision for cycling or walking because of the traffic on the road.

Councillor Jolley stated that Fengrain have worked with the village in the past, there is 100,000 tons of product and pointed out that similar amounts are going both in and out of the factory. He pointed out that Fenland District Council, Fengrain and consultants say there will be smells, they do say the smell can be controlled, however this will be there for 365 days per year, there are already farm and onion smells, these are only daily, this will be an additional smell for 365 days.

Councillor Jolley stated that Chapel Garden Nursery employ up to 100 people, they are working in the field next door to the proposed site of the anaerobic digester, within 3 metres of the site, this puts a burden on the Nursery as an employer. He referred to pollution from storage and running waste and he would like to know that this is going to be monitored however he is not convinced that it will be. He commented that it would be nice to know what Middle Level expect from the proposal.

Councillor Jolley pointed out that the application is not complete as it does not show where the gas will join the mains system and said that members are expected to approve the application when it is not known where the gas will be going. He pointed out that this is the same of the facility at Mepal. Councillor Jolley stated that the site will be lit up all the time and will cause light pollution and local residents are very concerned. He pointed out that the 'ball' was in Members 'court', they had been lobbied and he admitted that it was difficult for the committee to make a decision and asked that 'Localism' be supported and that they refuse this application.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs M Davis, Wimblington Parish Council. Councillor Mrs Davis stated that the first thing to consider with this application is the Defra Anaerobic Digester Strategy and Action Plan from 2011, it is not Government policy for Anaerobic Digesters to grow crops exclusively for the plant and no food crops, this plant will affect biodiversity and cause problems with waste materials. She asked 'do we need another crop based Digester in Fenland when we have two close by'. She pointed out that this proposal will be built on agricultural land as opposed to on the industrial estate and another set of guidelines should be followed as a result of this when evaluating the site.

Councillor Mrs Davis stated that there is one residential property 16 metres away from the site and pointed out that the land is currently farmland. She stated that The Hook in Wimblington will be the most affected, a similar proposal was refused in Cheshire for these very reasons. The local residents already suffer noise from the grain store at harvest time with residents having to close their windows and this will become permanent as this will be 365 days per year and residents are forced to keep their windows and doors closed during this period. She stated that statements regarding noise levels are conjecture as true noise levels will not be known until the anaerobic digester is operational, there are still conditions on a previous planning application by Fengrain not initiated by them, this will have new conditions and she asked who will police these and ensure they are adhered to.

Councillor Mrs Davis stated that the transport study says there is enough room for two vehicles to pass on most parts of the highway, there are already rutted verges and knocked down bollards prove otherwise. Councillor Mrs Davis pointed out that traffic travelling through the village will rejoin traffic at Mill Hill roundabout, these roads are 30mph due to the increase in traffic, at the last traffic study in 2011 there were 4,000 vehicle movements in a single day, plans for another 80 homes have been approved, more residents will be walking to Thomas Eaton primary school and this proposal will cause an increase in HGV and tractor traffic.

Councillor Mrs Davis raised concerns regarding smell, stating that rotting sugar beet stinks and commented that investigation of moving the CHP unit to the north of the site would help to mitigate noise levels, the clamps are in the north, some say there will be little smell and some greater, there is little regard for local residents. She stated that this is already a light industrial area, there are 6,000 lorries per year, the infrastructure is not there to cope with light industry becoming heavy industry in a small country lane and this has not been acknowledged by Highways. She stated that residents are not against green energy or anaerobic digesters in the right surroundings and referred to Eric Pickles statement to meet Britain's Energy requirements is a must but not if it is the wrong development in the wrong location. Councillor Mrs Davis reminded members to 'strike a blow' for Localism and asked them to reject this application.

Councillor Owen asked Mrs Davis to clarify the proximity of residential properties to the proposed site. Councillor Mrs Davis confirmed that there are two dwellings within 16 metres and others within 2-250 metres, all very close.

Councillor Sutton asked Councillor Mrs Davis for details about the site visit made by Wimblington Parish Council to Bury St Edmunds. Councillor Mrs Davis confirmed the visit to Bury St Edmunds however it was difficult to make comparisons as the site is not surrounded by residential property, she confirmed that there was smell but this was also difficult to quantify as on the day they visited the pig sty's were being mucked out, however it did show the difference regarding the proximity of people/residents to the site.

Members received a presentation, in accordance with the public participation procedure, from Mr D Green, an objector to the proposal. Mr Green stated that he is the Director of Chapel Cottage Plants and as a Director he has a duty of care to his business and employees and it is highlighted from the plan that the area of the site surrounds and overlooks both residences and the workplace.

Mr Green stated that his business grows hardy perennials, is a national company for over 25 years with 3 directors. The company employs over 110 people on a seasonal basis for up to 9 months of the year, the plants are grown outdoors and are hardy and from the boundary of his site he can walk onto the proposed site for the anaerobic digester. The normal working area is 3 metres away from the proposed site despite landscaping. He confirmed that for the next 4 months he will have 50 people in the workplace packing hardy perennials for the national market.

Mr Green pointed out that the nearest resident is 16 metres away from the site. Mr Green stated that he was born and bred as a Wimblington person and stated that he is concerned for the future and the children. He stated that children are known to play in this area on go-karts and bicycles and asked what right the applicant has to destroy this habitat when it gets children away from their computers to play, in effect deciding their future. He stated that very little consideration has been given to the closest residents as their properties are not shown on the site plan and asked members to consider the residents of Wimblington and the surrounding area as a whole when making their decision.

Councillor Bucknor asked officers and Mr Green to show where his property is situated on the overhead plan. Officers pointed to the property and Mr Green responded that his plants are grown outdoors 12 months of the year on a daily basis in containers, cleaned and ready for despatch.

Members received a presentation, in accordance with the public participation procedure, from Mrs S Coulson, an objector to the proposal. Mrs Coulson stated that she is a resident and farmer in Wimblington and a supporter of green energy. Mrs Coulson and her husband grow sugar beet as well as food and she believes that only a handful of growers are needed to supply the anaerobic digester and there is no evidence of supporting new jobs or significant investment in Fenland as a result of the proposal. She stated that 25 miles away there are 3 million tons of sugar beet, an investment into the factory and no extra is likely to be grown and she believes that the requirements of the anaerobic digester plant would be a drop in the ocean and would not support local sugar beet production or employment.

Mrs Coulson stated that the transport statement shows harvest periods would start in May, Mrs Coulson believes that it would not start until June when rye reaches the correct stage for the anaerobic digesters in conjunction with the sugar beet and questioned if the harvest period had been artificially extended for the benefit of the applicant. Mrs Coulson stated that there is no evidence that the product would be grown locally and this means that this is open to all Fenland and farmers across 7 counties. Mrs Coulson asked why the anaerobic digester needs to be built in this location, there are no plans for habitat creation, the site is not large enough to allow screening and it is the wrong location for this development.

Councillor Bucknor asked Mrs Coulson if there is any evidence of Great Crested Newts. Mrs Coulson responded that the ecological survey shows that they were found very close to the site and this may mean that they are also within the site.

Members received a presentation, in accordance with the public participation procedure, from Mr M Law, an objector to the proposal. Mr Law thanked members for allowing him to object to the anaerobic digester which is proposed to be next to his fertiliser factory.

Mr Law confirmed that he is the Managing Director of Law Fertilisers and has been trading in business for the last 30 years. He stated that 1.2million acres are farmed across East Anglia employing local people, based in Eastwood End, Wimblington. He raised concerns that the proposed access road would serve the anaerobic digester in addition to 4 other businesses and he objects to the inadequacy of the access as this is not designed for the increased level of traffic. Mr Law confirmed that four years previously Fengrain had transferred all their harvest traffic past his factory, which they say they will address each year and nothing happens and he has just built a new factory and lorries and forklifts leaving the site will face oncoming traffic.

Mr Law raised concerns regarding safety in relation to fertilizer as an oxidising agent and the proximity of methane from the anaerobic digester plant will cause risk of fire and explosion and he is fearful for his business and the risk to the village and surrounding area. He objects to the application as the applicant does not respect planning and conditions are unpoliced. Mr Law states that he further objects as the anaerobic digester is not feasible, is not providing green energy, is carbon negative, unsafe access and is not sustainable.

Members received a presentation, in accordance with the public participation procedure, from Mr Mottram, a supporter of the proposal. Mr Mottram stated that he is a local farmer and has been a director for 10 years and his family have used Fengrain to market farmers' grain since the 1970s. He stated that over the past 2 years he has visited several anaerobic digester plants and it is wrong to label them in a stereotypical fashion, they are not all the same and the proposed plan must be managed to the highest standard.

Mr Mottram confirmed that he believes Fengrain are professional and if planning conditions were included in the proposal they will be honoured and the local community respected at all times and would employ both customers and neighbours. Mr Mottram stated that this anaerobic digester plant will give an alternative outlet for smaller farmers crops and he believes the project is an opportunity for Fengrain members and the local economy. Mr Mottram explained that there is conflict between food and fuel, growing crops is not an exact science, there are sometimes deficits in crops and other outlets are required to balance oversupply and Fengrain play an important role in this. Mr Mottram requested that members approve the application.

Councillor Patrick asked Mr Mottram what he would normally do when he has an overabundance of crops. Mr Mottram explained that prices collapse and this year has happened to potatoes and sugar beet, there is too much sugar in the world and British Sugar do not want him to produce next year, they want just enough product grown to keep the factories ticking over, grain prices have dropped and there has been an abundance of wheat. The Anaerobic Digester will be a good way of keeping local sugar beet growers growing the crop and local haulage contractors.

Councillor Quince asked how crops will be transported. Mr Mottram responded that his farm has grown sugar beet for 90 years, it is taken 29-31 miles to Wissington, by transporting it to the new site would be 5-6 miles and considerably reduce the number of road miles travelled by approximately 80,000 per year.

Members received a presentation, in accordance with the public participation procedure, from Mr R Moore, a supporter of the proposal. Mr Moore stated that he is a supporter and in favour of the application. Mr Moore stated that in November 2014 the IPCC (Intergovernmental Panel on Climate Change) had produced a report and he had been amazed that the report was made up of 50,492 reviews, 1,729 expert reviewers from 84 countries and 49 governments and commented that if people are in denial of its credibility stating that Fengrain are not the enemy, carbon energy is and that their most viable way of reducing their carbon usage is to build the anaerobic digester plant.

Mr Moore stated that with further predicted wetter summers, Fengrain's energy usage will increase and if the application is refused what signal are we sending, climate change is the almighty and if we put our heads in the sand the next generation will be defeated. Mr Moore stated that the IPCC report says that carbon usage must reduce by 80% by 2050, in time carbon will become the next asbestos and climate change cannot continually be ignored. Mr Moore pleaded with members to think of the next generation, listen to them and allow this application.

Councillor Patrick asked Mr Moore if he is a member of Fengrain. Mr Moore responded that he was not.

Members received a presentation, in accordance with the public participation procedure, from Mr Braybrooke, a supporter of the proposal. Mr Braybrooke stated that he represents Material Change working with Fenland and he understands the strong agricultural roots and the need for diversification and the challenge of climate change is at the heart of the mandate. He stated that the benefits of the anaerobic digester plant are significant. Mr Braybrooke stated that Material Change need to work with neighbours, honour and work closely with Fengrain and locals. Mr Braybrooke provided details of two other anaerobic digester plants in different parts of the country and highlighted their success and that of other sites across Europe. He confirmed that 150 school children have visited sites to learn about renewable energy over the last two years. Material Change have a role in the community, seek to form a local liaison group and will use local contractors where possible, with proposals to suit local agriculture and continue to work with the Council regarding issues today and in the future. Material Change are experienced national developers and have offered visitors to visit any of the plants to assess issues regarding noise, traffic and dust.

Councillor Patrick asked Mr Braybrooke how much energy in the country is renewable. Mr Braybrooke confirmed 17%, to be increased to 20% by 2020.

Councillor Bucknor asked Mr Braybrooke how the gas would be piped to the grid and how that will be achieved on this site. Mr Braybrooke explained that the whole digester process is creating methane and is then piped to the grid using underground piping and the route of the gas pipe is part of the process.

Members received a presentation, in accordance with the public participation procedure, from Mr Randle, the applicant. Mr Randle thanked the planning officers and team and confirmed that all planning issues have been reviewed including those raised by objectors and demonstrated mitigation of their concerns with the conclusion to recommend approval. Mr Randle stated that Fengrain is owned by the local farming community, being a minnow in the grain market, aiming to return best value for members crops, there is a need to watch costs and invest to improve efficiency to enable survival.

Mr Randle explained that grain markets are volatile, growers need upfront investment, advice and support, Fengrain protects their livelihood and the anaerobic digester was requested by Fengrain members. Mr Randle stated that there is only one customer for sugar beet, being British Sugar, sugar consumption is falling, local sugar beet quotas have been cut, European legislation will remove import restrictions and there is a genuine threat from imported sugar beet and there is a need for three different crop rotation. Mr Randle explained that crops will be harvested outside the traditional beet harvest. The plan is that 2.1 megawatt of gas is piped to the local grid, with local contractors maintaining it and the used digestate will be used as fertiliser by the farmers.

Mr Randle stated that this is an ideal location in the main cropping area, the land is Class 3, the site is in the countryside, outside the residential main village, the number of traffic movements will be restricted to 78 and will not pass through Eastwood End. In addition natural screening will enhance the area and the byway will be preserved, the neighbours will not be inconvenienced, however, it is noted that neighbours have concerns and Fengrain want to work closely with them. Mr Randle confirmed that he has written to the Parish Council and was disappointed that Mr Barclay MP and Councillor Connor have not visited the site when they have been invited and a compromise has not been reached as a result.

Mr Randle stated that the proposal will provide additional work for local contractors and secure local employment, there will be more jobs at Fengrain, it will create local renewable energy. The consultation process was extended to meet all requirements and Mr Randle assured members that Fengrain would work with the local community, they would not be inconvenienced and asked members to grant permission for the application.

Councillor Patrick asked Mr Randle if he is a member of the Fengrain Board. Mr Randle confirmed that he is the Development Director. Councillor Patrick asked Mr Randle if he was intending to use the gas. Mr Randle responded that it was Fengrain's intention to pipe gas into the driers, consultation has been held with local neighbours and it is the intention of Fengrain to use some of the power to Eastwood End Industrial Estate and to work with neighbours to provide them with power.

Councillor Bucknor asked Mr Randle if the gas would be taken underground to the national grid and did Fengrain have a planning application with British Gas. Mr Randle confirmed that this was not part of this application, there are plans to take gas to the grid and farmers would be consulted to get it into the grid system.

Councillor Mrs Mayor commented that farmers are already being consulted to get the route stating that Fengrain are applying for this planning permission now but have no means of getting the gas away from the site. Mr Randle confirmed that the issue is if planning permission is not granted for this application there is no point in applying for the pipeline to get gas away from the site.

Councillor Mrs Newell asked Mr Randle to confirm the use of sugar beet in the operation. Mr Randle responded that sugar beet is an excellent energy crop, rye will be used as a supplement in the spring and other crops may need to be used. Fengrain have wheat dust and chaff and may use a small amount of maize but commented that maize is the enemy to Fengrain business as farmers grow wheat and the use of maize is not encouraged. Mrs Newell commented that most anaerobic digesters run on maize.

Councillor Patrick asked Mr Randle to clarify the use of chaff and wheat dust. Mr Randle responded that during the harvest the dust sheds are cleared 2-3 times per week and could be used in the anaerobic digester.

Councillor Owen commented on the aroma, it would not be nice and said he had noted the odour assessment. He stated that when members had visited Chittering it was apparent that when doors were opened occasionally an odour was released and on the occasion when 'lids' are removed. Mr Randle responded that Chittering is a different operation. At Wimblington sugar beet will be stored whole under tarpaulins and fed into the digester 1-2 times per day, it won't be filled 24 hours per day. The seal will be opened when the beet is transferred then the clamp sealed to preserve the quality of the sugar beet. Mr Randle explained that the sugar beet will be stored in large clamps, it is a sealed process and pointed out that anaerobic means no smell. Councillor Owen asked Mr Randle if there would be an odour. Mr Randle responded that the process will be controlled, it could not be guaranteed no smell however it is in Fengrains interest to make sure there is no smell from the site.

Councillor Sutton asked Mr Randle if whole crop sugar beet will be used and had any other location for the anaerobic digester been considered. Mr Randle responded that whole crop beet would be used and it would not be commercially sensible to consider another site. The land is owned by a local farmer, there are facilities to test and the infrastructure is in place, with people to manage the whole process and fits perfectly. He stated that to build an anaerobic digester will result in objections from some but confirmed that Fengrain can adhere to the process to not affect local neighbours.

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

- Councillor Murphy commented that there is plenty of land all over the country and an organisation like Fengrain could build a plant out in the open countryside and not near houses and bungalows. He stated that companies receive grants and he wondered why these could not be used to build in another location. Councillor Miscandlon reminded Councillor Murphy that the opportunity to question Mr Randle had passed. Councillor Murphy stated that there is a lot of things to be taken into consideration, this application goes against:
 - Paragraph 14 of the NPPF (National Planning Policy Framework)
 - Paragraph 17 of the NPPF
 - Paragraph 58 of the NPPF
 - Paragraph 123 of the NPPF
- It is also against:
 - LP2 of Fenland's new Local Plan which states to propose to contribute to creating healthy, safe living environments;
 - LP12 of the Local Plan the Rural Area Development Policies (1) should not have an adverse impact on the character and appearance of the surrounding countryside and farmland. (2) it should not put people or property in danger from risks (3) it should not result in the loss of high grade agricultural land (this will happen with the growing of the sugar beet and maize to run the digester which would take it out of ordinary food production, and (4) and not have a floorspace of 1,000 sq m or more or have an operational area including for example parking and storage spaces of 0.5ha or more;
 - LP16 does not meet the criteria of not adversely impacting on the amenity of neighbouring users such as noise, light pollution and loss of privacy;
- Councillor Murphy stated other matters to take into consideration relating to the anaerobic digester as being:
 - The Standard Rule Permit SR2012 No.12 on the BIOGAS website states that the storage, physical treatment and composting of waste must be at least 200m away from the nearest sensitive receptor which is typically a dwelling or workplace. It also states that the quantity of waste that can be accepted onto the site is no more than 100 tonnes a day;
 - The application of the gas pipeline should have been included in this application as it makes no sense to produce gas with nowhere to distribute it to. This will now have to be applied for separately and in Councillor Murphy's opinion should have been applied for in the same application;
 - There are no S106 financial contributions forthcoming for Wimblington with this large development;
 - It is only creating 2 new jobs;

- Access road is unbelievably narrow it cannot accommodate the amount of vehicles at present as he found out while visiting the site on Monday, where 2 cars had to stop while 2 articulated lorries had to manoeuvre to let a third lorry reverse in a gateway. Councillor Murphy asked what will happen with another maximum of 78 2-way movements a day, allowable on this road;
 - The anaerobic digester at Mepal needs 80,000 tonnes of input taking out 5,000 hectares of prime agricultural land out of production but the Wimblington digester needs 45,000 tonnes of input but will only take 80 hectares of land out of food production. There is something wrong with the sums here;
 - How close are the lagoon and silage clamps to the water courses so as not to get contamination seepage from the leachate, which does happen even if the applicant assures it is completely sealed;
 - This application is in totally the wrong place, it is ridiculously close to residential development in Eastwood End, The Hook Lane and Rhonda Park which we were not shown on our site visit, you only see this by driving down these roads. The residents need more respect for their homes;
 - The roads will be covered with mud by the vast amount of traffic movements, as Chatteris and Manea have had to endure the last two years;
 - Councillor Murphy summarised that this application should be Refused planning permission on all the reasons that have been stated above, especially wrong location and to close proximity to residential homes and lastly for 2 other reasons that are not planning reasons, of which he is well aware and always told off for but for the Wimblington residents: Let Common Sense Prevail Over Commercial Greed.
- Due to noise and clapping from the audience Councillor Miscandlon reminded them that he would suspend the meeting if the quietness of the meeting was not respected;
 - Councillor Mrs Mayor commented that members have heard a lot about Localism and asked them to consider Article 8 of the Human Rights Act which refers to the wider community to protect family life from pollution nuisance. She stated that farms are for growing food and did not support officers recommendations to approve the application;
 - Councillor Owen commented that the list from Councillor Murphy did not state whether they were good or bad for the application and had left him somewhat confused;
 - Councillor Hodgson commented that he very much appreciated the time residents had taken to send in their letters, when compared to the agenda that often says 'no comments received' he said it was appreciated that they had taken the time;
 - Councillor Mrs Newell commented that she was in full agreement with Councillor Murphy, and stated he had taken the time to look at the planning reasons for refusal. Councillor Mrs Newell commented that the possibility of Great Crested Newts had been mentioned but had not been investigated on the site, some had been found in the near vicinity and she is concerned that they may be on this site as well and requested that this should be investigated further. She raised concerns regarding methane, carbon dioxide and carbon monoxide, can be extremely dangerous, as there had been a massive explosion at Chittering which is a third of the size of Mepal. Councillor Mrs Newell commented that the safety aspects have not been considered, the applicant says will not be growing much maize however she believes storing some maize can be dangerous, it is said to destroy the soil and no more crops can be grown after it and damages the agricultural growing of other goods;
 - Councillor Patrick asked officers if they considered the sequential tests to be robust and if members were to reject the application would the probable appeal be successful. Officers responded that sequential testing is not applicable to this site and it meets locational requirements. Councillor Patrick commented that this is a difficult and emotive application and he is minded towards the officers recommendations based on the work they have done and all the tests that have been carried out;

- Councillor Stebbing commented that he supports Councillor Mrs Mayors viewpoint and would not be supporting the application. He commented that there are issues regarding enforcing food products, oversubscribed production of food and importing food and he disagreed with the farming community producing non-food products, he commented that he has attended military briefings and there are high security risks around factories and this one is included;
- Councillor Sutton commented that Councillor Jolley had summed it up in a few words, this is not an easy application to determine, the first obligation is whether it meets planning policy, the second consideration is 'would I like this outside my backdoor' and confirmed that he would not. He pointed out that if the application is refused and the decision is appealed against and the planning reasons for refusal are not robust matters could be made worse as the anaerobic digester plant could be built and cost the tax payers, however he was unable to support the application;
- Councillor Owen commented that he has no problem with vehicles or proximity to nearby dwellings, he does have a problem with the definition of effect of the odour as this has not been explained in a satisfactory manner to address all the problems, but believes that whichever decision is made it will be wrong, however he could not see reason to refuse it on a planning basis;
- Councillor Miscandlon reminded members that if they go against the National Planning Practice Guidance Paragraph 049 which says "What type of behaviour may give rise to a substantive award against a local planning authority? Local Planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include: Failure to produce evidence to substantiate each reason for refusal on appeal";
- Councillor Bucknor commented that he had a problem with this application, he was minded to support the officers recommendation however he was mindful of the large number of residents in attendance who were clearly supporting Localism;
- Councillor Quince commented that he was concerned that gas would be produced but there was no application for a pipeline and stated that it would be part of this application;
- Officers reminded members that the applicant hasn't gone this route yet, wanting to get approval of the application before going any further. It is important that members understand that the application that is to be determined is in front of them. The details of the pipeline will either be by a subsequent future application or for British Gas to deliver a pipeline to the site, the pipeline cannot be taken into consideration. It will be needed in the future but members were reminded that they were only here today to determine the application for the anaerobic digester;
- Councillor Sutton commented that he was not convinced by the report that there would not be a smell to the location or noise and his proposal would be to defer the decision to allow members to visit the anaerobic digester site at Bury St Edmunds to allay the fears regarding noise and smell issues. He pointed out that if members were mindful to refuse the application Councillor Murphy had provided reasons from the Local Plan;
- Councillor Miscandlon informed members that the Environmental Health Officer was in attendance if they would like to question her. The Environmental Health officer, Laura Harwood provided the following information:
 - The application was viewed in respect of noise and odour, the guidelines and reports to aid determination were followed to decide whether smell was likely to be offensive or not and how intrusive the smell is going to be, in terms of frequency or strength;

- For this application odour was assessed as a worst case scenario with the material store open and site access 24/7. The outcome stated that 'The worst case scenario for this site that there may be an offensiveness to smell' In an area of local residents you can't have an offensive smell and so we went straight back to Fengrain who were asked to look at odour management, the site was remodelled and came back saying that the amount of smell would be minimal;
 - The guidance provides information about what is acceptable and what is not, consequences, noise, smell and odour are taken into account and it cannot be said 'no impact';
 - By mapping and modelling of this site the issue will be some odour;
 - The Environment Agency has to have a special permit to operate, with ongoing conditions, irrespective of planning permission in relation to proximity to residents and should any resident have a complaint it must set out what Fengrain is going to do today and in the future;
 - Councillor Mrs Newell asked Mrs Harwood if she had visited any other anaerobic digester in the area. Mrs Harwood confirmed that she had visited other sites Environmental Permit inspections with the Environment Agency and considered odour issues and the use of different materials. She confirmed that she had not visited the site at Chittering. Councillor Mrs Newell commented that members had visited the site at Chittering and there was definite smell and flies;
- Councillor Mrs Mayor commented that there are smells from McCain at Whittlesey, admittedly it is not an anaerobic digester but a chip producing factory, they do have a lagoon and the smell reaches the town centre which is 2-3 miles away. She pointed out that Fenmarc in March also have a similar digester which is right next to properties and she stated that she could not support this application;
 - Councillor Owen commented that it would be worse to defer the application. He pointed out that this application is dealing with the location and structure. He asked Mrs Harwood if the odour were to become unpalatable would the special certificate from the Environment Agency enable them to shut Fengrain down. Mrs Harwood responded that the special permit from the Environment Agency would permit Fengrain to operate but she could not say what would be in the permit, odour is a recommended condition, but if terms were breached Fengrain would be at risk of losing the permit and would not be permitted to operate;
 - Councillor Mrs Mayor stated that the application could not be permitted to progress that far in the name of Localism, the Human Rights Act and Article 8;
 - Councillor Mrs Newell commented that the Localism Act 2011 'in the hands of local people' and Policy LP2 of the Local Plan shows that this development should not make such a big difference in the lives of these residents due to its closeness to residential properties;
 - Councillor Keane commented that residents are constantly being pushed towards Localism and asked where members stand. The same question was repeated by Councillor Bucknor. Officers responded that Localism is all about local residents feelings and reactions and objections, members should take these on board and at the same time also set it against adopted planning policy. Localism plays its role however members were reminded that the application needs to be decided on planning reasons;
 - Councillor Sutton commented that there are a lot of concerns relating to highways. Councillor Miscandlon confirmed that there was a representative from Highways in attendance, Lu Mason Walsh, Transport Officer from Cambridgeshire County Council. Councillor Sutton asked Ms Walsh what answers she could provide in relation to the concerns of the local population in relation to traffic movements and road widths. Ms Walsh responded that the application had been thoroughly reviewed by her Transport Team and Development Management Engineers, queries were raised and additional information was provided as a result of the consultation carried out;

- Councillor Mrs Mayor asked Ms Walsh how many other planning applications and traffic movements in Wimblington had been taken into account. Ms Walsh responded that Highways had taken into consideration committed developments, background growth and specific development growth was also included.

It was proposed by Councillor Owen, seconded by Councillor Patrick that the application be Granted, in accordance with Officer recommendations, which was not supported by a majority on vote by members.

The Legal Officer reminded members that there is a requirement for the proposer of the motion to give reasons, he stated that he had some of Councillor Murphy's reasons but there are a few comments he would like to make before Councillor Murphy gave his formal reasons. He reminded Councillor Murphy of the advice given by the Planning Officers regarding the pipeline, the essence of that is that what members are here today to consider is the principle of development. The pipeline could potentially be covered under Permitted Development Rights if not it would be the subject of a separate application, so this would not be considered a valid reason for refusal.

Councillor Murphy asked the Legal Officer what would happen if the application was passed now and then members refuse the pipeline. The Legal Officer responded that the applicant would take it to appeal, stating that the principle is that if it was a statutory undertaker undertaking the works there are permitted development rights that would mean that the applicant would not need an application. If they are not a statutory undertaker or they have a licence under the Gas Act then they could go ahead and do the work without an application. The Legal Officer advised members not to include that as a reason for refusal. He advised that smell and odour had already been considered and reminded members that they had heard from the Councils Environmental Health Officer and asked members to note that at item 4.9 of the report gives her view and Condition 8 additional comments states that it is strongly regulated by the Environment Agency and should members be mindful to use this as a reason for refusal the Council could be at risk of costs if they lost an appeal and the Chairman read out the relevant paragraph from the National Planning Practice Guidance as follows: "Paragraph 049 of the National Planning Practice Guidance - What type of behaviour may give rise to a substantive award against a local planning authority? Local Planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include: Failure to produce evidence to substantiate each reason for refusal on appeal."

The Legal Officer referred to Councillor Mrs Newell's comments regarding the closeness of the residential properties and asked Planning Officers to provide their views on this point as to whether this could be a reason for refusal.

The Planning Officer commented that if members were minded to refuse the application the proximity of local residents units to the operation is something that has been raised. Members were reminded that they had heard from the Legal Officer comments in relation to the odour issue and the risks associated with that. If members were minded to refuse it bearing in mind the discussions had today about the obtrusive nature and the close proximity to the residential unit, a Highways reason for refusal which is an evidential base or an odour reason which is an evidential base we would struggle to defend against. This is a subjective argument and for members to decide whether it is too close to the residential units and whether that would be injurious to the residential amenity through loss of outlook in relation to the mass bulk proposed. He advised members that if they were minded to refuse on that basis he advised that members seek delegated authority to refuse the application to the Head of Planning, the Chairman and Vice-Chairman and the Ward Members to formulate the reason based on the grounds such as the excessive size, height and bulk of the proposed development. The locality being detrimental to the residential amenity.

The Legal Officer endorsed this advice from the Planning Officer as a suitable way forward and advised if the planning application were to be refused and would then go to appeal that does not stop local residents coming to any such appeal and giving their views of representation on highway issues and smell and odour. He reminded members that as officers they have to follow the advice of officers.

Councillor Stebbing asked the Legal Officer what about the proximity to the local business and workers involved in the work in the field. The Planning Officer responded that in terms of when the businessman was talking about the proximity of the workers he did not actually say what his duty of care was and the impact it would have, he assumed that this would be due to an odour issue in terms of the people working on site. In terms of the reference to the explosive nature and the 25kgs of fertiliser that is a safety issue and is covered by their own set of separate legislation and the site would need to meet health and safety requirements as any other legislation relevant to it and any other future development that would require Building Control and would need to meet the licence requirements. The proximity to another site and the potential for explosion would be something that would be covered under other legislation and not something for members to take into consideration.

Councillor Mrs Newell asked if LP2 had been considered. Councillor Miscandlon responded that Councillor Murphy had mentioned LP2, LP12 and LP16.

Councillor Murphy confirmed that he had mentioned LP2, LP12 and LP16 of the Local Plan and the Standard Rule Permit of Bio Gas on their website which is very clear, as it states what you can and can't do. The Planning Officer responded that Health and Wellbeing regarding close proximity to the neighbouring resident this point had been discussed, members had heard from the in-house expert, advising that members could not refuse it on odour, it will be difficult to find evidence to counter our in-house expert and in legal terms there would be a substantive case of costs if an appeal were successful and from an officers perspective if members were minded to refuse it the route would be via the closeness and proximity, he reminded them that it was members decision and officers had provided advice to enable that decision.

Councillor Murphy asked Planning Officers for their advice in relation to the reason for refusal on Highway grounds. The Planning Officer reiterated that the Highway Engineer had provided evidence. Councillor Murphy asked if anyone had actually been down the roads related to the proposal. Councillor Mrs Newell made reference to Councillor Murphy's original reasons for refusal and asked why officers appeared to be disputing these. The Legal Officer responded that the points made in the Planning Practice Guidance state 'Local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal on appeal.' He stated that when the Council goes to appeal the evidence of the County Council Highway Officer will back the Council, but this would not happen in this instance, effectively going to appeal potentially with no experts. Councillor Mrs Newell asked if the Highway Officer had seen the junction. Councillor Stebbing asked the Chairman if the Highways report was a desktop study or a study on the ground. Councillor Miscandlon confirmed that Highways Officer had been to the site.

Proposed by Councillor Murphy, seconded by Councillor Mrs Mayor and decided that the application be:

Refused for the following reasons, being contrary to:

1. LP2, LP12 and LP16 of the Local Plan;
2. Paragraphs 14, 17, 58 and 123 of the National Planning Policy Framework;
3. Standard Rule Permit of SR2012 No. 2 Bio Gas website the storage of physical treatment and composting waste must be at least 200 metres away from the nearest sensitive receptor;
4. Visual Impact;
5. Delegation of Powers to the Chief Planning Officer, Chairman of Planning, Vice-Chairman of Planning and the Ward Member to formulate definitive wording so that the Council, residents and Localism are protected.

For the benefit of the public in attendance the Chairman asked Councillor Murphy to summarise the Policy reasons for refusal:

1. LP2 states 'Development proposals should positively contribute to creating a healthy, safe and equitable living environment';
2. LP12 states 'The Rural Development Area Policy - 1) It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland 2) It would not put people or property in danger from identified risks 3) It would not result in the loss of high grade agricultural land 4) If a proposal within or on the edge of a village would for non-dwellings, have a floorspace of 1,000sq m or more or have an operational area (including for example, parking and storage spaces) of 0.5ha or more'.

Members do not support officers recommendations to support planning permission as they feel that the application is not in keeping with Policies LP2, LP12 and LP16, Paragraphs 14, 17, 58 and 123 of the NPPF, is against Standard Rule Permit SR2012 No. 2 Bio Gas website and will cause adverse visual impact in the area.

(All Members registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been extensively lobbied on this application)

(All Conservative Members declared a Non-Pecuniary Interest in this application, by virtue of knowing the owner of the land of the proposed development)

(Councillor Mrs Newell declared a Non-Pecuniary Interest in this application, by virtue of two of her daughters living in the area of Wimblington)

(Councillor Connor declared a Non-Pecuniary Interest in this application, by virtue of him knowing the owner of the land of proposed development)

(Councillor Jolley declared a Non-Pecuniary Interest in this application, by virtue of him knowing the owner of the land of the proposed development.)

(All Members declared that they were aware of or knew many of the residents who were present at the meeting)

Members took a 10 minute break following determination of this application.

P82/14

F/YR14/0880/PLANOB

**GUYHIRN - LAND NORTH WEST OF GREEN ACRES, GULL ROAD -
MODIFICATION OF PLANNING OBLIGATION ATTACHED TO PLANNING
PERMISSION F/YR13/0268/F (ENTERED INTO ON 28/11/2013) RELATING TO
AFFORDABLE HOUSING REQUIREMENT FROM 4 UNITS TO 1 UNIT PLUS 80%
OF AFFORDABLE UNIT COST AS A FINANCIAL CONTRIBUTION**

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

Officers informed members that:

As requested at the Planning Site Visit, the minutes for application F/YR13/0268/F are:

P39/13 - F/YR13/0268/F

GUYHIRN - LAND NORTH WEST OF GREEN ACRES, GULL ROAD

ERECTION OF 9NO 2-STOREY 4-BED DWELLINGS COMPRISING 4 X 3-BED AND 5 X 4-BED WITH DETACHED GARAGES TO PLOTS 5-9 (MR M WRIGHT)

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

- The Fire Authority request the provision of fire hydrants to serve this development;
- The adjacent road B1187 has a speed restriction of 40mph not the national speed restriction of 60mph as reported by CCC Highways;
- No comments have been received from the Parish Council.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey stated that he was surprised that the development was recommended for refusal. He pointed out that the development accords with Policy CS12, is not piecemeal but a comprehensive scheme with four affordable houses and is a mix of housing which is what is needed in the village. He pointed out that there are fourteen properties beyond this site, eight built in the last ten years and the school has a capacity for eighty four. Mr Humphrey stated that he feels that all concerns have been addressed, the site has a footpath to the local village, it is within walking distance of the local pub, village hall and 'Play Today'. He pointed out that items 7 and 11 on the agenda have been approved and are in Flood Zone 3 and that we would allow affordable housing on this site. Mr Humphrey pointed out that the Environment Agency are happy and it is a good scheme of linear frontage development. Mr Humphrey asked members to be consistent stating that he feels strongly that the site does comply with Policy CS12 and requested that members grant the application.

- Councillor Mrs Newell asked for a point of clarification regarding the speed reduction on the B1187. Officers confirmed that the speed had reduced quite recently from 60mph to 40mph;
- Councillor Mrs Mayor raised concerns that the Internal Drainage Board and the Environment Agency had not responded to the consultation bearing in mind that the proposal is in Flood Zone 3;
- Councillor Hodgson commented that he had no objections to the proposal, there are several consultations awaited, neighbours have not commented and the development is only one kilometre away from village hall, close to the local pub, bus stop, is inside the village sign;

- Councillor Bucknor requested that the aerial photograph be displayed on screen and commented that it seemed as though the development will fill in a part of the village. At Councillor Bucknor's request officers explained the village location on the photograph.

Members received a presentation, in accordance with the public participation procedure, from Mr Maxey, the applicant's agent. Mr Maxey stated that he was not the original Agent for Mr and Mrs Wright when planning permission was granted in 2013 and he has been assisting in selling the plots and trying to resolve the affordable housing issue. He stated that he had tried to transfer 4 plots to Roddons Housing Association who have declined them as they want built houses, they won't take 4 plots which represents 44% affordable housing.

Mr Maxey referred to the officer's report and the Flood Risk Issue and he stated that he disagreed, as in approving the original application the officers and the Environment Agency prove that the Flood Risk Assessment that the flood risk was so small that it was acceptable in flood risk terms. Flood Zone 3 is a level of risk in the absence of flood defences, and gives the impression of risk which the Environment Agency acknowledge and ignores the existing defences and that of managed drainage in Fenland. The Environment Agency would not approve the Flood Risk Assessment if there was a significant risk of these properties flooding.

He stated that he believes that this is a bureaucratic measure to zone that had been overturned in the last application and in doing so members are quite happy that the houses are not going to flood as there are conditions on the height. The same is happening in this application, the houses will not flood, the permission has already been implemented and the houses are going to be built, two are already in construction. The affordable houses which will sit next to them are of no difference in flood risk so changing the tenure of the housing does not in any way change the flood risk. He stated that the officers were wrong on the last application and are wrong on this it doesn't overcome the sequential test, it is the exception test that needs to be overcome and you should not build in flood zone if there is land in zone 2 or 1. This is about the tenure of the houses and he drew to members attention that an affordable rent in one of the semi-detached houses would be between £475 and £500 per month if owned by Roddons, a 95% mortgage over 30 years would cost £510 and £520 per month, £15-20 difference, no significant difference between ownership and rental. The properties are equally affordable whether owned by a housing association or market housing.

Mr Maxey stated that the issue is purely affordable housing on the site, officers have correctly directed members to Paragraph 2 of the NPPF, what they have failed to refer to is the Fenland Local Plan LP2 on affordable housing, it does not appear once in the report. The Council's policy level for sites between 5 and 9 is 20% affordable housing and that is what the applicant is asking for. It is safe to build there and the Environment Agency say it is safe and he is sure that members would not grant in areas that are not safe to build in. There is no policy to back up more affordable housing levels on this site. Mr Maxey suggested that this would be an appeal that would be won in front of an Inspector. Mr Maxey stated that there are jobs in building the houses, homes will be occupied by people that will use local services, to support the local school and support for businesses. Mr Maxey requested that members permit the application bearing in mind policy levels and support it to move forward.

Councillor Patrick asked Mr Maxey to clarify the affordable housing offered by the agent and how Roddons would turn down four affordable houses. Mr Maxey responded that he was not involved in the original application and the affordable housing was offered by the acting Agent for the owner at that time and Roddons had turned down the plots for four affordable houses as they had commented that it was not viable to build them.

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

- Councillor Murphy asked officers why there was no mention of Policy LP5. Officers confirmed that Policy LP5 had been considered but omitted from the list of policies;
- Councillor Stebbing commented that when this application was originally granted there were 4 affordable houses and were they not on there the application would have been rejected, on that basis and the promise of 4 affordable houses he feels that members cannot back track. Councillor Patrick agreed with Councillor Stebbing;
- Councillor Sutton commented that the original recommendation was for refusal, some members at that time thought that affordable housing was worth supporting, the reason it was passed was due to the offer of affordable housing and there is no way that he could support taking that away. He commented that Mr Maxey had missed the point there are lots of occupiers of housing association houses who would never be able to afford housing in the private sector;
- Officers commented that land had been offered for social housing, the S106 stated that constructed units should be offered to the RSL and pointed out that houses had not been offered so it was not known if they would want them or not;
- Officers confirmed that were members to refuse this application the development would have to be built as per the original application.

Proposed by Councillor Sutton, seconded by Councillor Stebbing and decided that the application be:

Refused, as recommended as Members feel that:

- 1. The proposal seeks to reduce the affordable housing provision on a development located in flood zone 3. The reduction in the amount of affordable units on site is such that there is no longer a wider sustainability benefit which would outweigh the harm associated with developing in a high risk flood zone contrary to Policy LP14 of the Fenland Local Plan 2014 and Section 10 of the National Planning Policy Framework.**

3.50pm

Chairman