

APPLICATION NO: F/YR20/1235/O

SITE LOCATION: Land South Of, Bridge Lane, Wimblington

UPDATES

1. Further comments – Middle Level Commissioners (MLC)

- 1.1 MLC has reviewed and responded to the Drainage Technical Note provided by the applicant on 9th August, and also the minutes of the Planning Committee of 14th July in relation to this application (see email from MLC attached). This follows previous comments received (as set out in the applicant’s drainage technical note) confirming that the principle of the drainage strategy was acceptable.

2 Amended plans

- 2.1 The applicant has submitted an updated outline drainage strategy plan (received 13th August) which supersedes the plan at Appendix K of the Flood Risk Assessment and outline drainage strategy document. The applicant advises that;

“the ‘strategy’ is no different to that already considered by the LLFA, IDB and Anglian Water. However, [their drainage consultant] AMA have provided some additional annotations and highlighted the maintenance strip which is to be located along the eastern boundary.”

Officer response to 1.1 and 2.1

- 2.2 The comments from MLC and updated outline drainage strategy plan raises no concerns in the context of the planning application, in particular the outline drainage strategy proposed by the applicant. The outline drainage strategy has been agreed in principle by both the LLFA, MLC and Anglian Water and a detailed drainage strategy will need to be progressed at reserved matters stage to satisfy the relevant authorities.

3 Resident comments

- 3.1 3 further letters received from residents at Bridge Lane raising concerns over flooding issues at Bridge Lane and Woodman Way ditches, issues with the attenuation basin and flooding at the adjacent Nursery Gardens development site, 100 letters of objection, potential for traffic accidents and density/ overdevelopment, Anglian Water’s comments.

Officer response

Drainage & Flooding

- 3.2 The existing drainage problems at Bridge Lane were previously noted at the Planning Committee. However, no technical evidence has been presented to indicate that the proposed development would exacerbate this issue – with positive recommendations received from the LLFA, Middle Level Commissioners and Anglian Water. Those

Authorities have not indicated that the proposed development would be affected by or cause further issues to the Nursery Gardens development. In the absence of any such evidence, Officers consider that there would be insufficient grounds to refuse the application on this basis.

Number of objections

- 3.3 Whilst it is acknowledged that a large number of objections has been received for this proposal, the LPA is legally bound to determine planning applications in accordance with the development plan, unless material planning reasons indicate otherwise. Decisions should not be made solely on the basis of the number of representations, whether they are for or against a proposal. Opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons. As such, it is the material planning grounds of representations received, rather than the number of representations which must be considered by the LPA.

Highway safety

- 3.4 Concerns over potential highways safety were considered at the previous committee. As advised at that time, the Local Highways Authority has considered the applicant's comprehensive transport assessment and has not raised any concerns in this regard. Officers consider that they would be unable to defend a refusal on this basis.

Density/ overdevelopment

- 3.5 The appropriateness of the scheme in the context of the character of the area which takes into account proposed density and overall development of the area was considered at sections 10.17-10.27 and 11.2-11.5 of the original committee report. Officers consider that these conclusions made remain the same.

Full plans, associated documents and comments for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/>

Resolution:

Recommendation grant as per section 4 of the latest officer's report (section 12 of the original report).

Further comments – Middle Level Commissioners (MLC)

From: Planning <planningmatters@middlelevel.gov.uk>

Sent: 12 August 2021 11:01

To: richard@johnsonmowat.co.uk; Gavin Taylor <GTaylor@fenland.gov.uk>; 'Hilary Ellis (Hilary.Ellis@cambridgeshire.gov.uk)' <Hilary.Ellis@cambridgeshire.gov.uk>; andy.james@amatp.co.uk

Subject: Drainage Technical Note - F/YR20/1235/O – NYC Estates Ltd

E-mail to Richard Mowat richard@johnsonmowat.co.uk Gavin Taylor GTaylor@fenland.gov.uk
Hilary Ellis Hilary.Ellis@cambridgeshire.gov.uk Andy James andy.james@amatp.co.uk

Our Ref GM/312/PL/938

(Please quote this reference on any correspondence)

Morning all

March East Internal Drainage Board

F/YR20/1235/O – NYC Estates Ltd

Erect up to 88 dwellings (outline application with matters committed in respect of access) at land south of Bridge Lane, Wimblington

Drainage Technical Note

Further to my message on Monday, I have now had the opportunity to review both the draft Planning Committee Minutes for the meeting held on the 14th July and Andrew Moseley Associates (AMA) Drainage Technical Note dated 6th August.

My comments are as follows:

- A. Draft Planning Committee Minutes for the meeting held on the 14th July
 - i) Cllrs Cornwell, Davis, French and Topgood are all District Council representatives who sit on both March East and other IDB's in the March area.
 - ii) The annual March East Board Meeting was held on the 3rd June and its members will have received a copy of the meeting report which includes entries on both the incident experienced in December 2020; Nursey Gardens and this site. Two of the above mentioned Councillors attended the meeting.

- iii) There appears to be some confusion concerning the sources of flooding and the various flood mapping used.
- iv) Just to clarify, the Boards Drain is protected by 9.0m wide maintenance access strips, not easements or covenants, which enables the Board, not the Council, to access its system in order to undertake maintenance and improvement works.
- v) Councillor French is correct in stating that Internal Drainage Boards are not statutory consultees on planning applications.
- vi) Councillor Cornwell's comment that the March Internal Drainage Boards have been proactive ensuring that whatever surface water drainage provision is made by a contractor is acceptable to the IDB's before work commences is presumed to refer to the position that March Fifth District Drainage Commissioners, upon which both he and Cllr French are Council representatives, recently took in respect of a development to the east of Berryfields.
- vii) In view of the problems experienced with SuDS within and adjacent to our area, March East would be encouraged to follow this principle.
- viii) The statements made by both Councillor Cornwell that, if an IDB feels that something needs to be designed to manage an issue on a development, they can insist that a developer provides and meets the specification and the requirements of the IDB; and David Rowen, that they, the Middle Level Commissioners/IDB, ultimately have the control over the flows that they do or do not accept and to some extent whether a development is permitted, are correct as we can act, where applicable, under our byelaws to prevent this situation occurring.
- ix) When advising the committee that he, Cllr Cornwell, is aware of serious issues arising from the development which is linked to the drain on the eastern side of the property and immediately behind the neighbouring plot where the IDB had to make important decisions regarding the drainage of the land, it is presumed that he is referring to an on-going problem at Nursery Gardens/Lily Avenue.
- x) Little available evidence can be found to support the claims made at the meeting that during the Christmas period, the proposal site was under water. The circumstances experienced during this time were exceptional but, in view of recent evidence, it may become the normal.

B. Andrew Moseley Associates (AMA) Drainage Technical Note dated 6th August

1. Flooding & High Water Table (Page 1)

- (i) During the preparation for attendance at the Committee, and not knowing that it had also been invited to attend, I enquired with the LLFA whether it had received any flooding reports in the Bridge Lane area during December 2020.
- (ii) The LLFA advised that in addition to a report being received, the location is not identified, "one of the Councillors reported that the Bridge Lane in Wimblington been flooded in December 2020 but we do not hold any more information about this incident". I will leave it to the LLFA to provide a copy of the report.
- (iii) I have also checked the Boards records and the District Officer reported that there was flooding in the streets of March and that he had received complaints of cess pools flooding at 5/6 properties, but no locations were provided.
- (iv) No response has been received to the more recent consultation with the Boards Chairman and Vice-Chairman referred to in my e-mail dated 5th August.
- (v) Paragraph 4 refers to the landscaped areas. Could these be "shaped" to accept and retain flows during extreme events?
- (vi) Care is needed when raising ground and floor levels as this can adversely affect overland flow routes and can increase the risk of flooding to neighbouring land and properties that may not have previously flooded. However, this site is not immediately adjacent or beside any existing development so this may not be a problem.

Appendix A – LLFA Response letter dated 27th April 2021 (Page 5)

Comments

The site is within March East IDB not March West.

Watercourse maintenance

The opening sentence is incorrect. This only applies to areas outside of an IDB District. Otherwise, the document provides a succinct summary which can form the basis of further discussion.

In response to the point raised by Gavin in his e-mail dated 9th August, I posed this question in an effort to understand the reasoning behind the provision of this area.

As growth occurs more urban development takes place adjacent to watercourses that serve the area including the Boards systems. The undertaking of channel maintenance and improvement

works in an urban environment, rather than an open field, brings many challenges, conflicts and increased costs which we have to meet.

Whilst the location of the picnic/amenity area beside the Boards District Drain would still result in some challenges it may be preferable than working in an urban environment.

The re-positioning of the pond into the picnic/amenity area may also be beneficial but it is appreciated that this can be discussed at a later date.

Please note that I am not readily available on Tuesday but am otherwise contactable before Wednesday.

Regards

GRAHAM MOORE
Planning Engineer

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Middle Level Commissioners

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