

**APPLICATION NO: F/YR23/0208/F**

**SITE LOCATION: T Knowles (Farms) Ltd, Knowles Transport Ltd, Manea Road, Wimblington**

## **UPDATE**

Consultee comments received from the **Middle Level Commissioners** received on **4<sup>th</sup> December 2024**.

*With reference to recent communication from the Board, Peter Humphrey Associates dwg no 5027/PL02M has been considered along with GH Bullard's Flood Risk Assessment and Drainage Strategy dated July 2024, 198/2022/FRADS P3.*

*It is considered that an access strip of 5m around the attenuation pond should be available to enable machinery to enter the area to undertake the landscape maintenance listed on the Maintenance Plan for Drainage Systems (Appendix H of the FRADS). There must be an area large enough to dry out any arisings taken out of the pond, for example, as mentioned in the maintenance plan. At present, the 1.5m 'dry benching' shown on GH Bullard's dwg no 198/2022/011 Rev P5 found in Appendix F of the FRADS, is not considered sufficient. The proposal for trees between the south of the attenuation pond and the security mesh fence, shown on Peter Humphrey Associates dwg no 5027/PL02M, is also likely to make maintenance of the pond more difficult in the future as the trees grow and spread.*

*It is not clear from the drawings provided whether there is any freeboard proposed for the attenuation pond for a 1-in-100-year event plus 40% climate change but is considered that a minimum freeboard of 300mm should be provided.*

*Figures will also be required to show the 1-in-1-year discharge rates of the existing and proposed developments, to show whether a Discharge Consent application will need to be requested from the Board.*

*Please also note that GH Bullard's Flood Risk Assessment and Drainage Strategy dated August 2024, ref. 198/2022/FRADS P4, is mentioned by the LLFA in their comment of 28th August, but this version of the FRA does not appear to be on the planning portal.*

**Officer Comment: Noted the omission of the updated FRADS in August from the website which was an oversight. This has now been rectified. The LLFA however removed their objections based on the updated FRADS from August 2024.**

**The comments relating to whether a Discharge Consent application will need to be requested is covered and enforced by the IDB legislation separate from planning. An informative is be placed on the decision to reflect this.**

An email was received from the **Environmental Services Operations Manager** on **9<sup>th</sup> December 2024** stating *We have 'No Objections'* to the application.

For clarity, the neighbours comments have been addressed in more detail in the table below:

<b>Local resident's comments</b>	<b>Officer comments</b>
Questions surrounding the legality and validity of the submission given the breach of planning law	This issue was addressed at the time of the comments being submitted by the then Head of Planning with full details available to view online
The suspension of enforcement actions because the site is in full operational use	This issue was addressed at the time of the comments being submitted by the then Head of Planning with full details available to view online
Question surrounding the actual use which was allowed at appeal for a grain store, however, seems to be for transport and storage?	In allowing the appeal, the Inspector attached numerous conditions, one of which related to the actual use of the site. This condition is to be imposed should the application be approved ensuring control over the use in the interests of highway safety
Seems to be 24/7 use	In allowing the appeal, the Inspector attached numerous conditions, one of which related to the hours of operation of the site. This condition is to be imposed should the application be approved ensuring control over the hours of operation in the interests of residential amenity
What if the site is indemnified?	This issue was addressed at the time of the comments being submitted by the then Head of Planning with full details available to view online
Significant highway safety issues	These have been addressed within the Highways section of the committee report.
Since the development has taken place, there has been an increase in flooding within local buildings including the church	The LPA are not in a position to verify that the flooding has stemmed from the development, however, through detailed correspondence with the Local Lead Flood Authority (LLFA) during the application process, the objections raised from the LLFA have been addressed with conditions recommended to ensure the effective operation of the surface water drainage

	scheme and to prevent an increased risk in flooding whilst protecting water quality
Attenuation pond is proposed at the front of the site. What safety measures would be put in place to safeguard wildlife/people falling in?	<p>The attenuation basin is shown within the site edged red with a 2.5m high mesh fence to the site boundary which will prevent members of the public accessing the site and being exposed to a potential risk.</p> <p>Notwithstanding this, the comments are noted, and a condition can be imposed requesting details of fencing/safety barrier to be installed prior to the attenuation being brought into use</p>
Inaccuracies with the submission	Officers are satisfied that the original submitted drawings and information showed enough to enable a robust determination of the application to be made.

A further email objection was received from a neighbouring resident, on 8<sup>th</sup> December. And this is reproduced in full below. This correspondence was sent to County Highways for additional comment, and their responses are in bold. It is also to be noted that an email from the same resident to the Chair and Vice-Chair of Cambridgeshire County Highways committee was forwarded to the case officer.

*Should councillors seek to give this retrospective planning their approval, we believe it is imperative that certain conditions be considered and put in place in particular regarding: traffic, highway access and flooding.*

*We believe that if not addressed these may lead to a risk of serious injury-sustaining or fatal road traffic incident.*

*We strongly ask and advise all councillors to look back at the history of this retrospective planning case I which has 'rumbled on' for over 18 months (7th February 2023).*

*The safety concerns which have led to our OBJECTIONS are as follows:*

- *The site is to be used almost exclusively by Heavy Goods Vehicles (HGVs) given the applicant is a haulier*

**This statement is agreed but the use of the access by HGVs does not change that the proposed site access has sufficient visibility and is of an appropriate geometry.**

- *The danger to other road users from slow moving HGV vehicles (a loaded HGV cargo = 29 tonnes) entering/exiting the site*

**This has been factored into the access design. The original consent included an LHA objection on this point (noting the road was to be subject to 60mph speed limits as opposed to the current 50mph proposal) but it was overruled by PINS. As this was overruled by PINS for a greater speed, I cannot reasonably object for the lower speed alternative.**

- *Safety concerns for pedestrians crossing the entrance to site. e.g. pavement to pavement/dropped curbs (no central reservation as yet planned) and HGV's limited side/rear vision.*

**The proposed access includes the necessary footway and crossing point. A central kerbed island would be beneficial, but its absence is not objectionable.**

- *Access to the lorry park at the read of the applicant's site is currently via a single highway 'tunnel' meaning loitering HGVs awaiting access/exiting the site on the B1093 Manea Road*

**It is agreed that this is an issue and that the 'tunnel' should be wider – I would recommend a width of 9.3m (7.3m running lane plus two 1m buffers / walkways). However, in light of the proposed changes to the site access, on balance, I do not consider this item in isolation to be objectionable.**

- *Distance between building and highway is only 18meters. An HGV is 16.48meters. With access gates closed, HGVs will be loitering/awaiting access on the B1093 Manea Road highway. This means the HGVs will be blocking the highway and be a very serious road traffic obstacle. This also increases the potential of HGVS reversing onto the highway to allow another to exit.*

**It's recommended that a condition is appended to any consent that the access remain ungated.**

- *The road is currently a 50MPH restriction however due to a blind bend located east of the site, the current proposals mean the stopping distance between blind bend and entrance to site is under/less than the required Highway Code safe stopping distance for vehicles. There is the very real potential for serious road traffic accident involving lorries. Junction visibility is acceptable, including forward visibility for vehicles approaching from the east.*

**See above point regarding the access being acceptable to PINS when it was subject to a 60mph speed limit.**

- *Proposed attenuation pond (to resolve potential flooding issues) which will be excavated to a depth of 1.5 meters is located opposite the blind bend. There is the potential for a vehicle to swerve, exit the highway, enter the applicant's site via crashing through fencing and ending up in the attenuation pond (drowning hazard).*

**There is no evidence to suggest there is a risk of vehicles leaving the highway at this location. In any case, such a risk could be mitigated by the installation of a vehicle restraint system if desirable.**

- *The advisory 30MPH sign located on the blind bend is planned to be removed so as not to confuse drivers between the 50MPH speed limit and the advisory. This we consider ridiculous and very serious given it suggests a 50MPH speed on the blind bend is acceptable.*

**All road signage will be reviewed and regularised as part of the implementation phase (S278). This will include an independent safety audit. Alternatives to highlight the bend are available such as, chevron boards with yellow backing.**

*We are NOT in agreement with the Highways Dept consultees in respect to Mr Shane Luck's oversight of the following below factors. We have quoted directly from his letter/Planning Consultation Response. Please see this same letter attached in this email.*

*"In particular, it was noted that the new 50mph sign will be in close proximity to an advisory 30mph limit on approach to the bend in Manea Road. This is likely to cause driver confusion so the advisory speed limit sign will need to be removed from its current location and mitigation measures included to ensure high levels of conspicuity of the bend for vehicles approaching from the east e.g., yellow backed chevron signs or other appropriate warning signs / lines compliant with DfT guidance."*

*We consider the idea of removing the 30MPH advisory - which was instigated by Director of Cambridgeshire Council Council's Highways Dept - Mr Mark Kemp - in 2008) - as WRONG for the following reasons:*

- *The removal of the 30MPH advisory at a blind bend opposite the location of an attenuation pond is INCORRECT and DANGEROUS.*
- *The proposal for a national speed limit applies (white circle, black line) sign at the rear/opposite side of the 50MPH sign and the proposed sign's location would mean a 60MPH speed is acceptable located directly in front of a set of the crossroads (e.g. before Nix-Hill - access road which eventually leads to the RSPCA Centre). We consider this DANGEROUS.*

**As above, all changes in road signs will be reviewed holistically and subject to independent safety audit.**

*The STIPULATIONS/CONSIDERATIONS we believe are required for APPROVAL to be granted are as follows:*

- *That the applicant MUST conduct a Further Highway Safety Assessment in conjunction with Cambridgeshire County Council Highways Dept to ascertain the risk that is to decide whether further safety markations, signage or speed restrictions are needed as per Mr Shane Luck's letter (see attached) and the Executive Decision Notice.*

**I do not consider further safety audit at this stage of development to be necessary. However, a review of the detailed design will be required prior to any implementation. A stage 3 audit of the access post construction, will also be needed.**

- *The requirement for an assessment to ascertain and approve a 30MPH SPEED LIMIT instead of the proposed 50MPH which is currently in place.*

**A 30mph speed limit at this location would be contrary to Department for Transport advise and is likely to be objected by the Police.**

- *A central reservation to be installed on the bell-mouth entrance to the applicant's site for pedestrians to safely cross including dropped curbs (disability/accessibility)*

**While this would be beneficial, its absence is not objectionable. Due to the site layout, the installation of a central island would require the 'tunnel' in the building to widen.**

- *Need for the applicant to modify the building to facilitate two way traffic via a 'double tunnel' (currently, only one tunnel) to avoid loitering HGVs and reduce possibility of any reversing into highway causing an unnecessary risk to other road users.*

**As per above.**

*To conclude, after over 18 months of delegation - emails, letters, photographs - we want a suitable, safe resolution to this application.*

*This is a retrospective application made by the applicant due to breach of original planning and the erection be error (accordingly!) a building that 40% larger than originally approved.*

*Our primary concerns throughout has been to ensure a dangerous and potentially lethal incident is mitigated through sensible planning decisions that take into account the applicant's proposed use of the site and the inherent dangers of the road in its current state (e.g. A 50MPH speed limited and a blind bend).*

*We also wish to mitigate any risk of litigation that would be directed toward decision-makers in the event of a serious or fatal accident occurring in the future that had been foreseen, commented on and spelled-out on several occasions to all parties throughout the lifespan of this application.*

**Recommendation:** GRANT – The above update does not alter the original recommendation as set out on page 58 of the agenda.