

**VARIATION OF CONDITION 12 OF PLANNING PERMISSION H/05016/12/CW TO
EXTEND THE HOURS HCVS DIRECTLY ASSOCIATED WITH SKIP HIRE
BUSINESS MAY ENTER OR LEAVE THE SITE
AT: WOODFORD WASTE DISPOSAL, STATION ROAD, WARBOYS,
HUNTINGDON, PE28 2TX
APPLICANT: WOODFORD RECYCLING SERVICES LTD
LPA REF: H/5007/14/CW**

To: **Planning Committee**
Date: **9 October 2014**
From: **Acting Head of Growth & Economy**
Electoral division(s): **Warboys and Upwood**
Purpose: **To consider the above planning application**

Recommendation: **It is recommended that subject to the completion of a deed of variation to the Section 106 dated 18 April 2013 permission be granted in accordance with the recommendation set out in paragraph 7.1**

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1.0 Background

- 1.1 Planning permission (H/05016/12/CW) was granted in April 2013 for the construction and operation of a materials recycling facility (MRF) and a separate office building on the site of the old brickworks which had operated as a waste recycling centre alongside the adjacent landfill site since 1996. Condition 12 controls the hours during which the various activities associated with the waste recycling process may be carried out.

12 (i) HCVs entering or leaving the site associated with waste recycling operations

0730 to 1800 Mondays to Fridays inclusive except Bank or Public Holidays. There shall be no such vehicle movements on Saturdays, Sundays or Bank or Public Holidays.

- 1.2 Following discussion at the site liaison group the waste planning authority (WPA) agreed that for a trial period (from mid December 2013 until 30 April 2014) the operator may despatch a maximum of 5 of their own skip lorries between 0630 and 0730 on weekdays and return between 1800 and 1900 and on Saturdays a maximum of 3 skip lorries may leave and return to the site between 0730 and 1300 hours. No complaints were received during the authorised trial period but the extended working hours were continued by the operator into the summer and in July 2014 the WPA received a complaint from a local resident about disturbance from vehicles from 0530 on weekdays and throughout Saturdays on occasions during the previous 3 months.

2.0 The proposal

- 2.1 The application when first submitted sought to amend condition 12(i) to extend the hours during which HCVs directly associated with the applicant's skip hire business may enter and leave the site to 0630 – 1900 Monday to Friday and 0730 – 1300 on Saturdays. Following consideration of responses from consultees the applicant amended the proposal such that condition 12 be varied to read:

Notwithstanding (i) above, HCVs directly associated with the operation of the skip hire business shall enter or leave the site between the hours 0700 to 1900 Mondays to Fridays and 0700 to 1300 hours on Saturdays only. There shall be no such vehicle movements on Sundays or Public Holidays.

- 2.2 The applicant currently has 5 skip vehicles operating from the site and to enable the business to offer a similar service to competitors considers that he needs to be able to deliver empty skips to clients earlier in the day, collect full skips later on weekdays and provide a service on Saturday mornings. It is unlikely that skip lorries despatched at 0700 would return before 0730. Waste from full skips

dropped off after 1800 would not be processed until the next working day in compliance with clauses (ii) and (iii) of condition 12. The applicant states that on Saturdays it is unlikely that more than 2 of the fleet of skip vehicles will need to operate and that 2 – 3 vehicle movements per hour would result. The proposed hours are similar to the time during which waste transfer, processing and recycling operations may take place on Saturdays ie 0730 – 1300.

3.0 THE SITE

- 3.1 The site is approximately 10km northeast of Huntingdon, lying 1.5km to the north of the village of Warboys on the edge of Wistow Fen. The waste recycling operation occupies approximately 5ha of the 26ha land owned by the applicant company, the rest of which comprises a landfill operation (time limited until 2015, now only receiving non-recyclable waste from the MRF), partially restored tipped land, overburden storage and landfill gas engine/flare.
- 3.2 Access to the site for HCVs is via a purpose-built access onto Puddock Road. A legal agreement requires lorries serving the site to use Fenside Road between the A141 and Puddock Road, rather than Station Road within the village. Station Road is also subject to a 7.5 tonne vehicle environmental weight limit from a point just south of the junction of Fenside Road and Puddock Road. Passing places were constructed on Fenside Road as a requirement of the 1994 planning permission for landfill, as was the realignment of the junction of Fenside Road with Puddock Road. There are 3 residential properties close to the site access onto Puddock Road: Wingate 100m to the southwest (towards the village); Woodview 25m to the northeast (towards Chatteris); Old Railway Tavern (almost opposite at the junction of Puddock Road and Fenside Road). There are 4 residential/business premises and a riding school on Fenside Road.

4.0 CONSULTATIONS

- 4.1 Huntingdonshire District Council: No objections to the operation of HCVs associated with the skip hire business on Saturdays but 0630 on weekdays is considered unacceptable. The Environmental Health Officer's recommends that 0700 – 1900 on weekdays and 0700 – 1330 on Saturdays are reasonable operating hours for skip lorry movements and conforms with guidance such as WHO Night Noise Guidance and BS4142 and the precedent set for the local area.
- 4.2 Warboys Parish Council: Recommend that the application [as first submitted] be approved. No further comments received.
- 4.3 Environment Agency: No objection in principle.
- 4.4 CCC Highways: Although no information was provided on the increase in numbers of vehicle movements that would arise if the operating

hours are extended it is likely that they will be pro rata for the rest of the working day and on this basis there is unlikely to be any impact on the capacity of the highway.

- 4.5 Individual representations: Have been received from occupier of The Old Railway Tavern, 3 households on Fenside Road, the owner of the riding school and a local horse rider. A copy of their full responses will be placed in the Members' Lounge a week before the meeting and the main points are summarised below.
- 4.6 One correspondent does not raise an objection to the [originally proposed] working hours but asks what action will be taken if the terms of a new condition are not complied with. He also suggests that a lot of the noise is caused by the chains banging on the skips and this could be reduced by the use of rubber hosing. The other correspondents object to or are concerned about the proposed extended hours for skip lorry movements for the following reasons:
- Noise disturbance in early mornings when it reasonable to be able to sleep
 - Noise disturbance in evenings and Saturday mornings when it is reasonable to be able to enjoy activities in house and garden in peace
 - Compromises safety of walkers, cyclists and horse riders using nearby footpaths and bridleways
 - The poor condition of the road exacerbates the noise from the lorries, a lot of which is from the clanking chains
 - The houses near the site entrance and on Fenside Road are not protected from disturbance in the way that those in the village are
 - Skips below the 7.5 tonne weight limit would be able to travel through the village affecting many residents
 - The permitted hours are long enough to operate a business
 - Saturday morning is a popular time for the riding school to take children out onto the bridleways via Fenside Road

5.0 PLANNING POLICY

- 5.1 National Planning Policy Framework (March 2012) (NPPF)
Technical Guidance to the National Planning Policy Framework (March 2012)
Planning Practice Guide (2014)

PPS10: Planning for Sustainable Waste Management (March 2011)

- 5.2 Cambridgeshire and Peterborough Minerals and Waste Development Plan Document Core Strategy Development Plan Document (July 2011) (MWCS)
- CS2 Strategic Vision and Objectives for Sustainable Waste Management Development
 - CS32 Traffic and Highways

6.0 LAND USE PLANNING CONSIDERATIONS

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. It is a material consideration in planning decisions and at its heart is a presumption in favour of sustainable development. It states that:
- Proposed development that accords with the development plan should be approved without delay;
 - Where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted; and
 - Proposed develop that conflicts with an up-to-date development plan should be refused unless other material considerations indicate otherwise.
- 6.2 PPS10 seeks to drive the management of waste up the hierarchy of reduction, re-use, recycling and composting and energy recovery with disposal as a last resort. This principle is also found in policy CS2 of the MWCS. The purpose of the proposed facility is to separate different types of material from mixed waste streams so that they can be recycled or reused thereby reducing the amount that is disposed of by landfill. The principle of a material recycling facility in this location was established in 2013 when permission was granted for the redevelopment of the site. The impacts of the proposed changes to the hours that the skip business may operate need to be considered in the context of development plan policies.
- 6.3 Minerals and Waste Core Strategy (MWCS) policy CS32 states that development will only be permitted where the access and highway network serving the site are suitable or could be made suitable for any increase in traffic and/or the nature of traffic associated with the development and any associated increase in traffic will not cause unacceptable harm to the environment, road safety or residential amenity. Policy CS34 also seeks to protect the environment, human health or safety, neighbouring land uses and loss to residential or other amenities.
- 6.4 The 2012 application was considered on the basis that the existing waste recycling centre had the potential to operate at a maximum of 160,000 tonnes per annum and the new facility was designed to do the

same and this is controlled by condition 19. At that rate of input the proposed development (all waste deliveries including operator and third party skips and other loads) would generate 5 HCV arrivals (10 movements) per hour. In the current application it is stated that the operator currently has 5 skip vehicles based at the site and it is possible that they may all leave the site between 0700 and 0730 but unlikely that they will return in the same period. Whilst the proposal has the potential to increase traffic movements at certain times of the day the highway authority considers the capacity of the public highway is adequate and on this basis the relevant criteria of Minerals and Waste Core Strategy (MWCS) policy CS32 are met.

- 6.5 The hours of operation set out in condition 12 were proposed by the operator in the 2012 application for the redevelopment of the MRF and reflected the permitted hours of the use of the waste transfer station. In the current application one example of a skip hire/waste transfer station with longer operating hours is quoted:

F/0057/01/CW – Fen Metals, Osbourne Road, Wisbech (0630 – 1830 weekdays and Saturdays)

Subsequently the applicant has identified the following sites as competitors for business: Cottenham Skips, Cottenham; Chapsmiths, Bluntisham; Huntingdon Recycling, Windover Road, Huntingdon; Mick George Limited. The operating hours as set out in the relevant planning permissions are:

1. Cottenham Skips: 0700 – 1800 weekdays and 0700 – 1300 Saturdays. NB The operator has been served with a breach of condition notice for repeatedly failing to comply with these hours.
2. Chapsmiths, Bluntisham: 0700 – 1700 weekdays and 0800 – 1200 Saturdays.
3. Huntingdon Recycling: 0830 – 1700 weekdays and 0830 – 1400 Saturdays.
4. Mick George Ltd (St Ives): 0700 – 1800 weekdays and 0700 – 1300 Saturdays. (The Woodhatch Farm site permits the loading and dispatch of vehicles from 0600 – 1900 on weekdays and 0700 – 1300 on Saturdays).

Permission was granted in 2012 for a waste transfer and recycling centre at Factory Bank, Ramsey with operating hours 0730 – 1730 weekdays and Saturdays. The permission has not been implemented.

- 6.6 Of the examples cited above only Mick George Ltd's Woodhatch Farm site, which has access onto the A14 via a private road, is able to operate before 0700 and after 1800. Given the advice of the Environmental Health Officer and evidence of other sites with a skip

hire business the hours proposed in the amended application ie 0700 to 1900 on weekdays and 0700 to 1300 on Saturdays are considered reasonable.

- 6.7 The application is for the extended working hours to apply only to the skip hire vehicles owned by the site operator. Chains hitting the side of the skips have been identified as a distinct source of noise. This can be mitigated by the use of well-maintained rubber sleeves and it is recommended that this be required by condition.
- 6.8 With these measures in place it is considered that with the additional condition in place the proposal is in compliance with the relevant parts of policy CS32 and policy CS34 and will not have impacts on the local community that would justify refusal.

7.0 RECOMMENDATION

- 7.1 It is recommended that subject to the completion of a deed of variation to the Section 106 dated 18 April 2013 and the new condition set out below condition 12 be varied to include a clause (v) as set out below:

HCVs associated with the operation of the skip hire business

(v) Notwithstanding (i) above, HCVs directly associated with the operation of the skip hire business shall enter or leave the site between the hours 0700 to 1900 Mondays to Fridays and 0700 to 1300 hours on Saturdays only. There shall be no such vehicle movements on Sundays or Public Holidays.

New Condition to be added

No HCVs associated with the skip hire business shall leave the site unless the skip lifting chains are equipped with well-maintained noise-absorbing covers

Reason: In the interests of the amenity of local residents (Cambridgeshire & Peterborough Minerals & Waste Core Strategy policy CS34)

All other conditions attached to **H/05016/12/CW**

Source Documents	Location
Planning application file H/5007/14/CW Planning permission file H/05016/12/CW	http://planning.cambridgeshire.gov.uk/swift/appas/run/wphappcriteria.display