

PROPOSED EXTENSION TO THE EXISTING BUILDING TO CREATE COVERED AREA FOR INSTALLATION OF A NEW BALING MACHINE (PART RETROSPECTIVE)

AT: UNIT 2, EASTWOOD END INDUSTRIAL ESTATE, WIMBLINGTON, CAMBRIDGESHIRE PE15 0QH

APPLICANT: Datashredders

APPLICATION NO: F/2007/17/CW

To: **Planning Committee**

Date: **5th October 2017**

From: **Head of Growth & Economy**

Electoral division(s): **March South & Rural**

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

Recommendation: **That permission is granted subject to the conditions set out in paragraph 10.1**

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1.0 INTRODUCTION/BACKGROUND

- 1.1 In the context of this application retrospective planning approval is sought for the installation of the baling machine which was noted on-site in mid-November 2016 and installed and in use from 1st February 2017. The proposed extension to the building will provide an enclosed area for both the baling machine and the baled waste storage area and loose waste handling area.

2.0 THE SITE AND SURROUNDINGS

- 2.1 The application site encompasses land occupied by an existing waste recycling industrial use identified as Unit 2, Eastwood End Industrial Estate and the private road link to the public highway at Eastwood End, Wimblington. The private road entrance to the industrial area lies some 110 metres from the junction with the A141 Chatteris to March A Class road.
- 2.2 The site is bounded to the east by large buildings and a number of tall storage silos associated with the Fengrain storage and distribution site, which also has a vehicular access onto Eastwood End. Other land in industrial use lies adjacent to the southern boundary of the site. Further land in industrial use lies to the north and west of the site, sharing access from the private access road.
- 2.3 A 3 metre high steel panel fence forms the eastern boundary of the site whilst other boundaries are formed of palisade fencing supporting catch netting. A number of tall trees on the Fengrain site lie close to the eastern boundary of the site.
- 2.4 The application site covers an area of 0.32 hectares whilst the proposed extension to the existing building (434 square metres) will result in an increase in enclosed floorspace of 524 square metres. Outside the existing building is an open yard used for waste storage and an area for the unloading/loading of heavy goods vehicles. Forklift trucks are used to ferry the waste materials around the site. The site operates between the hours of 0730 to 1800 Mondays to Fridays and 0730 to 1300 hours on Saturdays.
- 2.5 The existing industrial use receives plastics and cardboards in both loose and baled form which are broken down, sorted and re-baled and placed in temporary storage ready for shipment off-site. The submitted layout plan for the site shows one entrance to the private road and the paths to be taken by a large lorry turning around within the confines of the site yard. Such arrangements are secured by condition on an earlier grant of consent (LPA ref F/2004/16 and F/2010/16/CW) by reference to plan ref. 5269/01E dated March 2015 (Condition 21).
- 2.6 The nearest residential property is located approximately 180 metres to the south of the application site. A property called Eastwood Farm lies

90 metres to the south west which is in the applicant's ownership and used in conjunction with the adjacent industrial use.

- 2.7 Datashredders, the operators of Unit 2, are also in control of a site to the west of the application site, adjacent to the A141, which has permission for general industrial use (F/YR01/0236/F) and is used as a main office which is regulated through the planning process by Fenland District Council.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The planning application seeks approval for the erection of an existing industrial building to create a covered area for installation of a waste baling machine. The applicant has installed, without planning approval, a new baling machine to replace a machine previously installed within the existing building. The machine is sized to increase productivity so that waste materials for recycling can be baled more efficiently. This will mean that the time loose and baled materials will be stored on site will be significantly reduced.
- 3.2 At present the new baling machine, which is the retrospective element of this planning application, is open to the elements. This application seeks approval for an extension of the existing industrial building to create a larger covered area within which the waste will be handled and stored. The location of the designated waste storage areas would remain as approved in February 2017 but would now be largely enclosed by the new building extension.
- 3.3 The proposed extension has been designed to use the same building materials as the existing building. The extension will be finished in matching grey cladding and trim. The eaves of the extension will need to be approx. 2 metres higher than the existing building to accommodate the baling machine which is 6.8 metres high. The maximum overall height of the pitched roof of the extension (9 metres) will be 2 metres higher than the existing building. In plan view the extension forms a reverse L shape almost wrapping around the eastern and southern sides of the existing building.
- 3.4 The western side of the extension is open to the yard to receive incoming materials for sorting with the northern end enclosed and utilised for temporary bale storage. The baling machine is installed in the southern half of the extension and there is sufficient space for forklift trucks to move within the extension between the open yard and the temporary storage area.

4.0 PLANNING HISTORY

- 4.1 Planning permission F/2019/02/CW was granted in November 2002 and permitted the use of Unit 2 for the granulation and bailing of waste plastics for recycling. This permission included no restrictions on the

types or quantities of waste that could be accepted and processed at the site. Restrictions in terms of on-site waste material only comprised of a condition restricting the storage and processing of all raw and processed material to inside the building (condition 8). Previous to this planning permission, the site was in commercial office and industrial use, permitted by Fenland District Council.

- 4.2 Historically environmental issues associated with the unauthorised storage of waste have been experienced at the site which culminated in the serving of a Breach of Condition Notice in 2010 on the previous occupiers of Unit 2. Advice was given to current applicant company in 2012 regarding this matter and in February 2015 a Breach of Condition Notice was served which, following discussions, brought forward a planning application.
- 4.3 In April and June 2016 planning applications F/2004/16/CW and F/2010/16/CW (the latter relating to the adjacent Unit 1 - in separate ownership) were received. The first sought to continue the development approved under planning permission F/2019/02/CW without compliance with condition 8 to remove the restriction on storing waste within a building only. This application was considered by the Planning Committee on 16th February 2017 together with the application on the adjacent Unit 1. The joint decision in respect of Unit 2 approved the external storage of baled waste to the east of the existing building. Provision for the external storage of loose material awaiting baling was approved in an area to the south of the existing building.

5.0 PLANNING POLICY AND GUIDANCE

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan policies are set out in paragraphs 5.7 to 5.9 below.

National Planning Policy Framework (March 2012) (NPPF)

- 5.2 The NPPF has at its core, a presumption in favour of sustainable development, including the idea that development that accords with the local development plan should be approved “unless other material considerations indicate otherwise” (para 12).

National Planning Policy for Waste (October 2014) (NPPW)

- 5.3 A key component of the NPPW is the principle of moving waste “up the ‘waste hierarchy’ of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort” (paragraph 008).

- 5.4 Paragraph 007 of the NPPW states that when determining planning applications waste planning authorities should “concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”.

Waste Management Plan for England (December 2013) (WMPE)

- 5.5 The WMPE also highlights the priority for minimising the use of resources and moving waste up the waste hierarchy (page 11), and emphasises that the Environment Agency is the main regulator of waste management in England (page 15).

Planning Practice Guidance (PPG)

- 5.6 The following sections of the PPG are relevant to this application:
- Retrospective planning applications (paragraphs 1 – 14, reference 17b-001 to 17b013).

Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011) (MWCS)

- 5.7 The following policies are of relevance:

CS29 The Need for Waste Management Development and the Movement of Waste
CS30 Waste Consultation Areas
CS32 Traffic and Highways
CS33 Protection of Landscape Character
CS34 Protecting Surrounding Uses
CS39 Water Resources and Water Pollution Prevention

Cambridgeshire and Peterborough Minerals and Waste Development Plan Site Specific Proposals Development Plan Document (adopted February 2012) (MWSSP)

- 5.8 The site falls within the following designations in the Site Specific Proposals document:

Existing Site designation
W8AC – Hook Lane, Wimblington - Waste Consultation Area

Fenland Local Plan (adopted May 2014) (LP)

5.9 The following policies of the Fenland Local Plan are of relevance:

- LP1 A Presumption in Favour of Sustainable Development
- LP2 Facilitating Health and Wellbeing of Fenland Residents
- LP14 Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP16 Delivering and Protecting High Quality Environments Across the District

Supplementary Planning Guidance

The Location and Design of Waste Management Facilities (2011)

5.10 This Supplementary Planning document was adopted in 2011 to guide the design and location of waste management facilities to ensure high quality.

6.0 CONSULTATION RESPONSES (SUMMARISED):-

- 6.1 **Fenland District Council Planning** – no objection but recommend that advice is sought from the FDC Environmental Protection Team as to the potential noise impacts of the development.
- 6.2 **Environment Protection Team FDC** – Raise no objection to the application. They have assessed the level of noise associated with the baling machine and this will diminish over the distance to the nearest noise sensitive property to acceptable levels. The addition of the enveloping building will provide further protection and noise attenuation.
- 6.3 **Environment Agency** – No objection to the proposed development. In the eventuality that the increase in efficiency means that the site is processing more waste they should ensure that they do not exceed the limits of the Environment Agency T4 exemption.
- 6.4 **Highways Authority** – as the extension is ancillary to the main use of the site and is unlikely to result in any highways safety issues there are no highway objections.
- 6.5 **CCC Local Lead Flood Authority** – the application does not appear to have any surface water drainage implications as the area is already hardstanding. No objection in principle to the proposed development.

7.0 REPRESENTATIONS

Representations have been received from four households objecting as follows (in summary):

- raise objection to the removal of storage area for waste. Noise levels are unacceptable and this application will only add to this. Noise is a major issue.

- objects on the grounds that no noise assessment has been done on the proposed machinery. Also the area to be covered has already been allocated as a storage area for waste materials and is used by forklift trucks. Covering the area will cause a further noise influence.

- The premises are in line with my house and can be seen and heard from my house/garden. Concerned that the machine will emit a loud noise and that we will be subjected to noise 5.5 days per week. If it is to be in a covered area but not fully enclosed and soundproofed the area could/would act as an amplifier. Highlights the close proximity of residential properties on both sides of A141 to the site.

Notes that company have taken over a bungalow next to their main office the gardens of which are used for extra parking for their vehicles. The house has been boarded up.

Still ongoing issues with large lorries parked on the road outside their main offices and close to the A141 junction. These lorries are often seen reversing or parked opposite each other blocking the road to other users and creating blind spots forcing traffic to overtake on a bend.

The drain which runs along the front of their main office has been filled in to allow a pull over for lorries delivering to the site. The footpath that runs along the side of their main office is now in a permanently muddy state because the drainage has been compromised.

- Datashredders continually flaunt the planning regulations. They operate outside of their permitted hours of business much to the sufferance of local residents. Vehicles delivering and collecting from the site continually cause risk of serious road accidents because the entrance being so close to the road junction on the A141. They should not be allowed to increase their operation.

8.0 PLANNING CONSIDERATIONS

8.1 The previous approvals granted by the Waste Planning Authority establishes the principle of the acceptability of a recycling use at this site. The principle of moving waste up the hierarchy to encourage recycling is supported by both national policy and Policy CS29 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy

(2011).The site and operations are therefore supported in principle, subject to the consideration of other planning policies and material planning considerations.

- 8.2 Concern has been expressed by local residents that approval of the application would result in more noise emissions which would adversely affect their local amenity.
- 8.3 The applicant has provided noise test information produced by the equipment manufacturer for the baling machine. This information has been reviewed by the Environmental Protection Team at Fenland District Council who advise that given the distance to the nearest occupied residential dwelling then the predicted reduction in noise emissions at the nearest receptor is considered acceptable. They further advise that the erection of a building over the baling machine and the two areas designated for loose and baled waste storage will have the effect of reducing fugitive noise emissions from the site currently caused by the baler and forklift trucks working in the bale and loose waste open storage areas within the site. With the building structure assisting to attenuate noise local residents are likely to experience an overall reduction in noise levels currently experienced from these noise sources at this site.
- 8.4 The site lies within an existing industrial area and the external appearance will be finished in the same steel profile cladding materials and coloured trim as the existing building. Whilst the proposed extension is higher than the existing building there are a number of high structures already in the locality e.g. grain storage silos. Consequently the proposed extension will not result in a discordant feature in the built form of the local area to a material degree and is considered compliant with the design principles set out in the Location and Design of Waste Management Facilities SPD (2011).
- 8.5 Whilst the development is expected to result in greater efficiency increasing the efficiency of site operations it is not expected to generate any significant increase in vehicular traffic to the site. The site benefits from easy access to the principal highway network (A141) and the highway authority has not raised any concerns regarding the suitability, capacity and road safety considerations of local road junctions. Having baled and loose waste in undercover temporary storage helps to minimise its moisture content (and therefore its resale value) and reduces the risk of windblown particles leaving the site affecting local amenity.
- 8.6 From a recent site inspection it was noted that a second vehicular access and gate has been added from the site to the adjacent private road thus facilitating a one way system for large vehicles entering for unloading/loading and leaving the site. This arrangement obviates the need for any complex HCV vehicle turning manoeuvres within the site. Such arrangements would help to lessen the environmental impact of

the site but are not in accordance with the approved plan referred to in the 2016 permission. The supplementary recommendation (paragraph 10.2) seeks to provide a mechanism to consider this matter as the new gate supports litter catch fencing and should not be left open when no vehicles are arriving.

- 8.7 Local residents have made representations about alleged breaches of planning conditions (hours of working) and planning legislation (unauthorised use of a bungalow for business use by the applicant). A local resident has been in touch with the enforcement officer at Fenland District Council regarding this matter. Having reviewed the planning permissions for that land the resident has been advised by the District Council that the use by the company of the bungalow does not constitute a breach of planning control as planning permission is in place. Any potential breach of working hours is under investigation by the County Council in consultation with the environmental health department of the District Council and any evidence will be examined and actioned where appropriate.

9.0 CONCLUSION

- 9.1 The environmental impact of the installed baler is considered acceptable whilst the implementation of the proposed building extension to enclose of the baling machine and the temporary storage area for baled and loose waste will have the benefit of further reducing the environmental impact of site operations in the local environment. In the interests of local amenity a planning condition re-stating the permitted hours of working for the operation of machinery is recommended.
- 9.2 In landscape terms the design and form and choice of external materials of the proposed extension to the existing building are considered acceptable.

10.0 RECOMMENDATIONS

- 10.1 It is recommended that planning permission be granted, subject to the following conditions:

1. Implementation

This permission comes into effect on the date of this consent and only relates to the retention of the baling machine and the extension to the existing building as set out in the submitted plans.

Reason: *In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to set out the*

implementation of the consent in a given timescale taking account of the retrospective element approved.

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the application form dated 27TH June 2017 and the following information and plans received on 27th June 2017:

- Location Plan Drwg ref 5690/03A dated March 2015
- Proposed Site Plan Drwg ref 5690/01A dated March 2015
- Proposed Elevations and Layout Drwg ref 5690/02A dated March 2015
- Lyndex Maggabite baling press with feed conveyor Scale 1 :100 ; and
- Maggabite - Noise measurements of baling machine

Reason: *To define the site and protect the character and appearance of the locality in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of Fenland Local Plan (May 2014).*

3 Hours of operation

The baling machine shall only be operated and waste handling activities within the building extension shall only take place between the hours of 0730 to 1800 Mondays to Fridays and 0730 and 1300 on Saturdays. The baling machine shall not be operated, nor waste handling operations undertaken, within the building extension on Sundays or Bank and Public Holidays.

Reason: *To protect the amenity of surrounding and local residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).*

4 Building Extension Construction Materials

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order then in force, the extension to the existing building shall be constructed in metal cladding colour Goosewing Grey BS10AOS and trims and guttering in Mint Green BS1C37.

Reason: *To ensure that the development does not adversely affect the character and appearance of the locality in accordance with Policy CS33 of the Cambridgeshire and*

Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of Fenland Local Plan (May 2014).

5 Building Extension Construction Hours

The construction of the extension to the existing building hereby approved shall only be undertaken the hours of 0730 to 1800 Mondays to Fridays and 0730 and 1300 on Saturdays. No construction work shall take place on Sundays or Bank and Public Holidays.

Reason: *To protect the amenity of surrounding and local residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).*

Note to Applicant: This decision should be read in conjunction with the approved plans and planning conditions on planning permission LPA ref F/2004/16/CW and F/2016/CW dated 22nd February 2017 in relation to Unit 2.

- 10.2 It is further recommended that the company be contacted and be invited to submit a planning application with an amended site access plan to regularise the construction of a second access to the site from the private road which permits the operation of a one way system for lorry loading. Appropriate operational protocols to maintain the effectiveness of the perimeter litter catch fencing fixed to the new gate will be needed.

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

The Waste Planning Authority has worked proactively with the applicant to ensure that the proposed development is acceptable in planning terms. All land use planning matters have been given full consideration relating to the installation of the baling machine and the erection of an extension to the existing building to house a bailing machine and maintain the storage areas set out in the 2017 planning permission. Consultation took place with statutory consultees and other consultees, including local residents, which have been taken into account in the decision making process

| Source Documents | Location |
|---|--------------------------|
| <p>Link to Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011</p> <p>Fenland Local Plan</p> <p>The Location and Design of Waste Management Facilities 2011</p> <p>Noise Impact Assessment produced by Atspace Ltd, October 2015 ref 4114</p> | <p>Rm 302 Shire Hall</p> |