

PLANNING COMMITTEE: MINUTES

Date: Thursday 5th October 2017

Time: 10.00am – 11:05am

Place: Kreis Viersen, Shire Hall, Cambridge

Present: Councillors A Bradnam, D Connor (Chairman), K Cuffley, I Gardener (Vice-Chairman), B Hunt, S Kindersley, M Smith and J Whitehead.

14. APOLOGIES AND DECLARATIONS OF INTEREST

Apologies were received from Councillors L Harford and P Hudson, Councillors K Cuffley and M Smith substituted.

The Chairman, Councillor David Connor declared a non-statutory interest under agenda item 4, application reference F/2007/17/CW for Datashredders. Councillor Connor informed the Committee that he personally knew one of the objectors to the application and would therefore withdraw from the meeting before the start of the item.

15. MINUTES – 7TH SEPTEMBER 2017

The minutes of the Planning Committee meeting held on 7th September 2017 were agreed as a correct record and signed by the Chairman.

A Member drew attention to the request at the 7th September meeting of the Planning Committee for measurements to be provided in both metric and imperial systems. Officers confirmed that future reports would contain both systems of measurement.

Clarification was also sought on page 5 of 42 concerning “in situ” for archaeology and officers confirmed this was indeed a correct record of what the applicant had said during the meeting.

Following the conclusion of the item the Chairman, Councillor David Connor withdrew from the meeting and Councillor Ian Gardener assumed the Chair.

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

**AT: UNIT 2, EASTWOOD END INDUSTRIAL ESTATE, WIMBLINGTON,
CAMBRIDGESHIRE,**

LPA REF: F/2007/17/CW

FOR: DATASHREDDERS

The Committee received a planning application that sought the part retrospective planning permission for the installation of a baling machine and its enclosure inside an extension to the existing building. The retrospective element of the application regarded the installation of a baling machine that had already been installed and was operational.

Officers drew attention to two late submissions that had been received and circulated to Members, one from Fenland District Councillor Maureen Davis and one from local resident

Angela Johnson, and allowed time for these to be read and considered ahead of the officer presentation.

The presenting officer drew attention to the site location in relation to nearby towns, the location of the A141 road, the residential development at Eastwood and the nearby grain storage facility. The locations of representations that had been received regarding the application were shown on a map of the area, noting that a third location off the map had also been received.

Members were shown a plan of the site that included a private road that accessed the site, the existing building for the processing of waste material and the route and movements of HCVs within the site.

The location of a newly installed water hydrant was drawn to the attention of Members, the installation of which was a condition of planning permission granted in February 2017.

Proposed site plans and elevation drawings were shown to Members who were informed that the proposed new building that would house the baling machine was approximately 2m higher than the existing structures on the site. The maximum height for the baling machine would be 6.8m; if the machine was slightly smaller (5m) then planning permission would not have been required, Members were informed. Officers also noted that the proposed building extension was approximately 180 metres away from the nearest residents, noting that the nearest bungalow was owned by the company and used for business purposes under their District planning permission.

Photographs of the baling machine were presented to Members that illustrated the height of the machine in relation to the existing building. Attention was drawn to the solid steel fence that was installed along the back of the site that prevented the escape of material and the height of the trees on the adjacent land (albeit it was noted that these were outside the control of the applicant) providing screening to the south.

Attention was drawn to views looking south from the site which showed the private road that allowed access to the site. Members were informed that at the site inspection it was noted that the applicant had created a second access to the site and was operating a one-way system for traffic which was beneficial in helping to reduce HCV movements within the site boundaries.

Officers recommended that the conflict with a previously submitted access plan on an earlier grant of consent should be dealt with by the applicant through the future submission of an amendment.

The main concern of local residents was the potential risk of fire at the site. The application presented to the Planning Committee in February 2017 sought relief from an earlier planning condition that stated all waste material should be stored under cover. Whilst external storage was approved by Committee in February 2017 the current application would result in all waste material being stored inside. Officers explained that the Fire Service had been consulted on the planning application, but through the planning regime they only look at water sources, as the building will fall to Building Regulations approval. Cambridgeshire and Peterborough Fire and Rescue Service would be consulted by Fenland District Council as required by Building Regulations for the erection of the building extension and Government guidance is clear that we should not duplicate other regimes. The officer went on to confirm that he had spoken to the Fire Service that morning ahead of the Planning Committee meeting and that they were content with the new fire hydrant and they would deal with the detail of the building at the Building Regulations stage.

A further concern of residents was noise at the site. The applicant had provided noise emission information from the manufacturer of the baling machine that had been assessed by Fenland District Council's Environmental Health Officer in relation to the current background noise level and the levels were deemed to be acceptable. The enclosure of the baling machine would also potentially further reduce noise emissions.

Attention was drawn to the local liaison forum, the setting up of which was requested by Members following the planning application that was considered by Planning Committee in February 2017. The applicant's agent had advised that following the release of the planning consent a letter had been sent to local residents by the applicant to offer a meeting and request that any complaints regarding the site be directed to him. Officers recommended that if Members were so minded a separate side letter could be sent to the applicant stressing the need for a local liaison forum and for it to include the Parish Council, Local Members, the District Council and the Fire Service as part of the invite circulation list.

During discussion of the application:

- Members clarified the assessment undertaken by the Environmental Health Officer regarding noise. The results of earlier background noise levels had been taken into account when examining the noise levels of the new baler provided by the manufacturer. The assessment had determined that noise from the baler was at an acceptable level at the nearest noise sensitive property.
- Officers confirmed that unannounced inspections of the site would take place to check compliance with the prescribed operating hours.
- It was noted that representations regarding lorry parking and drainage fell outside of the application site and related to District Council permissions.
- Frustration was expressed by a Member that the letter inviting local residents to a local liaison forum had not included local Councillors and noted the officer recommendation that a letter be sent from the Committee regarding the local liaison forum that proposed invitations be sent to local Councillors and the Fire Service.
- Members noted that the letters of representation received instigated a site visit at which operating hours were discussed.
- It was noted that complaints regarding the site generally related to a neighbouring company.
- Clarification was provided that the baling machine would only be used when required and not in continuous operation. There would only be constant noise emitted from the noise suppressed diesel generators. Members were reminded that there had been no objections received on noise grounds from Fenland District Council's Environmental Health Officer.

Councillor Kindersley proposed, seconded by Councillor Whitehead that the officer recommendation be put to the vote. On being put to the vote it was resolved to grant planning permission subject to the conditions set out in Appendix A to these minutes and ensuring that a side letter was sent to the applicant in relation to the local liaison forum.

Following the conclusion of the item, Councillor David Connor returned to Chair the meeting.

17. ENFORCEMENT UPDATE REPORT

Members received an update report regarding the investigations into activities at First Drove and Black Bank at Little Downham and EARL Wood waste yard at Whittlesey. Officers informed Members that information relating to First Drove and Black Bank was still in the process of being reviewed, prior to its submission to Counsel. There was a significant amount of information to review in order to find relevant evidence. The amount of information which needed to be reviewed had resulted in a delay in the submission of the draft Breach of Condition Notices being submitted to LGSS Law with regard to the EARL Wood waste yard at Whittlesey.

A Member expressed disappointment and frustration at the delay. Officers explained that the volume of information stored physically and electronically was substantial and careful sifting was required in order to ensure that key points were not missed. Officers confirmed that they would keep local Members informed of progress.

A Member reminded Members that there was a need for care and caution as the work was extremely complex and it was imperative that if a case reached court it could not be rejected on a technicality that could have been avoided.

A Member requested that future updates contain a short summary of the background and history of the investigation.

18. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWERS

Members noted that with regard to a review of the delegations requested by Members at the 7th September 2017 Planning Committee, a meeting had been scheduled with Democratic Services and it was anticipated that it was likely a report would be presented to Planning Committee at the November meeting.

It was resolved to note the decisions made under delegated powers.

Chairman