

## **PLANNING COMMITTEE: MINUTES**

Date: Thursday 4<sup>th</sup> September 2014

Time: 10.00-11.50am

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors B Ashwood, D Connor (Vice Chairman), W Hunt, D Jenkins, S Kindersley, A Lay, M Mason, J Reynolds (Chairman), K Reynolds, J Scutt and M Smith

Also present: Councillor T Orgee

### **77. APOLOGIES AND DECLARATIONS OF INTEREST**

There were no apologies for absence or declarations of interest.

### **78. MINUTES – 17 JULY 2014**

The minutes of the Planning Committee meeting held on 17<sup>th</sup> July 2014 were agreed as a correct record and signed by the Chairman.

### **79. EXPORT OF SURPLUS CLAY FROM EXISTING STOCKPILE FOR USE IN ENGINEERING WORKS AT OTHER FCC ENVIRONMENT LANDFILL SITES LOCATION: MILTON LANDFILL SITE, BUTT LANE, MILTON, CAMBRIDGE CB24 6DQ LPA REF: S/0461/14/CM FOR: FCC ENVIRONMENT LTD**

The Committee considered an application for planning permission to export 72,500m<sup>3</sup> (equivalent to 130,500 tonnes) of clay from an existing stockpile at Milton Landfill Site. The material had been excavated during the preparation of the site for landfilling, and was surplus as the quantity of clay in the stockpile exceeded the amount required for the capping and restoration of the Milton site.

An amendment to the conditions was tabled, the main change being to the operating hours, and this change had been agreed by the applicant. There was also a small change to Condition 12.

The outcome of consultations, planning policies, planning history and land use planning considerations were all taken into account. Plans and photos were shown, illustrating the location of the site in relation to neighbouring properties and the highway network. A map was also shown illustrating the location of the applicant's other sites in the east of England, where the excavated clay would be used in engineering works relating to the capping and restoration of those sites.

The Chairman invited Local Member District Councillor Bradnam to speak to the Committee. Councillor Bradnam advised that the amendment appeared to satisfactorily respond to the concerns raised, especially the reduction in hours to be worked, including the restriction of operations to 0700 to 1800 hours, Mondays to Fridays.

Members of the Committee:

- observed that immediately to the south of the site was a traveller site, which was less well insulated than other properties in the vicinity;
- sought reassurance that the wheelwash facility would be used consistently and effectively to ensure that mud and detritus was kept off the public highway. Officers reassured Members that this was the case, and that this was set out in Condition 13, and could be enforced;
- noted that noise issues e.g. the reversing bleepers on HCVs, were similarly enforced by Condition 9. Officers pointed out that any issues relating to noise, mud on roads, etc, were likely to be raised by residents with the enforcement team, if they occurred;
- asked what the reference in the report to *“relatively low levels of movement”* in relation to highways actually entailed, and asked why it could not be more objectively quantified. Officers suggested that the number of vehicle movements would have a minimal impact, especially as they would be routed towards the A10, and not go through Milton or other villages;
- comment that given the six year time limit, a fairly high number of vehicle movements would be needed to export the 130,500 tonnes of clay;
- observed that there was an ancient byway called “The Mareway” immediately to the west of the site, and the use of this byway had diminished in recent years. Whilst this was partly screened by trees from the site, it was possible that vehicles operating on top of the stockpile would be visible from that byway. Officers reassured Members that no vehicles would be operating from the top of the stockpile, only from the side. It was further confirmed that no concerns had been raised by the Rights of Way team;
- noted that the bollards and road furniture on the site access to the public highway prevented HCVs from turning left. Whilst Planning Conditions could not be imposed to control what happened outside the site, i.e. on the public highway, there was a sign on the road stating that “all HCVs must turn right”, which was enforced by the Police.

Councillor Hunt moved an amendment, seconded by Councillor Smith, that the new condition proposed after condition 6 should be amended to read *“No vehicles shall enter or leave the site before 0700 hours on any day”*. On being put the vote, this amendment was carried. Officers advised that the existing landfill operations on the site allowed landfilling to start at 0700, but there was a separate condition allowing vehicles to enter the site from 0600, the intention being that vehicles were not queuing on the public highway before 0700.

The Committee resolved unanimously to approve the planning application, subject to the conditions set out in **Appendix 1** to these minutes, which included the subsequent amendments tabled by officers and requested by Members.

*Given the number of speakers present, the Chairman agreed to bring forward the Hauxton Primary School application item.*

**80. EXTENSION TO PROVIDE NEW SCHOOL HALL, KITCHEN AND CLASSROOM  
AT: HAUXTON PRIMARY SCHOOL, JOPLING WAY, HAUXTON CB22 5HY  
FOR: CAMBRIDGESHIRE COUNTY COUNCIL  
LPA REF: S/0468/14/CC**

The Committee considered an application to extend Hauxton Primary School, to provide a school hall, kitchen and one new classroom. The extension was required due to significant development in the School’s catchment area. The outcome of consultations, planning policies, planning history and land use planning considerations were all taken into account.

Plans and photos were shown, illustrating the location of the site and the proposed extension in relation to neighbouring properties and the development proposed at the Bayer site. It was

noted that the extension would not be visible from most of the neighbouring properties, due to the trees and vegetation already on site.

Three individual objections had been received from neighbouring properties, two in Jopling Way and one on High Street. The Committee noted comments from one of the residents of Jopling Way, who was unable to attend the meeting. The main concern from the objectors was the impact on traffic and inconsiderate parking around the school. However, officers indicated that the proposals attempted to address these concerns, by providing more parking spaces for full-time staff, and a drop-off loop for parents. The majority of pupils walked to the school, and initiatives to encourage walking and cycling were being actively promoted.

Lisa Skinner, the applicant's agent, spoke in support of the application, along with Julie Bateman, the Headteacher of the School. They advised that:

- the school was increasing capacity to meet the anticipated demand for places from the area, but also to improve the facilities for current pupils – pupil numbers had increased from 33 to 80 in the last four years, and many rooms and spaces in the current building served a variety of functions e.g. the current 'hall' or central space was used for assemblies, as a library and as a dining room;
- the proposals also included new parking facilities for both cars and bicycles, and a drop-off loop. It was expected that these facilities would address some of the current parking and traffic problems, although it was noted that there had only been six complaints in total about parking and traffic issues over the previous four years;
- there were ongoing plans and initiatives to promote sustainable travel to school, e.g. a walking bus.

In response to Member questions, the agent and headteacher explained:

- that most of the costs for the extension were funded by Section 106 money;
- the school had been rated 'Good' in a recent Ofsted report (September 2013);
- the location of the extension meant that it was visible from very few neighbouring properties, and this had been a key consideration when determining the location;
- how the School dealt with inconsiderate parking by parents;
- that it was projected that the Bayer development would result in an additional 71 Primary School age children in the catchment area. It was confirmed that it was anticipated that there would be a further extension of the school to provide one further classroom, but that would be the subject of a future application. A Member commented that it would be helpful if this point had been made clear in the report.

Local Member County Councillor Orgee spoke on the application. He welcomed the school extension and the benefits this would bring to pupils and the community. He acknowledged the concerns regarding the traffic and parking problems in Jopling Way, and that it was likely that these problems would worsen when the Bayer site was developed in terms of the additional number of vehicle movements. He was pleased that the School was actively promoting alternatives such as walking, cycling and walking buses. However, he noted that the report stated that the additional number of cycle spaces being provided was below the recommended level. Officers advised that the number of cycle spaces was considered appropriate for the current circumstances.

The Committee noted comments from Local Member County Councillor Kenney.

Comments raised by the Committee included:

- stressed that cycle spaces must be covered, and noted the potential hazards which would be faced by children cycling from the Bayer development to the school, commenting that

this was likely to result in reluctance by some parents to allow their children to cycle to school;

- expressed disappointment that the proposals did not include sustainable elements such as renewable energy, or meeting BREEAM standards. Officers advised that the extension was too small for BREEAM environmental standards to apply, but reassured Members that the design included many sustainable elements e.g. 23m<sup>2</sup> of photovoltaic cells, air pumps and high level LED lighting. Officers also explained that most but not all of the funding for the extension was from Section 106 money, and further investment had been made available by the Council. Members noted these points and asked that officers include this type of information, particularly on sustainability aspects, in future reports. There was also a request to include more maps and illustrations in reports, where these would assist Members in understanding the issues involved;
- asked about the replacement trees and the wild flower meadow. Officers advised that the two trees that would be removed were a horse chestnut and a Himalayan birch, but they did not have information about the species of the replacement trees. It was noted that the wild flower meadow was separate to the school field i.e. in an area where it would not be trampled by the children;
- expressed concern that this was effectively an interim solution to an increasing catchment area;
- discussed the Travel Plan, noting that when the Bayer development came forward, the Education Authority would at that time need to take into account the particular transport issues from that site to the School;
- stressed the need for an overarching policy to promote cycling to school across the county.

The Committee resolved unanimously to approve the planning application, subject to the conditions set out in **Appendix 2** to these minutes.

**81. REMOVAL OF CONDITION 15 ON PLANNING PERMISSION F/2004/14/CM  
AT: LYONS FARM, WIMBLINGTON FEN, WIMBLINGTON  
LPA REF: F/2004/14/CM  
FOR: NICHOLAS FARMS**

The Committee considered an application for the removal of a Condition relating the maintenance of written records of all HCV movements from a site where two agricultural reservoirs were being constructed. The applicant was asking for the removal because there was no restriction on the number of vehicles using the site, and in the applicant's view, such monitoring served no purpose. The outcome of consultations, planning policies and planning history were all taken into account.

Wimblington Parish Council had initially objected to the application, stating simply that it "*did not agree with the removal of condition 15*". Since an application could not be refused without sound reasons, the Parish Council had been invited to amplify its concerns. This precipitated some correspondence with the Committee Clerk, during which advice was requested and given on the legal background the application, as a result of which the Parish Council withdrew its objection.

An objection was subsequently received from Manea Parish Council, advising that the condition was considered still to be relevant and that "*presumably there was justification for imposing the condition originally*". Again correspondence took place with the Parish Council, advising them of the legal considerations and asking whether there were any specific problems or issues with the site. No further response has been received and the Parish Council's position was therefore recorded as an outstanding objection.

There were no public speakers on the application.

Councillor Connor, as Local Member, spoke in objection to the application, and supported the view of Manea Parish Council. He pointed out that the applicant had flouted one of the conditions for the permission that had been granted two and a half years ago, and he believed that the condition should be enforced, not removed. He further advised that Byall Fen Drove was in a very poor state of repair, and that the County Council were upgrading the road at considerable cost.

In discussion, Members noted that:

- there were no known plans to extend the site;
- legally, no precedent would be set if the condition was removed, and that all other conditions would be fully enforceable

The Committee resolved by a majority that planning permission F/02014/10/CM be varied by the removal of condition 15.

## **82. ENFORCEMENT UPDATE REPORT**

The Committee noted the latest position statement regarding enforcement issues for the three months from 1<sup>st</sup> April to 31<sup>st</sup> July 2014.

Members discussed specific reports on the following enforcement cases:

**Must Farm Timber Platform site update** – Hanson advised that a detailed draft Project Design for the excavation of the Timber Platform Site was being revised, prior to submission to English Heritage. A further update would be provided at the October Planning Committee meeting.

**254a Cottenham Road** – A Breach of Condition notice had been served on the operator for vehicles entering and leaving the site outside the permitted hours. Local Members Councillor Jenkins and Mason advised that relationships with the management of this site were good, but there were concerns about ongoing problems with debris on the highway and cycleway.

A Member commented that a more robust and decisive approach should be taken against operators who breach conditions, prosecuting promptly where necessary. In discussion, another Member commented that enforcement issues were rarely straightforward, and were usually very complex. He congratulated the enforcement team for the excellent work that they did, working with operators to secure positive outcomes for all concerned wherever possible.

**Land adjacent to Mepal Airfield** – It was anticipated that the Section 278 agreement would be signed shortly, at which point the work would be confirmed following booking of the road space. It was noted that the figure for the bond and the inspection fee were with the developer's solicitor, it was also confirmed that the inspection fee would include the cost of approving the highways drawings, provision of the necessary highway certificate and officer time, so that there would be no cost to the Council.

**Long Acre Farm** – Members noted that the operator had indicated that he was in the process of redeveloping the site. South Cambridgeshire District Council had confirmed that pre-application discussions had taken place with the operator.

**Wilbraham Quarry** – this case would be considered at Crown Court on 3<sup>rd</sup> October 2014.

**First Drove, Little Downham** – a meeting had recently taken place with the landowner.

**Dottrell Hall Farm** – Members were pleased to see photographs illustrating how the operator had removed waste from the site. A conviction had been secured, and the case was going to Crown Court. It was noted that both the Legal and Trading Standards Financial Investigations teams had been involved in this case, and a number of the landowner's assets had been restrained under the Proceeds of Crime Act 2002. The restraint order has since been discharged as the landowner has now restored the land.

The Committee resolved to note the content of the report.

### **83. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWERS**

The Committee received a report on decisions made under delegated powers between 7<sup>th</sup> July and 26<sup>th</sup> August 2014.

The Committee resolved to note the report.

### **84. DATE OF NEXT MEETING: MONDAY 8<sup>TH</sup> SEPTEMBER 2014**

Chairman

## Planning Conditions for S/0461/14/CM

### Commencement of Development

1. The development hereby permitted shall be commenced within three years from the date of this permission. Written notification of the commencement of each clay extraction campaign shall be sent to the Minerals and Waste Planning Authority within 7 days of each commencement.

**Reason:** To comply 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, and to enable the development to be monitored to ensure compliance with this permission. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policy CS34)

### Time Limit

2. This permission is limited to the period expiring on 31 December 2020 or on the day of the completion of the restoration of the landfill site, whichever is the earlier, by which time the export of clay hereby permitted shall have ceased and all plant and vehicles associated with this development removed from the site.

**Reason:** For the avoidance of doubt, because of the relationship between the development hereby permitted and the existing activities at Milton Landfill site, and to provide for the restoration of the landfill site within an agreed timescale. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policy CS34)

### General Provisions

3. The development hereby permitted shall not be carried out except in accordance with the details submitted by way of the planning application dated 13 June 2014 and the following accompanying information and drawings:

- Supporting Statement dated May 2014
- Drawing no. 653A243A Rev. A – Site Location Plan (dated 18<sup>th</sup> Sept 2013)
- Drawing no. 653A238A Rev. A – Planning and Landownership Boundary Plan (dated 2<sup>nd</sup> Aug 2013)
- Drawing no. 653A244 – Location of FCC Environment Landfill Sites for Clay Export (dated 18<sup>th</sup> Sept 2013)

**Reason:** To define the permission and to ensure that the development is carried out in compliance with Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policy CS34.

4. A copy of this planning permission, including all documents hereby permitted and any documents approved in accordance with this permission (or amendments approved pursuant to this permission) shall be displayed in the landfill site office and shall be made known to any person given responsibility for the management or control of operations on the site.

**Reason:** For the avoidance of doubt and to ensure the development is carried out in accordance with the permission and in a satisfactory manner in the interests of the amenity of the area. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policy CS34)

#### Retention of screen planting

5. The existing screen planting along the northern boundary of the landfill site shall be retained for the duration of the development. If any tree along the northern boundary of the site is removed, uprooted or destroyed or dies, or becomes, in the opinion of the County Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same place during the next available planting season, unless the County Planning Authority gives its written consent to any variation.

**Reason:** In the interests of visual amenity and to screen the site from views from Butt Lane. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policies CS24 and CS34)

#### Hours of operation

6. No operations, including the excavation or loading of clay or operation of plant and equipment, shall take place at the site outside the hours of 0700 hours to 1800 hours Mondays to Fridays (other than Bank Holidays or Public Holidays).

**Reason:** To protect the amenities of occupiers of nearby properties. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policies CS24 and CS34)

7. No vehicles shall enter or leave the site before 0700 hours on any day.

#### Environmental Protection

8. All plant and machinery shall operate only in the permitted hours and shall be fitted with silencers and such systems shall be maintained in accordance with the manufacturers' recommendations.

**Reason:** To protect the amenities of the locality and nearby residences. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policies CS24 and CS34)

9. No external lighting shall be installed on the site.

**Reason:** To protect the appearance of the area/the environment and wildlife from light pollution and to protect the darkness of night skies. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policy CS34)

## Noise

10. All audible warning devices fitted to mobile plant, vehicles and machinery, whilst affording suitable safety, shall as far as is reasonably practicable be of a design that does not cause unreasonable noise intrusion to residential properties.

**Reason:** To minimise the adverse impacts on local residents of noise generated by operations on the site. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policy CS34)

## Access and Traffic

11. The number of heavy commercial vehicle movements generated by the development hereby permitted shall not exceed 100 per day (50 movements in and 50 movements out) per day. A daily written record of all heavy commercial vehicle movements shall be maintained at the site for a minimum of 12 months and on request made available to the Waste Planning Authority for inspection.

**Reason:** To limit the daily number of heavy commercial vehicle movements in the interest of highway safety. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policies CS32 and CS34)

12. All heavy commercial vehicles associated with the development hereby permitted shall only use the existing landfill access onto Butt Lane.

**Reason:** To define the waste types permitted to be brought to the site and prevent pollution of the surface and ground water, and because waste materials outside of these categories raise environmental and amenity issues which would require additional consideration. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policies CS24 and CS34)

13. All laden heavy commercial vehicles entering or leaving the site shall be sheeted or carry their load in an otherwise enclosed load space.

**Reason:** In the interests of highway safety and the amenities of the area. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policies CS24 and CS34)

13. No heavy commercial vehicles shall enter the public highway from the site unless their wheels and chassis have been cleaned as necessary using the existing wheel cleaning facilities to ensure that no mud or detritus is carried onto the highway by vehicles leaving the site.

**Reason:** In the interests of highway safety and the amenities of the area. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policies CS24 and CS34)

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

The County 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 and the applicant has responded positive to the advice and recommendations provided by consultees. Proactive consultation took place with statutory consultees, which resulted in overall support for the development proposal.

## Planning Conditions for S/0468/14/CC

### 1. Expiration Date

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.*

### 2. Approved Plans and Documents

The development hereby permitted shall be carried out in accordance with the following documents and drawings received 02 June 2014:

- Location Plan
- Proposed Plan and Elevations 12/3737/P02
- Visuals 12/3737/P03 (received: 15 August 2014)
- Landscape Plan Area "A" 12/3737/P06
- Landscape Plan Area "B" 12/3737/P07
- Car Park and Access Route 12/3737/P04 (received: 05 June 2014)
- Planning Statement
- Transport Statement
- Design & Access Statement
- Tree Survey for Development (received: 05 June 2014)
- H&S Plan 12/3737/C01 (received: 15 August 2014)
- Loading and Unloading locations and routes 12/3737/P09 (received: 19 August 2014)
- Letter responding to consultee comments (received: 15 August 2014)

**Reason:** To define the site and protect the character and appearance of the locality in accordance with DP/2 and DP/3 with policy DP/3 of South Cambridgeshire District Council Development Control Policies DPD (July 2007).

### 3. Construction Traffic Management Plan

No construction work shall be carried out until a traffic management plan has been submitted to the County Planning Authority and agreed in writing in consultation with the Highway Authority. The principle areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street
- iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
- iv. Control of dust, mud and debris.

**Reason:** In the interests of highway safety and residential amenity in accordance with policy DP/3 of South Cambridgeshire District Council Development Control Policies DPD (July 2007).

#### **4. Construction Hours**

No construction work shall be carried out other than between 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

**Reason:** In the interests of residential amenity in accordance with policy DP/3 of South Cambridgeshire District Council Development Control Policies DPD (July 2007).

#### **5. Construction Delivery Hours**

No collection or deliveries to the site shall occur during the construction stages other than between 0700 hrs and 1900 hrs on Monday – Saturday and there shall be no collections or deliveries on Sundays, Bank or public holidays.

During term time no collection or deliveries to the site shall occur between 0810 hrs and 0920 hrs and 1450 hrs and 1540 hrs Monday to Friday.

**Reason:** In the interests of highway safety and residential amenity in accordance with policy DP/3 of South Cambridgeshire District Council Development Control Policies DPD (July 2007).

#### **6. Protection of Breeding Birds During Construction**

No removal of hedgerows or trees shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the County Planning Authority prior to the removal of any vegetation.

**Reason:** In the interests of biodiversity enhancement and protection and in accordance with policy NE/6 of South Cambridgeshire District Council Development Control Policies DPD (July 2007).

#### **7. Replacement Trees**

No development shall commence until a scheme for the planting of two replacement trees has been submitted to and approved in writing by the County Planning Authority. The approved scheme shall include details of location, size and species and shall be implemented in full within the next planting season following occupation of the development.

**Reason:** To replace the trees being removed and in the interests of biodiversity enhancement in accordance with policy NE/6 of South Cambridgeshire District Council Development Control Policies DPD (July 2007).

#### **8. 5 Year Landscape Management**

If within a period of 5 years from the date of planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, or becomes, in the opinion of the County Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the

same place, unless the County Planning Authority gives its written consent to any variation.

**Reason:** In the interests of nature enhancement and conservation in accordance with policy NE/6 of South Cambridgeshire District Council Development Control Policies DPD (July 2007).

## **9. Travel Plan**

Within 6 months of the occupation of the development a revised school Travel Plan shall be submitted to and approved in writing by the County 12 Planning Authority. The approved Travel Plan shall be implemented in full.

**Reason:** In the interests of highway safety and sustainable travel in accordance with policy TR/1 and TR/3 of South Cambridgeshire District Council Development Control Policies DPD (July 2007).