

Agenda Item Number: 3

**NEW INTERNAL ACCESS ROAD
AT: WESTRY ANAEROBIC DIGESTION PLANT, WISBECH ROAD, WESTRY,
MARCH, PE15 0BA
LPA REF: F/2008/14/CW
FOR:LOCAL GENERATION LIMITED**

To: Planning Committee

Date: 6 November2014

From: Head of Growth and Economy

**Electoral
division(s): MarchNorth**

Purpose: To consider the above planning application

**Recommendation: It is recommended that planning permission be granted subject
to the conditions set out in paragraph 8.1**

<i>Officer Contact:</i>
Name: Elizabeth Verdegem Post: Development Management Officer Email: Planningdc@cambridgeshire.gov.uk Tel: 01223 703569

1.0 INTRODUCTION

- 1.1 This application seeks permission for a new internal access and the improvement of internal vehicle circulation at the Westry Anaerobic Digestion (AD) Plant, Wisbech Road, Westry, March, PE15 0BA.
- 1.2 The plant uses waste food to generate energy and produce a soil conditioner which will reduce demand on landfill resources.

2.0 THE PROPOSAL

- 2.1 The proposed development is a new two-way internal access road on the site, which makes no changes to the public highway. The development is needed to divert AD plant traffic away from the central access road which is also used by vehicles serving the adjacent potato packing plant. This in turn will create more space for lorries to wait off the public highway.
- 2.2 The proposal also includes a five space car park, landscaping for visual mitigation, a close boarded fence for noise mitigation and a pond for water storage to mitigate the flood risk of the development.

3.0 SITE AND SURROUNDINGS

- 3.1 The Westry AD plant is located off Wisbech Road (A141) to the rear of a potato packing plant operated by Fenmarc Produce Ltd and is surrounded primarily by agricultural fields.
- 3.2 There are houses and farms located along Wisbech Road to the north and south as well as directly adjacent to the access road from the public highway, which is used by personal staff vehicles and heavy commercial vehicles (HCVs) that visit both the potato plant and the AD plant. Three of the homes have gardens backing on to the potato plant site, which is effectively located behind them. These houses are the closest residential neighbours to the AD site, approximately 250 metres away, with the potato plant between them. Vehicles for the AD plant currently use the same access route through the site as those visiting the potato packing plant.
- 3.3 The site contains a number of buildings and facilities used in the digestion process. They are partially screened from view from Wisbech Road by landscaping trees and other vegetation, and have the appearance of large agricultural-type or warehouse buildings.
- 3.4 The AD facility was originally granted permission in 2009 (F/2007/09/CW). There was a subsequent permission to increase from 30,000 to 70,000 tonnes in 2011 (F/02010/11/CW).
- 3.5 Another application (F/2007/14/CW) is being dealt with by the County Council to vary condition 2 of the F/02012/11/CW to retain the temporary AD reception building permanently. However, this is a separate application and is not considered in this report.

4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 The application was advertised in accordance with the *Town and Country Planning (Development Management Procedure) (England) Order 2010* including site notices, a press notice and individual notification of neighbouring properties.

4.2 The following responses have been received from consultees:

Fenland District Council:No objections.

March Town Council:Recommends approval.

CCC Ecology:No response received.

CCC Highways Development Management:No objection subject to including a condition requiring a construction management plan to be submitted and approved by the Waste Planning Authority prior to development taking place.

Environment Agency:No objection in principle.

Internal Drainage Board:The Middle Level Commissioners (MLC), as engineering consultants to the IDB, consider that the applicant has not provided adequate information to demonstrate a viable scheme that meets the Board's requirements and current design standards for appropriate water level/flood risk management systems. Primarily the MLC have objected to the proposals they consider there is insufficient information to determine:

- the current surface water management at the existing property and how it will be affected by the proposal;
- the future long-term maintenance of adjacent private watercourses; and
- the detrimental effects of surface water run-off from the site on neighbouring properties and the surrounding area.

The MLC seek further supporting evidence from the applicant including, as a minimum, detailed engineering plans with appropriate supporting calculations, a risk impact assessment and/or additional information.

Neighbours:The occupants of Westry Villa have raised concerns about the volume of traffic, structural damage caused by the construction of the road, flooding, noise and vibration, and overlooking from vehicles on the new road. They have confirmed that they do not object to the proposed development provided the application addresses the concerns raised.

5.0 PLANNING POLICY

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 applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan policies are listed below.

5.2 *Cambridgeshire and Peterborough Minerals & Waste Core Strategy (2011)*
(MWCS)

CS32 Traffic and Highways
CS33 Protection of Landscape Character
CS34 Protecting Surrounding Uses
CS41 Ancillary Development

5.3 Fenland Local Plan 2014 (FLP)

LP1 Presumption in Favour of Sustainable Development
LP14 Responding to Climate Change & Managing the Risk of Flooding
LP15 Facilitating the Creation of a More Sustainable Transport Network
LP16 Delivering and Protecting High Quality Environment Across the District

6.0 LAND USE PLANNING CONSIDERATIONS

National Planning Policy Framework

6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how they are expected to be applied. The NPPF is a material planning consideration in planning decisions, which establishes a presumption in favour of sustainable development as a key principle. In decision-taking, paragraph 14 requires 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 impact 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 development that conflicts with an up-to-date development plan should be refused unless other material considerations indicate otherwise.

National Planning Policy for Waste

6.4 On 16 October 2014 the Government published updated national waste planning policy for England the '*National Planning Policy for Waste*'. The policy replaced PPS10: Planning for Sustainable Waste Management (2011).

6.5 The policy maintains the core principles of PPS10 for a 'plan led' approach, by focusing on moving away from traditional landfill towards more sustainable options for waste management. It provides a robust national planning policy framework to enable waste planning authorities, working collaboratively, to consider through their local plans what sort of waste facilities are needed and where they should go to meet waste needs.

6.6 A key component of the policy 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).

- 6.7 This proposal is for ancillary development to an existing waste management facility, and therefore must be considered against policies in the development plan, in accordance with policy CS41 of MWCS. It is considered that the proposal contributes towards sustainable development at the site, in accordance with policies LP1 of FLP, as set out in the reasons below.

Traffic and Vehicle Movements

- 6.8 This application does not propose any additional traffic movements to the AD facility or changes to permitted times for deliveries, therefore, the access road will only be used between the hours of 07:00 to 23:00 on a seven day a week basis as per the condition 6 of the 2011 permission.
- 6.9 The purpose of the development is to change the route of the vehicles serving the AD plant by separating them from the traffic serving the potato packing plant. Diverting the AD traffic around the edge of the site will prevent a build-up of traffic internally, which can at the busiest times of potato trade result in lorries waiting on the public highway outside the site.
- 6.10 The development is considered to comply with policy CS32 of MWCS as it will ensure the site is suitable and able to accommodate the traffic off the public highway in times of congestion. It is also in line with policy LP15 as reducing waiting on the public highway will ensure safer and more consistent flow of traffic on the strategic road infrastructure of the district, contributing to the sustainable transport aims of the district's local plan.
- 6.11 The neighbours are concerned that traffic movements at the site have been occurring late into the night, and that these would be diverted closer to the property as a result of the proposal. As stated in paragraph 6.8 above movements to and from the AD plant are restricted by planning condition and may not take place after 23:00. It is likely that the neighbours' concern relates to traffic serving the potato packing plant which is not subject to the same restriction on hours of vehicle movements. No AD HCVs will be permitted to use the new access road overnight or outside the permitted hours and therefore the proposal should not significantly adversely affect residential amenity, in accordance with policies LP16 of FLP and CS34 of MWCS.

Impact on Residential Amenity

- 6.12 As discussed earlier, the access road will be limited to the same permitted hours of use as previously approved for the AD plant. There have also been concerns that the height of the road will mean that residents will be overlooked by HCVs on the road that will be travelling parallel to their back gardens.
- 6.13 In response the neighbours' concerns the applicant has proposed landscaping and a 2.5 metre close boarded fence adjacent to the new access road behind the back garden, in order to mitigate any concerns about overlooking and to further decrease the effect of any noise. Located along the edge of the access road, it will be set back from the gardens so that it does not impose on residential amenity while still being functional, in accordance with policies LP16 of FLP and CS34 of MWCS. It is considered, this proposal will mitigate the concerns raised by the neighbour.

Landscaping and Visual Impact

- 6.14 The access road will be located outside the line of existing buildings on the site. This will mean that HCVs and other vehicles will be visible against a backdrop of the existing buildings when travelling north towards the site along Wisbech Road. It is considered that the vehicles will not appear out of place in this location, as the backdrop is agricultural and warehouse type buildings, and in order to mitigate the impact the applicant has proposed new planting along the new road on the southern boundary in order to partially screen the vehicles and the building, which can be secured by condition. This is in accordance with policies LP16 of FLP and CS33 of MWCS to reduce the visual impact of the development, and the new vegetation will also go towards increasing biodiversity at the site.

Flood Risk

- 6.41 The site is almost entirely within flood zone 3 and there are a number of existing watercourses running parallel to the site boundaries. The applicant has provided a flood risk statement and proposed to retain the connectivity of the watercourses, and to maintain greenfield run-off rates by installing a water storage pond at the internal south west corner of the road. The Environment Agency has raised no objection in principle to the proposed development.
- 6.42 The objection from the Middle Level Commissioners (MLC) on behalf of March and Whittlesey Internal Drainage Board is acknowledged. The applicant is working directly with the MLC to address the concerns raised and to provide adequate information to demonstrate a viable scheme that meets the Board's requirements and current design standards for appropriate water level/flood risk management systems.
- 6.43 It is anticipated that the applicant will be able to address the MLC's concerns before the Planning Committee meeting at which an update will be provided. If, as is likely, this is the case the proposal will comply with policy LP14 of FLP.

7.0 CONCLUSION

- 7.1 The applicant has provided justification for the proposal and has shown how the new road will improve traffic flow across the site and prevent problems occurring on the public highway. There has been one objection from the MLC whose concerns are likely to be able to be addressed satisfactorily by the applicant. Therefore, it is recommended that planning permission be granted subject to the conditions set out in section 8 of this report.

8.0 RECOMMENDATION

- 8.1 It is recommended that planning permission be granted subject to the following conditions:
1. The development hereby permitted shall be commenced not later than three years from the date of this permission.

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.

2. Approved plans

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

- Planning Supporting Statement (received: 18 August 2014)
- Flood Risk Statement (received: 05 September 2014)
- Preliminary Ecological Appraisal (received: 18 August 2014)
- Site Location Plan ST10728-101 (received: 03 September 2014)
- Plan and General Arrangement of Proposed Access SL004424/200 rev G
- Typical Drainage Details SL04424/206 Rev A
- Typical Drainage Details SL04424/207
- Typical Drainage Details SL04424/208
- Interceptor Details SL04424/209
- Culvert Details SL04424/210
- Drainage Calculations, prepared by HBPW Consulting Ltd, dated 16 October 2014

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

Landscaping planting and management scheme

3. No development shall commence until a detailed landscape planting and managementscheme has been submitted to and approved in writing by the Waste Planning Authority. Such scheme shall include the number, height, species and spacing of new plants and details of the close boarded fence. The approved planting shall be implemented in full in the firstavailable planting season. The approved fence shall be erected before the new road is brought into use.

Reason: In the interests of landscape character protection and residential amenity in accordance with policy LP16 of Fenland Local Plan 2014 and CS33& CS34of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (2011)

4. 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 or destroyed or dies, becomes, in the opinion of the Waste Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless otherwise agreed in writing by the Waste Planning Authority.

Reason: In the interests of landscape character protection and visual amenity in accordance with policy LP16 of Fenland Local Plan 2014 and CS33 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (2011)

5. Operating Hours

Nodelivery or despatch of waste shall take place outside the hours of 0700 to 2300.

Reason: In the interests of residential amenity in accordance with policy LP16 of Fenland Local Plan 2014 and CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (2011)