

**SECTION 73A PLANNING APPLICATION TO VARY CONDITION 18 RELATING TO THE PROCESSING HOURS WITHIN THE CONFINES OF THE ‘ GRANULATION’ AND ‘SEPARATION AND COMPOUNDING BUILDING’ OF PLANNING PERMISSION REFERENCE F/02005/08/CW TO ALLOW OPERATIONS WITHIN THE “ GRANULATION” BUILDING TO TAKE PLACE MONDAY TO FRIDAY (INCLUDING BANK HOLIDAYS) 0700 to 1700 HOURS WITH OCCASSIONAL 2 HOUR OVERTIME , SATURDAYS 08:00 TO 13:00 AND AT NO TIMES ON SUNDAYS; AND TO ALLOW OPERATIONS WITHIN THE “SEPARATION AND COMPOUNDING” BUILDING 24 HOURS 7 DAYS A WEEK INCLUDING SUNDAYS AND BANK/PUBLIC HOLIDAYS; WITH THE CONTINUED USE OF THE RELOCATED PLASTIC RECYCLING CENTRE, OFFICE BUILDING, GRANULATION BUILDING WITH UNLOADING CANOPY, BAILING BUILDING WITH INTEGRAL OFFICE AND FACILITIES AND ASSOCIATED WORKS INCLUDING ROADWAYS AND VEHICLE PARKING AREAS AS SET OUT IN PLANNING PERMISSION F/02005/08/CW.**

**AT: MANEA ROAD, WIMBLINGTON, CAMBRIDGESHIRE PE15 0PE**

**APPLICANT: PLASGRAN LIMITED**

**APPLICATION NO: F/2012/17/CW**

*To:* **Planning Committee**

*Date:* **17th May 2018**

*From:* **Head of Place and 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**

<b><i>Officer contact:</i></b>	
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## **1.0 INTRODUCTION/BACKGROUND**

- 1.1 Planning permission LPA reference F/02005/08/CW was granted on 8<sup>th</sup> December 2008 for the relocation of an existing plastic recycling centre, including the erection of an office building, granulation building with unloading canopy, baling building with integral offices and facilities and associated works including roadways and vehicle parking areas at the former 'Baker Youngs' Nursery site, Manea Road, Wimblington.
- 1.2 Planning permission LPA reference F/02005/08/CW was granted subject to planning conditions including Condition 18 that the permitted hours of work were limited to 0700 to 20.00 hrs Mondays to Friday and 0800 to 1300 hrs on Saturdays. There shall be no working on bank and public holidays or on Sundays. The reason why this planning condition was imposed was to safeguard the amenity of local residents.
- 1.3 Retrospective planning approval is being sought for the continued operation of the existing plastic and cardboard recycling facility without complying with Condition 18 of planning permission LPA reference F/02005/08/CW planning condition relating to the permitted hours of use by requesting a revised planning condition (see Section 3 below).

## **2.0 THE SITE AND SURROUNDINGS**

- 2.1 The application site encompasses some 2.68 hectares (6.6 acres) of land and buildings occupied by an existing waste recycling use located on land off Manea Road, near Wimblington. Vehicular access to the site is gained from Manea Road. The access onto the public highway lies some 800 metres (875 yds) from the junction with the A141 Chatteris to March A Class road.
- 2.2 The site has two large industrial buildings together with an office block and a smaller building retained from its previous use as a plant nursery. The smaller of the two large buildings is used for the granulation of plastic waste whilst the second larger building is used for the process of separation and compounding.
- 2.3 The site is bounded to the east by a field in agricultural use. At the eastern edge of the field is a residential property called The Latches lying 430 metres from the site boundary. Immediately to the west of the site fronting the road is a single residential property and outbuildings called The Roost. Open agricultural land lies to the south west and south of the site. Manea Road and open agricultural land lie to the north of the site.
- 2.4 An existing tree belt helps screen views of the site from the east, south and west. The boundary and vehicular entrance to the site with the public highway is delineated by 2.5 metre high steel palisade fencing. The majority of the industrial buildings on the site are of single storey in

height with the exception of the office block which is two storey in height.

### **3.0 THE PROPOSED DEVELOPMENT**

- 3.1 The planning application seeks approval to extend the working hours within the confines of two large industrial buildings at the site used separately for 'granulation' and 'separation and compounding' operations.
- 3.2 Whilst operations in the external areas of the site outside these buildings accord with the original hours of working condition the applicant advises that operations within the confines of the 'granulation' and 'separation and compounding' building have been exceeding the permitted working hours for well over 4 years. The applicant states that such activity has been carried out without enforcement action or objection from any party. The company now wishes to address this matter formally by requesting revised working hours for operations within the granulation and separation and compounding buildings.
- 3.3 When first submitted the applicant company requested that Planning Condition 18 be re-worded as follows :

*'Granulation' building – Monday to Friday (including bank holidays) 24 hours, Saturdays 0800 to 1300. There shall be no working on Sundays.*

*'Separation and compounding building – 24 hrs 7 days per week (including bank holidays and Sundays).*

*External site activities in yard and other buildings to remain in accordance with current planning condition No.18 of F/02005/08/CW – 07.00 to 20.00 hours Mondays to Friday and 0800 to 1300 hours on Saturdays. There shall be no working on bank holidays or on Sundays*

- 3.4 The applicant sought to extend the permitted hours of operation for the 'granulation' and 'separation and compounding' buildings to increase capacity to keep up with demand for the recycled products, reduce the amount of material stored on site awaiting processing and to maximise the operation and efficiency of the processing plant. The Separation and Compounding plant line takes 6 hours to shut down and cool off but must be manned at all times making it impracticable to shut it down each night of the week and be ready for the next working day.
- 3.5 The applicant confirms that there would be no operations outside the buildings after 20.00 hours. The office will continue to shut at 1700 hours on weekdays and 1300 hours on Saturdays and then re-open at 0700 hours on weekdays and 0800 hrs on Saturdays.

- 3.6 The applicant further advises that the majority of the site effectively shuts down at 1700 hrs Mondays to Friday and 1300 hours on Saturday when the office closes, with forklifts and lorry loading stopping at 2000 hours at which point the doors on the 'granulation' and 'separation and compounding' buildings are shut for processing within to continue with the extended hours sought. Most vehicular movements in and out of the site also are stated to stop when the main office closes, but definitely no later than the current permitted hours on weekdays (2000 hrs) and Saturdays (1300 hours). Suspension of vehicle movements after the original permitted hours also apply to the operation of forklift trucks within the site.
- 3.7 In support of the planning application and seeking to demonstrate that the site can operate without causing demonstrable harm to nearby residents the applicant commissioned two noise assessment reports both involving the measurement of noise levels emanating from the site during the night.
- 3.8 In response to the initial views of the District Council's Environmental Protection Officer regarding the recorded variability of the background noise level and the imposition of a potential limit on night time noise emissions the applicant has undertaken additional noise monitoring with a view to confirming the representative background noise level and the deliverability of complying with a potential new night time noise limit.
- 3.9 Two periods of additional noise monitoring were undertaken at the site during February 2018 with the first period of one week to establish typical background sound levels in the area. A second evening survey was undertaken later in the month. For both surveys the monitoring location was the residential property lying to the east of the site.
- 3.10 Through monitoring the applicant's acoustic consultant has established the typical representative night time background sound level at the site as 30-32dB LA90,T.
- 3.11 Two noise sources associated with a chiller and compressor by the Separation and Compounding building have also been the subject of noise attenuation works (enclosure and additional insulation). Two existing compressors are to be replaced with a new unit with improved housing. These improvements are intended to reduce noise emissions from the site.
- 3.12 To ensure that noise emissions can stay within the potential night time noise limit the applicant has now amended the application by reworking the shift patterns by removing the night time shift from the granulation building, as it is the noisiest operation at the site. The granulation shift within the building is now proposed to operate between 0700 to 1700 hours Monday to Friday (including Bank Holidays) with the occasional option by 2 hours overtime Mondays to Fridays when demand is high.

The applicant has advised that the overtime option frequency has been estimated at 12 times per year (once a month). There will be no granulation on Saturdays and Sundays.

#### **4.0 RELEVANT PLANNING HISTORY**

4.1 Planning permission LPA reference F/2007/06/CW was granted in February 2007 for the change of use of an existing building from a nursey to the storage of recycled plastic materials associated with the company's former premises off Hook Lane, Wimblington. Permission was restricted to internal storage only and the permitted hours of working were restricted to 0730 to 1800 hours Monday to Friday and 0730 to 1300 hours on Saturdays with no working on Sundays and bank or public holidays.

4.2 Subsequently, planning permission LPA reference F/02005/08/CW was granted on 8th December 2008, subject to 20 planning conditions, for the relocation of an existing plastic recycling centre, including the erection of an office building, granulation building with unloading canopy, baling building with integral offices and facilities and associated works including roadways and vehicle parking areas at the former 'Baker Youngs' Nursery site, Manea Road, Wimblington. In addition to the hours of working restriction referred to in paragraph 4.1 the permission included a condition (No.20) which restricted noise emissions from the site as set out below:

*The noise emissions from the site, including any corrections for acoustic characteristics, shall be no more than 5db above the prevailing background noise level at the nearest residential property*

4.3 In March 2018 the applicant submitted a planning application LPA reference F/02004/17/CW for the partial demolition of the existing maintenance shed and erection of detached finished goods building and extension to the existing granulation building to create storage canopy both for the storage of processed materials. Retrospective approval is also sought for the retention of a roof extension and acoustic barriers around external plant by the separation and compounding building together with extended concrete hard standing, operation of a baling machine, concrete dividing walls for storage areas and increase in water storage pond. Consultations on this application are underway.

#### **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 local development plan policies are set out in paragraphs 5.10 to 5.13 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).
- 5.3 Within the Core Planning Principles set out in the NPPF planning decisions should support sustainable economic development in rural areas whilst securing a good standard of amenity for all existing and future occupants of land and buildings. Section 123 of the NPPF requires decision makers to mitigate and reduce to a minimum adverse effects on health and quality of life arising from noise, including through the use of conditions whilst recognising that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put upon them.

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

- 5.4 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).
- 5.5 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)

- 5.6 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).

#### Noise Policy Statement for England

- 5.7 In 2010 the Government published the Noise Policy Statement for England. Which aims to secure the effective management and control

of environmental noise within the Government Policy on sustainable development by mitigating and minimising adverse impacts on health and quality of life. There is a need to integrate consideration of the economic and social benefit of the activity with proper consideration of the adverse environmental effects.

Planning Practice Guidance (PPG)

- 5.8 The following sections of the PPG are relevant to this application:
- Retrospective planning applications (paragraphs 1 – 14, reference 17b-001 to 17b013).
- 5.9 Practise Guidance on Noise was published in March 2014. If a significant observed adverse effect is observed the planning process should be used to avoid this effect occurring by use of appropriate mitigation whilst taking account of the economic and social benefit of the activity causing the noise.

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

- 5.10 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)

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

Existing Site designation  
W8AG – Manea Road ,Wimblington - Waste Consultation Area

Fenland Local Plan (adopted May 2014) (LP)

- 5.12 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)

- 5.13 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 Officer (EPO) FDC** – the District Council have received noise and odour complaints regarding the sites operation and neighbouring residents may be sensitised to the noise from this operation.

The initial noise impact assessment demonstrated that significant changes in background noise levels are experienced and that improvements to noise control from the site has been achieved. However due to the significant changes in monitoring conditions between the initial and verification monitoring they are unable determine if the noise control is sufficient to meet a noise planning condition potentially imposed on the site as typical noise conditions are not apparent.

Recommend that a temporary planning permission be granted during which a programme of sound monitoring is undertaken by the applicant to demonstrate compliance with a noise condition.

The monitoring should be sufficient to demonstrate day time and night time noise limit and determine the typical background noise level for the site.

A noise limit set between 0 to 3 dB above background should be set during the night to take into consideration that noise from the site operation will be audible at the neighbouring resident on a constant basis.

*Supplementary views of the Environmental Protection Officer*



Following review of the most recent noise monitoring it is confirmed that the noise report has complied with the British Standard (BS4142) that sets out the method to measure background noise. This standard sets out the minimum duration of monitoring required. The noise results have been considered in the light of noise data held by the EPO from other local sites and have comparable results.

The outcome of the report demonstrates that with the proposed revised working hours , restricting granulation to day time hours on weekdays only , then noise emissions from the site can meet the background night time noise limit of 32 dB LA90, 15 minute, rated noise of 35 dB LAeq, 15 minute when measured at the residential property to the east of the site.

Recommend that a Condition is applied to ensure that the site is responsible to monitor compliance with the noise condition in the event justified complaints are received.

It is further suggested that there is a maximum number of occasions that the option of 2 hours overtime when busy until 1900 hours is applied. This would require a specified process to record and monitor the number of occasions this occurs.

- 6.3 **Wimblington Parish Council** – advise that they have no objections to the application.
- 6.4 **Environment Agency** – No comment. The site is regulated by the Environment Agency under an existing Environmental Permit.
- 6.5 **Highways Authority** – advise that there is no unacceptable impact created upon the highway as a result of the existing use. The proposed change in operational hours is unlikely to create a significant impact on highway safety.
- 6.6 **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**

- 7.1 A total of five representations have been received from local residents together with a representation of a former owner of Lily Cottage. One representation received from the occupier of the closest residence to the site offers support for the proposal.
- 7.2 In summary the other representations primarily refer to problems of disturbance caused by noise emissions that had been experienced in the past, including the representation from a former resident. On one occasion a local resident called the police about disruption and disturbance being caused by noise from the site. On another occasion

concerns were expressed directly to the company resulting in a visit from a manager to review the complaint.

- 7.3 Local residents stated that they had no idea that the site was operating outside of its permitted hours and some have grown accustomed to the noise. A resident considers that noise emissions have reduced during this summer but remains concerned if permission were to be granted then noise levels might increase again creating disturbance and loss of amenity. One resident has expressed concern about the volume of industrial traffic on Manea Road in respect of road safety.
- 7.4 The records held by the Environmental Protection Office at Fenland District Council show that there is a history of noise complaints made about the site.
- 7.5 The change to the application proposal put forward in early March 2018 (see paragraphs 3.8 to 3.11) has been the subject of re-consultation with local residents and the District Council's Environmental Protection Officer.
- 7.6 In response to the re-consultation three additional representations have been received from local residents. These generally welcome the removal of granulation operations during the night and at weekends from the planning application. Two residents are however concerned about the enforceability of incorporating an additional "2 hours overtime" flexibility and consider that the granulation operation should only be permitted to operate between 0700 to 1700 hours Mondays to Fridays and excluding Bank Holidays. Records of use should be kept and made available upon request to the regulatory bodies. Further regular monitoring should be undertaken with internal noise attenuation measures undertaken as necessary to minimise noise pollution to local residents in the future.

## **8.0 PLANNING CONSIDERATIONS**

- 8.1 The previous approvals granted by the Waste Planning Authority establishes the principle of the acceptability of a recycling industrial 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 Local residents have advised that they have previously suffered disturbance from noise from the site at night. Concerns have been raised that approval of the application could result in more noise emissions which would adversely affect their local amenity. The nearest resident lying to the east of the site has confirmed that their property does have windows which overlook the site and they have

experienced disturbance at night in the past often requiring them to close bedroom windows during the summer months.

- 8.3 The applicant has provided noise assessment information undertaken by noise consultants. The first noise survey was carried out between 23<sup>rd</sup>– 26<sup>th</sup> March 2017. Measurements were made both during the day and at night time near the residential properties lying immediately to the west and a short distance to the east of the site. The results of the survey indicate that noise from the site would result in a significant adverse noise impact on the occupiers of a property lying to the east of the site. The survey indicates a noise level (12-14 dB) significantly above the limit (5dB) imposed by condition 20 of the original planning permission. As such these noticeable and intrusive noise emission levels require mitigation. On the basis of these survey results it is clear that the resident has been exposed to elevated levels of noise and that disturbance would result.
- 8.4 Following the results of the noise survey undertaken in March 2017 the applicant has acted and erected enclosures around items of external plant (cooling equipment, fans and compressors) considered to be contributing to the measured noise level exceedances. Metal noise screens approximately 3 metres high have been constructed on the northern and eastern flanks of the 'Separation and Compounding' building to shield the external equipment.
- 8.5 Following construction of the noise screens more night time noise assessment and monitoring was carried out over 10<sup>th</sup>-11<sup>th</sup> August 2017 to replicate the earlier survey. The results of this monitoring show that at the time of survey the area experienced a low background noise level and that noise levels from the site had reduced by between 7 - 10dB. This constitutes a significant reduction (a halving of loudness) in relation to the earlier survey results.
- 8.6 The Environmental Protection Officer (EPO) at Fenland District Council has reviewed the detailed noise survey data and agrees that the data demonstrates that improvements to some noise control from the site has been achieved. However due to the significant difference in monitoring conditions between the initial and verification monitoring she was unable to determine if the noise control is sufficient to meet a noise condition that should be imposed on noise emissions from the site.
- 8.7 The initial noise impact assessments carried out by the applicant's noise consultants demonstrate that significant changes in background noise levels are experienced. The amount of monitoring has been taken into account and the Environmental Protection Officer is unable to conclude what is considered as the typical background sound level for this location.

- 8.8 The Environmental Protection Officer advised that a programme of further noise monitoring should be carried out by the applicant to establish the typical background noise levels and enable potential night time noise limits to be reviewed and set as necessary.
- 8.9 Further noise monitoring at the site was carried out on two periods in February 2018 and a supplementary noise report submitted in March 2018. The additional monitoring data has also been reviewed by the Environmental Protection Officer who has advised that sufficient information (site monitoring and other local records) is now available which has enabled her to determine the background noise level as a basis for setting a night time noise condition.
- 8.10 The Environmental Protection Officer, noting the decision of the applicant to withdraw night time use of the granulation building, has recommended that if approved the decision should include a noise condition restricting the night time noise limit to 32 dB LAeq, 15 minute, rated noise level of 35dB LAeq, 15 minute. This limit value is equivalent to the representative night time background noise level experienced locally and thus night time and weekend operation of the Separation and Compounding process should not result in detriment to local amenity in accordance with government guidance and Policy CS 34 of the Minerals and Waste Core Strategy Development Plan Document (July 2011).
- 8.11 It is clear from noise monitoring that background noise levels are influenced by the nature of site equipment in use, time of night, weather conditions including wind direction, the presence of other sources such as agricultural activity and road traffic noise on local roads and A141. Consequently there is a range of noise levels that are experienced locally.
- 8.12 It is noted that the applicant has taken earlier ameliorative action in response to the results of initial noise monitoring. This has encompassed the construction of noise barriers for compressors and chillers, rationalising equipment and providing more noise insulation at the Separation and Compounding Building. This improvement process should continue going forward so that the site can operate well within any night time environmental noise limits set. The Environmental Protection Officer (EPO) has recommended that a planning condition be imposed to secure regular monitoring of noise by the site operator to act as a catalyst for site improvements in addition to responding to any justified local complaints. A suitable planning condition has been recommended (Condition 21) as set out in Paragraph 10.1. The Condition has the support of the Environmental Protection Officer of the District Council.
- 8.13 Local residents have expressed concern about the provision of a potential additional 2 hour "overtime" period for the granulation process during periods of peak demand. The Environmental Protection Officer

has suggested that a maximum number of occasions that the option of 2 hours overtime from 1700 to 1900 hours Mondays to Fridays can apply should be stated and a system of recording operational hours be instigated for the granulation building to facilitate monitoring by regulatory bodies.

- 8.14 The original planning permission (F/2005/08/CW) granted permission for the plastics recycling facility to operate weekdays between the hours of 0700 to 2000. The applicant's stated intention to cease granulation operations normally at 1700 hours would provide some benefit in respect of reducing the impact of noise emissions for local residents which is tempered in part by the stated potential to add, on occasion, 2 hours overtime when busy to the granulation process. With overtime the plant would cease work at 1900 hours, although the original permission limited operations to 2000 hours. The applicant has indicated that he expects that the overtime option might be exercised on up to 12 times in any one year.
- 8.15 However on the basis of available noise monitoring data there is considered to be insufficient evidence of potential harm that would justify restricting operation of the granulation building from the original permitted operational restriction of 2000 hours when external yard operations also cease. This view is supported by the Environmental Protection Officer of the District Council.
- 8.16 Whilst a local concern has been expressed about day time HCV traffic movements in relation to road safety the site access has been laid out to the required standards and there is good visibility along Manea Road for emerging traffic in both directions. The Highways Officer has not identified any concerns on highway capacity or road safety grounds.

## **9.0 CONCLUSION**

- 9.1 Given the context of the revisions to the planning application it is important principle that if operations undertaken within a building on the site are to continue to be undertaken overnight then the amenity considerations for local residents are respected and noise levels reduced to an acceptable level in accordance with Policy CS34 Protecting Surrounding Uses of the Cambridgeshire Minerals and Waste Core Strategy Development Plan Document (July 2011).
- 9.2 It is clear that local residents have experienced noise problems in the past and there is a need to bring night time operations under close control given the low background noise levels experienced in this open fenland location. The applicant's proposal to exclude and cease night time working of the granulation plant (the noisiest element of the process) is to be welcomed as lower noise levels will result.
- 9.3 The recent noise monitoring and related mitigation work undertaken by the applicants has yielded positive benefits in respect of reduced noise

emissions results and is welcomed. The process of periodic noise monitoring and mitigation works review carried out by the applicant should be continued going forward as industrial processes change and new or replacement fixed machinery and equipment is brought into use. This approach has the support of the District Council's Environmental Protection Officer.

- 9.4 To ensure that the amenity of local residents is respected it is recommended that the original Condition 20 of the consent be varied to include limitations on night time noise experienced at the nearest residential property as recommended by the District Council's Environmental Protection Officer to a level no higher than the existing representative background noise level.
- 9.5 The highways officer has not objected to the development on highway grounds and all HGV movements will continue to take place within the permitted daytime hours.

## **10.0 RECOMMENDATIONS**

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

## **CONDITIONS AND REASONS**

### **Implementation**

1. This permission comes into effect on the date of this consent in accordance with submitted site plan 4960/01/01A showing the location of the Granulation and Separation and Compounding Buildings received on 13<sup>th</sup> September 2017 and submitted documents.

**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 nature approved.*

**General:**

2. This permission shall only relate to the land edged red on the application drawing 4125/PO1 Rev A, dated December 2007, hereinafter referred to as the “site”.

**Reason:** *To define the site and protect 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).*

3. Unless otherwise agreed in writing by the Waste Planning Authority, the development hereby permitted shall not proceed except in accordance with the following approved plans.

- 4125/P01 Rev A dated 21/05/2008 – Proposed layout
- 4125/PO2 Rev 2 December 2007 – Proposed layout and elevations for office building
- 4125/P03 Rev A dated 21/05/2008 – Proposed layout and elevations for granulation building
- 4125/P04 Rev A dated 21/05/2008 – Proposed layout and elevations for baling building
- JBA 08/82 – 03 dated July 2008 – Landscaping Plan 1
- JBA 08/82 – 04 dated July 2008 – Landscaping Plan 2
- Plan 4960/01/01A received on 13th September 2017 showing the location of the Granulation and Separation and Compounding Buildings

**Reason:** *To define the site and protect 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).*

**Design:**

4. **Condition 4 no longer required as the materials for which the office building and other buildings were to be constructed constructed have been approved and implemented.**

**Landscaping:**

5. No trees, shrubs or hedges existing on the site shall be removed or cut down without the prior written consent of the Waste Planning Authority.

**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).*

6. **Condition 6 no longer required as boundary edge landscaping implemented substantially in accordance with approved details.**
7. **Condition 7 no longer required as the 5 year landscape maintenance period has expired.**

**Environmental Protection:**

8. The drainage works shall comply with the approved drawings (974-02 Rev D dated 02/10/08, 974-03 Rev D dated 03/10/08 and 974-04 Rev C dated 03/10/08) and associated calculations.

**Reason:** *To ensure a satisfactory method of surface water drainage in accordance with Saved Policy WLP16 of the Cambridgeshire and Peterborough Waste Local Plan (2003)*

9. The external lighting and security cameras shall comply with Drawing Number 4125/PO1 Rev A dated 21/05/2008, using the design and type identified in the revised Design and Access Statement received by the Waste Planning Authority on 4<sup>th</sup> August 2008.

**Reason:** *To define the site and protect the amenity of local residents and the character and appearance of the locality in accordance with Policies CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of Fenland Local Plan (May 2014).*

10. The layout of the site and fire access to the pond for fire regulation purposes shall be carried out in accordance with approved Drawing no 4125/PC05A as modified by Plan 4960/01/01A received on 13th September 2017

**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).*

**Contractors Arrangements:**

11. **Condition 11 no longer required as the construction phase has been completed.**



12. Condition 12 no longer required as the construction phase has been completed.

**Transport Arrangements:**

13. The development shall comply with the approved plan (Drawing Number 4125/PO1 Rev A, dated 21/05/2008).

**Reason:** *To ensure that the scheme satisfactory addresses potential traffic, access and parking impacts in accordance with Policy CS 32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014)..*

14. The access to the site shall comply with approved updated Drawings nos 4125/COND1B & 4125/COND02B dated September 2011. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 4.5m x 215m measured from and along respectively the edge of the carriageway.

**Reason:** *To ensure that the scheme satisfactory addresses potential traffic, access and parking impacts in accordance with Policy CS 32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).*

15. The permanent space to be reserved on the site for turning / parking / loading and unloading shall be surfaced and marked out in accordance with approved updated Drawing no 4125/COND1B dated September 2011 and the land thereafter used for no other purpose unless agreed otherwise by the Waste Planning Authority.

**Reason:** *To ensure that the scheme satisfactory addresses potential traffic, access and parking impacts in accordance with Policy CS 32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).*

**Waste Activities and Operational Waste Hours:**

16. No external storage of waste or recycled plastics shall occur outside of the buildings on the site. Nothing shall be stored within the storage area shown on plan 4125/PO1 Rev A dated 21/05/2008 other than

empty cages which shall not be stored above the height of the boundary tree screening;  
No overnight storage of materials in trailers at the site shall occur.

**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).*

17. All forklift trucks shall be fitted with White Noise reversing beepers, if reversing beepers are required.

**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)*

18. Except where stated below the hours of use of the site outlined in red on Plan ref 4960/01/01A are limited to 07.00 to 20.00 hrs each day Mondays to Fridays and 08:00 to 13:00 hrs on Saturdays other than in accordance with one or more of the following exceptions :

Processing within the confines of the 'Granulation' building shall only be carried out between the hours of 0700 to 2000 hours each day Mondays to Fridays including on bank holidays.

Processing within the confines of the 'Separation and Compounding' building is permitted to be carried out 24 hrs 7 days per week including bank holidays.

No working in the external yard and other buildings shall be undertaken on Sundays or bank 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)*

19. No development or storage shall take place on the land marked 'Area to remain as existing for possible future development of site' on Plan 4125 / PO1 Rev A dated 21/05/2008.

**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).*

20. Between the hours of 0700 to 2000 noise emissions from the site, including any corrections for acoustic characteristics, shall be no more than 5db above the prevailing background noise level at the nearest residential property lying to the east of the site. Between the hours of 2000 and 0700 noise levels from the site, including any corrections for acoustic characteristics, shall not exceed 32dB LAeq, 15 minute, rated noise level of 35dB LAeq, 15 minutes at the nearest residential property lying to the east of the site.

**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).*

### **Noise Monitoring and Management Scheme**

21. A noise monitoring scheme shall be submitted to the Waste Planning Authority within three months of the date of this decision notice. The submitted scheme should constitute a periodic programme of sound monitoring to be carried out by a competent person to demonstrate compliance with the provisions of Condition 20 of this decision notice and designed to encompass any seasonal variation to the local environment and nearby noise sources, daytime and night time monitoring and any seasonal variations in workloads that the business operation experiences. The frequency of monitoring should be sufficient to demonstrate compliance with the day time and night time noise emission levels from the site. The scheme shall provide for a record to be kept on site of the operational hours of use of the Granulation building together with a register of any noise complaints received together with a record of all operational and mitigation measures taken to prevent an breach of the noise condition. The scheme shall be approved in writing by the Waste Planning Authority and implemented in accordance with the approved details. The results of the noise monitoring and mitigation actions taken shall be provided to the Waste Planning Authority on a periodic basis in accordance with the approved scheme.

**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).*

### **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 environmental impact of increased working hours in the 'granulation' and 'separation and compounding buildings. 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>Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011</p> <p>Cambridgeshire and Peterborough Site Specific Proposals Development Plan Document 2012</p> <p>Fenland Local Plan</p> <p>Noise Policy Statement for England    Defra 2010</p>	