

PLANNING COMMITTEE



Date: Thursday, 10 December 2015

Democratic and Members' Services

Quentin Baker

LGSS Director: Law, Property and Governance

10:00hr

Shire Hall
Castle Hill
Cambridge
CB3 0AP

**Kreis Viersen Room
Shire Hall
Cambridge
CB3 0AP**

AGENDA

Open to Public and Press

- 1 **Apologies and Declarations of Interest**
Guidance for Councillors on declaring interests is available at <http://tinyurl.com/cccd-dec-of-interests>
- 2 **Minutes of the Meeting Held on 12 November 2015** **5 - 18**

PLANNING APPLICATIONS

- 3 **LPA Ref: E/3001/15/CC Strikes Ten Pin Bowling, The Dock, Ely, CB7 4GS** **19 - 38**
- 4 **LPA Ref: F/YR15/0985/F - Block Fen Drove Chatteris CB6 2AY** **39 - 52**

ITEMS FOR INFORMATION

- 5 **Enforcement Update Report 1st May - 31st October 2015** **53 - 70**

LOCAL GOVERNMENT ACCESS TO INFORMATION ACT 1985

The following documents are background papers for the purpose of the above Act and are available for inspection in accordance with the provisions of the Act.

- (a) any planning application or submission for registration of deemed planning consent, including plans and any accompanying letters or documents from that application;
- (b) any file indicated;
- (c) any letter of representation referred to in a report (copies of which are displayed at the meeting);
- (d) any Structure Plan, Local Plan or Policy Document referred to in a report;
- (e) any agenda, report or minutes of a meeting of the County Council or its Committees referred to in a report.

Published work or documents containing “exempt” or “confidential” information as defined by the Act are not required to be listed as background documents or to be available for inspection.

The Planning Committee comprises the following members:

Councillor David Connor (Chairman) Councillor Mandy Smith (Vice-Chairwoman) Councillor Peter Ashcroft Councillor Barbara Ashwood Councillor Lynda Harford Councillor Bill Hunt Councillor Sebastian Kindersley Councillor Alan Lay Councillor Mervyn Loynes Councillor Mike Mason Councillor Jocelynne Scutt

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact

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Clerk Telephone: 01223 699177

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The County Council is committed to open government and members of the public are welcome to attend Committee meetings. It supports the principle of transparency and encourages filming, recording and taking photographs at meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening, as it happens. These arrangements operate in accordance with a protocol agreed by the Chairman of the Council and political Group Leaders which can be accessed via the following link or made available on request: <http://tinyurl.com/ccf-film-record>.

Public speaking on the agenda items above is encouraged. Speakers must register their intention to speak by contacting the Democratic Services Officer no later than 12.00 noon three working days before the meeting. Full details of arrangements for public speaking are set out in Part 4, Part 4.4 of the Council's Constitution <http://tinyurl.com/cambs-constitution>.

The Council does not guarantee the provision of car parking on the Shire Hall site and you will need to use nearby public car parks <http://tinyurl.com/ccc-carpark> or public transport

PLANNING COMMITTEE: MINUTES

Date: Thursday 12th November 2015

Time: 10.00am

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors, B Ashwood, D Connor (Chairman), L Harford, W Hunt, M Loynes, M Mason, J Scutt and M Smith (Vice-Chairwoman)

143. APOLOGIES AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Ashcroft, Kindersley and Lay.

There were no declarations of interest.

144. MINUTES – 10TH SEPTEMBER 2015

The minutes of the Planning Committee meetings held on 10th September 2015 were agreed as a correct record and signed by the Chairman.

145. SECTION 73 APPLICATION, AS AMENDED, FOR CONTINUED EXTRACTION AND PROCESSING OF SAND AND GRAVEL WITH CONSTRUCTION OF AN AGRICULTURAL RESERVOIR WITH VARIATION OF CONDITION 3 OF PLANNING PERMISSION S/01283/10/CM TO EXTEND TIME FOR COMPLETION OF RESERVOIR TO 31 DECEMBER 2016, AND WITHOUT COMPLIANCE WITH SCHEDULE 2 OF THE SECOND S106 AGREEMENT REQUIRING THE TOPPING UP OF PART OF DERNFORD LANE SAWSTON (RESULTING FROM THE PROPOSED REMOVAL OF THE TEMPORARY ACCESS AS PREVIOUSLY APPROVED UNDER PLANNING PERMISSION S/01669/02/CM)

AT: DERNFORD FARM, CAMBRIDGE ROAD, SAWSTON

FOR: RUSSELL SMITH FARMS

LPA REF: S/00468/13/CM

The Committee considered an application to extend the time allowed for continued extraction of sand and gravel with construction of an agricultural reservoir. The time extension was to ensure the completion of the reservoir, the deadline for which would be 31 December 2016.

Officers informed Members that development of the site started in 2006 but was slowed considerably by the 2008 financial crisis that had adversely affected the demand for construction materials.

Due to the need to import clay to line the reservoir officers advised that it would not be completed in time and an extension was required. The clay requirements specified by the Environment Agency were such that the clay was difficult to source which exacerbated the delays.

Progress had accelerated over the course of the last few months and it was desirable that the developer be allowed to complete the construction of the reservoir. Due to the small amount of traffic that would be using the temporary access road once the reservoir had been completed it would be removed as per condition 13 of the original permission.

Mr Douglas Symes spoke on behalf of the applicant and expressed his desire for the engineering works to be completed in a timely manner and explained that a major delay was caused by the inability for HCVs (Heavy Commercial Vehicles) to use the road through Sawston and Stapleford. He highlighted the stringent requirements of the Environment Agency regarding the clay used to line the reservoir. The specification was unexpected and as a result limited the choice of supply and availability of the clay. He explained that suitable clay material arose from new development sites and due to the slump in the construction industry following the 2008 financial crisis the supply had been scarce but recently had begun to increase resulting in a reasonable supply. Mr Symes explained that approximately half the reservoir had been completed and a temporary clay wall would be constructed to enable water to be stored in half the reservoir while the final half was completed.

In response to Members questions the applicant and officers:

- Highways Development Management Engineer, Dr Jon Finney explained that the Section 106 agreement stated the road should be of an adoptable standard. The road as constructed was not adoptable.
- Confirmed that the temporary access road was constructed to only serve the quarry and was used and liked by members of the public but it was not suitable and could not be adopted by the Highway Authority.
- Confirmed that the underlying chalk clay at the site was expected to be more robust than it turned out to be. This led to the need to import clay to line the reservoir and the Environment Agency regarded it as a quasi-waste disposal operation which required an environmental permit. The site was operated on a quality assured basis in the same manner as a waste disposal site.

The Member for Sawston, Councillor Orgee addressed the Committee as the Local Member and highlighted the frustration of local residents that the work had not yet been completed but was satisfied that progress on the site was being made and for that reason offered his reluctant support to the application.

Councillor Orgee shared the concerns of local parishes regarding the possibility of HCV's travelling to and from the site through villages such as Stapleford and Great Shelford and urged the Committee to retain the condition regarding the routing of traffic.

Concern was raised regarding the access to the site. The original access to Dernford Farm was via Dernford Lane. The planning permission required a new access to be created to the south of the existing access. Councillor Orgee expressed the view that the new access was safer due to visibility being poor at Dernford Lane and speed at which traffic travelled along the A1301 meant that it was dangerous for the increased numbers of cyclists using the cycle path. There was a strong body of local opinion that Councillor Orgee shared that the old access should be closed and the new quarry access be retained.

In response to Member questions:

- Officers confirmed that the Dernford Lane access would not meet current visibility standards. It was an historic access and although highways officers did review these issues a review was based on the number of accidents that occurred at a particular junction and there was not a rolling programme of improvements due to limited resources.
- Officers confirmed that the cost of upgrading the road in order to meet Highway Authority adoption standards would be in excess of a Local Highways Scheme grant.

During discussion of the report:

- A Member spoke in support of Councillor Orgee; if HCV routing was varied then it would have major impact on the area. The new access road provided greater safety and highlighted that the Council was removing home to school transport for many children in the local area and it was imperative they were able to travel to school safely. Officers highlighted to Members that the application contained no recommendation to remove conditions regarding traffic routing.
- Concern was raised that South Cambridgeshire District Council had not made comment on the application. Officers confirmed that South Cambridgeshire District Council were given opportunity to comment as part of the consultation.
- The Council's Legal Officer explained that the temporary access road was constructed to mitigate increased traffic to and from the site. Therefore it could not be retained at the cost of the applicant. The Council would therefore be required to fund the improvements required and was not part of the planning application.
- A Member questioned whether there was an alternative solution by which the applicant did not remove the temporary access road which would save them money but ask them to contribute toward the cost of improvements. Officers explained that in order for the road to be improved to the correct standards it would have to be removed because it was not known what was underneath and whether the ground was suitable and therefore it would not save the applicant any money.

It was resolved to:

- a) Grant planning permission subject to the conditions set out in appendix 1 of these minutes.

146. ERECTION OF FOUR CLASSROOM EXTENSION TO INFANT SCHOOL WITH ASSOCIATED FACILITIES; AND ERECTION OF TWO CLASSROOM EXTENSION TO COMMUNITY GROUP WITH ASSOCIATED OFFICES AND FACILITIES

AT: MAPLE GROVE INFANT SCHOOL AND COMMUNITY GROUP, MAPLE GROVE, MARCH, PE15 8JT

FOR: CAMBRIDGESHIRE COUNTY COUNCIL

LPA REF: F/2003/15/CC

The Committee considered an application for the erection of a four classroom extension with associated facilities and the erection of two classrooms to the Community Group with associated offices and facilities at Maple Grove Infant School in March.

Officers highlighted the objection of a neighbour regarding the availability of car parking at the school for staff and the Committee noted that the applicant had substantially increased car parking at the site.

On behalf of the applicant Ayesha Patel, Lead Designer at Atkins addressed the Committee. She highlighted the growing demand for school and pre-school places in the town of March. The Council had identified the site as a priority for expansion and increasing the number of reception places at the school from September 2015. The extension would provide an additional 24 pre-school places and 30 reception places from September 2016.

Various assessments had been undertaken during the design process to ensure that the extension met the needs of the respective school and was in line with the fabric of the existing school buildings and the same yellow brick would be used in construction to harmonise the extension with the existing buildings.

There was substantially increased car parking and scooter parking included in the application to mitigate the increased traffic to and from the school following the completion of the extension.

Work was being undertaken with the Middle Level Commissioners to ensure that an acceptable drainage scheme was developed prior to the commencement of work at the site.

In response to Members questions the applicant:

- Confirmed that although sustainable energy options had been investigated, due to cost there was no opportunity to install solar panels.
- Addressed the concerns raised by a Member regarding drainage. A drainage scheme had been submitted to the Middle Level Commission and the applicant was confident that it would be acceptable. Officers explained that discussions had taken place with the Middle Level Commission regarding the drainage scheme and confirmation had been given that the drainage issues could be overcome. If the application was approved a condition would be applied that prevented work on the extension from commencing until the drainage scheme had been agreed.
- Explained the difference between bicycle and scooter parking and confirmed that scooters were a popular method of transport and had been so for several years.

During discussion of the report Members:

- Welcomed the application and were pleased that it was for a permanent extension rather than temporary classrooms.
- Confirmed with officers and the applicant that the current temporary classrooms would be removed upon completion of the site.
- Welcomed the additional car parking spaces that mitigated the increased on-street parking as a result of the development.

It was resolved to:

- a) Grant planning permission subject to the conditions set out in appendix 2 of these minutes.

Councillor Mason withdrew from the meeting at 11.05am.

147. IMPORTATION AND DEPOSIT OF INERT WASTE FOR THE PURPOSE OF RE-GRADING AND RESTORATION TO AGRICULTURAL USE. RETENTION OF A PORTABLE OFFICE AND INSTALLATION OF A TEMPORARY HAUL ROAD.

AT: BRIDGEFOOT FARM QUARRY, NEWMARKET ROAD, HEYDON, NEAR ROYSTON, CAMBRIDGESHIRE, SG8 7PN

FOR: AKHTAR WASTE AND ENERGY LIMITED

LPA REF: S/1783/14/CW

The Committee considered an application to import and deposit inert waste for the purpose of re-grading and restoration of the land for agricultural use and the retention of a portable office and installation of a temporary haul road.

Officers highlighted that conditions that related to the 2010 permission had been adhered to and completed early.

The Member for Melbourn, Councillor van de Ven requested that the following comments be passed to the Committee:

“I am always aware of the close attention paid by Great Chishill Parish Council as a very near neighbour and am anxious to support their stance, which is objection is not possible, however a very close eye should be kept by the Environment Agency and the County Council, in particular on the type of material used.”

During discussion of the report Members:

- Raised concerns regarding the applicant and previous non-compliance with conditions that led to a fire in 2014 that resulted in huge costs to the Fire Service, the Council and Environment Agency. Officers confirmed that no reparations had been received in relation to the 2014 fire but conditions from the 2010 planning application had been complied with in full.
- Questioned why the timeframe permitted for the development was 2 years when the expected duration of the work would be only 13 weeks. Officers explained that a variation to the Environmental Permit from the Environment Agency needed to be obtained and it was expected that it would take the applicant some time to obtain owing to the history of the site.
- Were advised by officers that the applicants previous behaviour was not a material planning consideration with regard to the application. With regard to timescales, officers had to consider what constituted a reasonable timescale for the work to be completed including the obtaining of all necessary permits. If the work was not completed within 2

years and the applicant made a further application to extend the timeframe allowed then it would be considered at that point.

- Were sympathetic to local concerns regarding the materials used but were satisfied that the Environment Agency would be closely monitoring the site to ensure compliance.
- Accepted that 2 years was a reasonable timeframe for the work to be completed and that if an extension was applied for in the future then it would be reasonable not to approve such an application.
- Raised concerns regarding non compliance with planning conditions as a wider issue and urged officers to ensure that enforcement action was taken where necessary if conditions were breached to ensure greater compliance across the county.

It was resolved to:

- a) Grant planning permission subject to the conditions set out in appendix 3 of these minutes.

148. DATE OF NEXT MEETING: THURSDAY 10th DECEMBER 2015

Councillor Loynes gave his apologies for the next meeting

Chairman

Condition 3

The development hereby permitted shall be limited to a period expiring on 31 December 2016 by which time all fixed plant, structures and equipment shall have been removed and the landscaping and the commissioning of the reservoir shall have been completed.

Reason: *To ensure that the working and restoration of the mineral site to its proposed use of an agricultural irrigation reservoir takes place in a definitive timescale, in the interests of residential amenity in accordance with the NPPF and policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) and policy GD/2 of the South Cambridgeshire Local Development Framework Development Control Policies DPD (July 2007)*

Condition 13

Within 3 months of the completion and commissioning of the agricultural reservoir hereby permitted, the temporary access shown on plan R1057/2a and any warning signs required by the above condition 12 shall be removed, and the Cambridge Road cycleway/highway verge reinstated in accordance with a scheme which shall have been submitted to and approved in writing by the Mineral Planning Authority within 3 months of the date of this permission. The submitted scheme shall also include details of the reinstatement/repair of the carriageway or verge of Dernford Lane at the point of the vehicle crossing.

Reason: *In the interests of highway safety in accordance with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011)*

Advisory Note

The Town & Country Planning (Development Management Procedure) (England) Order 2015 requires the Planning Authority to give reasons for the imposition of pre-commencement conditions. Condition 3 below requires further information to be submitted to protect the environment and ensure the drainage matters are approved before construction commences. Condition 4 is required for the management of traffic throughout the construction phase. Both are therefore attached as pre-commencement conditions. The developer may not legally commence operations on site until these conditions have been satisfied.

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

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

- Supporting Planning Statement 5135764 rev B
- Site Location Plan 5135764-ATK-Z1-ZZ-DR-A-4010 rev P2
- Proposed Site Plan 5135764-ATK-Z1-GF-DR-A-4013 rev T2
- General Arrangement (External Works) 5141224-COL-LA001 rev B
- General Arrangement Sketch 5125689/COL/LA001 rev B
- Infants School Proposed Ground Floor Plan 5135764-ATK-Z1-GF-DR-A-4210 rev P1
- Pre-School Proposed Ground Floor Plan 5135764-ATK-Z1-GF-DR-A-4211 rev P1
- Infants School Proposed Roof Plan 5135764-ATK-Z1-GF-DR-A-4212 rev P1
- Pre-School Proposed Roof Plan 5135764-ATK-Z1-GF-DR-A-4213 rev P1
- Infants School Proposed Elevations 5135764-ATK-Z1-GF-DR-A-4300 rev P1
- Pre-School Proposed Elevations 5135764-ATK-Z1-GF-DR-A-4301 rev P1
- Arboricultural Impact Assessment by Atkins dated May 2015
- Tree Protection Plan 5135764/DG/ARB/001 rev B
- Ecological Impact Assessment by Atkins dated May 2015
- Transport Statement dated 31 July 2015
- Technical Note dated 22 September 2015

Reason: To define the site, protect the character and appearance of the locality in accordance with policy LP16 of the Fenland Local Plan (May 2014).

3. Drainage Scheme

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the development.

Reason: In the interests of reducing flood risk and creating a sustainable development in accordance with policy LP14 of the Fenland Local Plan (May 2014). A drainage scheme is essential for the development to be acceptable and will relate to the construction phase so must be approved before works start on site.

4. Construction Traffic Management Plan

No construction work or deliveries shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the County Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall include details of:

- the proposed numbers and types of construction traffic movements,
- vehicle routes to and from site,
- parking arrangements for contractors and delivery vehicles,
- hours of deliveries,
- management and enforcement of the plan.

Reason: In the interests of residential amenity and highway safety in accordance with policies LP2, LP15 and LP16 of the Fenland Local Plan (May 2014). This condition relates to the construction phase so must be approved before work starts on site.

5. Construction Hours and Deliveries

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

Reason: In the interests of residential amenity in accordance with policies LP2 and LP16 of the Fenland Local Plan (May 2014).

6. Access to the Public Highway

Prior to the first occupation of the development hereby approved, the vehicular access (where it crosses the public highway) shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the County Planning Authority, and permanently retained thereafter. The scheme shall include levels, forms of construction and surface water drainage. The scheme shall also ensure that the visibility splay of 43 metres at 2.4 metres set back, as shown in "Site Visibility Splays 5142213/TP/VS/001 rev A" is maintained, and that the entrance gates are shown opening inwards.

Reason: In the interests of highway safety and to ensure satisfactory access into the site in accordance with policy LP15 of the Fenland Local Plan (May 2014).

7. Parking and Turning Areas

Prior to the first occupation of the development hereby permitted, the on-site parking shall be laid out in accordance with the approved plan "Proposed Site Plan 5135764-ATK-Z1-GF-DR-A-4013 rev T2" and thereafter retained for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan (May 2014).

8. Cycle Parking Spaces

Prior to the first occupation of the development hereby permitted, a scheme for the 36 additional covered cycle parking spaces and 48 additional scooter parking spaces

identified in the Transport Statement dated 31 July 2015, and shown on “General Arrangement (External Works) 5141224-COL-LA001 rev B”, shall be submitted to and approved in writing by the County Planning Authority. The cycle spaces and scooter spaces shall be available for use prior to the first occupation of the development.

Reason: To encourage sustainable travel in accordance with policy LP15 of the Fenland Local Plan (May 2014).

9. Travel Plan

Prior to the first occupation of the development hereby permitted a school Travel Plan for Westwood Primary School shall be submitted to and approved in writing by the County Planning Authority. The approved Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the County Planning Authority on request, together with any changes to the plan arising from those results.

Reason: To encourage sustainable travel in accordance with policy LP15 of the Fenland Local Plan (May 2014).

10. 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 LP19 of the Fenland Local Plan (May 2014).

11. Detailed Soft Landscaping Scheme

Prior to the first occupation of the development hereby permitted a detailed soft landscaping scheme, including details of the species and size of new trees and planting, shall be submitted to, and approved in writing by, the County Planning Authority. The planting scheme shall be implemented prior to the end of the first planting season following completion of the development.

Reason: In the interests of biodiversity enhancement and protection in accordance with policy LP19 of the Fenland Local Plan (May 2014).

12. Landscaping and biodiversity enhancement and maintenance

If within a period of 5 years from the date of planting of any tree or shrub, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or, in the opinion of the County Planning Authority, becomes 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.

Reason: In the interest of landscape character and nature conservation in accordance with policy LP19 of the Fenland Local Plan (May 2014).

8.3 Middle Level Commissioners Informative

The applicant is reminded that they have a separate legal obligation to the Internal Drainage Boards and Middle Level Commissioners in the area. Granting or refusal of consent under the Internal Drainage Board's byelaws or the Land Drainage Act 1991 is a matter for the Board itself and will require a formal application and prior written consent from the Board or Commissioners. The applicant is advised to contact Middle Level Commissioners at their earliest opportunity to establish their requirements.

1.1 1. Site Application Area

This permission shall be limited to the area outlined in red on the "Red Line Application Area Plan 0541/003 rev C dated 16 MAR 15". This area is hereafter referred to as "the site".

Reason: To define the site, protect the character and appearance of the locality in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 of South Cambridgeshire Development Control Policies (July 2007).

2. Approved Plans

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

- Agricultural Improvement Scheme (Planning Statement) Revision 02 dated 05/02/2015
- Site Working Plan Draft-02 dated 05/02/2015
- Red Line Application Area Plan 0541/003 rev C dated 16 MAR 15
- Proposed Ground Contour Plan 0541/001-B dated 19 JAN 2015

Reason: To define the site, protect the character and appearance of the locality in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 of South Cambridgeshire Development Control Policies (July 2007).

3. Timeframe

The development hereby permitted shall be for a maximum period of 2 years from the date of this permission by which time the site shall have been restored to the contours shown on "Proposed Ground Contour Plan 0541/001-B rev C dated 19 JAN 2015".

Reason: To ensure that the land is restored to agricultural use in the interests of visual amenity in accordance with policies CS34 and CS45 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 and NE/4 of South Cambridgeshire Development Control Policies (July 2007).

4. Topographical Survey

Within 1 month of completion of the contouring a topographical survey shall be undertaken and a copy submitted to the Waste Planning Authority.

Reason: To ensure that the land is restored to agricultural use in the interests of visual amenity in accordance with policies CS34 and CS45 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 and NE/4 of South Cambridgeshire Development Control Policies (July 2007).

5. Imported Material

Nothing other than uncontaminated, clean, dry, inert material shall be deposited at the site.

Reason: To prevent pollution of the underlying aquifer in accordance with policy CS39 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and NE/8 of South Cambridgeshire Development Control Policies (July 2007)

6. Site Operational Hours

No operations shall be carried out and no vehicles shall enter or leave the site other than between 0730 hours and 1730 hours Monday to Friday, 0730 hours and 1200 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To minimise the disturbance of surrounding residents in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 of South Cambridgeshire Development Control Policies (July 2007).

7. Site Access

Access to and exit from the application site shall only take place via the point marked "Entrance from A505" and via the internal haul road shown on "Red Line Application Area Plan 0541/003 rev C dated 16 MAR 15".

Reason: In the interests of highway safety and local amenity in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 of South Cambridgeshire Development Control Policies (July 2007)

8. Temporary Haul Road

Prior to the acceptance of any inert waste onto the site, a scheme for the temporary haul road, including details of the materials used, depth and width, shall be submitted to and approved in writing by the Waste Planning Authority. The approved haul road shall be completed in accordance with the approved scheme and prior to the acceptance of any inert waste onto the site and thereafter removed within 1 month of completion of the development.

Reason: In the interests of local amenity in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 of South Cambridgeshire Development Control Policies (July 2007)

9. Wheel wash and road sweeper

No HCV shall enter the public highway unless it has passed over the wheel wash facility. A mechanical road cleaner and dust suppression bowser shall be used in dry conditions.

Reason: To ensure that mud and dust is not carried onto the public highway in the interests of highway safety and local amenity in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 of South Cambridgeshire Development Control Policies (July 2007)

10. Plant and Machinery

All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification and shall be fitted with effective silencers which shall be used at all times.

Reason: To minimise the disturbance from operations in the interests of local amenity in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 of South Cambridgeshire Development Control Policies (July 2007).

11. Movement of Waste

No vehicles carrying inert material shall enter or cross the site unsheeted.

Reason: To ensure material is deposited in the defined area and to prevent dust in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and NE/16 of South Cambridgeshire Development Control Policies (July 2007)

Environment Agency Informative

The applicant is required to submit a variation to their Environmental Permit. The applicant should note that the granting of planning permission does not imply that an environmental permit will be granted or varied for this activity and they are invited to contact the local Environment Agency area office for pre-application discussions at their earliest convenience.

CHANGE OF USE FROM CLASS D2 (LEISURE) TO CLASS D1 (NON-RESIDENTIAL INSTITUTIONS) TO PROVIDE A PUBLIC RECORD AND ARCHIVE FACILITY.

AT: STRIKES TEN PIN BOWLING, THE DOCK, ELY, CAMBRIDGESHIRE, CB7 4GS

FOR: CAMBRIDGESHIRE COUNTY COUNCIL

LPA REF: E/3001/15/CC

To: **Planning Committee**

Date: **10 December 2015**

From: **Head of Growth & Economy**

Electoral division(s): **Ely North and East**

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

Recommendation: **It is recommended that planning permission be granted subject to the conditions set out in paragraph 9.1**

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

1.0 BACKGROUND

- 1.1 This application has come forward as a result of a county council need to move the County's Public Archives currently located in the basement of Shire Hall. The Shire Hall basement has been identified as unfit for the purpose for storing archival materials and the County Council needs new accommodation for the Archives.
- 1.2 The applicant originally proposed to relocate the Ely Registration Office from a building in the centre of the city, and move Children, Families and Adult Services from Noble House, consolidating its services in Ely into one single site. The applicant had also proposed to move the Cambridgeshire Collection from the Cambridge Central Library to the new location.
- 1.3 Following internal decisions by the applicant, the application has been amended to seek a change of use to accommodate the Public Archives only, with the only external changes being the addition of windows. Consultation has taken place both on the original proposal and revised proposal. All responses are referred to in this report to enable a full consideration of the comments received.

2.0 SITE AND SURROUNDINGS

- 2.1 Strikes Bowling Alley is located within Cambridgeshire Business Park in Ely amongst other warehouse and industrial type buildings. The application site is 0.9571ha and includes the Strikes building, its surrounding car park, the access road which is shared with Jewson's builders' merchants to the west, and the road (The Dock) that provides access via the roundabout with the A142. This road (The Dock) includes a mini roundabout, which serves the business park, Tesco supermarket and Tesco petrol filling station. The access road to the site shared with Jewson's divides the land at Strikes into two parts.
- 2.2 The division of the site by the shared access leaves a 981sqm unused parcel of land on the northern side which is currently overgrown with trees and other vegetation. The building and car park are located south of this access road on a 4466sqm area. The building is an L-shaped warehouse-style building of approximately 1681sqm gross internal floorspace which is currently occupied by the bowling alley and includes a children's soft play area. There is a 56 space car park to the front of the building and there are 6 uncovered cycle spaces.
- 2.3 The surroundings of the site feature Tesco supermarket to the north-east, with Ely Railway Station beyond. There is further Tesco parking and a "Click & Collect" point to the east; a small area of vacant land to the south; and buildings of the Cambridgeshire Business Park to the south and west. This includes Angel Drove Pay & Display car park to the west of the bowling alley and Jewson's builders' merchants to the

north-west of the building. Tesco's Petrol filling station is situated to the north of the building.

- 2.4 For non-car methods of travel the site is approximately 400m on foot from Ely Railway Station, around the outside of Tesco supermarket. It is 400 metres from the bus stops on Station Road by walking directly through Tesco car park. There is also another bus stop serving Tesco supermarket, which is closer to the site. The centre of Ely can be accessed by walking via footpaths on the A142 and alongside subsequent roads.

3.0 PROPOSAL

- 3.1 This application is for a material change of use from a bowling alley and children's soft play area (Class D2 Leisure Use) to be used as a non-residential institution for the purpose of providing public access to the County Public Archives with ancillary storage of the archive material (which is within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended). Additionally, material alterations to the external appearance of the building are proposed including the addition of windows to the northern wing of the building to facilitate light to the publically accessible areas.
- 3.2 The mezzanine floor (proposed to provide an additional 1395 square metres of floorspace) no longer forms part of this application.
- 3.3 It is proposed that the southern wing of the building (approximately 1380sqm of floorspace) would be used for archive storage, and would not be directly accessible by the public. The northern wing would provide the study rooms for use by members of the public, document consultation areas and staff facilities. There would be 300sqm of publically accessible floorspace.

4.0 PLANNING HISTORY

- 4.1 The use of the building as a bowling alley was granted permission in 1997 by East Cambridgeshire District Council (planning references 97/00223/OUT and 97/00681/RMA). The building has been extended, most recently in 2004, with a single storey extension to form additional games and party rooms (planning reference 04/00267/FUL).

5.0 CONSULTATION

- 5.1 Consultation took place on the original application and the responses are recorded below. Further consultation/notification was also carried out with all parties who commented originally in respect of the application as amended.

5.2 East Cambridgeshire District Council – original proposals

Consultation comments from the district council planning officer were endorsed at their planning committee on 29 April 2015, following recommendations made by the officer and discussion at committee. The key points that were endorsed are as follows:

- The proposed development is for a town centre use in an out of town location. However, due to the previous use of the site, the specific requirements of the new building and the characteristics of the location, it is considered that the location of the proposal is acceptable in principle.
- The proposal results in the replacement of one community facility with another. The new facility is considered to provide benefits, in relation to the special significance it would have as a county-wide resource and the anticipated number of visitors it would attract. The proposal is therefore acceptable in principle, in relation to policy COM3 of the Local Plan.
- In order to ensure that the use remains primarily a community one, it is requested that a planning condition be applied limiting the office space to 450 sqm, as specified on the application form.
- The level of parking, which falls below the Council's Maximum Parking Standards is of some concern. The reduced numbers have been partly argued due to the specific nature of the D1 use and the amount of floor space given over to records storage. The proposed use should be restricted by condition to that set out in the application rather than a broad D1 use Class, to ensure parking issues do not arise should the use change in the future to one requiring a higher level of parking.

They also wished to add the following comments:

- Members do not believe that this site is an appropriate location for the Ely Registration Office.
- The parking on site should be managed to ensure that there is sufficient space for those visiting the facility. Members were concerned that the car park should not be filled with staff working in the B1 element of the scheme.
- As this is an educational facility there should be provision for bus/coach parking for school visits etc.
- Members wanted to see the possibility of the currently unused land to the north of the site being used as a staff car park, which would enable the existing parking to be solely for visitors.

- Connection to the Angel Drove pay and display car park should be improved to ensure access for wheelchairs/ buggies etc.
- Members are keen to stress the importance of communication with the District Council on any plans for this site. As the detail of the precise use evolves Members expect to see consultation with Local member and Officers at the District Council. Members also stressed the importance of consultation with other interested parties including the city council and the trustees of Youth Ely Hub as there could be some significant cross over in services offered.

- 5.3 East Cambridgeshire District Council – revised proposals
Acknowledged that some concerns that were initially raised had related to the office element, which is now not part of the application. All other comments remain relevant.
- 5.4 City of Ely Council – original and revised proposals
Had no concerns regarding the application.
- 5.5 CCC Highways Development Management – comments included in CCC Transport Assessments.
- 5.6 CCC Transport Assessments – original proposals
Objected to the proposal on the grounds that the Transport Statement did not provide enough information and contained some errors. The main concerns were accessibility of the site, existing and proposed trip generation, the proposal's transport impact and whether the site's car park could accommodate the predicted trip numbers. Following revision and submission of three Transport Statement Addendums, revised comments were received indicating that the Transport Statement now adequately addressed the outstanding issues, and the objection was withdrawn.
- 5.7 CCC Transport Assessments – revised proposals
Acknowledged that the revised application is significantly smaller than the previous version of the application and that the agreed trip generation results in fewer trips than the existing land use. The officer has no objection provided the permission granted is use specific due to the low numbers of trips generated by the proposed land use.
- 5.8 CCC Access Officer – no comments received.
- 5.9 Police Architectural Liaison Officer – no comments to make.
- 5.10 Cambridgeshire Fire & Rescue – no comments received.
- 5.11 Neighbours – original proposals
The application received seven responses from interested parties, summarised as follows:

- Concerns over loss of leisure facility/bowling alley.
- Location in Ely is not as accessible as in Cambridge.
- Site not as accessible from train station as pedestrian/cycle access is through Tesco car park.
- Lack of computer-terminals, study-space and equipment, not being equivalent to existing facilities.
- Lack of space for school visits.
- Unsuitable location.
- Unsuitability of building due to lack of windows.
- Unsuitability of building for Registration office/public building due to design/aesthetics.
- Unsuitability of building as it is a steel-built structure and susceptible to damage and vandalism.
- Location for Cambridgeshire Collection not as accessible as current location in Central Library.
- Building will not be as suitable for the Cambridgeshire Collection as the current location in Central Library, which was recently upgraded.
- Cambridgeshire Collection should not be moved, just because the Public Archives have to be moved.
- Argument for moving both the Public Archive and the Cambridgeshire Collection to be under one roof is inaccurate as they do not attract the same type of researcher and are rarely used together.
- Concerns about flood risk and the danger to the archive documents.
- Concerns about security of the building.
- Concerns about rodent infestation.
- Concerns about contamination due to the site's historic use as docks.

And the following suggestions:

- Public Archives should be incorporated into the Central Library with the Cambridgeshire Collection.
- Alternative accommodation should be found, such as the basement of Guildhall in Cambridge, or moving staff out of Shire Hall for the archives.
- The proposed "Enterprise Hub" should be moved with the public archives instead of the Cambridgeshire Collection.

5.12 Neighbours – revised proposals

The application has received two further neighbour representations, summarised as follows:

- Concerns that there is not enough publically accessible space included for document consultation or enough computer terminals.

- Concerns that there is no provision for visiting groups from schools or colleges.
- Concerns that there is no provision of a refreshment area,
- Concern that the building will not be fit for purpose as a suitable building to store archival material and that it does not meet British or European standards against flooding, contamination, theft, fire, pests or vandalism.

6.0 PLANNING POLICY

6.1 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 all applications for planning permission be determined in accordance with the development plan unless other material considerations indicate otherwise. The relevant policies from the development plan are set out below.

6.2 National Planning Policy Framework (March 2012) (NPPF)

Presumption in favour of sustainable development – paragraphs 11-14
Ensuring the vitality of town centres – paragraphs 23-27

6.3 Planning Practice Guidance (PPG)

Ensuring the vitality of town centres

6.4 East Cambridgeshire Local Plan (April 2015) (LP)

East Cambridgeshire District Council adopted a new Local Plan on 21st April 2015.

GROWTH 2 Locational Strategies

GROWTH 5 Presumption in favour of sustainable development

ENV 2 Design

ENV 8 Flood risk

COM 1 Location of retail and town centre uses

COM 3 Retaining community facilities

COM 4 New community facilities

COM 7 Transport Impact

COM 8 Parking Provision

ELY 7 Employment-led/mixed-use allocation, Station Gateway

6.5 Ely Station Gateway Supplementary Planning Document (Draft for Consultation January 2014) (SGSPD)

This document is currently at the consultation stage and has not been formally adopted.

7.0 PLANNING CONSIDERATIONS

7.1 The NPPF has at its core a presumption in favour of sustainable development (paragraph 14) and contains the government's national planning policy. It is a material consideration in planning decisions and indicates that development which is in accordance with the development plan should be approved unless other material considerations indicate otherwise (paragraphs 11, 14).

7.2 East Cambridgeshire Local Plan also has a presumption in favour of sustainable development, policy GROWTH 5; with a policy on locational strategy, GROWTH 2, that focuses development on Ely as the most significant service centre in the district and promoting it as the lead settlement for growth.

Out of Centre Location

7.3 The proposed development is considered to be a town centre use, and would therefore normally only be allowed within a town centre location. There are a limited number of circumstances where a town centre use may be permitted in an out of centre location, as set out in policy COM 1, including the following:

- The sequential approach has been followed and there are no suitable sequentially preferable sites available.
- The site is suitable for the proposed use and the building form and design is appropriate in the local context.
- The scale and type of development is directly related to the role and function of the centre or its locality, in accordance with the hierarchy in Policy GROWTH 2
- The development would enhance the character and attractiveness of the centre and its locality, and not adversely affect residential amenity; and
- The development would be accessible by a choice of means of transport (including public transport, walking and cycling), and the local transport system is capable of accommodating the potential traffic implications.

7.4 The NPPF and PPG also set out the criteria for "town centre first" policy and that "only if suitable sites are not available should out of centre sites be considered" (NPPF, paragraph 24). Sites at edge and out of centre locations should demonstrate that they are well connected to the town centre and easily accessible.

7.5 In this case it is considered that the proposal broadly meets the criteria for an out of centre location as defined in COM 1. It was confirmed at the pre-application stage with the district council that a sequential test would not be required for this proposal, given the specific requirements for the archive building making it highly unlikely that a suitable town centre building would be available. It is also a consideration that the bowling alley is an existing leisure use which has occupied the site for

a number of years. The site has therefore supported a town centre use in the out of centre location, without significant adverse impact on the local area, and the use of this publicly accessible building in community use is well established.

- 7.6 The site is considered to be broadly suitable for the proposed use, with the building form and design as existing appropriate for the surrounding area, and with no impact on residential amenity owing to the absence of any nearby dwellings. The site is accessible by a variety of transport options, being close to the railway station and easily accessible by car and walking routes. The proposal is therefore also in accordance with policy COM 4 and meets the policy criteria for new community facilities.
- 7.7 The relocation of the archives is expected to draw 6000-9000 visitors annually to Ely, which could contribute to the city centre economy, even from the proposed out of centre location. It is not far to travel into Ely city centre from this location and visitors to the archive may choose to spend more time in Ely once they have made their initial journey to the area.
- 7.8 There is a local plan allocation, ELY 7, and emerging Supplementary Planning Document (SGSPD), for a mixed-use Station Gateway development, concentrated around the area that is currently Tesco supermarket and their car park and therefore adjacent to, but not including, the application site. This would consist of residential, retail and office space, and an enhanced transport interchange that could come forward as a result of this allocation and would improve transport access to the site, particularly the pedestrian link to the railway station. While this allocation is in the Local Plan and forms part of the currently unadopted and emerging Ely Station Gateway Supplementary Planning Document (SGSPD), the speed at which this development comes forward may be dependent on local and national factors outside of the district council's control.
- 7.9 Overall, it is therefore considered that the proposed use is acceptable in this out of centre location, and that the proposal is in accordance with the criteria for town-centre uses in out of centre locations, as defined in policy COM 1 and the criteria for new community facilities as defined in COM 4.

Loss of Community Facility

- 7.10 Concern has been raised that the loss of the bowling alley would result in the loss of a community facility in Ely. The closest other indoor bowling alleys available to members of the public are in Cambridge or Peterborough, although it has been stated that Strikes is intending to close the facility and sell the building anyway and this decision is not based on the outcome of this application.
- 7.11 The proposed use would be likely to attract a different section of the community than the existing bowling alley. It is considered that Ely's

leisure provision is otherwise viable and varied, with a variety of leisure facilities already provided across the city. Additionally, East Cambridgeshire District Council granted permission on 1st April 2015 for a new cinema/leisure complex at Downham Road, which would provide a more comparable leisure facility to the bowling alley within the wider city area.

- 7.12 Policy COM 3 supports avoiding the loss of community facilities, and such loss would only be supported in certain cases. One of these is if the proposal would “involve the provision of an alternative community facility which brings demonstrable greater benefits to the settlement or neighbourhood”. The relocation of the Public Archives to Ely will create a cultural and educational facility of county-wide significance. It is expected to attract 6000-9000 visitors a year to the city. It is therefore considered that the proposal is in accordance with policy COM 3, in that the loss of the existing community facility will be replaced with one of county-wide significance that is likely to benefit the City of Ely.

Proposed Use and Suitability of the Building

- 7.13 The proposed use of the building as a public archive and ancillary record store has led to representations on the suitability of the building. It is considered that the new building would provide a suitable location and facility for use as public archives including the storage of the archive materials given the space available and the practical nature of the building. The internal rearrangement will provide the necessary space to facilitate use of the archives as a study collection. The applicant has confirmed that the building would provide storage capacity for the public archive for at least the next 20 years.
- 7.14 The County Council has a statutory duty to appropriately store the county archive, necessitating its relocation out of Shire Hall. While the suitability of the building has been questioned including in relation to matters of security and safety, the archives service has satisfied itself that the building will provide appropriate accommodation and is working with the National Archives Service to ensure that the building is suitable for archive storage, in terms of climate control, storage facilities, security and safety.
- 7.15 Concerns have been raised about moving the archive away from Cambridge and its current location in Shire Hall. This was a decision made by the County Council as applicant given the need to move the archive from the unsuitable basement in Shire Hall. It is understood that there were limited options available for the storage of an archive of this size. The need to move the Archive and the suitability of this building are material planning considerations in the determination of this application. However, the operational decision to move the archive to this particular location has been made by the applicant and is not a planning consideration for the purposes of determination by this committee.

Design and Layout

- 7.16 Some minor external alterations are proposed to the existing facade, including the provision of windows for the staff facilities and publically accessible sections. These would add some interest to the elevations, as well as improving the operation of the building.
- 7.17 The originally submitted floor plans showed indicative study spaces, desks and computer terminals. This raised concerns that the proposal would not provide as many facilities as the existing Public Archives. It was confirmed by the applicant that these plans were indicative only, and the layout and design of the space is being finalised by the architects to provide an appropriate number of study spaces and facilities. It was also suggested that more provision needed to be made for larger parties such as visits by school or community groups. There is currently no separate provision for large school groups at the Archive or the Collection, and both would continue to use existing reader space to accommodate school groups as they do now.
- 7.18 It is considered that the building will function well with the proposed minor external changes and internal rearrangement, and that the external changes will not significantly affect its setting or appropriateness in the area amongst the similar types of warehouse-type buildings. It will therefore be in accordance with ENV 2, in that it is already appropriate for the surrounding area in scale and form.
- 7.19 Although representations have been made that not enough space is provided for public access, the internal layout and operation of the building is primarily an operational decision for the applicant. The County Archive Service can determine how they use the space available to them for individual access or groups and it is not a material planning consideration in the determination of this application.

Transport and Parking

- 7.20 The site is easily accessible by both car and by public transport, with pedestrian access from the railway station and the bus stops on Station Road. While it is not located in the centre of town, it is easily accessible to the residents of Ely and to the county as a whole, given that there are frequent train and bus links to Cambridge, March, Littleport and further afield.
- 7.21 It is not proposed to change the level of parking at the site from the existing 56 spaces. East Cambridgeshire's parking standards, policy COM 8, allows for up to 1 car parking space per member of staff and up to 1 space for every 30sqm in D1 uses such as museums, galleries and exhibition halls. This would allow for 10 spaces for staff and 10 spaces for visitors given the 300sqm of publically accessible space. If taking into account the entire D1 floorspace of 1681sqm, this would allow for up to 56 visitor car parking spaces, allowing up to 66 staff and visitor spaces, indicating that the existing 56 spaces would be adequate provision. In any case, it is considered that calculating the

maximum standards based on the publically accessible space is more appropriate, and therefore an existing provision of 56 spaces, when the standards call for up to 20 spaces, will be more than adequate for the proposed use and will ensure that there is plenty of parking on site for visitors to the public archives.

- 7.22 Suggestions from district council members were made based on the original proposal that improvements should be made to the Angel Drove Pay & Display Car Park, and the pedestrian links to it, possibly through the implication of a S106 legal agreement. The County Council cannot enter into a S106 agreement with itself as both applicant and determining authority. Furthermore, planning obligations can only be imposed where it is demonstrated that financial contribution should be made to improve infrastructure as a direct result of the impact of the development. The original proposal was likely to have a much greater impact on the surrounding highway network, with significant implication for parking, particularly based on the peak times for the Registration Office. As a result of the revised proposals the applicant has demonstrated that the parking provided on site is enough to accommodate all staff and visitors at the site, and use of the Angel Drove Pay and Display Car Park will not be required. Existing transport infrastructure will serve the site and therefore it would be inappropriate to request additional contributions to improve off-site transport projects which are unrelated to the development.
- 7.23 In order to ensure that the assessment that has been carried out accurately reflects the continuing use of the site, the district council and CCC Transport Assessments Officer have suggested that the permission is restricted to the specific use, rather than broad D1 use, to ensure that parking issues that could arise from an unspecified future D1 use could be dealt with through an additional transport assessment as part of any future change of use application. This is considered to be an appropriate suggestion, given the specific use of the site, and will be included in the conditions.
- 7.24 It was also suggested that the parking be appropriately divided between staff and the visitors to the Archives. It is considered that this is primarily a matter for the applicant when operating the facility and it is not necessary to secure by condition owing to the abundance of parking at the site.
- 7.25 There are currently 6 cycle spaces on site, and it is proposed to replace the existing hoops with 12 covered spaces. The criteria in policy COM 8 require 1 space per 5 members of staff plus 1 space for every 35sqm of D1 space. This would equate to 2 staff spaces and 9 visitor spaces based on publically accessible floorspace. The 12 proposed spaces are therefore in accordance with the 11 required by East Cambridgeshire policy COM 8.

- 7.26 It should be noted that there is currently no dedicated visitor parking at the Public Archives at Shire Hall. This proposal will therefore provide visitor parking for these facilities, is in accordance with East Cambridgeshire District Council's parking standards and has been assessed by the CCC Transport Assessments Team as an accurate reflection of the expected number of journeys. It is considered that the proposed number of parking spaces is adequate for the proposed use and is therefore considered to be in accordance with COM 4 as a well located new community facility; COM 7 as the Transport Impact has been fully taken into account and provides safe and convenient access to the site; and COM7 as the parking standards have been met. The proposal would therefore be suitable in this location from a transport perspective.

Flood Risk and Contamination

- 7.27 The site is within flood zone 3 and as a change of use it was agreed at the pre-application stage that the application submission did not require a flood risk assessment, but that the archives service should satisfy itself that appropriate measures have been taken to ensure the protection of the archive documents within the building. The applicant has confirmed that the new facility will be fully compliant with British Standard PD5454 for the storage and exhibition of archival material, and that they are working closely with the National Archives to ensure that the facility is fit for purpose.
- 7.28 Similarly, the proposal will not involve any external demolition or construction, and therefore no risk of contamination as a result of earth movements. It is not considered that any of the surrounding uses will have a significantly detrimental effect on the archive, and in any case the storage of the material will be carefully climate controlled in the storage area, to the satisfaction of the County and National Archives Service as discussed in paragraph 7.14.
- 7.29 As no additional floorspace or external increases in paved areas are proposed, the change of use will not be increasing the run-off rates or risk of flooding elsewhere on or off-site. The proposal is therefore considered to be in accordance policy ENV 8, as the proposal will not increase the risk of flooding on site or in the surrounding area.

8.0 CONCLUSION

- 8.1 The applicant has demonstrated that the bowling alley building can be suitably adapted to accommodate the public archive and has shown that the transport implications will not have a detrimental effect on the local highway network. On balance it is considered that the proposal is in accordance with local planning policy and would be a suitable location and site for the proposed use.

- 8.2 In order to ensure this, planning conditions will be included to limit the D1 use specifically to the Public Archives.

9.0 RECOMMENDATION

- 9.1 It is therefore recommended that permission is granted subject to the following conditions.

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

- Planning Statement March 2015 rev C (received: 06/03/2015);
- Planning Statement Addendum November 2015 (received: 3/11/2015)
- Transport Statement Report No 5 30.10.2015 (received: 03/11/2015)
- Location Plan CAM.1030 (received: 03/11/2015)
- Site Plan - 9125-SK-001 rev B (received: 03/11/2015);
- Proposed Elevations - SK4 rev P4 (received: 03/11/2015;

Reason: To define the site, protect the character and appearance of the locality, and to ensure flexibility of the internal arrangement of the space, in accordance with policy ENV 2 of the East Cambridgeshire Local Plan (2015).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 (or any order revoking, re-enacting or modifying that Order) the development hereby permitted shall be limited to the purpose of providing public access to the County Public Archives with ancillary storage of the archive material only and for no other purpose including any other use falling within Class D1 non-residential institutions.

Reason: In order to limit the development to that which has been applied for to limit the transport impacts, in accordance with COM 7 of the East Cambridgeshire Local Plan (2015).

4. The car parking spaces and bicycle parking spaces shown on "Site Plan - 9125-SK-001 rev B" shall be provided prior to the building first being brought into use and kept available for the parking of motor vehicles and bicycles, respectively, at all times. The parking shall be

used for the benefit of the staff and visitors to the building and permanently retained as such thereafter.

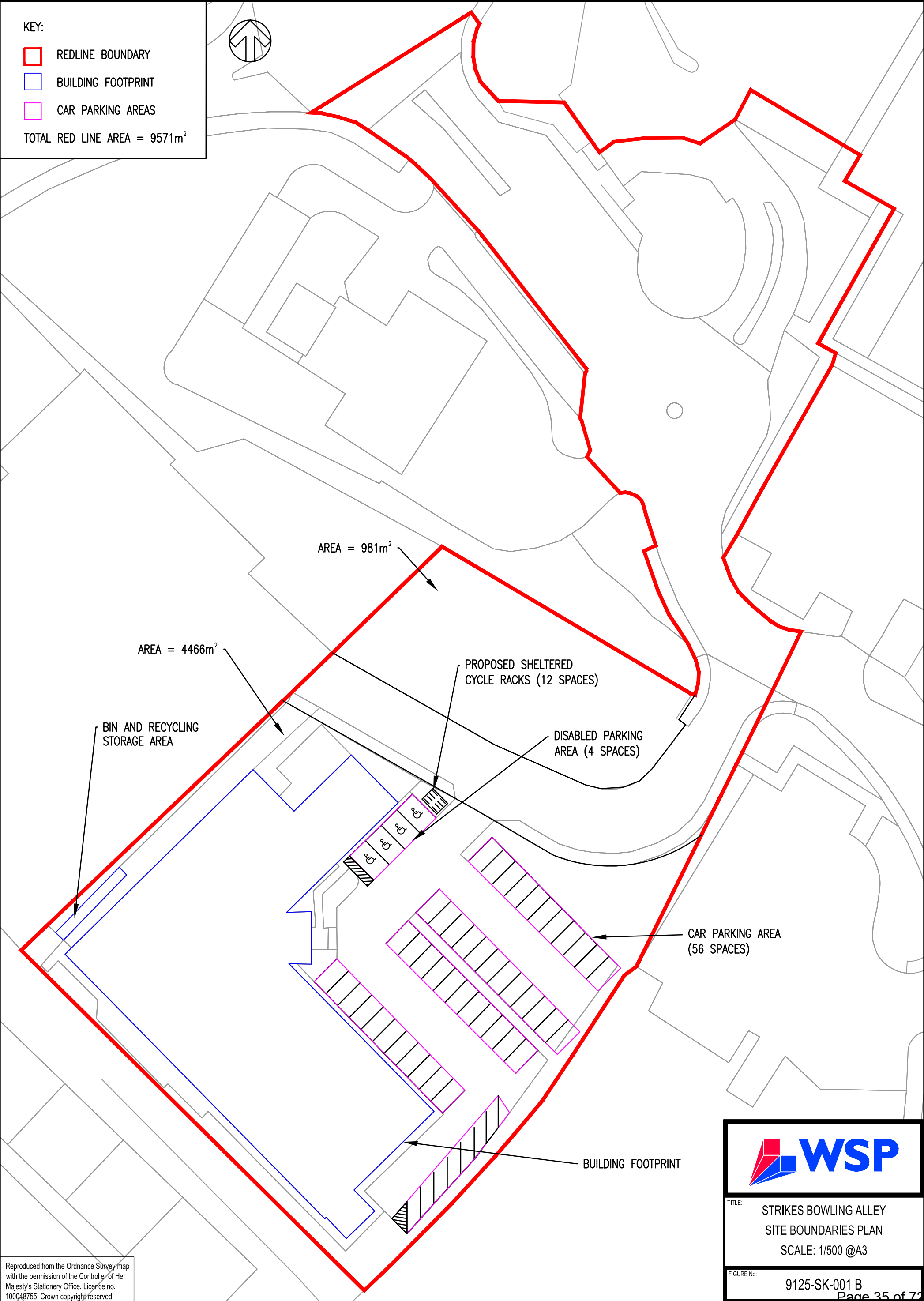
Reason: To accommodate staff and visitors vehicles at the site in accordance with COM 7 and COM 8 of the East Cambridgeshire Local Plan (2015).

Informative

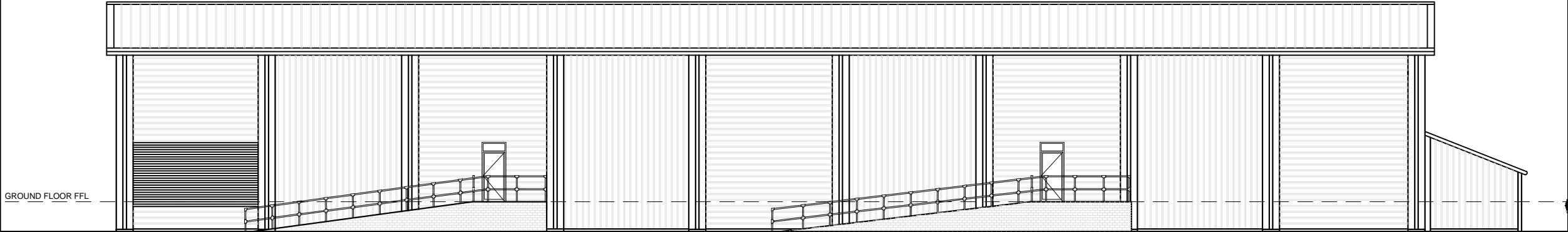
Condition 3 requires that any subsequent change of use from the County Public Archive Facility will require planning permission.

Source Documents	Location
Application File E/3001/15/CC	Shire Hall

E/3001/15/CC - Strikes Bowling Alley, Ely - committee plan 1



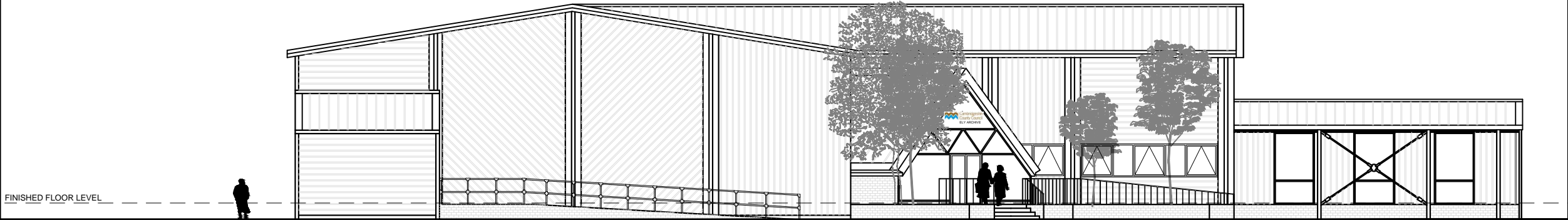
P:\70009125 - Strikes Bowling Alley, Ely\E Models and Drawings\CAD\SK-Sketches\9125-SK-001 B.dwg 30 October 2015 12:01:12 Westgarth, George



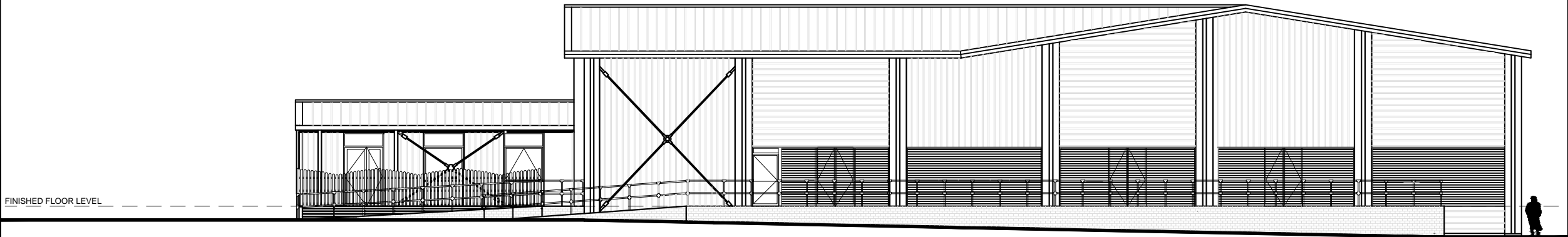
ELEVATION TO SOUTH-WEST



ELEVATION TO NORTH-EAST



ELEVATION TO SOUTH-EAST



ELEVATION TO NORTH-WEST

ATKINS

NOTES

- 1. DO NOT SCALE FROM THIS DRAWING.
- 2. ALL MEASUREMENTS ARE IN MILLIMETRES UNLESS STATED OTHERWISE.
- 3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATION AND ALL RELEVANT ARCHITECTURAL, ELECTRICAL, MECHANICAL AND STRUCTURAL DRAWINGS.

CHANGE OF USE
PLANNING APPLICATION

IN ADDITION TO THE HAZARDS/RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING, NOTE THE FOLLOWING SIGNIFICANT RESIDUAL RISKS :-

ITEM		HAZARD		RISK	
P4	Amendments made to windows / louvres	JH	02/11/2015	AL	RC
P3	Amendments to match 'Proposed GF Plan' rev P2	LS	27/10/2015	AL	RC
P2	Signage added	AB	19/06/2015	JH	JH
REV	DESCRIPTION	BY	DATE	CHKD	AUTH

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CLIENT:



PROJECT:

ELY HUB

TITLE:

PROPOSED ELEVATIONS

SCALE:	ORIGINAL SIZE:	DESIGNED:	DRAWN:	CHECKED:	AUTHORISED:
1:200	A3	JH	AB	JH	JH
OFFICE:	DATE:	DATE:	DATE:	DATE:	DATE:
COL	12/06/2015	12/06/2015	12/06/2015	12/06/2015	12/06/2015

PROJECT NO: DISCIPLINE: TYPE: CODE: DRG NO: REV:

5140581 / A / - / - / SK 4 / P4

PROJECT NO: 5140581 / A / - / - / SK 4 / P4

CHANGE OF USE OF LAND TO MOTOCROSS AND RECREATIONAL RIDING OF MOTORCYCLES WITH SITING OF 2NO STORAGE CONTAINERS, TOILETS, MARSHALLING BOXES, LITTER BINS, WASTE SKIP AND SITE CABIN TOGETHER WITH OPERATIONAL DEVELOPMENT INCLUDING RAISED AREAS, RACE TRACK, CAR PARKING, TRACK FENCING POSTS, RAILINGS, AND SPECTATOR FENCING

AT: BLOCK FEN DROVE, CHATTERIS, CB6 2AY

APPLICANT: F15-MX

LPA NO: F/YR15/0985/F

To: **Planning Committee**

Date: **10 December 2015**

From: **Head of Growth & Economy**

Electoral division(s): **Chatteris**

Purpose: **To provide Fenland District Council with the County Council's comments on the above planning application.**

Recommendation: **That the County Council OBJECTS to the proposed development for the reasons set out in paragraph 10.1**

<i>Officer contact:</i>	<i>Member contact</i>
Name: Helen Wass Post: Development Management Officer Email: Helen.Wass@cambridgeshire.gov.uk Tel: 01223 715522	Name: Portfolio : Email: Tel:

1.0 INTRODUCTION

- 1.1 A planning application (ref F/YR15/0985/F) has been made to Fenland District Council (FDC) to use land at Block Fen for motorsports. The land is part of a former sand and gravel quarry and the County Council has been invited to comment on the proposal. This report firstly sets out the full planning history of the site, then in more detail the mineral planning history and the obligations that the landowner has to restore the site. It also outlines the use of the site by motorcyclists. It goes on to explain the development of a series of restoration schemes that have been prepared for the site.
- 1.2 The areas of land to which are referred to in this report are shown on the agenda plan.

2.0 THE SITE AND SURROUNDINGS

- 2.1 South Lake measures 400m x 400m (16 hectares) and comprises former mineral working land (an old quarry plant site). The northern half has been and is proposed to be used for motorcycle riding. It is located at Block Fen within an extensive area of active and dormant (permitted) mineral working sites and waste management activities. A further large area of land at Block Fen and Langwood Fen is allocated in the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (July 2011) (the Core Strategy) as a source of sand and gravel and location for waste management in the long term i.e. beyond the 2026 Plan period. The site is approximately midway between Mepal and Chatteris, 1km northeast of the A142 at its junction with Block Fen Drove. Immediately to the northeast beyond a quarry access road are former mineral workings, now lakes used for recreational purposes and beyond that the land covered by the 2002 mineral permission (Hanson, currently inactive). To the southwest and southeast is land forming part of the active Tarmac quarry which has planning permission until 2036. To the northwest is a currently inactive part of the Tarmac quarry which has planning permission until 2031.
- 2.2 The application site, together with the adjacent recreation lakes and historic quarry workings to the west form the Block Fen Gravel Pits County Wildlife Site (CWS). The Ouse Washes Site of Special Scientific Interest (SSSI) 1.5km to the southeast is also of international importance and designated as a Special Area of Conservation, Special Protection Area and Ramsar site.

3.0 PLANNING HISTORY

- 3.1 The planning history for the site is as follows:
 - F/0363/98 - Extraction of sand and gravel - new conditions imposed under the Environment Act 1995 (outlined in green on

the agenda plan and identified as West Lake and South Lake)
GRANTED 27 November 1998.

- S106 agreement between Cambridgeshire County Council, Church Commissioners for England and Hanson Quarry Products Europe Limited dated 28 November 2002.
- F/YR11/0752/F – Temporary use of land for a period of 5 years for the purposes of motorsport usage including siting of 4 portable buildings and use of land for siting of recreational motor vehicles. REFUSED 12 March 2012 by FDC.
- F/YR13/0857/F – Change of use of land to motocross and recreational riding of motorcycles with siting of 2no storage containers, toilets, marshalling boxes, litter bins, waste skip and site cabin together with operational development including raised areas, race track, car parking, track fencing posts, railings and spectator fencing. REFUSED 16 December 2014 by FDC.
- F/02006/13/CM – Variation of condition 2 of planning permission F/0363/98 to defer restoration of South Lake for approximately 7 years to allow temporary use of land for motorcycle riding. REFUSED 23 December 2014.
- Application to modify planning obligation between the County Council, Hanson Quarry Products Europe Limited and the Church Commissioners for England dated 28 November 2002. REFUSED 7 January 2015.

4.0 MINERAL PLANNING HISTORY

- 4.1 The site to which the current application F/YR15/0985/F relates (that is part of South Lake and outlined in red on the agenda plan) had planning permission, originally dating from 1960, for the extraction of sand and gravel. There are two planning permissions which currently relate to the site. These are F/0363/98 issued 27 November 1998 under which new conditions were imposed under the Environment Act 1995 (outlined in green on the agenda plan), and F/02014/12/CM (issued 18 September 2012), which permits the extraction and processing of sand and gravel from approximately 200 hectares of land to the north (outlined in blue on the agenda plan). They are referred to subsequently in this report as the 1998 mineral permission and the 2012 mineral permission respectively.
- 4.2 Condition 2 of the 1998 permission requires mineral extraction to have ceased and the site restored within 15 years of the permission coming into effect; that is by 27 May 2014.
- 4.3 The application site also forms part of an area of land that is included in the S106 agreement dated 28 November 2002, on which the 2002

permission for mineral extraction was dependent. The 2002 S106 agreement was linked in September 2012 to the 2012 mineral permission. The 2012 permission was implemented on 5 November 2012 and requires that the development be completed within 30 years from the date of commencement i.e. by 5 November 2042. Insofar as the application site is concerned the S106 agreement required the submission of a detailed restoration and aftercare strategy within 9 months of the date of commencement of the mineral extraction operations which are permitted under the 2012 permission (i.e. by 5 August 2013). The approved strategy shall be implemented to the satisfaction of the County Council in accordance with the agreed phasing set out in the strategy. A fenced nature conservation area with pedestrian access is to be provided within 24 months of commencement (i.e. by 5 November 2014). The status of the restoration scheme is set out in section 6 of this report.

- 4.4 Planning application F/02006/13/CM sought to vary the terms of condition 2 of planning permission F/0363/98 to defer the date by which the application site must be restored for approximately 7 years to allow the land to be used for motorcycle riding for 5 years. An application was also made to modify the terms of the S106 planning obligation dated 28 November 2002 for the same reason. These applications were refused by the Planning Committee in December 2014 for the following reason:

The applicant has not demonstrated sufficient justification to amend the approved restoration plans for this mineral site and the Mineral Planning Authority is not satisfied that there is a proven essential or compelling planning need in this case. To permit the proposed development of delaying by 7 years the restoration of land which is identified as a nature reserve within the Cambridgeshire and Peterborough Minerals and Waste Development Plan Block Fen/Langwood Fen Master Plan Supplementary Planning Document (July 2011) would be unacceptable and considered contrary to policies CS1, CS3, CS25 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (July 2011).

5.0 MOTORCYCLE USE

- 5.1 For a period of up to mid-2007 the land which is the subject of the current planning application was used by motorcyclists on an ad hoc, informal, and unorganised basis. The landowner (Hanson) took action, which was partly successful, to deter them.
- 5.2 During 2009 the application site was prepared for organised motorsports use by Fenland Resource Management Ltd (FRML). Use beyond that which the operator claimed to be permitted development took place and in October 2011 FRML submitted a planning application to FDC for motor sports use. It was refused on 12 March 2012 for 5

reasons, principally relating to noise, but including the lack of a satisfactory restoration scheme. The use continued and FDC issued an enforcement notice on 10 May 2012 which the developer appealed. The enforcement notice was varied by a planning inspector so as not to prevent the developer exercising his permitted development rights but was otherwise upheld i.e. the permanent infrastructure was to be removed.

- 5.3 In October 2013 a different motorsports operator (the current applicant F15-MX) submitted an application to FDC for planning permission for the change of use of land at Block Fen to allow motocross and recreational riding of motorcycles for 5 years together with the necessary ancillary development. It was refused by FDC's Planning Committee for the following reason:

The increased use of the site, and associated activity for Motocross use and associated activities from its current operation of 28 days per year to a substantially more intensive use, would result in an unacceptable level of cumulative activity and associated noise to the detriment of the amenities of local residents contrary to policy LP2 and LP16 of the Fenland Local Plan 2014, and para 123 the NPPF 2012.

- 5.4 In 2015 the site has been used for motorsports which it is understood take place under the terms of the Town and Country Planning (General Permitted Development) Order 1995 and from 15 April the Town and Country Planning (General Permitted Development) (England) Order 2015. This allows a maximum of 14 days' use per calendar year for "motor car and motorcycle racing including trials of speed, and practising for these activities" and the provision on the land of movable structures for the purposes of this use.

6.0 RESTORATION SCHEMES

- 6.1 Condition 22 of the 1998 minerals permission requires the site to be restored in accordance with approved drawing no M4f/101, which relates to South Lake, and includes the current application area. It shows an area of open water surrounded by reedbeds and rough grassland with hedgerows, trees and scrub around the perimeter. A detailed restoration scheme was required by condition 22 which must be implemented within 12 months of the cessation of sand and gravel extraction. It has been noted in paragraph 4.2 above that condition 2 of the 1998 mineral permission required the winning and working of sand and gravel to have been completed and the land restored by 27 May 2014. Hanson submitted a detailed scheme for South Lake in July 2004 (drawings M4Fc/108 and M4Fc/109) which was approved in October 2004. Condition 23 requires the site to be subject to a 5 year period of aftercare following restoration. The aftercare scheme submitted by Hanson in July 2004 was also approved in October 2004.

- 6.2 Planning application no F/02006/13/CM was accompanied by a restoration plan, which included both the application site of the proposed motocross area and the land immediately to the south i.e. all of South Lake. It was subsequently revised twice following consultation with the conservation bodies (Natural England, The Wildlife Trust and the RSPB). The final October 2014 version by BSG Ecology proposed that the site would be restored to a combination of wetland and open mosaic habitats and managed to increase the potential for supporting protected and priority species e.g. water vole, otter, breeding birds, reptiles and invertebrates. The wetland would be at the south of the site which is currently a 3.6ha lake with a smaller pond to the west and not used for motorcycle riding. The restoration works were scheduled to take place between September 2015 and February 2016 with management thereafter until 2024. The scheme was supported in principle by the conservation organisations and planning officers. The planning application to defer restoration of South Lake was refused for the reasons set out at paragraph 4.4 above and the BSG Ecology restoration scheme has not, therefore, been implemented.
- 6.3 Hanson's 2004 restoration scheme, submitted and approved in accordance with condition 22 of the 1998 permission, proposes little intervention on the southern part of South Lake: the two existing waterbodies will be retained together with the dense scrub along the eastern boundary and the broad-leaved semi-natural woodland at the centre of the site. The proposal for the northern part i.e. the motocross site is another lake with the surrounding land being allowed to re-vegetate through natural colonisation. Small areas of new tree and shrub planting are also proposed. The proposal assumed that the remaining mineral would be removed from the northern part of the site thus creating a void which would become a lake. Hanson has chosen not to remove the mineral and the terms of the 1998 permission preclude extraction after May 2014; a revised restoration scheme is therefore needed whether the motocross proposal goes ahead or not.
- 6.4 In July 2015 Hanson acknowledged that they are required to restore South Lake and West Lake and undertook to draw up a restoration scheme without a lake in the northern part of South Lake by the end of summer 2015. A draft version was submitted on 23 September 2015 and the views of Natural England, the Wildlife Trust and the RSPB were sought.
- 6.5 Hanson's final proposals were submitted on 30 October 2015 and are currently the subject of consultation with the conservation bodies. They adopt the same principles as the BSG Ecology October 2014 scheme but propose that restoration work will take place in summer 2016 rather than in 2015. New boundary fencing and retention of pollarded boundary trees for up to 5 years is proposed to deter trespass by motorcyclists. Whilst the restoration and management

aims and techniques are acceptable the proposed delay until summer 2016 to carry them out is not.

- 6.6 The BSG Ecology scheme (on which Hanson's 2015 submission relies) identifies two restoration projects: Project 1-1-1 comprises the removal of woodland and scrub during the period September 2015 to February 2015 (and in October 2015 for bat roosting potential trees) to avoid the breeding bird season. Project 1-1-2 comprises the creation of the reedbed and marshy grassland and is scheduled to take place upon completion of Project 1-1-1. There is nothing from a nature conservation point of view that would prevent the restoration work from being carried out this winter, as soon as the scheme is approved.
- 6.7 Hanson states that the restoration works cannot take place until after surveys for protected species such as water voles and bats have taken place. The conservation organisations disagree and consider that the tree works could be undertaken before the next breeding bird season i.e. winter 2015-16. Trees with potential bat roosts will need to be assessed and felled in accordance with the relevant legislation but there need not be a delay to allow additional surveys. The ground re-profiling works could also potentially take place as there is only a moderate chance of water voles being on the site; they are much more likely to be using the drain network beyond.
- 6.8 Hanson have been asked to amend the scheme and provide a clear timetable for carrying out the restoration works and embark upon 10 years' management as required by the 2002 S106 agreement.
- 6.9 The 2002 S106 agreement requires that the restoration scheme includes a fenced nature conservation area with a pedestrian access facility. There is a further requirement to provide pedestrian access around the restored land to enable it to be used for informal nature conservation study by means of permits to conservation bodies and educational institutions. Hanson's 2015 restoration scheme is capable of fulfilling these requirements.
- 6.10 The 2002 S106 agreement also requires that when South Lake and West Lake have been restored and the fenced conservation areas with pedestrian access are in place the land shall only be used for nature and wildlife conservation purposes (weed and pest control are permitted). Hanson's 2015 restoration scheme explicitly proposes the exclusion of motorsports use on South Lake and the boundary treatment has been designed to achieve this.

7.0 THE PROPOSED DEVELOPMENT

- 7.1 The proposal before FDC is described by the applicant as a re-submission of application F/YR13/0857/F. It is to use the land for motorcycle riding (racing or practising) on 60 days per winter i.e. between 1 October and 31 March for a temporary period of five years.

The application is also for siting of 2no storage containers, toilets, marshalling boxes, litter bins, waste skip and site cabin together with operational development including raised areas, race track, car parking, track fencing posts, railings, and spectator fencing. The application is accompanied by a revised noise management plan, which the developer believes will address the environmental health officer's concerns and the reason the previous application was refused (see paragraph 5.3 above).

8.0 PLANNING POLICY

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan policies are set out in paragraph 8.3 to 8.5 below.

8.2 The National Planning Policy Framework (March 2012) (NPPF) is also a material planning consideration.

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

CS1 Strategic Vision and Objectives for Sustainable Minerals Development

CS3 Strategic Vision and Objectives for Block Fen/Langwood Fen, Earith/Mepal

CS25 Restoration and Aftercare of Mineral and Waste Management Sites

CS33 Protection of Landscape Character

CS34 Protecting Surrounding Uses

CS35 Biodiversity and Geodiversity

8.4 Cambridgeshire and Peterborough Minerals and Waste Development Plan Block Fen/Langwood Fen Supplementary Planning Document (adopted July 2011) (the SPD)

8.5 Fenland Local Plan (adopted May 2014)
LP19 The Natural Environment

9.0 PLANNING CONSIDERATIONS

9.1 The NPPF sets out the Government's planning policies and how these are expected to be applied. It is a material consideration in planning decisions and at its heart is a presumption in favour of sustainable development (para 14). It states 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 impacts 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 develop that conflicts with an up-to-date development plan should be refused unless other material considerations indicate otherwise.
- 9.2 The proposal before Fenland District Council on which the County Council as the mineral planning authority has been invited to comment is a change of use of land to motorcycle riding and the associated operational development as set out at paragraph 7.1 above.
- 9.3 South Lake, together with a similarly sized area of land to the west of Block Fen Drove (West Lake), is identified in the abovementioned SPD as being restored as a nature reserve. This is consistent with the terms of the 1998 planning permission and the 2002 planning obligation and Hanson's 2004 scheme, both of which were in place before the SPD was drafted and adopted.
- 9.4 The area to which the SPD relates is adjacent to the Ouse Washes which is a wetland of international importance for its wet grassland, breeding and wintering of waders and wildfowl, along with aquatic flora and fauna largely associated with the ditches and drains. The Washes are classified as being in "unfavourable" condition and one of the strategic objectives of the Core Strategy (CS1, CS3) is to enhance habitat creation adjacent to the Ouse Washes, through mineral extraction and restoration. CS25 requires mineral workings to be restored in a phased manner to a beneficial afteruse, with aftercare arrangements. It goes on to say that where restoration could assist or achieve the creation of priority habitats and/or Cambridgeshire and Peterborough Biodiversity Action Plan targets the relevant biodiversity after use must be incorporated within the restoration scheme. An extended period of after-care will be sought where this is warranted by the restoration proposals (i.e. longer than 5 years).
- 9.5 CS35 states that mineral development will only be permitted where it has been demonstrated that there will be no likely significant adverse effect on sites of local nature conservation interest such as County Wildlife Sites. Fenland Local Plan policy LP19 has similar aims. The conservation organisations have supported the current applicant's proposed restoration scheme (BSG Ecology, October 2014) which, as has already been noted in paragraph 6.2 above, proposed that restoration work would be carried out in winter 2015. There is also support in principle from officers, guided by the nature conservation bodies, for Hanson's October 2015 scheme (which relies on the BSG

Ecology scheme), provided it is amended so that it is carried out in winter 2015/16.

- 9.6 Although the proposed restoration will not itself create lowland wet grassland, the restored site will be part of an important buffer area for the Ouse Washes with the maintenance of a landscape which has few trees and hedges which could harbour predators to nesting birds. This is consistent with the aims of the SPD.
- 9.7 The County Council has not received an application to vary the terms of condition 2 of the 1998 mineral permission or the 28 November 2002 S106 agreement. What the Authority has before it as the mineral planning authority (MPA) would constitute a breach of condition and a failure by the landowner (Hanson) to comply with the terms of a S106 agreement. There is concern within the community that Hanson are in breach of the terms of the planning condition and the 2002 S106 agreement. The MPA is being strongly urged to take the appropriate action to bring about the restoration of South Lake as soon as possible.
- 9.8 Hanson has, by submitting a new restoration scheme, taken the first steps that are necessary to comply. However, for the reasons set out in section 6 above the timetable for implementation has not been agreed and the scheme has not been approved. Subject to Hanson amending the timetable for implementation, the scheme will be acceptable to the MPA and restoration work will, if the scheme is complied with, be completed in winter 2015-16. The 10 year management programme will commence and continue thereafter until 2026.
- 9.9 Motorcycle riding is contrary to the terms of the S106 agreement, which requires that when South Lake and West Lake have been restored and the fenced conservation areas with pedestrian access are in place the land shall only be used for nature and wildlife conservation purposes. When Hanson has carried out an approved restoration scheme, motorcycle riding will from that time be contrary to the terms of the S106 agreement and the SPD. If FDC were to approve the current application (which seeks 5 years' use) they would be giving planning permission for a use that for much of its duration directly conflicts with an existing limitation on the use of the land as contained in the above-mentioned SPD and further reinforced by way of a planning obligation within the S106 agreement. This is a material consideration that FDC should take into account when determining the application.
- 9.10 The planning policies referred to in paragraphs 9.4 and 9.5 above give a clear requirement that mineral sites be restored to a beneficial afteruse and the nature of that afteruse for land at Block Fen, including the current application site is set out in the SPD. The 1998 mineral permission and the 2002 S106 agreement give the dates by which the application site should be restored. That time has passed and in submitting a revised scheme Hanson has taken the first steps

necessary to bring about restoration of the site in accordance with policy CS25 and the SPD. No application has been made to the County Council to vary condition 2 of the 1998 permission or the terms of the S106 agreement. It is considered that the site should be restored in accordance with Hanson's 2015 scheme during winter 2015-16 and be managed in the interests of nature conservation for 10 years thereafter.

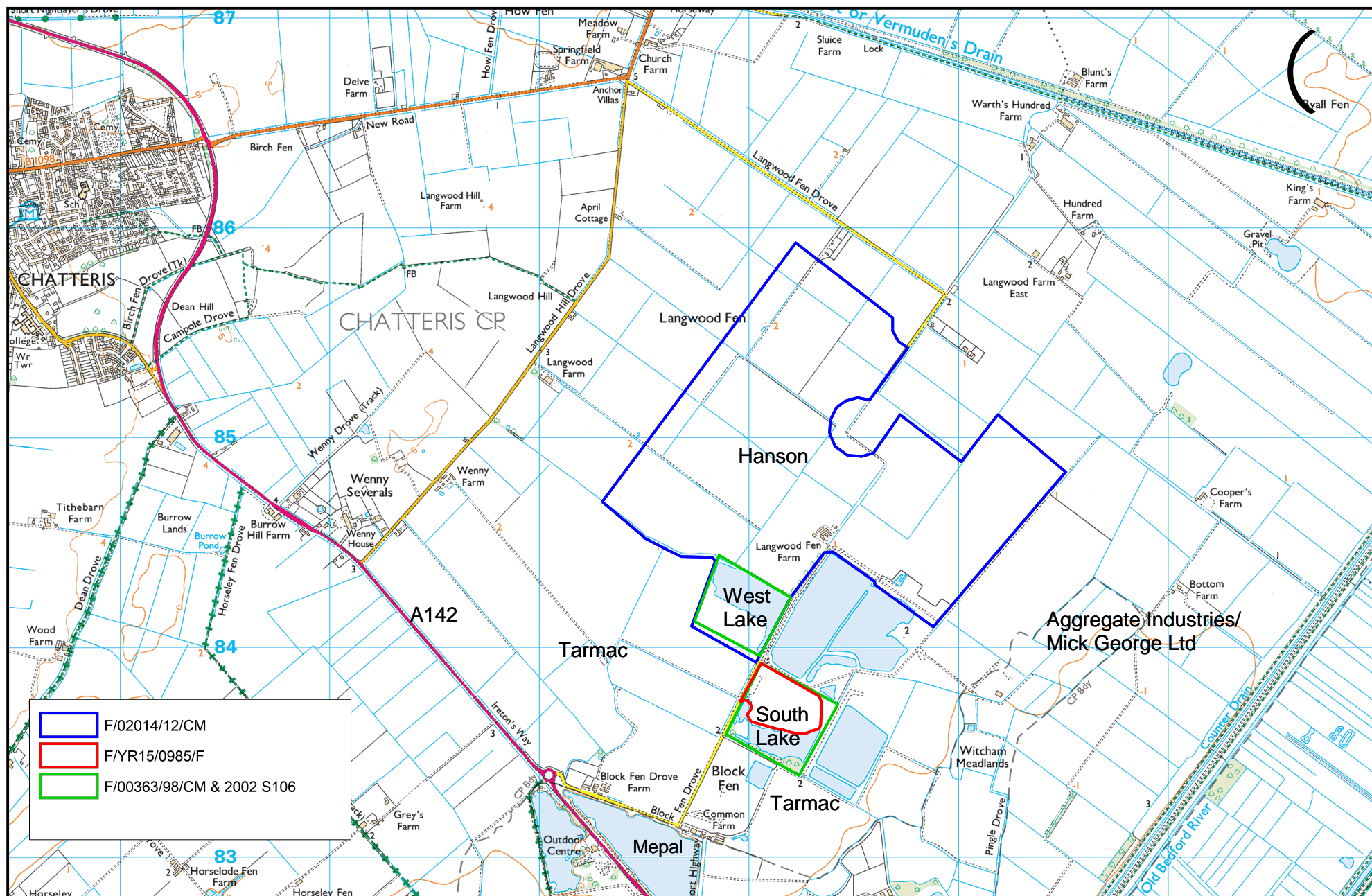
- 9.11 For the reasons set out in paragraphs 9.9 and 9.10 above it is recommended that the County Council as the MPA objects to the planning application before FDC for motorsports use.

10.0 RECOMMENDATION

- 10.1 It is recommended that the County Council as the mineral planning authority OBJECTS to planning application no F/YR15/0985/F for the following reasons:
1. The proposed use of the land for motocross and the recreational riding of motorcycles is contrary to the terms of paragraph 5 of Part II of the second schedule of the S106 agreement between Cambridgeshire County Council, Church Commissioners for England and Hanson Quarry Products Europe Limited dated 28 November 2002.
 2. To permit the proposed development of delaying by 5 years the restoration of land which is identified as a nature reserve within the Cambridgeshire and Peterborough Minerals and Waste Development Plan Block Fen/Langwood Fen Master Plan Supplementary Planning Document (July 2011) would be unacceptable and considered contrary to policies CS1, CS3, CS25 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (July 2011).

Source Documents	Location
<p><u>Fenland District Council planning application F/YR15/0985/F:</u></p> <p>http://www.fenland.gov.uk/publicaccess/simpleSearchResults.do;jsessionid=6AEA5AED1223923D0CCD8693685BD5A7?action=firstPage</p> <p><u>Link to Cambridgeshire and Peterborough Minerals and Waste Core Strategy:</u></p> <p>http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/7</p> <p><u>Link to Cambridgeshire and Peterborough Minerals and Waste Block Fen/Langwood Fen Master Plan Supplementary Planning Document (SPD):</u></p> <p>http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/9</p>	Shire Hall, Cambridge

F/YR15/0985/F Block Fen, Chatteris



**ENFORCEMENT UPDATE REPORT
1 MAY – 31 OCTOBER 2015**

To: **Planning Committee**

Date: **10 December 2015**

From: **Head of Growth and Economy**

Electoral division(s): **N/A**

Purpose: **To consider the following report**

Recommendation: **The Planning Committee is requested to note the content of this report.**

<i>Officer contact:</i>	
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1. INTRODUCTION

- 1.1 The purpose of this report is to brief the Planning Committee members on the planning enforcement and monitoring work being undertaken by the County Planning, Minerals and Waste team within the Growth and Economy service.
- 1.2 The requirement to produce the report is set out in section 17, Monitoring Performance, of the Local Enforcement Plan for Minerals, Waste and County Development in Cambridgeshire - Version 3 December 2014. Unless otherwise stated the report covers the period 1 May 2015 to 31 October 2015 and summarises the following information.
- Complaints received and their current status;
 - New enforcement cases;
 - Ongoing enforcement cases;
 - Ombudsman complaints received;
 - Site monitoring visits completed.

2. COMPLAINTS RECEIVED

- 2.1 13 new complaints were received. Table 1 summarises their status at the time of writing.

Table 1 - Complaint Status

Complaint Type	Number
No breach established	2
Breach established and resolved	7
Breach established. Investigation on-going.	3
Not a county matter	1
Total	

3. NEW ENFORCEMENT CASES

- 3.1 Two Breach of Condition Notices (BCN) and a Temporary Stop Notice (TSN) were served during the reporting period. A summary of the two BCN cases is set out in Appendix 1. The TSN has been complied with in full but further information about the notice can be found at the end of Appendix 2.

4. ONGOING ENFORCEMENT CASES

- 4.1 Eight enforcement cases are on-going. A summary of each case is set out in Appendix 2.

- 4.2 For the purposes of the Town and Country Planning Act 1990 the issue of an Enforcement Notice (EN) or the service of a Breach of Condition Notice (BCN) constitutes taking enforcement action.

5. OMBUDSMAN COMPLAINTS

- 5.1 No Local Government Ombudsman complaints were received.

6. SITE MONITORING VISITS 1 APRIL – 31 OCTOBER 2015

- 6.1 The Authority also carries out proactive monitoring visits. The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 enable the Authority to levy specified fees for inspecting quarries and landfill sites for compliance with the conditions set out in the grant of planning permission. The fees are intended to cover the cost of conducting the visits and are set out below:

- Actives sites £331
- Inactive or dormant sites £110

- 6.2 Other waste activities such as waste transfer stations, waste recycling sites and scrap yards are also visited to assess compliance with the conditions set out in the grant of planning permission. However, the cost is borne by the Authority. A summary of the number and type of chargeable monitoring visits carried out during the monitoring year is set out in Table 2.

Table 2 – Chargeable Site visits by type 1 April - 31 October 2015

Site Type	Visits
Landfill	15
Quarries	18
Total	33

- 6.3 Chargeable site visits have priority as they generate a small but significant income stream for the Council.
- 6.4 There is a significant reduction in the number of chargeable visits that should have been completed within this period. This is owing to the absence of one of the two Monitoring and Control Officers who is still on long term sick leave. There have also been absences over this period by the Principal Enforcement and Monitoring Officer and the Monitoring and Control Officer, which has greatly impacted on the capacity of the team.

7. LAND ADJACENT TO ROYSTON WATER RECYCLING CENTRE

- 7.1 On 25 February 2015 the County Council received a report from the Environment Agency (EA) that a significant quantity of baled refuse derived fuel (RDF) waste had been deposited on the above land. Details of the complaint were shared with Cambridgeshire Fire and Rescue Service who estimated that approximately

20,000 bales of RDF waste may have been deposited on the land. Using a multi-agency approach an emergency plan was produced which took account of the sites proximity to the Cambridgeshire and Hertfordshire county border and the fire risk associated with the stored waste. The presence of an aquifer was also taken into account when considering the risks from the waste being stored on the site.

- 7.2 On 19 March 2015 the EA issued a notice under section 59 of the Environmental Protection Act 1990 requiring the operators, Winters Haulage Limited (WHL), to remove all the RDF waste by 1 July 2015. As the RDF waste wasn't removed by the specified deadline the EA issued a further section 59 notice which required that the waste was removed by 1 October 2015.
- 7.3 Although the RDF waste was removed from the site by 16 October 2015 (just outside of the EA's required date), the WPA raised concerns over the amount and type of waste brought on site and the implications this had on the aquifer. As a result of these concerns a topographic survey of the land was completed on behalf of the landowners, Anglian Water Land Holdings Limited (AW), shortly after the RDF waste was removed from the site. The survey showed that approximately 13,952 tonnes of what was believed to be waste soils, had been deposited on the land, raising the levels by over a metre across approximately two thirds of the site. To address the concerns being raised a condition survey, commissioned by AW, has also taken place at the beginning of November to establish, through the use of trial pits, the type of waste deposited and any likely contamination of the land. The WPA and EA are working with AW to ensure the waste is categorised and removed from the land.

8. LAND KNOWN AS ASGARD OFF BLACK BANK ROAD, LITTLE DOWNHAM

- 8.1 On 13 July 2015 the County Council received a complaint from members of the public that alleged that the excavation of clay and the importation of waste materials were taking place on this parcel of land. Following a visit by officers from the Council on 16 July 2015 it was established that excavations were under way to extract the underlying clay, which was then being spread on the land raising the land levels. It was also noted at the time that waste materials were being imported onto the land to infill the excavations.
- 8.2 As a result of this site visit a topographical survey was commissioned to assess both the existing land levels and the new levels being created. In order to be able to establish the names and addresses of any persons who own or have an interest in the land prior to any enforcement action being taken, a requisition for information under section 16(1) of the Local Government (Miscellaneous Provisions) Act 1976 was also served on the person who confirmed to be the land owner.
- 8.3 The response supplied by the landowner which was received on 7 August 2015 did not provide the required information. As a result of his failure to supply the details as required, a second request was made on 12 August 2015. This was accompanied by a letter clarifying what information needed to be submitted.
- 8.4 The topographical survey, commissioned by Cambridgeshire County Council, was carried out on 24 August 2015. This survey evidenced the land levels on the site to help inform any enforcement action going forward.

- 8.5 Although the landowner provided a letter of response received on 2 September 2015 this once again failed to supply the information as required by the form. Despite two formal requests by officers and a third request by the Council's Information Governance Team, the landowner has failed to provide the required information. As such prosecution proceedings have commenced against the landowner for failing to comply with the requirements of Section 16(1) of the Local Government (Miscellaneous Provisions) Act 1976. A date has been set at Cambridge Magistrates Court for Thursday 7 January 2016.

APPENDIX 1 - NEW ENFORCEMENT CASES

Description of Alleged Breach	Location	Date Notice Issued	Comments
<p>1. RED</p> <p>Failure to comply with condition 6 of planning permission F/02001/13/CW.</p> <p><u>Condition 6</u></p> <p>Unless otherwise agreed in writing with the WPA no waste shall be received, processed or product dispatched outside the hours of 0700 to 1800 Mondays to Fridays and 0700 to 1300 on Saturdays.</p> <p>There shall be no such activities on Sundays or Bank or Public Holidays.</p>	Land at Yard 1 35 Benwick Road Whittlesey	BCN 19/08/2015	Since the Breach of Condition Notice (BCN) was served on 19 August 2015 in relation to Condition 6 of planning permission F/02001/13/CW we have undertaken out of hours site visits and have not found the operator to be working outside of hours.
<p>2. RED</p> <p>Failure to comply with condition 10 of planning permission H/05014/12/CW.</p> <p><u>Condition 10</u></p> <p>10. Unless otherwise agreed in writing with the Waste Planning Authority the only area for external storage of waste or processed material within containers are those highlighted in yellow on the Site layout Plan prepared by Sarah Truscott, 28/09/2012 alongside the accompanying notes received 30/09/12. This area is restricted to a maximum of 3 metres in</p>	Land at Units 3a-e & 4 Warboys Airfield Industrial Estate Huntingdon	BCN 20/08/2015	Officers have also been working with the EA to ensure that several thousand tonnes of cathode ray tube (CRT) waste is removed from land at Warboys Airfield Industrial Estate. The land has planning permission for the storage and processing of waste electrical and electronic equipment and was previously occupied by Reclaimed Appliances (UK) Limited. However, the company got into financial difficulties and was put into administration earlier in the year raising concerns that the CRT waste could be abandoned on land. The landowner has been removing the waste but the rate of removal has been unacceptably slow so the WPA issued a breach of condition notice on 2 October requiring removal of all of the remaining waste by 1 November 2015. From discussions with the Environment Agency the removal of waste from the site has been hampered by the rate that the specialist waste could be taken by the specialist permitted waste site. Discussions are

Description of Alleged Breach	Location	Date Notice Issued	Comments
height and should be carefully managed to avoid unnecessary outside storage.			therefore in hand to ensure the remaining outside storage of waste is removed as soon as is practicable.

APPENDIX 2 - ON GOING ENFORCEMENT CASES

Description of Alleged Breach	Location	Notice Issued	Comments
<p>1. RED</p> <p>Failure to comply with condition 6 of planning permission F/02017/08/CM and E/03008/08/CM.</p> <p><u>Condition 6</u></p> <p>No development shall commence until a scheme for the phased improvement of the public highway known as Block Fen Drove from its junction with the A142 to its junction with the private haul road referred to in condition 4 has been submitted to and approved in writing by the MWPA in consultation with the local highway authority. The submitted scheme shall include a programme of implementation and shall be fully completed by 5 August 2012.</p>	<p>Mepal Quarry Block Fen Drove Mepal</p>	<p>BCN 06/01/14</p>	<p>Planning permission F/02017/08/CM and E/03008/08/CM permit an extension to Mepal Quarry. The operator of the quarry failed to implement the scheme approved by the Council on 3 March 2011 in accordance with condition 6. A BCN was issued and served on the site operator on 6 January 2014. The notice required that the approved scheme was implemented in full by 14 March 2014.</p> <p>At the July meeting Planning Committee authorised officers to employ Counsel to explore the courses of action available to the Authority to secure compliance with the planning conditions.</p> <p>Work in accordance with the approved scheme started in April 2015 under the auspices of a highways agreement completed under the highways act 1980. It is being carried out overnight and at weekends only so will take some time to complete.</p>
<p>2. RED</p> <p>Failure to comply with condition 9 of planning permission F/02013/07/CW.</p> <p><u>Condition 9</u></p> <p>Within 3 months of the date of this permission a scheme for the phased improvement of the public highway known as Block Fen Drove from its junction with the A142 to its junction with the private haul road referred to in condition 4 shall be submitted to the Waste Planning Authority for approval. The submitted scheme shall include a programme of implementation and shall be fully</p>	<p>Witcham Meadlands Quarry Block Fen Drove Mepal</p>	<p>BCN 16/12/13</p>	<p>Planning permission F/02013/07/CW permits the use of part of the land at Witcham Meadlands Quarry as a waste transfer station and a skip storage area and associated traffic. The operator failed to submit and implement the scheme required under condition 9 of the permission. A BCN was issued on 16 December 2013 and served on the site operator.</p> <p>The BCN requires that within 30 days of service the operator must submit for approval a scheme for the phased improvement of the public highway known as Block Fen Drove from its junction with the A142 to its junction with the private haul road. The scheme will achieve the same specifications as the highway scheme submitted by Aggregate Industries on Drawing No. 1 dated February 2011.</p> <p>The operator submitted a scheme to the WPA on 8 April 2014 but</p>

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completed within 2 years of the date of this permission.			<p>it was refused on 2 May 2014 because it did not refer to the required works between the Lafarge Tarmac access and the junction with the public highway (the A142). The operator was invited to resubmit the scheme and a chase up letter was sent on 28 October 2014. A revised scheme was submitted on 18 November 2014 but this was only accepted in part as it still does not relate to all of the relevant parts of Block Fen Drove. A scheme that addresses the remaining part of Block Fen Drove has been requested but has not yet been received.</p> <p>Work in accordance with the Aggregate Industries approved scheme started in April 2015. It is being carried out overnight and at weekends only so will take some time to complete.</p>
<p>3. RED</p> <p>Failure to comply with Condition 4 of planning permission S/00060/10/CW - Variation of Conditions 2, 7, 8, and 9 of planning permission S/0203/05/CW to extend the period of land filling until 30 September 2011 and be consistent with planning permission S/2073/07/CW; deletion of conditions 4 (approved drawings) and 5 (phasing); and discharge of Conditions 10 (restoration) and 13 (wheel cleaning)</p> <p><u>Condition 4</u></p> <p>4) The site shall be restored to the pre-settlement contours shown on drawings no WIS/MSE/2740-12A dated 30-11-09 and WIS/MSE/2740-13 dated 20-07-07 by 30 September 2011.</p>	Wilbraham Quarry Mill Lane Great Wilbraham	EN 01/05/12	<p>Great Wilbraham quarry is an active chalk quarry which has planning permission to be restored by landfilling with inert waste (for example soil, sub soils, clay and demolition rubble). Approximately half the site is still an active chalk quarry whilst the remainder has been landfilled. The active chalk quarry and the landfill are under separate ownership.</p> <p>Two BCN's were served on the landfill owners on 2 June 2011 (see items 5 and 6 of this appendix) which required them to reduce the height of the waste stockpiles on the landfill and to submit a scheme for wheel cleaning. However, a more serious breach occurred when the deadline for achieving the final restoration levels for the landfill expired on 30 September 2011.</p> <p>The WPA issued an Enforcement Notice on 1 May 2012 because the landfill owners and operators, Holeworks (Management) Limited (HML), had exceeded the restoration levels permitted by condition 4 of planning permission S/0060/10/CW by over 20 metres. The notice required that HML ceased the importation of waste and removed a</p>

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			<p>specific amount of waste each month until the approved restoration levels were achieved. The notice was not appealed and became effective on 4 June 2012.</p> <p>On 4 October 2012 officers from the WPA met with the landfill owners and their representatives to discuss a proposed timetable for compliance. The proposal was reviewed and amended by officers before being approved by the Development Control Committee on 8 November 2012. In the subsequent months a small amount of waste was removed from the land but the breach was not addressed. The WPA therefore conducted a criminal investigation into the breach and a case file was passed to the legal team. The file recommended that HML and one of the company directors, Daniel Meads, were prosecuted for failing to comply with the notice. Both parties were summonsed to appear before Cambridge Magistrates' Court on 6 June 2014 but the case was adjourned until 17 July 2014 to allow the defendants further time to consider the evidence against them.</p> <p>At the hearing on 17 July 2014 at Cambridge Magistrates' Court the defendants chose not to enter a plea against any of the charges laid before the court. Having listened to the facts the judge decided that the alleged offence was so serious that it should be passed to Cambridge Crown Court. A Plea and Case Management Hearing (PCMH) was scheduled at Cambridge Crown Court for 3 October 2014 but was adjourned until 10 November 2014 to allow the defendant's further time to consider their basis of plea.</p> <p>At the Crown Court hearing on 10 November 2014 HML and Mr Daniel Meads pleaded guilty to failing to comply with the notice. Sentencing was adjourned until 8 May 2015 to allow the defendants time to implement the mitigation measures they now proposed to comply with the notice. In essence the defendants had purchased additional land within the adjacent chalk quarry</p>

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			<p>and they proposed to use this land to dispose of most of the excess waste.</p> <p>The sentencing hearing scheduled for 8 May 2015 was adjourned to 29 May 2015 because Mr Meads had to attend hospital with his wife.</p> <p>The sentencing hearing on 29 May 2015 was adjourned until 23 October 2015 (despite very strong objections from the County Council) to allow the defendants more time to comply with the notice and to provide the court and the prosecution with a report which sets out the costs of remediating the breach.</p> <p>The latter will help the judge to decide the financial benefit the defendants have gained in failing to comply with the notice.</p> <p>At the hearing on 23 October the His Honour Judge Hawksworth decided to defer sentencing until 1 April 2016 as the time for the waste to be deposited into a trench which has been excavated in the adjacent quarry. If the breach has not been addressed by 1 April 2016 without good reason the defendants can expect a higher fine and/or contempt of court proceedings.</p> <p>The County Council will apply for the costs incurred in bringing the prosecution at the end of the next hearing.</p> <p>At the time of writing HML were continuing with engineering works to stabilise the stockpile in preparation to begin moving the waste into the next cell.</p>
<p>4. RED</p> <p>Without planning permission, the change of use of the land from agricultural land to a mixed use comprising of agricultural and the importation and</p>	<p>First Drove Little Downham Ely</p>	<p>EN 17/01/12</p>	<p>In 2005 a prior notification application (PNA), for a steel framed agricultural building, was submitted by the landowner to East Cambridgeshire District Council under planning reference 05/00014/AGN. The application was approved but the building has not been completed.</p>

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<p>disposal of waste material and raising the level of part of the land by the depositing of waste materials.</p>			<p>The landowner excavated a series of holes in the land adjacent to the building footprint and spread the resulting material across a nearby field. The holes were then back filled with imported inert waste to create a raised area. The WPA took the view that the importation and deposit of waste required planning permission and that a breach of planning control had occurred.</p> <p>Despite repeated attempts to resolve the matter by negotiation the landowner continued to fill the excavated holes with inert waste. An EN requiring the landowner to cease the importation of waste, remove all deposited waste and restore the land to agricultural use was issued on 17 January 2012.</p> <p>The landowner appealed the EN on all the available grounds. The appeal was heard by a planning inspector at a Public Inquiry held in Ely. The Inquiry sat for six days in July 2012. The decision notice was issued on 7 September 2012 and confirmed the appeal was dismissed and the EN, as corrected and varied by the planning inspector, was upheld. The corrected and varied notice required the landowner to remove all the waste from land to the level of the adjoining field by 7 November 2012 and to return the land to its former condition (i.e. fit for agriculture) by 7 September 2013.</p> <p>Officers from the WPA visited the site on 6 December 2012 to determine whether the land had been reduced to the level of the adjoining field. A topographical survey of the land was undertaken during the visit and a series of trial pits were excavated. The results of the survey and the trial pits confirmed the level of the land had not been reduced in accordance with the requirements of the varied EN.</p> <p>A second site visit was undertaken on 7 September 2013 during which officers established that all the waste had still not been</p>

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			<p>removed and the land had not been restored to a condition suitable for agriculture.</p> <p>A third site visit was scheduled for 13 August 2014. However, the landowner wrote to the WPA shortly beforehand and requested a meeting with the Head of Service (HoS) and a representative from legal. The WPA agreed to the request and the site visit was put on hold.</p> <p>The meeting with the landowner and his daughter took place on 26 September 2014. The landowner was advised that officers wished to enter the land and that if the Council's assessment was that the varied notice had still not been complied with one option was prosecution. As the landowner did not give unequivocal consent to the request to enter land the WPA applied to the Magistrates' Court for a warrant. The application was successful and a warrant to enter the land was issued by the Court on 30 September 2014.</p> <p>Officers and their contractors entered the land on 2 October 2014. A further topographic survey was undertaken together with a further assessment of the land. The results of the visit confirmed the level of the land had not been reduced and the land had not been restored in accordance with the varied EN. A case file, recommending that landowner was prosecuted for failing to comply with the EN was passed to legal. However, Counsel have since advised that the case doesn't meet the public interest test on the available evidence and prosecution should not be pursued.</p>
5.RED Breach of Condition 5 of planning permission S/00060/10/CW - Variation of Conditions 2, 7, 8, and 9 of planning permission S/0203/05/CW to	Wilbraham Quarry Mill Road Great Wilbraham	BCN 02/06/11	Officers visited the site on 24 February and 25 May 2011. During the visits it was again noted that the heights of the stockpiles of waste, which had been deposited on the landfill site, were considerably in excess of the maximum permitted height of 2 metres

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<p>extend the period of land filling until 30 September 2011 and be consistent with planning permission S/2073/07/CW; deletion of conditions 4 (approved drawings) and 5 (phasing); and discharge of Conditions 10 (restoration) and 13 (wheel cleaning)</p> <p><u>Condition 5</u></p> <p>Temporary stockpiles shall not exceed 2 metres in height.</p>			<p>and were several metres above the height of the surrounding land. The deposited waste was visually intrusive and was hindering the restoration of the landfill site. There was no void space within the red line of planning permission S/0060/10/CW into which the additional waste could be deposited.</p> <p>The landowner was advised on 1 April 2011 that they had until 1 June 2011 to comply with condition 5 or a BCN would be served. As the height of the stockpiles was not reduced by the deadline the WPA had no option but to serve the notice. The landowner had until 30 September 2011 to comply with the notice.</p> <p>At the time of writing the landowner remains in breach of condition 5. However, the WPA is now taking further enforcement action to reduce the height of the waste deposited on the land via the EN referenced under item 3.</p>
<p>6. RED</p> <p>Breach of Condition 12 of planning permission S/00060/10/CW - Variation of Conditions 2, 7, 8, and 9 of planning permission S/0203/05/CW to extend the period of land filling until 30 September 2011 and be consistent with planning permission S/2073/07/CW; deletion of conditions 4 (approved drawings) and 5 (phasing); and discharge of Conditions 10 (restoration) and 13 (wheel cleaning)</p> <p><u>Condition 12</u></p> <p>12) Within 1 month of the date of this permission</p>	<p>Wilbraham Quarry Mill Road Great Wilbraham</p>	<p>BCN 02/06/11</p>	<p>Officers visited the site on 24 February and 25 May 2011. During the visits it was noted that the wheel wash was not operational and that it had not been installed in accordance with the requirements of the planning permission.</p> <p>The landowner was advised on 1 April 2011 that they had until 1 June 2011 to comply with condition 12 or a BCN would be served. As the required scheme was not submitted by the deadline the WPA had no option but to serve the notice.</p> <p>The required scheme was not submitted by the 11 July 2011 deadline. At the time of writing the landowner remains in breach of this condition.</p> <p>However, the approved timetable for compliance with the EN issued on 1 May 2012 (see item 3), includes a section which requires the landowner to keep Mill Road free of mud and debris</p>

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<p>a scheme for the improvement of vehicle wheel cleaning facilities shall be submitted to and approved in writing by the Waste Planning Authority. The submitted scheme shall make provision for the following matters:</p> <ul style="list-style-type: none"> - The pressure washing of vehicle wheels before they leave the site. - Provision for the supply and storage of adequate volumes of water for use in the cleaning of vehicle wheels. - Provision of a hard surfaced roadway capable of being mechanically swept between the wheel cleaning facility and the public highway. - Arrangements on site to ensure that all HCV vehicles leaving the site pass through the wheel cleaning facility before entering the public highway. - A maintenance scheme for the wheel cleaning facilities. - The provision for under chassis cleaning. - The approved scheme shall be implemented in full and thereafter maintained in an operational condition for the duration of the landfill development. 			<p>whilst the waste is removed.</p>

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<p>7. AMBER</p> <p>Failure to comply with condition 7 of planning permission S/01556/10/CW - Extension to existing waste transfer station including; rear stockyard and screening area; change of use of stables to office, toilet, rest room and store; plastic and cardboard storage area within existing building; tree planting at rear paddock.</p> <p><u>Condition 7 - Surfacing of Site</u></p> <p>Within 2 months of the date of this permission details shall be submitted to the Waste Planning Authority, for approval in writing, of the hard surfacing of the rear yard/working area. No operations are to take place until the concrete surfacing has been completed. The finished level of the new concreted area is to be constructed no higher than 4.90 metres above ordnance datum as detailed in the addendum to the flood risk assessment dated February 2010 unless otherwise agreed in writing with the Waste Planning Authority. A topographical survey of the completed concreted area is to be provided to the Waste Planning Authority within 1 month of the completion of the concreting.</p>	<p>Long Acre Farm Fen Road Chesterton Cambridge</p>	<p>BCN 08/10/13</p>	<p>The site is a waste transfer station located at the north western end of Fen Road. The operator has been using the rear yard to process a mixture of inert and non-hazardous waste and to store processed inert waste.</p> <p>The BCN requires that:</p> <ul style="list-style-type: none"> - The importation, storage and processing of waste material, and - all other operations within the rear yard, cease; - A scheme for the surfacing of the yard is submitted for the written approval of the waste planning authority; and - All the deposited waste is removed from the rear yard until such time as this area has been concreted in accordance with the scheme approved by the WPA. <p>The deadline for compliance was 31 May 2014. The landowner has confirmed that he has rented the site out to a third party in the short term and that he will not be concreting the rear yard as he intends to redevelop the site.</p> <p>The site was formally inspected on 26 September 2014. At the time of the visit the processing of waste material had ceased and some of the waste had been removed from the land. The remaining waste consists mostly of soil, sub soil and hardcore. The landowner agreed to remove some more of this waste but states that he intends to use the hardcore to redevelop the land. He also argues that the remaining waste and hardcore prevents the tenant from recommencing processing activities in the rear yard.</p> <p>A joint visit with the EA on 26 May 2015 confirmed that the</p>

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			majority of the waste has now been removed. Some hardcore and soils remain on site but they do not represent a pollution risk.
8. AMBER Without planning permission, the importation and deposit of waste materials.	Block Fen Drove Chatteris	EN 21/01/03	An EN was served on the landowner on 21 March 2003 requiring that waste ceased to be deposited on the land. Since then waste has been intermittently deposited. However, no further tipping appears to have taken place since May 2010. The site continues to be monitored on an occasional basis.
9. AMBER <u>Condition 8 – Environmental Protection</u> No processing or storage of waste including plastic materials whether in a raw or processed form shall be permitted at the site unless within the confines of the approved buildings shown as Unit 1 and Unit 2 on the approved Site layout Plan Drawing Ref 261/03A.	Land off Bridge Lane Wimblington March	BCN 13/02/2015	A BCN was served on the operator in response to complaints alleging that waste was being stored outside contrary to condition 8. The notice requires that the storage of waste outside ceases by 27 March 2015. However, the operator has started discussions with the WPA about an application to vary the wording of condition 8. Pre-application advice was issued on 30 April 2015 and we are awaiting receipt of a planning application for the storage of waste outside.
10. GREEN Failure to comply with condition 6 of planning permission F/02001/13/CW. <u>Condition 6</u> Unless otherwise agreed in writing with the WPA no waste shall be received, processed or product dispatched outside the hours of 0700 to 1800 Mondays to Fridays and 0700 to 1300 on Saturdays. There shall be no such activities on Sundays or Bank or Public Holidays.	Land at Yard 1, 35 Benwick Road Whittlesey	Temporary Stop Notice 09/09/15	A temporary stop notice was issued shortly after a BCN (see Appendix 1 case 1) to ensure that the operator did not operate outside the permitted hours during the period that the BCN took effect. The TSN was effective between 09/09/2015 and 10/10/2015. The operator complied with the TSN during this period.

Summary of Decisions Made Under Delegated Powers

To: **Planning Committee**

Date: **11 December 2015**

From: **Head of Growth and Economy**

Electoral division(s): **All**

Purpose: **To consider the above**

Recommendation: **The committee is invited to note the report**

<i>Officer contact:</i>	<i>Member contact:</i>
Name: Heather Doidge Post: Planning Support Officer E-mail: heather.doidge@cambridgeshire.gov.uk Tel: 01223 699941	

1.0 INTRODUCTION

- 1.1 At the committee meeting on 31 January 2005 it was agreed that a brief summary of all the planning applications that have been determined by the Head of Strategic Planning under delegated powers would be provided.
- 1.2 The powers of delegation given to the Head of Strategic Planning (now Head of Growth and Economy) are as set out in the Scheme of Delegation approved by full Council on 17 May 2005 (revised May 2010).

2.0 SUMMARY OF DECISIONS

- 2.1 6 applications have been granted planning permission under delegated powers during the period between 01 September 2015 and 30 November 2015 as set out below:

1. **H/5006/15/CC**—Demolition of fire damaged part of the building and erection of 126sqm extension to the existing education building, external alterations to the existing building, car park alterations and associated work at Huntingdonshire Regional College, St. Neots Wing, Almond Road, St. Neots, PE19 1EA.

Decision granted on 26/11/2015

For further information please contact Elizabeth Verdegem on 01223 703569

Source Documents	Location
Applications files	CC1213, Castle Court, Shire Hall Cambridge