

Extension to existing wood waste recycling facility and erection of a workshop (retrospective)

AT: Unit 1, 35 Benwick Road Industrial Estate, Whittlesey, PE7 2HD

APPLICANT: East Anglian Resources Ltd

LPA NO: F/2009/16/CW

To: **Planning Committee**

Date: **15 December 2016**

From: **Head of Growth & Economy**

Electoral division(s): **Whittlesey South**

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

Recommendation: **That planning permission is granted subject to the conditions set out in paragraph 10.1**

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1.0 INTRODUCTION

- 1.1 This report relates to one of two applications submitted at the same time which relate to development at an existing waste wood recycling facility for which planning permission F/02001/13/CW was granted in 2013 (see paragraph 6.1).
- 1.2 The second planning application (reference F/2008/16/CW) has been submitted to carry out the development without complying with conditions 3, 5 and 6 of planning permission F/02001/13/CW. This is the subject of a separate report to this committee (agenda item 4).

2.0 THE SITE AND SURROUNDINGS

- 2.1 The recycling site is located near the centre of a primarily industrial area, to the south of Whittlesey Station. The industrial area extends from the Ely to Peterborough railway line to the north, to the Whittlesey Dike to the west, and water-filled former mineral workings to the south. The land to the east is in agricultural use. The recycling site is part of Benwick Road Industrial Estate. Its immediate neighbours are a waste transfer station and land used for HGV trailer parking to the west, industrial buildings to the east and south, and an area of woodland and open water (Railway Lakes County Wildlife Site) to the north. Land to the south west has planning permission for a food store and petrol filling station. Tesco has advised that it does not intend to implement the permission.
- 2.2 The access to the recycling site from the B1083 Benwick Road also serves the neighbouring industrial units. The closest residential property is 32 Benwick Road, which is approximately 180 metres to the south of the site, and to the south of Benwick Road. There are a small number of houses within 230 metres of the site to the south west, which are near the junction of Benwick Road with Station Road and Turningtree Road and to the south east on Benwick Road.
- 2.3 Railway Lakes County Wildlife Site (CWS) adjoins part of the recycling site's northern boundary. Lattersey Local Nature Reserve CWS is immediately to the north of the railway line.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The development for which planning permission is sought and the subject of this report is:
- i) the retention of an extension to the south increasing the area of the recycling site by 0.25 hectare to 1.26 hectares (excluding the access road); and
 - ii) the retention of a workshop (15 metres x 9 metres x 6 metres high) in which to store tools and equipment and carry out plant and HGV repairs and maintenance ancillary to the wood waste recycling operation. The workshop is situated in the southeast corner of the extension area.

- 3.2 The purpose of the proposed development is to enable the recycling site to be operated more efficiently. The extension area is currently used (without planning permission so is unauthorised):
- to store rejected material e.g. plastic, cardboard and metal before it is taken off site for disposal or recycling;
 - to store processed wood;
 - for parking machinery associated with the wood recycling; and
 - as the location of the workshop.

4.0 CONSULTATIONS

- 4.1 Fenland District Council (Planning) – Raises no objections. Given the predominantly industrial character of the area and scale of buildings directly south of the site, the revised layout change and extension of the site is unlikely to have a significant effect on the visual amenity of the area, particularly when viewed from the street scene. In essence the character and appearance of the area will not significantly alter. Given the site's location is relatively distant from residential units and with existing buildings acting as a buffer, it is not anticipated that residents would be directly affected by the proposal. Advice should be sought from the Environmental Protection Team about the potential amenity impacts of the development.
- 4.2 Fenland District Council (Environmental Protection) - Has received complaints about noise and dust from activities at the site and about operations taking place outside the existing permitted hours, despite the site having an environmental permit from the Environment Agency. Increasing the throughput and hours of use without greater compliance with the permit may result in an increase in complaints, in particular about dust.
- 4.3 Whittlesey Town Council – No comments received.
- 4.4 Environment Agency – No objections in principle to the extension of the site as the land is already subject to an environmental permit.
- 4.5 Highways Development Management – Extending the site area will allow the annual throughput to increase. This is the subject of application F/2008/16/CW. The [originally] proposed maximum annual throughput of 50,000 tonnes equates to a little over 10 HGVs per day or 1 vehicle within a peak hour. This is not a significant increase and does not warrant mitigation or justify a reason for refusal.
- 4.6 Fire and Rescue Service – See paragraph 8.17.

5.0 REPRESENTATIONS

- 5.1 The occupiers of one nearby residential property object to the application for the following reasons:

- Benwick Road Industrial Site has always worked from 7am until 6pm with respect for local residents. Most of the firms actually work Monday to Friday from 7.30am until 5pm with no weekends and no bank holidays so are likely to have no reason to object to EARL's request of extra working hours. EARL, despite the existing planning conditions, already start working before 7am.
- Lorries enter and leave the site at night (between midnight and 6am). The headlights and use of the horn causes disturbance.
- Increased capacity will result in higher stockpiles that will generate more dust and pollution to local water courses.
- There have been 5 buildings / businesses burnt to the ground in recent years, in and around the Benwick Road Industrial Site. If EARL have a fire it will burn for months, be uncontrollable and create a huge hazard to the local houses as well as disrupt many other businesses. EARL do not have suitable or effective dust barriers. The proposed hedge planting will be ineffective to provide a dust screen.
- The restriction on operational hours should cover loading and unloading, moving heaps around as well as processing, because dust is generated by all these practices.

6.0 PLANNING HISTORY

- 6.1 Planning permission F/02001/13/CW was granted on 13 June 2013 for a wood waste recycling facility for a temporary period expiring on 30 June 2018. The development comprises:
- the reception and open storage of waste wood;
 - the use of a mechanical digger/handler to sort wood;
 - the use of mobile plant to shred wood to create a products suitable for use in panel board manufacture or as biomass fuel;
 - Portakabin-type buildings for use as an office, canteen and toilets;
 - a weighbridge;
 - car parking spaces; and
 - a pond for collecting surface water which is used for dust suppression.
- 6.2 Condition 5 limits the throughput to 15,000 tonnes per annum. Condition 6 limits the receipt, processing and dispatch of waste to between 0700 and 1800 hours Mondays to Fridays and between 0700 and 1300 hours on Saturdays with no working on Sundays or Bank Holidays.

7.0 PLANNING POLICY AND RELEVANT GUIDANCE

- 7.1 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 paragraphs 7.3 and 7.4 below.

7.2 The National Planning Policy Framework (March 2012), the Waste Management Plan for England (December 2013) and National Planning Policy for Waste (October 2014) are also material planning considerations.

7.3 Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (adopted July 2011) (the M&W CS)

CS2 – Strategic Vision and Objectives for Sustainable Waste Management Development

CS18 – Waste Management Proposals Outside Allocated Areas

CS32 – Traffic and Highways

CS34 – Protecting Surrounding Uses

CS39 – Water Resources and Water Pollution Prevention

CS41 – Ancillary Development

7.4 Fenland Local Plan (adopted May 2014) (the FLP)

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP11 – Whittlesey

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

7.5 The Location and Design of Waste Management Facilities Supplementary Planning Document (adopted July 2011) (the DPD)

8.0 PLANNING CONSIDERATIONS

8.1 The National Planning Policy Framework (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. 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 development that conflicts with an up-to-date development plan should be refused unless other material considerations indicate otherwise.

8.2 The Government identifies three dimensions to sustainable development which give rise to need for the planning system to perform a number of roles which it states should not be undertaken in isolation:

- an economic role: contributing to building a strong, responsive and competitive economy, including the provision of infrastructure;
- a social role: supporting strong, vibrant and healthy communities, by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role: contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

8.3 The National Planning Policy for Waste (NPPW) refers to the Waste Management Plan for England (WMPE) and promotes driving waste management up the waste hierarchy

8.4 The NPPW provides guidance on the determination of waste planning applications. Local Authorities should:

- consider the likely impact on the local environment and on amenity and the locational implications of any advice on health from the relevant health bodies.
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

8.5 The development to which this application relates is an extension of an existing waste management site which shreds waste wood to create a useable product. In this respect it is in accordance with national policy and M&W CS policy CS2 in that it is driving waste management up the waste hierarchy and FLP policy LP1.

8.6 The extension area is not allocated for waste management use so M&W CS policy CS18 applies. Where development will contribute towards sustainable waste management (which the current proposal does) CS18 steers waste recovery and recycling facilities towards previously developed land. The extension area is part of the Benwick Road Industrial Estate and has been previously developed so complies with CS18. FLP policy LP3 directs the majority of growth within the district to the market towns, of which Whittlesey is one. FLP Policy

LP11 emphasises that Whittlesey is a focus for some housing, employment and retail growth. It goes on to say that new business uses are likely to be supported adjacent to existing businesses in the Station Road / Benwick Road industrial area. The extension area is consistent with the FLP in this respect.

Visual impact

- 8.7 The land to the south, southeast and east of the extension area is the Benwick Road Industrial Estate which is dominated by large industrial buildings. The land to the west is used for parking HGV trailers. The extension area and workshop cannot be seen from the public highway (from which it is set back by 160 metres) due to the size and orientation of the industrial buildings. The workshop is constructed from light grey coloured corrugated sheeting which is not inappropriate within an industrial estate location. The visual impact of the extension area and workshop is insignificant so the development complies with M&W CS policy CS34 and the SPD and FLP policy LP16 in this respect.
- 8.8 The workshop is used to store tools and equipment and to carry out repairs to plant and HGVs and is ancillary to the waste wood recycling facility. M&W CS policy CS41 therefore applies and states that if permission is granted a condition will be attached limiting the life of the ancillary development to the life of existing operations. However, given its location within an industrial estate no harm would be caused by its retention subject to any necessary planning permission being granted. It is, however, considered appropriate to limit the use of the workshop to activities associated with the waste recycling operation. This is recommended by condition 13 of Section 10.1 below.

Traffic and highway impact

- 8.9 The extension of the site enables the recycling operation to be carried out more efficiently and would contribute indirectly to an increase in throughput from the site as a whole. The highway authority's assessment of a proposed increase from 15,000 tonnes per annum to 50,000 tonnes per annum concluded that the increase in vehicle movements would be insignificant (see paragraph 4.5). It follows that there is no highway reason why the extension area and workshop should not be permitted and it is considered that the development complies with M&W CS policy CS32 and FLP policy LP15.
- 8.10 Representations have been made about disturbance from vehicle headlights and the use of horns at night. The extension of the site will not in itself worsen this and the potential impact on residents could be controlled by means of a condition restricting the hours during which vehicles may enter and leave the site. Recommended condition 5 refers.

Dust

- 8.11 The County Council and the environmental protection officer have received complaints about the dust generated from the site. The Environment Agency has also recorded non-compliance with the environmental permit Dust and Particulate Management Plan. A local

resident has objected to the application on the grounds that the development for which permission is being sought will worsen the situation (see paragraph 5.1).

- 8.12 When F/02001/13/CW was granted the site was being operated under an exemption from environmental permitting regime. Condition 9 of F/02001/13/CW requires that the site be operated in accordance with a dust minimisation and control scheme. The principal dust control techniques in the approved scheme require the operator to:
- monitor weather conditions;
 - cease wood shredding until fugitive dust has been controlled;
 - use a water bowser to dampen surfaces;
 - protect activities from wind;
 - cover loaded vehicles.
- 8.13 An environmental permit was issued on 2 March 2016 and has a Dust and Particulate Management Plan. In addition to the measures set out in paragraph 8.12 water cannons are used to spray the processing area with a mist of water and modifications have been made to the processing plant to reduce the drop height from the conveyors. The extension area is already covered by the environmental permit. The Environment Agency is concerned that the operator may not be able to adequately control dust from the processed wood stockpile currently located at the southern boundary of the extension area and may require it to be removed.
- 8.14 The stockpile heights are limited by the environmental permit and on the existing site by condition 7 of F/02001/13/CW to 4 metres. There is no proposal to increase this and if permission is granted for the extension it would be appropriate to impose the same restriction. The local objector considers that the recycling site does not have effective dust barriers and that proposed hedge planting would be ineffective. Barriers would be one means of containing dust and may be necessary if the other dust management techniques are insufficient for the site to operate in compliance with the environmental permit. Hedge planting is not proposed and would not be appropriate on a site where the planning permission is for a temporary period.
- 8.15 The impact of extending the site depends on what activities take place. It has already been noted at paragraph 8.13 that the Environment Agency may require the processed wood stockpile to be removed. In accordance with Government advice (see paragraph 8.4 third bullet) it is considered that now the site is subject to an environmental permit, the Environment Agency should take the lead in monitoring and enforcing dust control measures. With the controls described in paragraphs 8.12 and 8.13 in place the development would comply with M&W CS policy CS34 and FLP policy LP16.

Fire risk

- 8.16 Concerns have also been raised by local residents about the increased risk of fire. The Environment Agency suspended the environmental permit from 20 October to 11 November 2016 because they were concerned that the site did not comply with the Fire Action Plan and posed an unacceptable risk of fire. The stockpiles of waste wood were much higher than the permitted maximum of 4 metres and did not have the minimum 6 metre fire break between them. .
- 8.17 An officer from the Fire and Rescue Service has recently inspected the site and made the following principal recommendations to the operators:
- Keep all wood stacks in accordance with the sizes specified by other agencies [in the environmental permit and planning permission];
 - Remove or reduce in size the wood stack close to the fence and neighbouring buildings

The local Watch Commander will visit the site to test the capability of the hardstanding to support an 18 tonne fire appliance and the emergency water supply.

- 8.18 Condition 14 of F/02001/13/CW required that a supply of water for fire-fighting be provided. A 40,000 litre tank has been installed which meets the Fire Service's standards.
- 8.19 For the reason given in paragraph 8.15 it is considered that the Environment Agency is the appropriate body to regulate the site in respect of minimising the risk of fire and that there is no reason to refuse the current application on these grounds. With a Fire Action Plan in place the development would comply with M&W CS policy CS34 and FLP policy LP16

Hours of operation

- 8.20 Condition 6 of planning permission F/02001/13/CW limits the receipt, processing and dispatch of waste or finished product to between 0700 and 1800 hours Mondays to Fridays and between 0700 and 1300 hours on Saturdays. Application F/2008/16/CW seeks permission for the site to operate until 1900 on Mondays to Fridays. It is recommended in the report dealing with that application (agenda item 4) that permission be granted. If it is, the extension area should be subject to the same limit on operating hours and HGV movements and condition 5 is recommended accordingly. If application F/2008/16/CW is refused then the existing operating hours should be imposed. With these limits in place the development would comply with M&W CS policy CS34 and FLP policy LP16.

Surface water drainage

- 8.21 The extension area has not resulted in an increase in the impermeable surfaced area which could increase the volume of surface water run-off. Surface water drains to the wood waste processing area to the north where a perimeter ditch connects to a dust suppression and

storm water discharge pond. The extension is not considered likely to have an adverse impact on or risk to the quantity or quality of surface or ground water so complies with M&W CS policy CS39 and FLP policy LP14.

9.0 CONCLUSION

- 9.1 Section 8 of this report sets out why the proposed use of the extension area is considered suitable in planning policy terms for a waste use and uses ancillary to the waste recycling operations. Subject to good operational practices which are a requirement of the environmental permit and secured where necessary by planning conditions, it is considered that there are not likely to be significant impacts on nearby properties and businesses and their occupiers if permission is granted.

10.0 RECOMMENDATION

- 10.1 It is recommended that planning permission be granted subject to the following conditions. To ensure consistency with the main part of the recycling site it is recommended that the conditions of planning permission F/02001/13/CW (or F/2008/16/CW if approved) are imposed on the extension area where relevant. F/02001/13/CW was granted for the 5 year period that was sought by the applicant.
1. This permission shall be limited to a period expiring on 30 June 2018 at which time all waste and processed wood product shall be removed and the site restored to its pre-development condition.

Reason: To be consistent with planning permission F/02001/13/CW [F/2008/16/CW if granted] in the interests of visual and residential amenity in accordance with policies CS34 of the Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

2. This planning permission shall only relate to the area edged red on Location Plan - Plan Ref: EARL 16/1 Rev A hereafter referred to as "the site". The development hereby permitted shall not be carried out except in complete accordance with Site Plan – Plan Ref: EARL 16/2 Rev B.

Reason: To define the site and enable the development to be monitored and enforced in the interests of visual and residential amenity in accordance with policies CS34 of the Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

3. Nothing other than non-hazardous wood shall be treated at the site.

Reason: To minimise the risk of pollution in accordance with policies CS34 and CS39 of the Cambridgeshire and Peterborough Minerals and

Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

4. The throughput of the site shall not exceed 29,999 tonnes per calendar year. [15,000 tonnes if application F/2008/16/CW is not approved]

Reason: In the interests of highway safety in accordance with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP15 of the Fenland Local Plan (May 2014) and the management of the risk of fire and fugitive dust in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

5. No operations associated with development on the site shall take place outside the hours of 0700 to 1900 [1800 if application F/2008/16/CW is not approved] Mondays to Fridays and 0700 to 1300 on Saturdays. There shall be no such activities on Sundays or Bank or Public Holidays.

No HGVs shall enter or leave the site outside the hours of 0700 to 1900 [1800 if application F/2008/16/CW is not approved] Mondays to Fridays and 0700 to 1300 on Saturdays. No HGVs shall enter or leave the site on Sundays or Bank or Public Holidays.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

6. Stockpiles shall not exceed 4 metres in height when measured from the adjacent ground.

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

7. No external lighting shall be installed at the site except in accordance with details that have been submitted to and approved in writing by the waste planning authority. No external lights other than security lights shall be illuminated before 0630 hours and after 1930 [1830 if application F/2008/16/CW is not approved] hours Monday to Friday and before 0630 hours and after 1330 hours on Saturdays.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

8. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all

times and shall be fitted with and use effective silencers. Mobile plant shall use broadband reversing alarms.

Reason: To minimise disturbance to the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014)

9. The dust mitigation scheme comprising pages 3 and 4 of the document *Woodacre Developments Ltd Scheme to discharge planning conditions 8, 9, 11, 13 and 14 of Consent No F/02001/13/CW* dated July 2013 shall be implemented in full.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

10. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers. Mobile plant shall use broadband reversing alarms.

Reason: To minimise disturbance to the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014)

11. The noise monitoring scheme comprising pages 5 and 6 of the document *Woodacre Developments Ltd Scheme to discharge planning conditions 8, 9, 11, 13 and 14 of Consent No F/02001/13/CW* dated July 2013 shall be implemented in full.

Reason: To enable the developer to comply with the noise limit set in condition 12 to minimise disturbance to the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014)

12. Noise from the activities hereby permitted shall not exceed 55dB(A) Leq, 1h (free field) or be more than 10dB(A) above the background level at any noise sensitive property.

Reason: To minimise disturbance to the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014)

13. The workshop shown on Site Plan – Plan Ref: EARL 16/2 Rev B and described in paragraph 2.5 of the Supporting Statement dated August 2016 shall be used in connection with the wood waste recycling operation and for no other purpose.

Reason: To ensure that a separate use is not commenced to coexist with the waste processing activities in accordance with policy CS41 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011)

Source Documents	Location
<p>Link to the National Planning Policy Framework: http://planningguidance.communities.gov.uk/blog/policy/</p> <p>Link to the Waste Management Plan for England: https://www.gov.uk/government/publications/waste-management-plan-for-england</p> <p>Link to the National Planning Policy for Waste: https://www.gov.uk/government/publications/national-planning-policy-for-waste</p> <p>Link to the Cambridgeshire and Peterborough Minerals and Waste Core Strategy and Site Specific Proposals: http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/7</p> <p>Link to the Fenland Local Plan : http://www.fenland.gov.uk/CHttpHandler.ashx?id=10010&p=0</p>	