

PLANNING COMMITTEE



Date: Thursday, 16 February 2017

Democratic and Members' Services

Quentin Baker

LGSS Director: Lawand Governance

10:00hr

Shire Hall

Castle Hill

Cambridge

CB3 0AP

Council Chamber

Shire Hall, Castle Hill, Cambridge, CB3 0AP

AGENDA

Open to Public and Press

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2 Declarations of Interest

*Guidance for Councillors on declaring interests is available at
<http://tinyurl.com/ccc-dec-of-interests>*

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PLANNING APPLICATIONS

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F/2004/16/CW

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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 Jocelyne Scutt

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

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Council and political Group Leaders which can be accessed via the following link or made available on request: <http://tinyurl.com/ccf-film-record>.

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PLANNING COMMITTEE: MINUTES

Date: Thursday 19th January 2017

Time: 10.00am – 10.40am

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors P Ashcroft, B Ashwood, D Connor (Chairman), L Harford, B Hunt, K Reynolds (substituting for Councillor Loynes) and J Scutt

219. APOLOGIES AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Loynes (Councillor Reynolds substituting), Kindersley, Mason and Smith.

There were no declarations of interest.

220. MINUTES – 15TH DECEMBER 2016

The minutes of the Planning Committee meeting held on 15th December 2016 were agreed as a correct record and signed by the Chairman.

221. ENFORCEMENT PLAN REVIEW

The Committee consider a review of the Enforcement Plan for the County Planning, Minerals and Waste service. Members noted that this was the first update since the Plan was published in 2014. The purpose of the Enforcement Plan was to explain the County Council's approach to achieving planning compliance at mineral and waste management sites within Cambridgeshire. The Plan also set out what action could be taken and how decisions would be made in respect of pursuing formal action.

The most significant change was a reduction in the length of the plan, as the previous version contained a large amount of procedural information which was not relevant to the decision making process. This information would be retained within an internal procedures document. The other key change was the reduction in the number of complaint categories, from four to three. This would not alter the priority given to serious allegations or the target response times.

Arising from the report:

- a Member asked whether the internal procedures document would be publically available. Officers explained that the document was very detailed, and was intended primarily as a guide for the staff undertaking the job. Another document, "Basic Principles of Planning Enforcement", would be more useful to the public, and it was suggested that the final version of that document could come back to Committee and then be made available to the public. The Member welcomed this, saying that it was best to make such documents available where possible, to ensure transparency;

- Members expressed disappointment regarding the number of consultation responses received. It was noted that all Parish, Town and District Councils had been included in the consultation, but only nine responses had been received;
- the Committee noted that the fees charged for undertaking site monitoring visits did not cover costs;
- officers advised that complaints would be recorded and acknowledged within five working days of being received, but if a complaint fell in to the high risk category, it was dealt with more quickly;
- Members asked what happened when the remedy was to submit retrospective planning applications. Officers explained that this would be proposed only when it was likely to be approved. If a retrospective planning application was invited, and was not received within the timescale, the appropriate enforcement action would be progressed. With regard to the statement “...*enforcement action may be taken, prior to the application being determined*”, it was clarified that an enforcement notice could be served when the local authority officers *believed* that there may have been a breach. However, it was acknowledged that it was not common practice to take enforcement action while an application was being considered.

It was unanimously resolved:

To approve the updated Enforcement Plan.

222. ENFORCEMENT UPDATE REPORT

The Committee received the Enforcement update report that set out the planning enforcement and monitoring work undertaken by the County Planning, Minerals and Waste team for the period 1st August to 31st December 2016.

During discussion:

- officers updated Members on a complaint regarding the importation of waste onto garden land at the Old Dairy Yard in Manea. This case resulted in a Planning Contravention Notice being served on the owner. The waste had since been removed, and further importation had ceased;
- with regard to the Wilbraham Landfill site, officers confirmed that if the Council's £23,969 costs had not been paid by the site operators by the specified date, they would take immediate action. Officers confirmed that they were due to visit this site shortly and would ensure that Members concerns in relation to this matter were relayed. The complexities of this case, and officers' work with the Environment Agency on this case, were outlined. Officers outlined other legal measures available to them, including the Proceeds of Crime Act;
- a number of Members expressed concern about Enforcement Officers' safety, especially when visiting difficult sites, and urged them to visit any site where there may be risks in pairs. Officers confirmed that teams of two officers always visited known hostile sites;

- in response to a Member question, officers explained that no further action was proposed at the First Drove, Little Downham site, but action was still ongoing in relation to the adjacent site known as 'Asgard'/Field 6184 in Little Downham. A Member stressed the importance of enforcement at these sites, as the Council's approach was closely observed in the area, and enforcement actions acted as a deterrent to similar activities locally. Officers acknowledged this point and outlined actions being taken. The Member asked if the Committee could be updated regularly on progress at this site, and that this did not have to be through the Committee meeting. **Action required.**
- a Member asked if in cases where a site operator also owned land, it was possible to apply legal charges to the land, so that that charge still held if the land was sold on. Officers advised that previously there had been a County case where there was a ruling whereby a legal charge had been put on the land, to safeguard it in the event of it being sold on. The Legal Officer confirmed that charges could be registered on land, but only once the deadline for payment had expired, and certain procedures had to be followed in order to put a charge on land through the Land Registry;
- officers confirmed that retrospective applications were advertised and dealt with in the same way as other planning applications. The only difference in the way that retrospective applications were dealt with related to the imposition of pre-commencement conditions as development had already commenced;
- officers confirmed that where the offence of failing to comply with an enforcement notice is being investigated, Enforcement Officers conduct interviews under the Police Criminal Evidence Act and so read site operators the caution and ask them to check and sign the full transcript of the interview . If the operator refused to sign the notes, this was also recorded on the notes. Reference to the need to visit these sites in pairs was also noted to be able to take accurate evidence, as well as personal safety.

Members welcomed the report and the enforcement action being undertaken, and thanked the Principal Enforcement and Monitoring Officer, and asked her to pass on their thanks to her team.

It was resolved unanimously to note the content of the report.

223. DATE OF NEXT MEETING: 16TH FEBRUARY 2017

Chairman

Agenda Item No. 4

Section 73A planning application to develop land in relation to Unit 2 (part of the original application site) without complying with condition 8 (restricting storage to inside the building only) of planning permission F/2019/02/CW (Proposed Erection of Two Industrial Buildings for the Granulation and Bailing of Waste Plastics for Recycling).

AT: Data Shredders Limited, Eastwood Industrial Estate, Eastwood End, Wimblington, PE15 0QH.

APPLICANT: Datashredders Limited

LPA REF: F/2004/16/CW

To: **Planning Committee**

Date: **16 February 2017**

From: **Head of Growth & Economy**

Electoral division(s): **Forty Foot**

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

Recommendation: **It is recommended that planning permission be granted subject to the conditions set out in paragraph 12.1.**

<i>Officer contact:</i>	
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1.0 BACKGROUND

- 1.1 Units 1 and 2 at Eastwood End Industrial Estate were granted permission in 2002 for the erection of two buildings for the recycling of waste plastics (reference: F/2019/02/CW). The two units are currently operated separately by different owners, with Recyplas operating from Unit 1 and Datashredders operating from Unit 2. Neither Unit 1 nor Unit 2 has permission to store material outside of the buildings, restricted by condition 8, yet both operators have been storing material outside the buildings and are therefore both currently operating in breach of this condition. The relevant planning and enforcement history are detailed in sections 4.0 and 5.0 in this report. Following visits by officers to Unit 2 the applicant and agent were given detailed advice in April 2015, in which they were advised to make a Section 73A application to amend condition 8. As part of this advice the agent was encouraged to seek the agreement of both Unit 1 and Unit 2 operators to allow one application to be made.
- 1.2 The original site area (which will hereafter be referred to as 'original planning unit' in this report to avoid confusion with the application areas for Units 1 and 2) includes both Unit 1 and Unit 2 Eastwood End Industrial Estate, which is why the red line matches the original F/2019/02/CW permission area. However, the applicants and operators of Unit 1 and Unit 2 have both submitted separate applications, rather than submitting one joint application, specifying their own half of the application area as the site within their control. Following legal advice it has been concluded that the best way to deal with these applications is to consider the two applications separately with separate recommendations, to allow each to be considered on its own merits. However, should permission be granted for both applications, this would cumulate in the issue of one decision notice for the whole red line area with two sets of conditions, referring to each unit separately.
- 1.3 The operators of Unit 2, Datashredders Ltd, also control another unit on Eastwood End Industrial Estate, to the west of the application site, which is permitted for general industrial use and therefore controlled through a planning permission issued by Fenland District Council. This is discussed in more detail in the planning history section of this report (see paragraph 4.5 -4.6).

2.0 THE SITE AND SURROUNDINGS

- 2.1 The original planning unit, comprising Unit 1 and Unit 2 Eastwood End Industrial Estate, is approximately 1.3 hectares (ha) located 130 metres to the east of the A141 and around 2 kilometres (km) south of March. It is located to the north-east of the main village of Wimblington (on the other side of the A141), and is to the north of a cluster of houses known as Eastwood End.
- 2.2 To the east of the original planning unit is Fengrain grain storage and marketing facility. To the north and west are more industrial units and directly to the south is agricultural land with the houses of Eastwood End beyond. The closest dwellings are a single residence (Eastwood End Farm) 15 metres to the west across a private road and houses off Eastwood End (road) approximately 40 metres to the south.

- 2.3 Unit 1 (Recyplas) consists of a 1 ha site with two buildings, the larger of which is the main building, 867 square metres (sqm), and the other being a raw material store building which has been on site since before the 2002 permission was granted. There is also a formal car park for staff and visitors with access from Hook Lane on the eastern side of the site. Commercial vehicles also enter from this entrance on the south-eastern boundary, deposit or pick up material to the north-east of the building and leave via the private road on the western side of the site without having to turn around. The main building is located in the middle of the Unit 1 site, with the entrance and car park on the south-eastern boundary. To the north-west of the main Unit 1 building is a piece of equipment known as a mobile cooler; this is not a fixed item of equipment, but is in place to help maintain the temperature of the granulating processes within the main building on the site. The south-western quarter of the site is grass, and is required to be left as such by condition owing to archaeological finds in this location. This section is divided from the main site by a 2.4 metre high metal palisade security fence, which also borders the rest of the compound. The grass section is otherwise defined to the south by hedgerow and trees along the boundary with Eastwood End (road).
- 2.4 Unit 2 (Datashredders) consists of a 0.31 ha site with a single building of 464 sqm. Access to the Unit 2 site is from a private road on the western boundary of the site. The site is bordered, and divided from Unit 1, by a 2.4 metre high metal palisade security fence. Unit 2 is arranged with the building to the eastern side of the site, leaving the western side of the site available for vehicles to enter the site, turn, and leave the site in forward gear, in accordance with the requirements of the conditions 21 and 23 of the original application (reference: F/2019/02/CW). Two mobile diesel generators are located to the south of the Unit 2 building to provide the necessary power to the operations on site. A new baling machine has also been brought onto the Unit 2 site recently (09/11/2016) and placed behind the Unit 2 building to the east of the site to provide additional baling capacity and to help reduce the amount of material being stored outside. Whilst this new baling machine is not fixed and can be moved from the site at any time, officers have raised concerns over the need for planning permission and the implications this may have on displacing outside storage on the site. Whilst the additional baling structure is not directly linked to either of the current planning applications submitted in relation to the original planning unit, the implications it could have will be considered later on within this report.
- 2.5 The original planning unit is designated as an existing waste site within the Minerals & Waste Site Specific Proposals Development Plan Document (MWSSP) adopted in February 2012 and within the Waste Consultation Area (W8AC). This area of Wimblington also used to be allocated in the local plan for industrial use, although Site Specific Allocations were removed from the most recent Fenland Local Plan and the district council are not proposing a new Site Specific Proposals document. This area is now considered to be an industrial area, and as such it is no longer allocated for industrial use. The site is within Floodzone 1, with Floodzones 2 and 3 located 300 metres to the south-east at the closest point. There is also a drain to the east of the site, which falls within the March East Internal Drainage Board (IDB) area, but is not designated

as an IDB drain, although the drain ultimately runs into the IDB drainage network.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 This application (F/2004/16/CW) is for non-compliance with condition 8 of planning permission F/2019/02/CW in relation to Unit 2, under Section 73A of the Town and Country Planning Act 1990 which deals with planning permission for development already carried out. The operators of Unit 1 and Unit 2 have both applied for permission not to comply with condition 8 and are now both at the point of being considered. Condition 8 of permission F/2019/02/CW reads as follows:

8. Environmental Protection

No processing or storage of waste including plastic materials whether in 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 2610/03 A.

Reason: To ensure that noisy activities are confined to the building, to avoid problems of wind blown litter, to protect the character and appearance of the locality and to ensure that no stored material could pose an external fire risk to the buildings.

- 3.2 This application proposes not to comply with condition 8 in order to remove the restriction on storage of material outside of the buildings. Baled material is currently being stored outside the building in the areas shown on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)'. The applicant has indicated that they would only store baled material at a maximum of 3 bales high. Each bale is 76 centimetres (cm) and would therefore be a maximum height of 2.28 metres. On Unit 2 the baled material would be stored in the north-western part of the site, and to the east behind the Unit 2 building as indicated on the above Site Plan. Loose material is proposed to be stored to the south of the building confined by the 2.4 metre high palisade fence of the boundary to the south and east and a 2.4 metre solid fence on the west side, in order for the area to be enclosed on three sides. As part of the consideration of the application, a 2.4 metre litter catch fence is also now proposed on the inside of the 2.4 metre high palisade boundary fence to help ensure that any windblown litter is caught before escaping through the existing fence.

4.0 PLANNING HISTORY

- 4.1 Planning permission F/2019/02/CW was granted in November 2002 and permitted the use of Units 1 and 2 for the granulation and bailing of waste plastics for recycling. This permission included no restrictions on the types or quantities of waste that could be accepted and processed at the site. Restrictions in terms of on-site waste material only comprised of a condition restricting the storage and processing of all raw and processed material to inside the building (condition 8). Previous to the extant planning permission, the

site was in commercial office and industrial use, permitted by Fenland District Council.

- 4.2 Following planning permission F/2019/02/CW being granted in 2002 as one original planning unit, the two units were split into separate ownership and were operated separately.
- 4.3 In 2006 permission was granted for a variation of condition 7 of the original permission (F/2019/02/CW) to amend the operating hours in respect of Unit 1 only. No other amendments have been granted to the original waste planning permission.
- 4.4 The following are the relevant planning permissions for the original planning unit (which includes both Unit 1 and Unit 2), excluding the two applications currently being considered:

Application Ref	Description	Decision
F/2015/05/CW	Variation of condition 7 of planning application F/2019/02/CW to extend hours of use.	Granted 25 July 2006
F/2019/02/CW	Proposed erection of two industrial buildings for the granulation and bailing of waste plastics for recycling.	Granted 20 Nov 2002
F/97/1067/F	Erection of workshop, stores, offices and associated facilities; formation of parking areas, including the formation of a new vehicular access to Hook Lane and change of use of existing building to spray shop	Granted 18 May 1998
F/95/0536/F	Erection of workshop, stores, offices and associated facilities and the formation of parking areas, including the formation of a new vehicular access to Hook Lane	Granted 10 Nov 1995
F/94/0710/F	Erection of workshop, stores, offices and associated facilities and the formation of parking areas, including the formation of a new vehicular access to Hook Lane	Withdrawn 24 Aug 1995
F/93/0232/F	Erection of stores and workshop with offices and paint shop (for B1 uses) including installation of a sewage treatment plant	Granted 04 Oct 1993
F/1309/89/RM	Erection of stores and workshop with offices and paint shop (for B1 uses) including installation of a sewage treatment plant	Granted 21 Feb 1990
F/0778/88/O	Plots for industrial use with 2 new access points onto Bridge Lane, construction of private roadway and landscaped area (the existing	Granted 21 July 1988

	bungalow to be used in conjunction with adjacent industrial plot)	
F/0960/87/O	Erection of an agrochemical store for distribution of agrochemicals and base for spraying contractor, yard for storage of fertiliser and erection of an office	Granted 06 Jan 1988

4.5 Datashredders, the operators of Unit 2, are also in control of a site to the west of the application site, adjacent to the A141, which has permission for general industrial use (F/YR01/0236/F). This site is therefore regulated through the planning process by Fenland District Council.

4.6 For completeness, the following table lists the planning history at the additional Datashredders site:

Application Ref	Description	Decision
F/YR14/0024/F	Erection of an extension to rear and side of existing building	Granted 10 Mar 2014
F/YR01/0236/F	Change of use of building from the sales and servicing of agricultural and horticultural machinery to Class B1 (Business), B2 (General Industrial) and B8 (Storage or Distribution)	Granted 02 May 2001
F/99/0600/A	Erection of 3 no. flagpoles with advertisement flags	Granted 19 Nov 1999
F/90/0016/F	Erection of a building for the sales and servicing of agricultural and horticultural machinery, spares and equipment; in conjunction with existing premises on site	Granted 20 Jun 1990
F/0852/88/F	Erection of building for the sales & servicing of agricultural & horticultural machinery, spares & associated equipment	Granted 16 Nov 1988
F/0778/88/O	Plots for industrial use with 2 new access points onto Bridge Lane, construction of private roadway and landscaped area (the existing bungalow to be used in conjunction with adjacent industrial plot)	Granted 21 Jul 1988

5.0 ENFORCEMENT HISTORY

5.1 Outside storage, in breach of condition 8 of planning permission F/2019/02/CW can be evidenced from correspondence on our planning files at various points in time, and with different operators historically, across the original planning unit which incorporates both Unit 1 and Unit 2. An overview of the situation, including action taken, has been provided to elected members of the Planning Committee (formerly Development Control Committee) as part of the

Enforcement Update Reports over recent years. However, for the purpose of considering this proposal the following paragraphs set out a summary of the enforcement action taken in relation to condition 8 across the whole original planning unit.

- 5.2 Historically, letters were sent to the occupants of Unit 1 (Plasgran) and Unit 2 (Maxton Trading) to raise concerns about outside storage and recommend pre-application advice be sought to address the situation to avoid a breach of condition notice being served on both parties. In July 2006, Plasgran sought pre-application advice for a new site that they had found that would allow them to expand and move away from Unit 1. Plasgran applied for planning permission to move some of their storage to their new site in 2006 (F/2007/06/CW) with permission sought to move all of their operations to the new site in 2008 (F/02005/08/CW). However, as Unit 1 remained in breach early in 2008, a Breach of Condition Notice was issued to Plasgran (Unit 1 operator) on 12 February 2008. Once Plasgran moved to their new site, Eco-Aegis Services took over operating Unit 1.
- 5.3 On the basis that Maxton Trading continued to struggle with outside storage in relation to Unit 2, a Breach of Condition Notice was issued to them as the appropriate operators on 16 February 2010. However, it was noted that Maxton Trading went into liquidation, as acknowledged by the Waste Planning Authority's letter dated 6 September 2010.
- 5.4 In June 2011, the new Unit 2 operators (Datashredders) were advised of the serving of the Breach of Condition Notice in 2010 and that outside storage should not take place. Whilst it was acknowledged that Breach of Condition Notices do not run with the land and must be served on each operator in control of the land, the principle of outside storage breaching planning permission requirements was clearly evident. In June 2012 Datashredders were given guidance on how to apply to formalise the outside storage by the Council's Development Control Officer. In February 2015 a Breach of Condition Notice was served to Datashredders requiring compliance with condition 8.
- 5.5 Correspondence was sent to Recyplas in relation to Unit 1 in April 2013, following a site visit by officers. The correspondence drew the operator's attention to condition 8 and the breach of condition by storing any raw waste material outside of the building.
- 5.6 In April 2015 pre-application advice was provided by officers to the current planning agent in relation to a request for pre-application advice following a site visit by officers to Unit 2. This letter indicated that the Waste Planning Authority (WPA) would be receptive to a planning application to regularise the permission at the site, highlighting the relevant planning policy and the key planning considerations. No recommendation on whether such an application would be supported was given at that time, although it was recommended that the operators consider submitting a joint application. Recyplas were also written to by officers in April 2015 to recommend they submit a joint application with Unit 2 to ensure that the guidance was joined up by the same planning agent.

6.0 PUBLICITY

- 6.1 As a proposal for a waste site this application represents major development and was therefore publicised as such in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015. This application (F/2004/16/CW) was advertised by two site notices at the site, a newspaper advert in the Fenland Citizen inserted 25/05/2016, consultation letters to statutory consultees and notification letters to the adjacent properties.

7.0 CONSULTATION RESPONSES

- 7.1 The following is a summary of responses received from consultees:
- 7.2 Fenland District Council: no objection to a temporary permission for the storage of bales up to 3 high, which should be secured by conditions. No processing should take place outside the building.
- 7.3 Fenland District Council Environmental Health: is not happy with the content of the noise report. However, as operating hours are not increasing does not believe that noise will be an issue. Recommends approval, with a condition requiring a litter management plan. Considered the plan acceptable upon submission.
- 7.4 Wimblington Parish Council: Commented that there did not appear to be sufficient space for additional buildings to still allow for the turning of vehicles on site and that operating hours should not increase. Consider that the removal of condition 8 regarding outside storage was inappropriate given the history of enforcement concerns and felt that outside material should be kept under a cover with a roof and sides at a minimum.
- 7.5 Upon clarification from officers that the application only constitutes a proposal to permit outside storage at the site, the parish council clarified that the comments were for general consideration and did not constitute a formal objection.
- 7.6 CCC Highways Development Management: Confirmed the proposed outside storage areas for Unit 2 (F/2004/16/CW – Datashredders SUBDOC7 plan) allows sufficient space for a HGV to turn within the site. The site is access via a private access road approximately 90m away from the public highway (Eastwood End). The private access should form part of the red edge up to the public highway.
- 7.7 CCC Flood & Water: no comments to make as the conditions in question do not refer to surface water drainage proposals.
- 7.8 Environment Agency: no objection to the proposal provided that the company ensures that the conditions of the EA's registered T4 exemption continue to be met. Recommends that further consideration is given to the potential

environmental impact of a fire at the site and the Fire Prevention Plan (FPP) guidance to raise awareness of the issues that should be considered.

- 7.9 Cambridgeshire Fire & Rescue Service: recommends a condition to secure adequate provision for fire hydrants.

8.0 REPRESENTATIONS

- 8.1 Comments were received from 11 individuals. The objections are summarised as follows:

- material is already being stored at a level higher than the fence allowing waste to blow off the site into surrounding land;
- waste material is found in surrounding gardens and road verges;
- does not consider that storing material outside will result in a fire risk;
- consider that the existing 23 safeguarding conditions should remain in place;
- concern over the appearance of the industrial estate; and
- disputes applicant claim that there is no evidence of complaints of wind-blown litter.

- 8.2 Comments were also received that do not relate to the material planning considerations of this application, but are summarised below for completeness:

- operator has consistently not complied with other conditions from the original application including operating hours and reversing alarms;
- confusion as to the exact nature of the proposal;
- concern about additional noise coming from the site;
- concern that the surrounding roads cannot cope with traffic from the industrial estate.

9.0 PLANNING POLICY AND GUIDANCE

- 9.1 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 9.7 to 9.9 below.

National Planning Policy Framework (March 2012) (NPPF)

- 9.2 The NPPF has at its core, a presumption in favour of sustainable development, including the idea that development that accords with the local development plan should be approved “unless other material considerations indicate otherwise” (para 12).

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

- 9.3 A key component of the NPPW is the principle of moving waste “up the ‘waste hierarchy’ of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort” (paragraph 008).

9.4 Paragraph 007 of the NPPW states that when determining planning applications waste planning authorities should “concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”.

Waste Management Plan for England (December 2013) (WMPE)

9.5 The WMPE also highlights the priority for minimising the use of resources and moving waste up the waste hierarchy (page 11), and emphasises that the Environment Agency is the main regulator of waste management in England (page 15).

Planning Practice Guidance (PPG)

9.6 The following sections of the PPG are relevant to this application:

- Discharging and modifying conditions once planning permission is granted (paragraphs 30 – 31, reference 21a-030 to 21a-031);
- Amending the conditions attached to a permission including seeking minor material amendments (application under Section 73 TCPA 1990), (paragraph 13, reference 17a-013); and
- Retrospective planning applications (paragraphs 1 – 14, reference 17b-001 to 17b013).

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

9.7 The following policies are of relevance:

CS29 The Need for Waste Management Development and the Movement of Waste
CS30 Waste Consultation Areas
CS32 Traffic and Highways
CS33 Protection of Landscape Character
CS34 Protecting Surrounding Uses
CS39 Water Resources and Water Pollution Prevention

Cambridgeshire and Peterborough Minerals and Waste Development Plan Site Specific Proposals Development Plan Document (adopted February 2012) (MWSSP)

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

Existing Site designation
W8AC – Hook Lane, Wimblington - Waste Consultation Area

Fenland Local Plan (adopted May 2014) (LP)

9.9 The following policies of the Fenland Local Plan are of relevance:

- LP1 A Presumption in Favour of Sustainable Development
- LP2 Facilitating Health and Wellbeing of Fenland Residents
- LP14 Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP16 Delivering and Protecting High Quality Environments Across the District

10.0 PLANNING CONSIDERATIONS

Principle of Section 73A application

- 10.1 This application (F/2004/16/CW) takes the form of a Section 73A application to grant permission for development that has already been carried out without complying with a condition of the original permission. In this case therefore, to grant permission where the development has already been carried out without complying with condition 8, which restricts the processing and storage of material to inside the buildings. In practice therefore, this application is to permit storage of material outside of the building. The original planning unit, which includes both Unit 1 and Unit 2 Eastwood End Industrial Estate, remains the same as the original permission, F/2019/02/CW. However, this report will only consider and make a recommendation for the proposal on the Unit 2 (Datashredders) element of the original planning unit
- 10.2 The submission of the applications by the two operators has allowed the Waste Planning Authority to consider the storage of material outside the building on planning merits, and to secure additional measures and conditions to minimise and mitigate any potential impact of storing material outside the buildings.
- 10.3 It should be noted that seeking to regularise the outside storage at the site by the submission of this application, gives the Waste Planning Authority (WPA) the ability to assess the proposal on its own planning merits, rather than in the context of the breach of an existing condition. The submission of this application will therefore allow the WPA to secure additional measures and conditions to minimise and mitigate any potential impact of the outside storage at the site going forward.

Justification

- 10.4 The applicant has stated that storage is required outside of the building because of the lack of space within the building. They have also stated that storage of material in the same building as the processing operation is a cause of concern for risk of fire, and that storage of material away from the processing operation reduces the risk of material catching fire (see paragraphs 10.17 – 10.19 for discussion for fire risk).
- 10.5 The previous permission granted by the Waste Planning Authority establishes the principle of the recycling use at this site, along with the established Waste Consultation Area, W8AC, the purpose of which is to protect these areas from development which would prejudice existing or future waste management uses. Waste Consultation Areas are established in policy CS30 “Waste Consultation Areas” of the MWCS. The principle of moving waste up the hierarchy is supported by policy CS29 “The Need for Waste Management Development and the Movement of Waste.” Movement of waste up the waste hierarchy, in this

case recycling, is also supported by national policy, in paragraph 008 of the NPPW. The site and operations in this location are therefore supported in principle, subject to the consideration of other planning policies and material planning considerations.

Litter and Visual Impact

- 10.6 The applicant has provided a site plan which indicates the areas for outside storage of material and has confirmed that this reflects the current situation on site i.e. areas for outside storage, and outside storage being conducted unlawfully. Therefore, the proposal does not propose further development than the current situation at the site, aside from any additional mitigation measures that will be secured by condition (i.e. installation of an additional fire hydrant, and proposed litter catch fence - see paragraph 12.1, conditions 4, and 17).
- 10.7 In terms of the visual impact of storing material outside of the building, the applicant has confirmed that they intend to only store material outside in bales, up to a maximum of 3 bales high. Each bale is 76 cm and therefore 3 bales high would be 2.28 metres high. Fenland District Council has indicated that 3 bales high at Unit 2 (Datashredders) would be an acceptable level. It is considered appropriate to adjust this to 2.3 metres or a maximum of 3 bales high, whichever is lower (see paragraph 12.1, condition 24).
- 10.8 It is not considered that the bales themselves would represent a significant visual impact from the site and on the surroundings, because Unit 2 is located within the middle of the Eastwood End Industrial Estate and is not readily visible from the public highway, as it is located 'behind' Unit 1 in this context. The bales would be located against the 2.4 metre high palisade fence on the northern and western boundaries and stored within black plastic. Storing the material in bales will be secured by condition, to reduce wind-blown litter and maintain a tidy appearance.
- 10.9 Unit 2 additionally has an area designated for storage of loose material owing to operational needs. Following discussions with applicant, it has been agreed that an additional section of fence will be installed to the west of this pile in order to encompass the loose material on three sides, and reduce the likelihood of material escaping. The height of the stored material will also be secured by condition (see paragraph 12.1, condition 24).
- 10.10 An area to the east of the Unit 2 building is also identified as "Processed Bale Store (waiting collection)" on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)' which currently has a baling machine on it as noted in paragraph 2.4 of this report and evidenced on site by members of the Planning Committee during their site visit in December. The applicant's agent has confirmed that this new baling machine was installed on 9 November 2016 to help reduce the levels of outside storage on the site and its use will not displace the waste proposed to be stored in this area as there is still sufficient space on the proposed "Processed Bale Store (waiting collection)" footprint.
- 10.11 As stated in paragraph 2.4, whilst this new baling machine is not fixed and can be removed from the site at any time, officers have raised concerns over the need for planning permission, even if it is unlikely to displace any waste across

the site. Although the additional baling structure is not directly linked to this Section 73A planning application, and cannot be addressed as part of this application, the applicant has confirmed he is content to submit a planning application to address this if it is found to need planning permission. Furthermore, he believes that the use of this piece of machinery has improved the amount of waste needing to be stored on site. At present this piece of machinery is screened by the Unit 2 building from the entrance to the site and by the Unit 1 building from the public highway.

- 10.12 In terms of visual impact on the existing local area and landscape from outside storage, it is considered that the proposed non-compliance with condition 8 would not be harmful to the local landscape character and therefore the proposal is in accordance with CS33 "Protection of Landscape Character" (MWCS) as the applicant has demonstrated that the proposed storage can assimilate into the surroundings. In addition it is considered that the requirements of CS34 "Protecting Surrounding Uses" have been met in that there has been no significant visual intrusion as a result of the outside storage, when considering the bales of material on site only, and therefore the proposed non-compliance with condition 8 in this regard.
- 10.13 Concerns have been raised by neighbours and through individual representations that litter is already a cause for concern around Eastwood End, and that permitting the storage of material outside the buildings will only exacerbate the problem.
- 10.14 The existing palisade fencing is 2.4 metres, and would therefore only be 10 to 12 cm higher than the stacked bales. Therefore, the height of the bales when compared to the fence could be cause for concern when taking into account the possibility of wind-blown litter that could come loose from bales. The Environmental Health Officer has requested that a Litter Management Plan be secured by condition (see paragraph 12.1, condition 25) in order to formalise the requirement to collect any litter which may have been blown off site.
- 10.15 To reduce the need for litter picking, it is also considered necessary to implement a condition to secure the installation of a litter catch fence as shown on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)', in order to protect further from the possibility of wind-blown litter leaving the site (see paragraph 12.1, condition 17).
- 10.16 With the addition of the above mitigation conditions, it is considered that the proposal is in accordance with CS34 "Protecting Surrounding Uses" (MWCS), and LP2 "Facilitating Health and Wellbeing of Fenland Residents" and LP16 "Delivering and Protecting High Quality Environments across the District" (FLP) in that mitigation measures will be secured to reduce the impact and ensure that there would be no significant harm to the environment, neighbouring land uses or residential amenity.

Fire Risk

- 10.17 The applicants engaged in pre-application discussions with Cambridgeshire Fire & Rescue Service, and included their comments in their application submission, which indicated that it was considered that storage of this type of

material posed a lower risk to firefighting operations than material stored inside the buildings. Formal consultation took place with Cambridgeshire Fire & Rescue during the consultation phase, with no objections or comments except a recommendation to secure provision for fire hydrants by way of a planning condition. The applicant has provided the details of the location of the proposed hydrants, the provision of which will be secured by condition (see paragraph 12.1, condition 4).

- 10.18 Neighbours have raised concerns that material being stored outside the building is of a greater fire risk than if the material was being stored inside the building. However, it has been stated that the greatest risk of material catching fire comes from close proximity to the recycling machinery within the building. Unit 2 has a 3 metre buffer zone around the building as shown on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)' to avoid any outside storage in this area. The applicants have also submitted their company's fire policy to explain their internal procedures.
- 10.19 Given the lack of objection from the Environment Agency as the appropriate regulatory body in such an incident, and the Cambridgeshire Fire & Rescue Service who would need to deal with a fire if one occurred on site, it can be concluded that fire risk is no greater when the material is stored outside rather than inside the building. The EA has included an Informative regarding Fire Prevention Plans (FPP) in their consultation response, which even though the Agent has followed this advice and has prepared a FPP voluntarily to cover this site, will be included should permission be granted to act as a reminder (see paragraph 12.2). The reduction in risk of fire, particularly with the requirement for an additional fire hydrant under condition 4, also ensures that the proposal is in accordance with CS34 "Protecting Surrounding Uses" in that it will help to reduce the potential for significant impacts to the environment by reducing the environmental impact of a fire at the site.

Parking and Turning on Site

- 10.20 As part of this proposal, the applicant has provided diagrams to show the location of the waste storage on site, and therefore demonstrated that vehicles can turnaround and exit in forward gear, which has been confirmed by the Highway Authority. This is the same provision for movements on site that was set out in plans provided as part of the original application. The condition to keep this area free and available for safe vehicle movements on site remains necessary and will be replicated as a condition of this permission (see paragraph 12.1, conditions 21 and 23).
- 10.21 It is therefore considered that the requirements of policy CS32 "Traffic and Highways" (MWCS) continue to be met in that the access and highway network serving the site continue to be suitable and the outside storage proposed will not jeopardise this. Although changes are not being sought to the amount of traffic or waste being brought to Unit 2 as part of this application, it has been acknowledged the extant permission offers no control on the volume controlled at the site. As such, as an additional measure and to address some of the concerns raised by local residents planning conditions related to the amount and types of waste are proposed to be added (see paragraph 12.1, conditions 26 and 27). In line with policy CS29 we are also proposing to add a waste

catchment restriction (see paragraph 12.1, condition 28) which will help to monitor the area from which the waste is travelling into the site, whilst also noting the national market that it serves and the local employment that it provides.

Drainage

- 10.22 The amount of hardstanding at the site is not proposed to increase as part of this application. Therefore, there will be no greater surface water run-off into the adjacent drain to the east of the site, and the wider Internal Drainage Board (IDB) drainage network, than when the development was first permitted at the site in 2002 (reference: F/02019/02/CW.) A drainage scheme was agreed and approved as part of that application in 2002, which allowed run-off into the adjacent drain and not into soakaways.
- 10.23 The applicant is seeking permission to store waste paper / cardboard and associated plastic material in bales wrapped in black plastic outside of the building. Neither the Environment Agency nor Lead Local Flood Authority (CCC Flood & Water Team) has expressed concerns regarding surface water run-off or any potential contamination of the water as a result of the outside storage.
- 10.24 The EA has acknowledged that this site operates under a T4 exemption. As the regulatory authority for pollution, the EA is responsible for controlling the processes involved with pollution control (paragraph 007, NPPW) and therefore any concern about pollution from surface water or as the result of fire will be controlled by the EA.
- 10.25 It is therefore considered that the continued use of the existing drainage system is acceptable at the site, and that outside storage does not pose a concern in terms of quantity or quality of surface water run-off.

Other conditions where details have been approved or updated to take account of concerns raised either by statutory consultees or local residents

- 10.26 Section 73A applications require that all relevant conditions are reimposed as part of the issue of a new decision notice. As this application includes retrospective development, should permission be granted the Decision Notice would set out the implementation of the proposed conditions with immediate effect.
- 10.27 The original permission (F/2019/02/CW) has been implemented and therefore condition 1 has been updated to reflect the immediate implementation of the permission should it be granted, and to ensure clarity as to the permission that the applicants are working under. Other conditions have been updated to reflect standardised wording for permissions issued by the Waste Planning Authority and to clarify where details have been submitted to approve details reserved by that condition.
- 10.28 Condition 4 has been updated to reflect the latest recommended condition from Cambridgeshire Fire and Rescue for the installation of an additional fire hydrant. This also addresses the concerns raised by local residents about greater fire risk as a result of outside storage.

10.29 To address the concerns regarding windblown litter affecting the site and surroundings the requirement for a litter catch fence (condition 17) litter management plan (condition 25) and height and baling of material (condition 24) have been secured by condition. Furthermore, to control the type and amount of waste being processed and stored on site at any one time, conditions 26 (permitted waste streams) and 27 (Annual Throughput) have also been added following discussions with the Environment Agency, and the area from which waste will be sourced will be monitored through condition 28 (Waste Catchment Restriction for Unit 2). In this way, we have recommended the imposition of planning conditions to impose mitigation measures to positively address the concerns raised by local residents, which will therefore better manage and control the situation at the site to help limit the impact on the surroundings from windblown litter, in addition to addressing the concerns regarding other material considerations such as fire risk.

11.0 CONCLUSION

11.1 In conclusion, it is considered that with the addition of appropriate conditions as outlined in paragraphs 10.26 to 10.29 the proposal to store material outside of the Unit 2 building is acceptable.

11.2 Given the nature of the original permission and extent of the original planning unit, should permission be granted for both Unit 1 and Unit 2 applications, it will be necessary to produce one merged decision notice, with both application numbers, and two sets of conditions to refer to each unit separately in order to clarify the requirements for each Unit including the additional mitigation conditions to control the outside storage proposed. Should permission be granted for one Unit and not the other, the original F/2019/02/CW conditions would remain in place for the Unit where permission was refused. This would mean condition 8 would remain in place to not permit outside storage at that unit, and the Waste Planning Authority would not be able to secure the additional mitigation measures recommended by officers included within this report

11.3 In the future, if new development is proposed at Unit 1 or Unit 2 the Council reserves its position to request a new full application, which would allow the site to be formally split for planning purposes.

12.0 RECOMMENDATION

12.1 It is recommended that planning permission be granted, subject to the following conditions:

Unit 2

1. Implementation

This permission comes into effect on the date of this consent, upon which planning permissions F/2019/02/CW and F/2015/05/CW shall cease to have effect.

Reason: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004, to set out the implementation of the consent in a given timescale taking account of the retrospective elements approved.

2. Site Area and conditions related to Unit 2

This set of conditions for Unit 2 shall only relate to the land edged green on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)'.

Reason: To define the site and to define the conditions of this permission to the Unit 2 site.

3. Approved Plans for Unit 2

The development hereby permitted for Unit 2 shall be carried out in accordance with the application form dated 07/04/2016 and the following information and plans (received 08/04/2016, unless otherwise stated):

- Supporting Statement by Peter Humphrey Associates Ltd, rev A, (received 26/04/2016);
- Datashredders Company Fire Policy;
- Fire Prevention Plan by Peter Humphrey Associates Ltd (received 23/01/2017);
- Location Plan, drwg no. 5269/02B, dated March 2015 (received: 06/06/2016);
- Site Plan, drwg no. 5269/01E, dated March 2015 (received 23/01/2017).

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

4. Fire Safety

Within three months of the date of this decision notice the fire hydrants shown on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)' shall be installed and maintained on site thereafter to the satisfaction of the Cambridgeshire Fire & Rescue Service.

Reason: To ensure that adequate fire safety mitigation measures are in place to reduce the fire risk from the approved uses and reduce the impact on the environment in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

5. Construction Materials

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order then in force, the building labelled Unit 2 on plan 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)' shall remain on site constructed in metal cladding Goosewing Grey BS10AOS, and trims and guttering in Mint Green BS14C37, unless prior written agreement of the Waste Planning Authority has been provided.

Reason: To ensure that the development does not adversely affect the character and appearance of the locality in accordance with policy CS33 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

6. Archaeology

This condition relates to land on the Unit 1 part of the site and is therefore not relevant to Unit 2.

7. Hours of Operation

No operations of machinery, including the vehicular delivery and removal of material, shall take place outside the hours of 0730 to 1800 Mondays to Fridays, and 0730 to 1300 on Saturdays. No operations, including the delivery and removal of materials, shall be undertaken on Sundays or Bank and Public Holidays.

Reason: To protect the amenity of surrounding and local residents in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

8. Environmental Protection

No processing of waste shall be permitted outside of the building labelled Unit 2 on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)'.

Reason: To ensure that noisy activities are confined to the building, to reduce problems of wind blown litter; and to protect the character and appearance of the locality in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

9. Noise Insulation

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order then in force, the building labelled Unit 2 on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)' shall remain on site constructed with 180mm composite insulation board for noise mitigation purposes as approved by the Waste Planning Authority by letter dated 10 November 2003.

Reason: To protect the amenity of the occupiers of nearby properties and avoiding any change to the noise insulation of Unit 2 in accordance with

policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

10. Silencers

All plant and machinery shall operate only in the permitted hours for Unit 2 as set out in condition 7, and shall be silenced at all times and such systems maintained in accordance with the manufacturers' recommendations.

Reason: To minimise disturbance to neighbours and the surrounding area in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

11. Reversing Vehicles

All plant at the site shall be fitted with smart or broadband reversing alarms to the satisfaction of the Waste Planning Authority.

Reason: To minimise the adverse effects of noise from the site on the occupiers of nearby properties in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

12. Dust

Dust shall be suppressed at the Unit 2 site in accordance with the details approved by the Waste Planning Authority by letter dated 10 November 2003, including the installation of the water bowser. The suppression equipment shall be maintained in accordance with the manufacturer's instructions and available for use at all times.

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

13. Lighting

No lighting shall be installed at the site except in accordance with 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)'.

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

14. Drainage and Pollution Control

Surface water at the site shall be discharged into the adjoining riparian drain and into March East Internal Drainage Board and not soakaways in accordance with the approval from the Waste Planning Authority dated 30 July 2009.

Reason: To ensure the satisfactory drainage of the site, to protect the groundwater and minimise the risk to flooding in accordance with policy CS39 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP14 of Fenland Local Plan (May 2014).

15. Building Ventilation

The building labelled Unit 2 on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)' shall be ventilated via the main doors as approved by the Waste Planning Authority by letter dated 10 November 2003.

Reason: To control emissions from the development in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

16. Incineration

No burning of waste shall be undertaken on the Site.

Reason: To safeguard the residential amenity of the area and to avoid a potential fire risk in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

17. Boundary Treatment

a) Within three months of the date of this decision notice a 2.4 metre high litter-catch fence shall be installed in accordance with 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)' around the boundary of the site shown in purple. The fence shall be maintained on site thereafter.

b) The 2.4 metre palisade fence as shown on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)' which borders the site and separates it from Unit 1 shall be retained on site for the duration of the development and maintained to the satisfaction of the Waste Planning Authority.

c) Within three months of the date of this decision notice the 2.4 metre solid fence shown to the west of the loose material storage area on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)' shall be installed on site and maintained thereafter to the satisfaction of the Waste Planning Authority.

Reason: In the interests of visual amenity and reduction of wind-blown litter in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014) and to help define the boundary between Units 1 and 2.

18. Landscaping

The landscaping shown on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)' shall be maintained on site for the duration of the development.

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

19. Landscaping Implementation

The approved landscaping scheme has been implemented on site for over 5 years and therefore this condition is no longer required.

20. Importation of Waste

This condition relates to land on the Unit 1 part of the site and is therefore not relevant to Unit 2.

21. Onsite Loading-Unloading

The permanent space to be reserved on the Site to be able to:

- enter and leave in forward gear
- park clear of the public highway
- load and unload clear of the public highway

as shown on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)' shall be used for no other purpose.

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

22. Onsite Parking Unit 1

This condition relates to land on the Unit 1 part of the site and is therefore not relevant to Unit 2.

23. Onsite Parking Unit 2

The permanent space to be reserved on the Site for:

- turning
- parking
- loading and unloading

as shown on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)' shall be used for no other purpose.

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

24. Storage of Material outside Unit 2

a) The waste paper / cardboard material and associated plastic materials permitted to be stored outside of Unit 2 shall only be in bale form in the

areas shown as storage areas, referred to as 'Store area for bailed material waiting to be processed' on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)'.

- b) The area shown as 'Processed bail store (waiting collection)' on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)', is the only area outside of Unit 2 that processed material can be stored and the material shall only be in bale form.
- c) The permitted paper / cardboard and associated plastic materials shall be baled in plastic cover at a maximum height of 76 cm per bale. Bales shall only be stored up to a maximum height of 2.3 metres or 3 bales high, whichever is the lower.
- d) Loose paper / cardboard and associated plastic materials shall only be stored in the area referred to as 'Store area for loose material waiting to be processed' on 'Site Plan, drwg no. 5269/01E, dated March 2015, (received: 23/01/2017)' up to a height of 2.3 metres.

Reason: In the interests of visual amenity and to restrict the location of outside storage for fire mitigation and safety reasons in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

25. Litter Management Policy

The 'Litter Management Policy by datashredders dated 09/11/2016 (received 02/12/2016)' shall be adhered to in full and maintained for the duration of the development hereby permitted. Records related to this policy shall be provided to the Waste Planning Authority within 10 days of a written request.

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

Permitted waste streams for Unit 2

26. Nothing other than waste paper / cardboard and associated plastic materials shall be brought on to the site or treated within Unit 2.

Reason: To enable the Waste Planning Authority to retain control over the waste streams being processed in Unit 2 in line with the tonnages in condition 27 and in accordance with policy CS29; and 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 policies LP14 and LP16 of the Fenland Local Plan (May 2014).

27. Annual Throughput and waste storage limit for Unit 2

The waste throughput for the permitted waste paper / cardboard stream for Unit 2 identified in condition 26 shall not exceed 156,000 tonnes per calendar year (or 3,000 tonnes over any 7-day period). The waste storage limit for the Unit 2 site shall not exceed 15,000 tonnes at any one time.

Records showing the waste paper throughput and storage limits for any specified period shall be kept on site and provided to the Waste Planning Authority within 10 days of a written request.

Reason: To enable the Waste Planning Authority to retain control over the future development of Unit 2 in accordance with policy CS29; to ensure that the vehicle movements that have been considered for Unit 2 are controlled to protect highway safety in accordance with policy CS32; and to protect residential amenity by controlling the amount of waste at the site in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

28. Waste Catchment Restriction for Unit 2

Unless otherwise agreed in writing by the Waste Planning Authority, the owner/operator of the development permitted by this planning permission will endeavour to procure not less than 30% of the waste imported to the site from a catchment area which shall comprise a radius of 45 km from the site or within the administrative areas of Cambridgeshire and Peterborough as shown on "Plan CCC1 – Waste Catchment Area of Unit 2". For the purpose of clarity waste being collected from any waste transfer station within the defined catchment area shown on "Plan CCC1 – Waste Catchment Area of Unit 2" shall be regarded as arising from within the catchment area.

Reason: To ensure that the facility is managing a large percentage of local waste arisings, in accordance with Policy CS29 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and that the situation is kept under review to help meet the monitoring requirement of the Plan.

- 12.2 It is recommended that the following informatives be included in the decision notice:

Environment Agency Informative

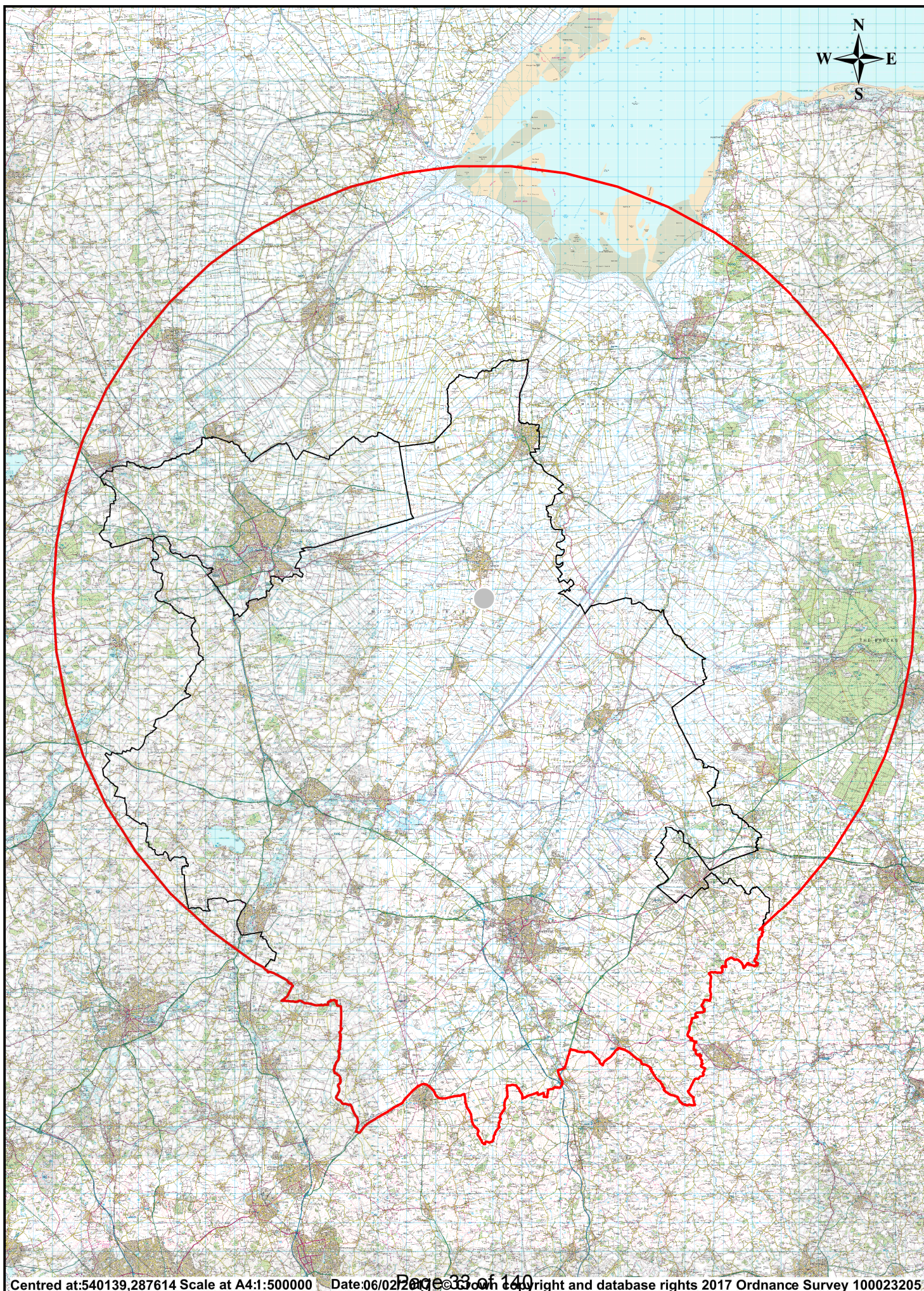
Although Fire Prevention Plans (FPP) are only a requirement for permitted sites, the applicant may find the FPP guidance helpful to raise awareness of the issues that should be considered. It can be found at: <https://www.gov.uk/government/publications/fire-prevention-plans-environmental-permits/fire-prevention-plans-environmental-permits>

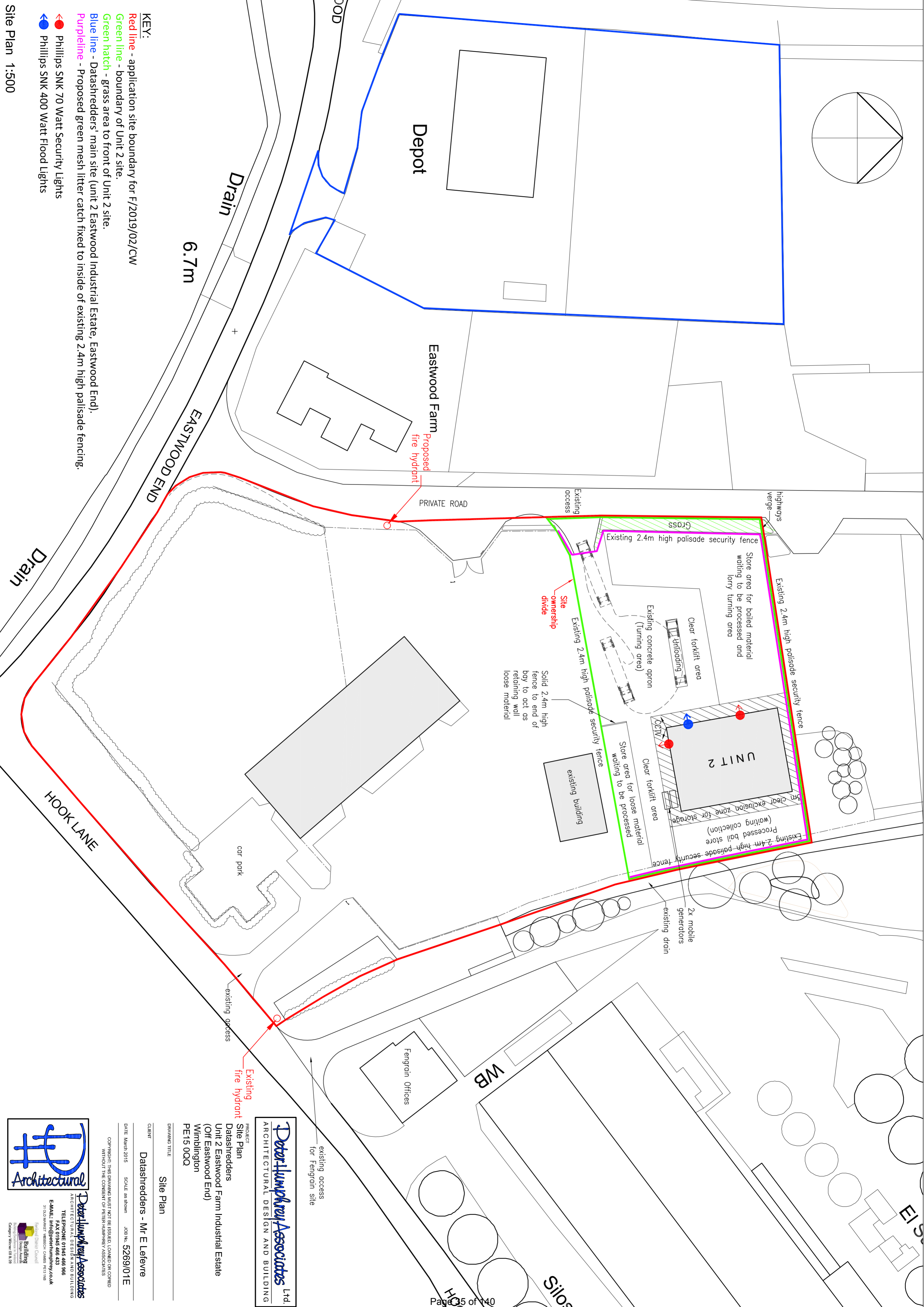
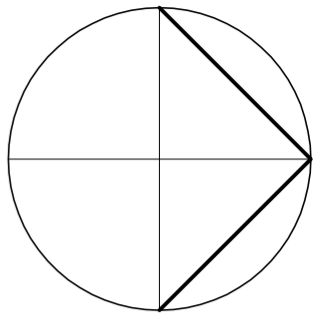
Cambridgeshire Fire and Rescue Service Informative

Following the installation of the fire hydrants required under condition 4 for both Units 1 and 2, the applicants should contact Cambridgeshire Fire and Rescue Service within 1 month to inspect the hydrants; plate; add to their database; ensure that the hydrants are ready for operational use; and meet their requirements.

Source Documents	Location
Casefile: F/2004/16/CW	Shire Hall, Cambridge

<p>Link to Cambridgeshire and Peterborough Minerals and Waste Core Strategy: http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/7</p> <p>Link to Fenland Local Plan http://www.fenland.gov.uk/CHttpHandler.ashx?id=10010&p=0</p>	
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- KEY:**
- Red line - application site boundary for F/2019/02/CW
 - Green line - boundary of Unit 2 site.
 - Green hatch - grass area to front of Unit 2 site.
 - Blue line - Datas shredders' main site (Unit 2 Eastwood Industrial Estate, Eastwood End).
 - Purple line - Proposed green mesh litter catch fixed to inside of existing 2.4m high palisade fencing.
 - Phillips SNK 70 Watt Security Lights
 - Phillips SNK 400 Watt Flood Lights

Site Plan 1:500

Deter Humphrey Associates Ltd.
 ARCHITECTURAL DESIGN AND BUILDING

PROJECT
 Site Plan
 Datas shredders
 Unit 2 Eastwood Farm Industrial Estate
 (Off Eastwood End)
 Wimbington
 PE15 0QQ

DRAWING TITLE
 Site Plan

CLIENT
 Datas shredders - Mr E Lefevre

DATE
 March 2015

SCALE
 as shown

JOB No.
 5269/01E

TELEPHONE 01945 466 966
 FAX 01945 466 433
 EMAIL: info@det Humphrey Associates.co.uk
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ARCHITECTURAL DESIGN AND BUILDING
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Agenda Item No. 5

Section 73A planning application to develop land in relation to Unit 1 (part of the original application site) without complying with condition 8 (which restricts storage to inside the building only) of planning permission F/2019/02/CW (Proposed Erection of Two Industrial Buildings for the Granulation and Bailing of Waste Plastics for Recycling).

AT: Recyplas, Unit 1, Eastwood End Industrial Estate, Eastwood End, Wimblington, PE15 0QN.

APPLICANT: Recyplas

LPA REF: F/2010/16/CW

To: Planning Committee

Date: 16 February 2017

From: Head of Growth & Economy

Electoral division(s): Forty Foot

Purpose: To consider the above planning application

Recommendation: It is recommended that planning permission be granted subject to the conditions set out in paragraph 12.1.

Officer contact:

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1.0 BACKGROUND

- 1.1 Units 1 and 2 at Eastwood End Industrial Estate were granted permission in 2002 for the erection of two buildings for the recycling of waste plastics (reference: F/2019/02/CW). The two units are currently operated separately by different owners, with Recyplas operating from Unit 1 and Datashredders operating from Unit 2. Neither Unit 1 nor Unit 2 has permission to store material outside of the buildings, restricted by condition 8, yet both operators have been storing material outside the buildings and are therefore both currently operating in breach of this condition. The relevant planning and enforcement history are detailed in sections 4.0 and 5.0 in this report. Following visits by officers to Unit 2 the applicant and agent were given detailed advice in April 2015, in which they were advised to make a Section 73A application to amend condition 8. As part of this advice the agent was encouraged to seek the agreement of both Unit 1 and Unit 2 operators to allow one application to be made.
- 1.2 The original site area (which will hereafter be referred to as 'original planning unit' in this report to avoid confusion with the application areas for Units 1 and 2) includes both Unit 1 and Unit 2 Eastwood End Industrial Estate, which is why the red line matches the original F/2019/02/CW permission area. However, the applicants and operators of Unit 1 and Unit 2 have both submitted separate applications, rather than submitting one joint application, specifying their own half of the application area as the site within their control. Following legal advice it has been concluded that the best way to deal with these applications is to consider the two applications separately with separate recommendations, to allow each to be considered on its own merits. However, should permission be granted for both applications, this would cumulate in the issue of one decision notice for the whole red line area with two sets of conditions, referring to each unit separately.

2.0 THE SITE AND SURROUNDINGS

- 2.1 The original planning unit, comprising Unit 1 and Unit 2 Eastwood End Industrial Estate, is approximately 1.3 hectares (ha) located 130 metres to the east of the A141 and around 2 kilometres (km) south of March. It is located to the north-east of the main village of Wimblington (on the other side of the A141), and is to the north of a cluster of houses known as Eastwood End.
- 2.2 To the east of the original planning unit is Fengrain grain storage and marketing facility. To the north and west are more industrial units and directly to the south is agricultural land with the houses of Eastwood End beyond. The closest dwellings are a single residence (Eastwood End Farm) 15 metres to the west across a private road and houses off Eastwood End (road) approximately 40 metres to the south.
- 2.3 Unit 1 (Recyplas) consists of a 1 ha site with two buildings, the larger of which is the main building, 867 square metres (sqm), and the other being a raw material store building which has been on site since before the 2002 permission was granted. There is also a formal car park for staff and visitors with access

from Hook Lane on the eastern side of the site. Commercial vehicles also enter from this entrance on the south-eastern boundary, deposit or pick up material to the north-east of the building and leave via the private road on the western side of the site without having to turn around. The main building is located in the middle of the Unit 1 site, with the entrance and car park on the south-eastern boundary. To the north-west of the main Unit 1 building is a piece of equipment known as a mobile cooler; this is not a fixed item of equipment, but is in place to help maintain the temperature of the granulating processes within the main building on the site. The south-western quarter of the site is grass, and is required to be left as such by condition owing to archaeological finds in this location. This section is divided from the main site by a 2.4 metre high metal palisade security fence, which also borders the rest of the compound. The grass section is otherwise defined to the south by hedgerow and trees along the boundary with Eastwood End (road).

- 2.4 Unit 2 (Datashredders) consists of a 0.31 ha site with a single building of 464 sqm. Access to the Unit 2 site is from a private road on the western boundary of the site. The site is bordered, and divided from Unit 1, by a 2.4 metre high metal palisade security fence. Unit 2 is arranged with the building to the eastern side of the site, leaving the western side of the site available for vehicles to enter the site, turn, and leave the site in forward gear, in accordance with the requirements of the conditions 21 and 23 of the original application (reference: F/2019/02/CW). Two mobile diesel generators are located to the south of the Unit 2 building to provide the necessary power to the operations on site. A new baling machine has also been brought onto the Unit 2 site recently (09/11/2016) and placed behind the Unit 2 building to the east of the site to provide additional baling capacity and to help reduce the amount of material being stored outside. Whilst this new baling machine is not fixed and can be moved from the site at any time, officers have raised concerns over the need for planning permission and the implications this may have on displacing outside storage on the site. Whilst the additional baling structure is not directly linked to either of the current planning applications submitted in relation to the original planning unit, the implications it could have will be considered within the Unit 2 Datashredders report.
- 2.5 The original planning unit is designated as an existing waste site within the Minerals & Waste Site Specific Proposals Development Plan Document (MWSSP) adopted in February 2012 and within the Waste Consultation Area (W8AC). This area of Wimblington also used to be allocated in the local plan for industrial use, although Site Specific Allocations were removed from the most recent Fenland Local Plan and the district council are not proposing a new Site Specific Proposals document. This area is now considered to be an industrial area, and as such it is no longer allocated for industrial use. The site is within Floodzone 1, with Floodzones 2 and 3 located 300 metres to the south-east at the closest point. There is also a drain to the east of the site, which falls within the March East Internal Drainage Board (IDB) area, but is not designated as an IDB drain, although the drain ultimately runs into the IDB drainage network.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 This application (F/2010/16/CW) is for non-compliance with condition 8 of planning permission F/2019/02/CW in relation to Unit 1, under Section 73A of the Town and Country Planning Act 1990 which deals with planning permission for development already carried out. The operators of Unit 1 and Unit 2 have both applied for permission not to comply with condition 8 and are now both at the point of being considered. Condition 8 of permission F/2019/02/CW reads as follows:

8. Environmental Protection

No processing or storage of waste including plastic materials whether in 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 2610/03 A.

Reason: To ensure that noisy activities are confined to the building, to avoid problems of windblown litter, to protect the character and appearance of the locality and to ensure that no stored material could pose an external fire risk to the buildings.

- 3.2 This application proposes to not comply with condition 8 in order to remove the restriction on storage of material outside of the buildings. Baled material is currently being stored outside the building in the areas shown on 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013, (received: 02/02/2017)'. The applicant has indicated that they would only store baled material at a maximum of 3 bales high. Each bale is 76 centimetres (cm) and would therefore be a maximum height of 2.28 metres. At Unit 1 the baled raw material would be stored 3 metres from the eastern boundary, with pallets stored alongside the northern boundary, which is the current situation on site. As part of the consideration of the application, a 2.4 metre litter catch fence is also now proposed on the inside of the existing 2.4 metre high palisade boundary fence to help ensure any windblown litter is caught before escaping through the existing fence.

4.0 PLANNING HISTORY

- 4.1 Planning permission F/2019/02/CW was granted in November 2002 and permitted the use of Units 1 and 2 for the granulation and bailing of waste plastics for recycling. This permission included no restrictions on the types or quantities of waste that could be accepted and processed at the site. Restrictions in terms of on-site waste material only comprised of a condition restricting the storage and processing of all raw and processed material to inside the building (condition 8). Previous to the extant planning permission, the site was in commercial office and industrial use, permitted by Fenland District Council.

- 4.2 Following planning permission F/2019/02/CW being granted in 2002 as one original planning unit, the two units were split into separate ownership and were operated separately.
- 4.3 In 2006 permission was granted for a variation of condition 7 of the original permission (F/2019/02/CW) to amend the operating hours in respect of Unit 1 only. No other amendments have been granted to the original waste planning permission.
- 4.4 The following are the relevant planning permissions for the original planning unit (which includes both Unit 1 and Unit 2), excluding the two applications currently being considered:

Application Ref	Description	Decision
F/2015/05/CW	Variation of condition 7 of planning application F/2019/02/CW to extend hours of use.	Granted 25 July 2006
F/2019/02/CW	Proposed erection of two industrial buildings for the granulation and bailing of waste plastics for recycling.	Granted 20 Nov 2002
F/97/1067/F	Erection of workshop, stores, offices and associated facilities; formation of parking areas, including the formation of a new vehicular access to Hook Lane and change of use of existing building to spray shop	Granted 18 May 1998
F/95/0536/F	Erection of workshop, stores, offices and associated facilities and the formation of parking areas, including the formation of a new vehicular access to Hook Lane	Granted 10 Nov 1995
F/94/0710/F	Erection of workshop, stores, offices and associated facilities and the formation of parking areas, including the formation of a new vehicular access to Hook Lane	Withdrawn 24 Aug 1995
F/93/0232/F	Erection of stores and workshop with offices and paint shop (for B1 uses) including installation of a sewage treatment plant	Granted 04 Oct 1993
F/1309/89/RM	Erection of stores and workshop with offices and paint shop (for B1 uses) including installation of a sewage treatment plant	Granted 21 Feb 1990
F/0778/88/O	Plots for industrial use with 2 new access points onto Bridge Lane, construction of private roadway and landscaped area (the existing bungalow to be used in conjunction with adjacent industrial plot)	Granted 21 July 1988

F/0960/87/O	Erection of an agrochemical store for distribution of agrochemicals and base for spraying contractor, yard for storage of fertiliser and erection of an office	Granted 06 Jan 1988
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5.0 ENFORCEMENT HISTORY

- 5.1 Outside storage, in breach of condition 8 of planning permission F/2019/02/CW can be evidenced from correspondence on our planning files at various points in time, and with different operators historically, across the original planning unit which incorporates both Unit 1 and Unit 2. An overview of the situation, including action taken, has been provided to elected members of the Planning Committee (formerly Development Control Committee) as part of the Enforcement Update Reports over recent years. However, for the purpose of considering this proposal the following paragraphs set out a summary of the enforcement action taken in relation to condition 8 across the whole original planning unit.
- 5.2 Historically, letters were sent to the occupants of Unit 1 (Plasgran) and Unit 2 (Maxton Trading) to raise concerns about outside storage and recommend pre-application advice be sought to address the situation to avoid a breach of condition notice being served on both parties. In July 2006, Plasgran sought pre-application advice for a new site that they had found that would allow them to expand and move away from Unit 1. Plasgran applied for planning permission to move some of their storage to their new site in 2006 (F/2007/06/CW) with permission sought to move all of their operations to the new site in 2008 (F/02005/08/CW). However, as Unit 1 remained in breach early in 2008, a Breach of Condition Notice was issued to Plasgran (Unit 1 operator) on 12 February 2008. Once Plasgran moved to their new site, Eco-Aegis Services took over operating Unit 1.
- 5.3 On the basis that Maxton Trading continued to struggle with outside storage in relation to Unit 2, a Breach of Condition Notice was issued to them as the appropriate operators on 16 February 2010. However, it was noted that Maxton Trading went into liquidation, as acknowledged by the Waste Planning Authority's letter dated 6 September 2010.
- 5.4 In June 2011, the new Unit 2 operators (Datashredders) were advised of the serving of the Breach of Condition Notice in 2010 and that outside storage should not take place. Whilst it was acknowledged that Breach of Condition Notices do not run with the land and must be served on each operator in control of the land, the principle of outside storage breaching planning permission requirements was clearly evident. In June 2012 Datashredders were given guidance on how to apply to formalise the outside storage by the Council's Development Control Officer. In February 2015 a Breach of Condition Notice was served to Datashredders requiring compliance with condition 8.

- 5.5 Correspondence was sent to Recyplas in relation to Unit 1 in April 2013, following a site visit by officers. The correspondence drew the operator's attention to condition 8 and the breach of condition by storing any raw waste material outside of the building.
- 5.6 In April 2015 pre-application advice was provided by officers to the current planning agent in relation to a request for pre-application advice following a site visit by officers to Unit 2. This letter indicated that the Waste Planning Authority (WPA) would be receptive to a planning application to regularise the permission at the site, highlighting the relevant planning policy and the key planning considerations. No recommendation on whether such an application would be supported was given at that time, although it was recommended that the operators consider submitting a joint application. Recyplas were also written to by officers in April 2015 to recommend they submit a joint application with Unit 2 to ensure that the guidance was joined up by the same planning agent.

6.0 PUBLICITY

- 6.1 As a proposal for a waste site this application represents major development and was therefore publicised as such in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015. This application (F/2010/16/CW) was advertised by two site notices at the site, a newspaper advert in the Fenland Citizen inserted 06/07/2016, consultation letters to statutory consultees and notification letters to the adjacent properties.

7.0 CONSULTATION RESPONSES

- 7.1 The following is a summary of responses received from consultees:
- 7.2 Fenland District Council: no objection "subject to a planning condition strictly controlling the area for outside storage, the maximum height of materials storage at 2.2m and the method by which the escape of materials via wind is controlled in the interests of visual and residential amenity and protection of biodiversity in and around the site."
- 7.3 Fenland District Council Environmental Health: Recommended approval, with a condition requiring a litter management plan. Considered the plan acceptable upon submission.
- 7.4 Wimblington Parish Council: have concerns about bales being stored in the open and are aware of complaints of litter from local residents and therefore feel that condition 8 should remain.
- 7.5 The parish council clarified that the comments were for general consideration and do not constitute a formal objection.

- 7.6 CCC Flood & Water: no comments to make as the conditions in question do not refer to surface water drainage proposals.
- 7.7 CCC Highways Development Management: considers the proposed outside storage will not adversely affect the entry exit arrangements previously approved for this site.
- 7.8 Environment Agency: no objection to the proposal. However, has included an informative regarding the storage of plastic and the relevant exemptions from an Environmental Permit that the applicant has registered. They have also recommended that the guidance on Fire Prevention Plans (FPP) be shared with the applicant.
- 7.9 Cambridgeshire Fire & Rescue Service: recommends a condition to secure adequate provision for fire hydrants.

8.0 REPRESENTATIONS

- 8.1 Comments were received from 5 individuals and one local business. The objections are summarised as follows:
- material is already being stored at a level higher than the fence allowing waste to blow off the site into surrounding land;
 - waste material is found in surrounding gardens and road verges;
 - does not consider that storing material outside will result in a lower fire risk;
 - concern that outside storage is a fire risk for the whole community, including risk to nearby thatched roof properties;
 - consider that the existing 23 safeguarding conditions should remain in place;
 - state that when material is stored outside heavy vehicles cannot have enough space to turn in a circle thereby entering and leaving in forward gear;
 - concern over the appearance of the industrial estate; and
 - disputes applicant claim that there is no evidence of complaints of wind-blown litter.
- 8.2 The proposal has also had one letter of support from a neighbouring business that used to operate at the site:
- States that the condition restricting outside storage has been impossible to adhere to in the past and supports formally addressing the change to the condition.
- 8.3 Comments were also received that do not relate to the material planning considerations of this application, but are summarised below for completeness:

- operator has consistently not complied with other conditions from the original application including operating hours and reversing alarms;
- confusion as to the exact nature of the proposal;
- concern about additional noise coming from the site;
- transport entering and leaving the site do so from public byway No 12 and not the Eastwood Industrial road;
- heavy good vehicles are regularly parked both on Hook Lane, a public byway and Eastwood End a public road;
- more than 2-3 lorry movements a week for this site as stated;
- concern that the surrounding roads cannot cope with traffic from the industrial estate with impact on safety of A141.

9.0 PLANNING POLICY AND GUIDANCE

9.1 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 9.7 to 9.9 below.

National Planning Policy Framework (March 2012) (NPPF)

9.2 The NPPF has at its core, a presumption in favour of sustainable development, including the idea that development that accords with the local development plan should be approved “unless other material considerations indicate otherwise” (para 12).

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

9.3 A key component of the NPPW is the principle of moving waste “up the ‘waste hierarchy’ of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort” (paragraph 008).

9.4 Paragraph 007 of the NPPW states that when determining planning applications waste planning authorities should “concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”.

Waste Management Plan for England (December 2013) (WMPE)

9.5 The WMPE also highlights the priority for minimising the use of resources and moving waste up the waste hierarchy (page 11), and emphasises that the Environment Agency is the main regulator of waste management in England (page 15).

Planning Practice Guidance (PPG)

9.6 The following sections of the PPG are relevant to this application:

- Discharging and modifying conditions once planning permission is granted (paragraphs 30 – 31, reference 21a-030 to 21a-031);

- Amending the conditions attached to a permission including seeking minor material amendments (application under Section 73 TCPA 1990), (paragraph 13, reference 17a-013); and
- Retrospective planning applications (paragraphs 1 – 14, reference 17b-001 to 17b013).

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

9.7 The following policies are of relevance:

CS29 The Need for Waste Management Development and the Movement of Waste
 CS30 Waste Consultation Areas
 CS32 Traffic and Highways
 CS33 Protection of Landscape Character
 CS34 Protecting Surrounding Uses
 CS39 Water Resources and Water Pollution Prevention

Cambridgeshire and Peterborough Minerals and Waste Development Plan Site Specific Proposals Development Plan Document (adopted February 2012) (MWSSP)

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

Existing Site designation
 W8AC – Hook Lane, Wimblington - Waste Consultation Area

Fenland Local Plan (adopted May 2014) (LP)

9.9 The following policies of the Fenland Local Plan are of relevance:

LP1 A Presumption in Favour of Sustainable Development
 LP2 Facilitating Health and Wellbeing of Fenland Residents
 LP14 Responding to Climate Change and Managing the Risk of Flooding in Fenland
 LP16 Delivering and Protecting High Quality Environments Across the District
 LP18 The Historic Environment

10.0 PLANNING CONSIDERATIONS

Principle of Section 73A application

10.1 This application (F/2010/16/CW) takes the form of a Section 73A application, to grant permission for development that has already been carried out without complying with a condition of the original permission. In this case therefore, to grant permission where the development has already been carried out without complying with condition 8, which restricts the processing and storage of material to inside the buildings. In practice therefore, this application is to permit storage of material outside of the building. The original planning unit, which includes both Unit 1 and Unit 2 Eastwood End Industrial Estate, remains the same as the original permission F/2019/02/CW. However, this report will only

consider and make a recommendation for the proposal on the Unit 1 (Recyclas) element of the original planning unit.

- 10.2 The submission of the applications by the two operators has allowed the Waste Planning Authority to consider the storage of material outside the building on planning merits, and to secure additional measures and conditions to minimise and mitigate any potential impact of storing material outside the buildings.
- 10.3 It should be noted that seeking to regularise the outside storage at the site by the submission of this application, gives the Waste Planning Authority (WPA) the ability to assess the proposal on its own planning merits, rather than in the context of the breach of an existing condition. The submission of this application will therefore allow the WPA to secure additional measures and conditions to minimise and mitigate any potential impact of the outside storage at the site going forward.

Justification

- 10.4 The applicant has stated that storage is required outside of the building because of the lack of space within the buildings. They have also stated that storage of material in the same building as the processing operation is a cause of concern for risk of fire, and that storage of material away from the processing operation reduces the risk of material catching fire (see paragraphs 10.14 – 10.16 for discussion of fire risk).
- 10.5 The previous permission granted by the Waste Planning Authority establishes the principle of the recycling use at this site, along with the established Waste Consultation Area, W8AC, the purpose of which is to protect these areas from development which would prejudice existing or future waste management uses. Waste Consultation Areas are established in policy CS30 “Waste Consultation Areas” of the MWCS. The principle of moving waste up the hierarchy is supported by policy CS29 “The Need for Waste Management Development and the Movement of Waste.” Movement of waste up the waste hierarchy, in this case recycling, is also supported by national policy, in paragraph 008 of the NPPW. The site and operations in this location are therefore supported in principle, subject to the consideration of other planning policies and material planning considerations.

Litter and Visual Impact

- 10.6 The applicant has provided a site plan which indicates the areas for outside storage of material and has confirmed that this reflects the current situation on site i.e. areas for outside storage, and outside storage being conducted unlawfully. Therefore, the proposal does not propose further development than the current situation at the site, aside from any additional mitigation measures that will be secured by condition (i.e. installation of an additional fire hydrant, and proposed litter catch fence - see paragraph 12.1, conditions 4, and 17).
- 10.7 In terms of the visual impact of storing material outside of the building, the applicant has confirmed that they intend to only store material outside in bales, up to a maximum of 3 bales high. Each bale is 76 cm and therefore 3 bales high would be 2.28 metres high. Fenland District Council has indicated that 2.2

metres high would be an acceptable level at Unit 1, and 3 bales high at Unit 2. It is considered appropriate to adjust this to 2.3 metres or a maximum of 3 bales high, whichever is lower (see paragraph 12.1, condition 24).

- 10.8 It is not considered that the bales themselves would represent a significant visual impact from the site and on the surroundings, because the boundary of Unit 1 with Eastwood End (road) is well planted with vegetation and trees which creates a visual barrier when travelling past the site. The bales would be located against the 2.4 metre palisade fence on the eastern boundary, and are therefore not adjacent to the road. The Unit 1 building also acts as a visual barrier between the eastern storage area and the public highway. It is also confirmed by the agent that the bales are wrapped in black plastic. Storing the material in wrapped bales will be secured by condition, to reduce wind-blown litter and maintain a tidy appearance.
- 10.9 In terms of visual impact on the existing local area and landscape, it is considered that the proposed non-compliance with condition 8 would not be harmful to the local landscape character and therefore the proposal is in accordance with CS33 “Protection of Landscape Character” (MWCS) as the applicant has demonstrated that the proposed storage can assimilate into the surroundings. In addition it is considered that the requirements of CS34 “Protecting Surrounding Uses” have been met in that there has been no significant visual intrusion as a result of the outside storage, when considering the bales of material on site only, and therefore the proposed non-compliance with condition 8 in this regard.
- 10.10 Concerns have been raised by neighbours and through individual representations that litter is already a cause for concern around Eastwood End, and that permitting the storage of material outside the buildings will only exacerbate the problem.
- 10.11 The existing palisade fencing is 2.4 metres, and would therefore only be 10 to 12 cm higher than the stacked bales. Therefore, the height of the bales when compared to the fence could be cause for concern when taking into account the possibility of wind-blown litter that could come loose from bales. The Environmental Health Officer has requested that a Litter Management Plan be secured by condition (see paragraph 12.1, condition 25) in order to formalise the requirement to collect any litter which may have been blown off site.
- 10.12 To reduce the need for litter picking, it is also considered necessary to implement a condition to secure the installation of a litter catch fence of 2.4 metres in height around the existing 2.4 metre palisade fencing (as shown on Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017)), in order to protect further from the possibility of wind-blown litter leaving the site (see paragraph 12.1, condition 17).
- 10.13 With the addition of the above mitigation measures secured by condition, it is considered that the proposal is in accordance with CS34 “Protecting Surrounding Uses” (MWCS), and LP2 “Facilitating Health and Wellbeing of Fenland Residents” and LP16 “Delivering and Protecting High Quality

Environments across the District” (FLP) in that mitigation measures will be secured to reduce the impact and ensure that there would be no significant harm to the environment, neighbouring land uses or residential amenity.

Fire Risk

- 10.14 The applicants engaged in pre-application discussions with Cambridgeshire Fire & Rescue Service, and included their comments in their application submission, which indicated that it was considered that storage of this type of material posed a lower risk to firefighting operations than material stored inside the buildings. Formal consultation took place with Cambridgeshire Fire & Rescue during the consultation phase, with no objections or comments except a recommendation to secure provision for fire hydrants by way of a planning condition. The applicant has provided the details of the location of the proposed hydrants, the provision of which will be secured by condition (see paragraph 12.1, condition 4).
- 10.15 Neighbours have raised concerns that material being stored outside the building is of a greater fire risk than if the material was being stored inside the building. However, it has been stated that the greatest risk of material catching fire comes from close proximity to the recycling machinery within the building. Unit 1 has a 20 metre buffer zone between the building and the area for outside storage by virtue of the material being stored against the northern boundary. The applicants have also submitted their company’s fire policy to explain their internal procedures.
- 10.16 Given the lack of objection from the Environment Agency as the appropriate regulatory body in such an incident, and the Cambridgeshire Fire & Rescue Service who would need to deal with a fire if one occurred on site, it can be concluded that fire risk is no greater when the material is stored outside rather than inside the building. The EA has included an Informative regarding Fire Prevention Plans (FPP) in their consultation response, which even though the Agent has followed this advice and has prepared a FPP voluntarily to cover this site, will be included should permission be granted to act as a reminder (see paragraph 12.2). The reduction in risk of fire, particularly with the requirement for an additional fire hydrant under condition 4, also ensures that the proposal is in accordance with CS34 “Protecting Surrounding Uses” in that it will help to reduce the potential for significant impacts to the environment by reducing the environmental impact of a fire at the site.

Archaeology

- 10.17 As part of the original application, archaeological remains were found on the southern part of the site, within the Unit 1 boundary, and conditions implemented to keep this area free of storage and buildings. This condition remains relevant and will continue to be implemented (see paragraph 12.1, condition 6).

Parking and Turning on Site

- 10.18 As part of this proposal, the applicant has provided diagrams to show the location of the waste storage on site, and therefore demonstrated that vehicles can enter the site to the east and exit from the access to the west. This is the

same provision for movements on site that was set out in plans provided as part of the original application. The condition to keep this area free and available for safe vehicle movements on site remains necessary and will be replicated as a condition of this application if permission is granted (see paragraph 12.1, conditions 21 and 22).

- 10.19 It is therefore considered that the requirements of policy CS32 “Traffic and Highways” (MWCS) continue to be met in that the access and highway network serving the site continue to be suitable and the outside storage proposed will not jeopardise this. Although changes are not being sought to the amount of traffic or waste being brought to Unit 1 as part of this application, it has been acknowledged the extant permission offers no control on the volume controlled at the site. As such, as an additional measure and to address some of the concerns raised by local residents planning conditions related to the amount and types of waste are proposed to be added (see paragraph 12.1, conditions 26 and 27). In line with policy CS29 we are also proposing to add a waste catchment restriction (see paragraph 12.1, condition 28) which will help to monitor the area from which the waste is travelling into the site, whilst also noting the national market that it serves and the local employment that it provides.

Drainage

- 10.20 The amount of hardstanding at the site is not proposed to increase as part of this application. Therefore, there will be no greater surface water run-off into the adjacent drain to the east of the site, and the wider Internal Drainage Board (IDB) drainage network, than when the development was first permitted at the site in 2002 (reference: F/2019/02/CW.) A drainage scheme was agreed and approved as part of that application in 2002, which allowed run-off into the adjacent drain and not into soakaways.
- 10.21 The applicant is seeking permission to store raw plastic material in bales wrapped in black plastic outside of the building. Neither the Environment Agency nor Lead Local Flood Authority (CCC Flood & Water Team) has expressed concerns regarding surface water run-off or any potential contamination of the water as a result of the outside storage.
- 10.22 The EA has pointed out that the site operates under registered exemptions from an environmental permit, and this may require reviewing. An advice informative to contact the EA to ensure they are complying with the correct exemptions will be added to the decision notice, should planning permission be granted. As the regulatory authority for pollution, the EA is responsible for controlling the processes involved with pollution control (paragraph 007, NPPW) and therefore any concern about pollution from surface water or as the result of fire will be controlled by the EA.
- 10.23 It is therefore considered that the continued use of the existing drainage system is acceptable at the site, and that outside storage does not pose a concern in terms of quantity or quality of surface water run-off.

Other conditions where details have been approved or updated to take account of concerns raised either by statutory consultees or local residents

- 10.24 Section 73A applications require that all relevant conditions are reimposed as part of the issue of a new decision notice. As this application includes retrospective development, should permission be granted the Decision Notice would set out the implementation of the proposed conditions with immediate effect.
- 10.25 The original permission (F/2019/02/CW) has been implemented and therefore condition 1 has been updated to reflect the immediate implementation of the permission should it be granted, and to ensure clarity as to the permission that the applicants are working under. Other conditions have been updated to reflect standardised wording for permissions issued by the Waste Planning Authority and to clarify where details have been submitted to approve details reserved by that condition.
- 10.26 Condition 4 has been updated to reflect the latest recommended condition from Cambridgeshire Fire and Rescue for the installation of an additional fire hydrant. This also addresses the concerns raised by local residents about greater fire risk as a result of outside storage.
- 10.27 Condition 7 has also been updated to reflect the S73 granted for the hours of operation in relation to Unit 1 under planning permission F/2015/05/CW.
- 10.28 To address the concerns regarding windblown litter affecting the site and surroundings the requirement for a litter catch fence (condition 17) litter management plan (condition 25) and height and baling of material (condition 24) have been secured by condition. Furthermore, to control the type and amount of waste being processed and stored on site at any one time, conditions 26 (permitted waste streams) and 27 (Annual Throughput) have also been added following discussions with the Environment Agency, and the area from which waste will be sourced will be monitored through condition 28 (Waste Catchment Restriction for Unit 1). In this way, we have recommended the imposition of planning conditions to impose mitigation measures to positively address the concerns raised by local residents, which will therefore better manage and control the situation at the site to help limit the impact on the surroundings from windblown litter, in addition to addressing the concerns regarding other material considerations such as fire risk.

11.0 CONCLUSION

- 11.1 In conclusion, it is considered that with the addition of appropriate conditions as outlined above in paragraphs 10.24 to 10.28, the proposal to store material outside of the Unit 1 building is acceptable.
- 11.2 Given the nature of the original permission and extent of the original planning unit, should permission be granted for both Unit 1 and Unit 2 applications, it will be necessary to produce one merged decision notice, with both application numbers, and two sets of conditions to refer to each unit separately in order to

clarify the requirements for each Unit, including the additional mitigation conditions to control the outside storage proposed. Should permission be granted for one Unit and not the other, the original F/2019/02/CW conditions would remain in place for the Unit where permission was refused. This would mean condition 8 would remain in place to not permit outside storage at that unit, and the Waste Planning Authority would not be able to secure the additional mitigation measures recommended by officers included within this report.

- 11.3 In the future, if new development is proposed at Unit 1 or Unit 2 the Council reserves its position to request a new full application, which would allow the site to be formally split for planning purposes.

12.0 RECOMMENDATION

- 12.1 It is recommended that planning permission be granted, subject to the following conditions:

Unit 1

1. Implementation

This permission comes into effect on the date of this consent, upon which planning permissions F/2019/02/CW and F/2015/05/CW shall cease to have effect.

Reason: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004, to set out the implementation of the consent in a given timescale taking account of the retrospective elements approved.

2. Site Area and conditions related to Unit 1

This set of conditions for Unit 1 shall only relate to the land edged green on 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013, (received: 02/02/2017)'.

Reason: To define the site and to define the conditions of this permission to the Unit 1 site.

3. Approved Plans

The development hereby permitted shall be carried out in accordance with the application form dated 14/06/2016 and the following information and plans (received 15/06/2016, unless otherwise stated):

- Supporting Statement by Peter Humphrey Associates Ltd;
- RECYplas Fire Policy (received: 19/08/2016);
- Fire Prevention Plan by Peter Humphrey Associates Ltd (received 23/01/2017);

- Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017);
- Existing Layouts, drwg no. 4482/EX01, dated November 2009 (received 02/12/2009) [relating to approved landscaping scheme].

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

4. Fire Safety

Within three months of the date of this decision notice the fire hydrants shown on 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017)' shall be installed and maintained on site thereafter to the satisfaction of the Cambridgeshire Fire & Rescue Service.

Reason: To ensure that adequate fire safety mitigation measures are in place to reduce the fire risk from the approved uses and reduce the impact on the environment in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

5. Construction Materials

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order then in force, the building labelled Unit 1 on 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017)' shall remain on site constructed in metal cladding Goosewing Grey BS10AOS, and trims and guttering in Mint Green BS14C37, unless prior written agreement of the Waste Planning Authority has been provided.

Reason: To ensure that the development does not adversely affect the character and appearance of the locality in accordance with policy CS33 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

6. Archaeology

The area shown as 'Grass' on 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017)' shall remain free from development. It shall also not be disturbed by any heavy machinery or vehicles, development or storage.

Reason: To ensure that the development avoids an area of the site known to contain archaeological remains in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP18 of Fenland Local Plan (May 2014).

7. Hours of Operation for Unit 1

No operations of machinery, including the vehicular delivery and removal of material, shall take place outside the hours of 0730 to 1800 Mondays to

Fridays, and 0730 to 1300 on Saturdays. No operations, including the delivery and removal of materials, shall be undertaken on Sundays or Bank and Public Holidays.

Between the hours of 0600 and 0730 and 1800 and 2200 Mondays to Fridays and between 0600 and 0730 on Saturdays, only manual sorting and manual baling of waste plastic material within the confines of building labelled Unit 1 on 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017)', and the arrival and departure of personal staff vehicles shall be permitted.

Reason: To protect the amenity of surrounding and local residents in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

8. Environmental Protection

No processing of waste shall be permitted outside of the building labelled Unit 1 on 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017)'.

Reason: To ensure that noisy activities are confined to the building, to reduce problems of wind blown litter; and to protect the character and appearance of the locality in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

9. Noise Insulation

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order then in force, the building labelled Unit 1 on 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017)' shall remain on site constructed with 180mm composite insulation board for noise mitigation purposes as approved by the Waste Planning Authority by letter dated 10 November 2003.

Reason: To protect the amenity of the occupiers of nearby properties and avoiding any change to the noise insulation of Unit 1 in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

10. Silencers

All plant and machinery shall operate only in the permitted hours for Unit 1 as set out in condition 7, and shall be silenced at all times and such systems maintained in accordance with the manufacturers' recommendations.

Reason: To minimise disturbance to neighbours and the surrounding area in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

11. Reversing Vehicles

All plant at the site shall be fitted with smart or broadband reversing alarms to the satisfaction of the Waste Planning Authority.

Reason: To minimise the adverse effects of noise from the site on the occupiers of nearby properties in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

12. Dust

Dust shall be suppressed at the Unit 1 site in accordance with the details approved by the Waste Planning Authority by letter dated 10 November 2003, including the installation of the water bowser. The suppression equipment shall be maintained in accordance with the manufacturer's instructions and available for use at all times.

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

13. Lighting

No lighting shall be installed at the site except in accordance with 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017)'.

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

14. Drainage and Pollution Control

Surface water at the site shall be discharged into the adjoining riparian drain and into March East Internal Drainage Board, and not soakaways in accordance with the approval from the Waste Planning Authority dated 30 July 2009.

Reason: To ensure the satisfactory drainage of the site, to protect the groundwater and minimise the risk to flooding in accordance with policy CS39 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP14 of Fenland Local Plan (May 2014).

15. Building Ventilation

The building labelled Unit 1 on 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017)' shall be ventilated via the main doors as approved by the Waste Planning Authority by letter dated 10 November 2003.

Reason: To control emissions from the development in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

16. Incineration

No burning of waste shall be undertaken on the Site.

Reason: To safeguard the residential amenity of the area and to avoid a potential fire risk in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

17. Boundary Treatment

a) Within three months of the date of this decision notice a 2.4 metre high litter-catch fence shall be installed in accordance with 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017)' around the boundary of the site. The litter-catch fence shall be maintained on site thereafter to the satisfaction of the Waste Planning Authority.

b) The 2.4 metre palisade fence as shown on 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017)' which borders the site and separates it from Unit 2 shall be retained on site for the duration of the development and maintained to the satisfaction of the Waste Planning Authority.

Reason: In the interests of visual amenity and reduction of wind-blown litter in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014) and to help define the boundary between Units 1 and 2.

18. Landscaping

The landscaping shown on 'Existing Layouts, drwg no. 4482/EX01, dated November 2009 (received 02/12/2009)' approved by letter dated 3 December 2009 shall be maintained on site for the duration of the development.

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

19. Landscaping Implementation

The approved landscaping scheme has been implemented on site for over 5 years and therefore this condition is no longer required.

20. Importation of Waste

The approved landscaping bunds have been implemented on site for over 5 years and therefore this condition is no longer required.

21. Onsite Loading-Unloading

The permanent space to be reserved on the Site to be able to:

- enter and leave in forward gear
- park clear of the public highway
- load and unload clear of the public highway

as shown on 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017)' shall be used for no other purpose.

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

22. Onsite Parking Unit 1

The permanent space to be reserved on the Site for:

- turning
- parking
- loading and unloading

as shown on 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017)' shall be retained on site and thereafter used for no other purpose.

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

23. Onsite Parking Unit 2

This condition relates to land on the Unit 2 part of the site and is therefore not relevant to Unit 1.

24. Storage of Material outside Unit 1

- a) The area shown as 'Raw material (Bail form)' on 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017), is the only area outside of Unit 1 that raw material can be stored and the material shall only be in bale form.
- b) The permitted raw plastic waste material shall be baled in a plastic cover at a maximum height of 76 cm per bale. Bales shall only be stored up to a maximum height of 2.3 metres or 3 bales high, whichever is the lower.
- c) Wooden pallets shall only be stored in the area referred to as 'Pallet Store' on 'Proposed [Site Plan and Location Plan], drwg no. 4963/01E, dated May 2013 (received: 02/02/2017)' up to a height of 2.3 metres.

Reason: In the interests of visual amenity and to restrict the location of outside storage for fire mitigation and safety reasons in accordance with

policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014).

25. Litter Management Policy

The 'Litter Management Policy by RECYplas Limited dated 19.01.17 (received: 23/01/2017)' shall be adhered to in full and maintained for the duration of the development hereby permitted. Records related to this policy shall be provided to the Waste Planning Authority within 10 days of a written request.

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

Permitted waste streams for Unit 1

26. Nothing other than waste plastics shall be brought on to the site or treated within Unit 1.

Reason: To enable the Waste Planning Authority to retain control over the waste streams being processed in Unit 1 in line with the tonnages in condition 27 and in accordance with policy CS29; and 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 policies LP14 and LP16 of the Fenland Local Plan (May 2014).

27. Annual Throughput and waste storage limit for Unit 1

The waste throughput for the permitted waste plastic stream for Unit 1 identified in condition 26 shall not exceed the limits as follows:

- 5,200 tonnes per calendar year (or 100 tonnes per week) for heat treatment of relevant plastic wastes;
- 15,600 tonnes per calendar year (or 300 tonnes over any 7-day period) for cleaning, washing, spraying, or coating treatment of relevant plastic wastes;
- 3,000 tonnes indoors over any 7-day period for baling, sorting, or shredding of relevant plastic wastes.

The waste storage limit for the Unit 1 site shall not exceed 500 tonnes over a 12-month period. Records showing waste plastic throughput and storage limits for any specified period shall be kept on site and provided to the Waste Planning Authority within 10 days of a written request.

Reason: To enable the Waste Planning Authority to retain control over the future development of Unit 1 in accordance with policy CS29; to ensure that the vehicle movements that have been considered for Unit 1 are controlled to protect highway safety in accordance with policy CS32; and to protect residential amenity by controlling the amount of waste at the site in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

28. Waste Catchment Restriction for Unit 1

Unless otherwise agreed in writing by the Waste Planning Authority, the owner/operator of the development permitted by this planning permission will endeavour to procure not less than 30% of the waste imported to the site from a catchment area which shall comprise a radius of 45 km from the site or within the administrative areas of Cambridgeshire and Peterborough as shown on "Plan CCC1 – Waste Catchment Area of Unit 1". For the purpose of clarity waste being collected from any waste transfer station within the defined catchment area shown on "Plan CCC1 – Waste Catchment Area of Unit 1" shall be regarded as arising from within the catchment area.

Reason: To ensure that the facility is managing a large percentage of local waste arisings, in accordance with Policy CS29 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and that the situation is kept under review to help meet the monitoring requirement of the Plan.

- 12.2 It is recommended that the following informatives be included in the decision notice:

Environment Agency Informative

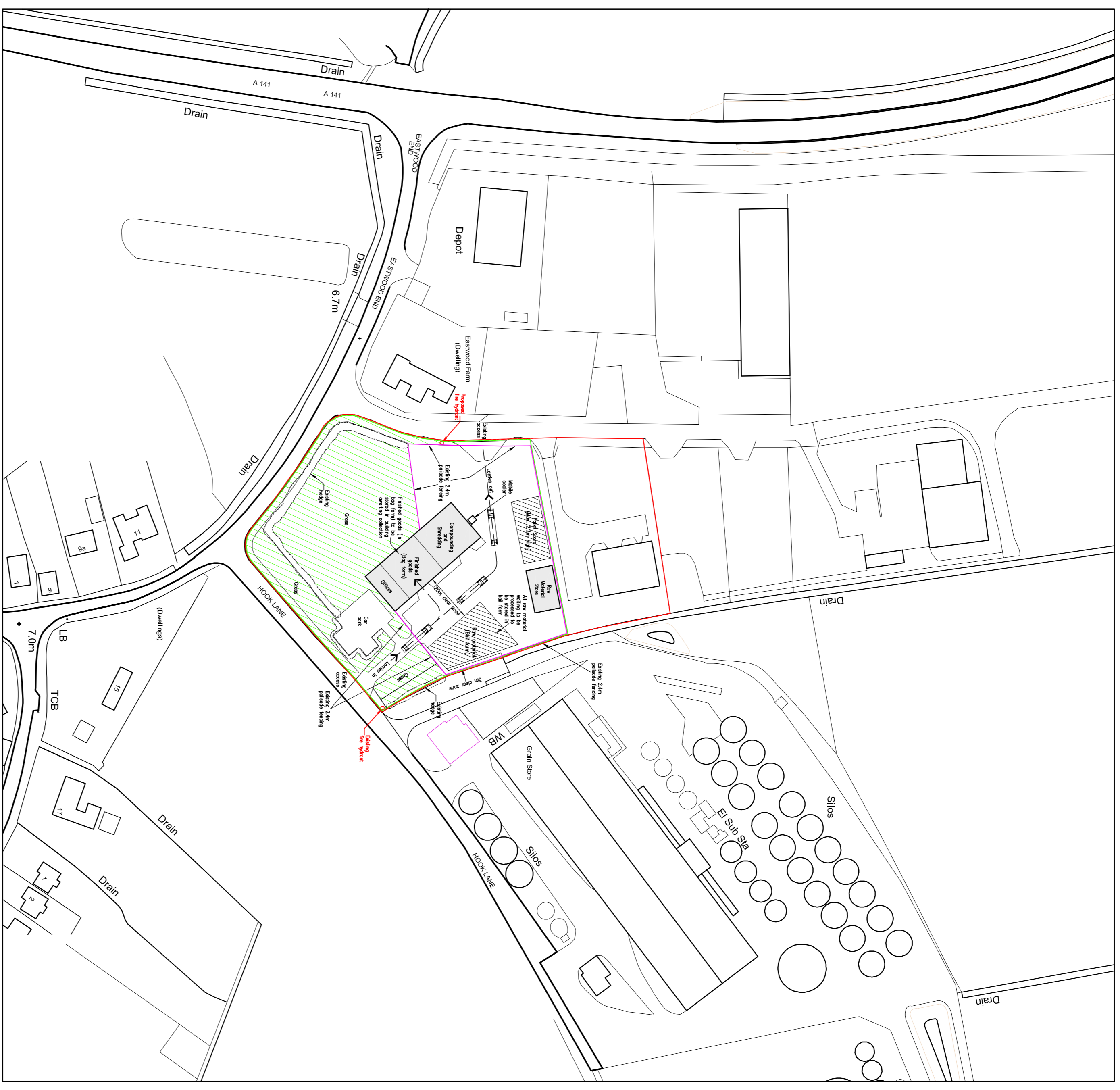
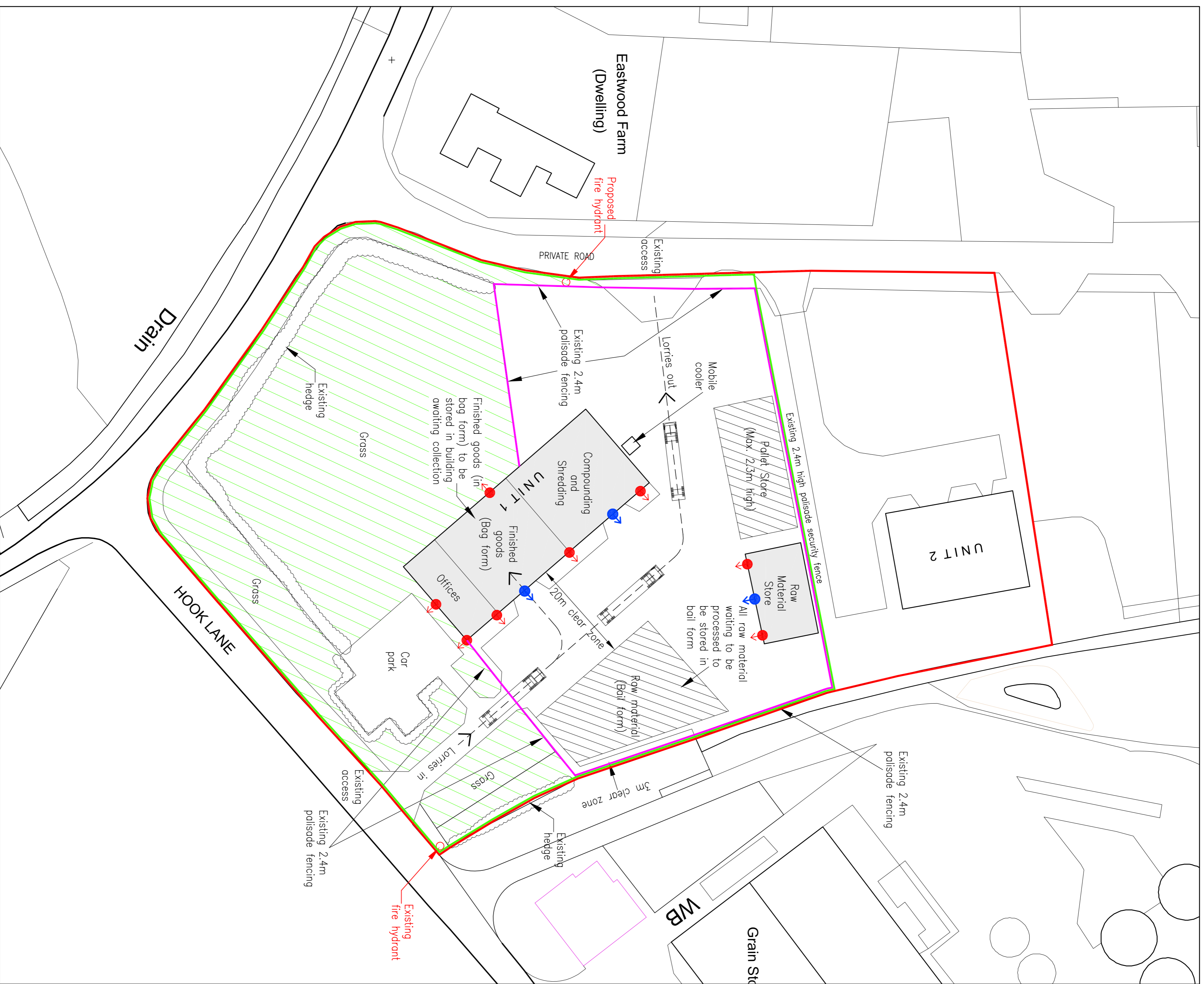
Although Fire Prevention Plans (FPP) are only a requirement for permitted sites, the applicant may find the FPP guidance helpful to raise awareness of the issues that should be considered. It can be found at: <https://www.gov.uk/government/publications/fire-prevention-plans-environmental-permits/fire-prevention-plans-environmental-permits>

The applicant is advised to contact the Environment Agency to review the registered exemptions for this site and ensure that the site is operating in accordance with the correct registered exemptions.

Cambridgeshire Fire and Rescue Service Informative

Following the installation of the fire hydrants required under condition 4 for both Units 1 and 2, the applicants should contact Cambridgeshire Fire and Rescue Service within 1 month of installation to inspect the hydrants; plate; add to their database; ensure that the hydrants are ready for operational use; and meet their requirements.

Source Documents	Location
Casefile: F/2010/16/CW Link to Cambridgeshire and Peterborough Minerals and Waste Core Strategy: http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/7 Link to Fenland Local Plan http://www.fenland.gov.uk/CHttpHandler.ashx?id=10010&p=0	Shire Hall, Cambridge



- KEY:**
- Red line - application site boundary for F/2019/02/CW
 - Green line - boundary of Unit 1 site.
 - Green hatch - existing grass areas to Unit 1 site.
 - Purple line - Proposed green mesh litter catch fixed to inside of existing 2.4m high palisade fencing.
 - Phillips SNK 70 Watt Security Lights
 - Phillips SNK 400 Watt Flood Lights

SITE OPERATIONS:

1. All processing will take place within Unit 1 (As approved under original permission).
2. Raw material (awaiting processing) to be stored outside, stacked no higher than existing fence line (3 balls high). Balls to be kept 20m from building and 3m from boundary.
3. Adequate turning/access route for lorries to be maintained to ensure all vehicles can leave the site in forward gear - as shown.

Proposed

Client: Jeevaka Fernando - Recyclas Limited

DATE: May 2013 **SCALE:** As Shown **JOB No.:** 4963/01E

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Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING
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30 DUCKWORTH STREET, CAMBS CB2 1TB

Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT: PROPOSED ON SITE IMPROVEMENTS AND ALTERATIONS TO WORKING HOURS
SITE: RECYPLAS LIMITED
UNIT 1
HOOK LANE
WIMBLINGTON
PE15 0QQ

DRAWING: PROPOSED





Agenda Item No. 6

New pedestrian and cycle bridge across the River Cam, including access ramps, lighting, steps, paths to the public highway, landscaping, replacement of the jetty, and flood compensation areas.

AT: Land between Ditton Walk and Fen Road across Ditton Meadows and the River Cam, Cambridge.

APPLICANT: Cambridgeshire County Council

LPA REF: C/5005/16/CC

To: Planning Committee

Date: 16 February 2017

From: Head of Growth & Economy

Electoral division(s): Abbey, East Chesterton

Purpose: To consider the above planning application

Recommendation: It is recommended that planning permission be granted subject to the conditions set out in paragraph 11.2.

<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 Cambridgeshire County Council has applied for planning permission to build a new pedestrian and cycle bridge (“the Bridge”) between the wards of Abbey and Chesterton over the River Cam to better link these two areas of Cambridge and in anticipation of the construction of the new Cambridge North Railway Station. There is a separate County Council application for the Chisholm Trail (“the Trail”), a pedestrian / cycle way linking the north and south of the city which will run broadly alongside the railway line between the existing railway station and the new Cambridge North Railway Station. The Trail is split between two Phases, with the Phase 1 northern section having been submitted and currently pending determination (ref: C/5007/16/CC), with Phase 2 not yet submitted. If the Trail is constructed the Bridge will form part of the northern section of the Trail. However, the Bridge project can go ahead, subject to planning permission being granted, irrespective of whether or not the Trail is granted planning permission, and is therefore not dependent on construction of the Trail.
- 1.2 This report will only consider application C/5005/16/CC, which is the proposal for the construction of the Bridge and associated development (see section 3.0, for a full description of the proposed development). As a City Deal Project, Phase 1 of the Trail (C/5007/16/CC) falls under the terms of reference for Joint Development Control Committee (JDCC), and will therefore be considered by JDCC at a later date.

2.0 THE SITE AND SURROUNDINGS

- 2.1 The application site area is a 2.01 hectare (ha) parcel of land to the north east of Cambridge City Centre. On the northern side of the river, it consists of the northern bank towpath, which passes underneath the railway bridge (Cambridge to Ely line); the link from the towpath to Fen Road to the west of the railway bridge, which passes between two houses; and a parcel of private land to the east of the railway bridge between the towpath and Fen Road, currently the location of World War II pillbox (not listed) and the grounds of a vacant house, which is subject to a planning application for 14 new flats (ref: 16/0617/FUL). The houses of Fen Road back onto the towpath to the west of the railway bridge, and are therefore directly adjacent to the application site, with the link between the towpath and Fen Road running between two of these houses. In addition, the new Cambridge North railway station is currently under construction approximately 300 metres to the north of the Bridge (planning permission ref: S/1236/15/FL and 15/0994/FUL).
- 2.2 The application site also includes the area for the proposed Bridge across the River Cam, (a County Wildlife Site), located 12 metres to the east of the existing railway bridge, and the existing jetty underneath the railway bridge on the south side of the river. South of the river, the application site is primarily located on Ditton Meadows, a Cambridge City Wildlife Site. It includes an area of land directly to the east of the railway line, from the river to the disused railway line in the south-west corner of Ditton Meadows. This is the western edge of Ditton Meadows. From the south-west corner of Ditton Meadows, the application site

runs east along the southern boundary of Ditton Meadows, also encompassing part of the disused railway line, “Barnwell Junction Disused Railway” City Wildlife Site, along the southern boundary up to the existing cycle path at the entrance to Ditton Meadows from Ditton Walk. To the south of the application site along the southern boundary of Ditton Meadows, with access off Ditton Walk, are a number of industrial units and small offices. Within this stretch of building, the application site also includes a disused county council site, currently a vacant area without any buildings, to be used as the site compound, located between the southern boundary of Ditton Meadows and Ditton Walk.

- 2.3 The River Cam is a County Wildlife Site, while Ditton Meadows and Barnwell Junction Disused Railway are City Wildlife Sites.
- 2.4 All of the land within the Bridge application site including and to the south of the river (except the site compound) is designated as both Cambridge Green Belt and is part of the ‘Central’ Conservation Area. This part of the Central Conservation Area has been appraised as the ‘Riverside and Stourbridge Common Area’ and has been designated for its visual importance and importance for sport, informal recreation and wildlife. In addition, ‘Fen Ditton’, ‘Ferry Lane’, and ‘Chesterton’ conservation areas are 220 metres to the east, 640 metres west and 950 metres west of the application site, respectively. The entirety of the Bridge application site, aside from the site compound, is also within Flood Zone 3.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The Bridge planning application (C/5005/16/CC) seeks planning permission for the construction of the Bridge structure with associated ramps and paths to link the Bridge structure to the existing paths in this area. The Bridge is proposed to be located 12 metres to the east of the existing railway bridge, grounded on the southerly Abbey side in Ditton Meadows and to the north in Chesterton on private land adjacent to Fen Road.
- 3.2 The Bridge is proposed to be 44 metres long and a minimum of 4.5 metres wide, increasing to 4.92 metres at its widest point in the middle of the Bridge. This would allow for the two-way traffic of both pedestrians and cyclists, separated by a low dropped kerb and ground markings. The exterior of the Bridge is proposed to be steel in “Cambridge Blue” colour and features a lattice design along the length. This includes triangular viewing “windows” along the parapet, which would be open at the top and be perforated steel at the base.
- 3.3 On the northern side of the river a curved ramp is proposed as a means of access to and from the Bridge, measuring 77 metres by 3.5 metres. This access also has a staircase from the towpath to the top of the ramp/end of the Bridge. The proposed ramp on the south side of the river measures 88 metres by 3.5 metres, and would also include stairs for easier access for pedestrians from the top of the ramp/Bridge to the towpath on the east side of the Bridge. Another stretch of path links from the existing towpath onto Ditton Meadows to the

proposed base of the ramp, at approximately 90 metres in length, and 3.5 metres width.

- 3.4 The proposal also includes the widening and replacement of the existing jetty under the railway bridge on the southern bank of the river, from the existing 1.8 metres width to 2 metres directly beneath the railway bridge and 3 metres width either side of the railway bridge. The length of this section is approximately 70 metres. The proposal includes the realignment of Coldham’s Brook and the installation of two new culverts on Coldham’s Brook, one close to the river, at the proposed base of the steps, and one further inland at the proposed base of the ramp.
- 3.5 Landscape improvements are proposed in the areas around the ramps, including proposed native shrub and tree planting, wildflower and grass meadow mix and seeding along Coldham’s Brook. Excavation of material to act as flood compensation areas are also included to mitigate for any increase in surface water and flood risk as a result of the proposal. The Bridge application also includes a scheme for lighting in the form of way-finding studs along the path, and downward lighting on the inside of the Bridge parapet, the detail of which can be secured by planning conditions.
- 3.6 Therefore, whilst the Bridge application’s red line site area is 2.01 ha to take account of the additional mitigation areas (including the site compound), the total length of new paths, new Bridge and replacement jetty to be installed will be approximately 370 metres length, of which 1,124 square metres (sqm) will be new hard surfacing, which is substantially less than the red line area suggests.
- 3.7 The Bridge is proposed to be “launched” from the north side of the river, in the parcel of land to the east of the existing railway bridge, and access in this location will be directly from Fen Road. The constructor’s compound, to the south of Ditton Meadows, will be accessed from Ditton Walk. Haul roads are proposed to be constructed from the compound along the southern and western boundaries of Ditton Meadows City Wildlife Site in order to access the Bridge construction area. These will be reinstated following the construction, unless Phase 1 of the Trail application is granted planning permission, at which point it is proposed that it would become the route of the Trail path and alternative mitigation proposed to compensate for this amendment.

4.0 PLANNING HISTORY

4.1 The following are the applications which fall within or in close proximity to the application area for the Bridge, organised by area and arranged chronologically.

4.2 North of the River Cam (off Fen Road)

Application Ref	Description	Decision and Date
16/0617/FUL	Erection of 14 flats and associated bin and cycle stores following demolition of existing dwelling.	Awaiting decision

S/1236/15/FL and 15/0994/FUL Cambridge North (Chesterton) Station	Proposed Development for a new 450 sqm station building (including passenger waiting facilities, toilets, staffed ticket office, shop unit(s), amenity space, rail staff accommodation and facilities), two main line platforms (254m with the provision for extension to 270m in length and capable of accommodating a 12 car train) and a bay platform, a pedestrian cycle bridge linking the station building and platforms over the main line, a landscaped 450 space car park and 1000 cycle park, new pedestrian and cycle links to surrounding areas, and the extension of the bus lane and cycle route from the Cambridge Guided Busway into the site along the alignment of the former St Ives Branch Line.	Granted 18 Jul 2016
15/0606/FUL	Erection of 14 flats and associated bin and cycle stores following demolition of existing dwelling	Withdrawn 22 May 2015
14/2053/FUL	Erection of 15 flats and associated bin and cycle stores following demolition of existing dwelling	Withdrawn 16 Feb 2015
11/0786/FUL	Erection of two dwellings following demolition of existing dwelling.	Granted 16 Nov 2011
10/0389/FUL	Erection of two dwellings following demolition of existing dwelling.	Granted 21 Jul 2010
C/65/0585	A caravan for dwelling purposes	Refused 29 Nov 1965
C/65/0402	Dwelling House.	Refused 26 Aug 1965

4.3 South of the River Cam (Ditton Meadows)

C/5007/16/CC	Phase 1 of the Chisholm Trail, a north-south pedestrian and cycle path from the River Cam to Coldhams's Lane broadly parallel to the railway line. Including widening of the walkway beneath River Cam railway bridge, new underpass under Newmarket Road, bridge across Coldham's Brook, replacing culvert with bridge on Coldham's Common, new paths and improvements to existing paths.	Awaiting decision
C/99/1222	Construction of new paths, bridges, jetty, fencing and access controls for use by cyclists, walkers and those in wheelchairs.	Granted 26 Jul 2000

4.4 Site Compound (off Ditton Walk)

This site is currently vacant and therefore the planning history below represents what used to be on this County Council owned site.

C/73/0679	Erection of Adult Training Centre	Granted 01 Nov 1973
C/73/0022	The erection of an adult training centre	Granted 27 Apr 1973
C/67/0475	Use of premises as Ambulance Station	Unknown 31 Aug 1967

5.0 PUBLICITY

5.1 As a proposal for major development this application was publicised in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015. The application was advertised by 8 site notices at the site, a newspaper advert in the Cambridge News inserted 08/09/2016 and Cambridgeshire Times inserted 09/09/2016, consultation letters to statutory consultees and notification letters to the adjacent properties.

6.0 CONSULTATION RESPONSES

6.1 The following is a summary of responses received from consultees on this application:

6.2 Cambridge City Council: The proposals are welcomed in principle, forming an important connection with the wider City Deal Chisholm Trail scheme proposed pedestrian and cycling route across the City.

- The design of the Bridge is supported.
- The widths are less than ideal but are considered to be acceptable.
- The proposal is considered to be acceptable in conservation terms and it is considered that it would not have a detrimental impact on this part of the Central Conservation Area.
- The proposal will result in significant loss of trees and vegetation that make a positive contribution to the locality and this part of the Conservation Area in landscape and visual amenity terms. Whilst the proposals are considered acceptable in principle from an arboriculture perspective this is subject to adequate replacement tree and shrub planting being provided, appropriate selection of replacement tree and plant species and the impacts of the construction works being addressed in detail. A number of conditions are suggested. It is noted that mitigations should be provided within the red line boundary of the application site.
- The proposals are acceptable in principle from a drainage and flood risk perspective subject to conditions.
- The proposals are acceptable in terms of landscape and visual impacts, subject to conditions and further clarification on a number of detailed points.
- The proposals are generally acceptable in terms of ecological impacts but further information is still required and this must be secured by condition and provided at an early stage of the development process.
- Whilst it is appreciated that the Design and Access Statement is illustrative, there are some inconsistencies within it and issues such as proposed installation of fencing that need to be clarified.

6.3 City Council officers look forward to being consulted on some of the key conditions discharges information, particularly on landscape, trees and ecology matters in due course.

- 6.4 A number of conditions have been suggested including landscape works, Ecological Design Strategy, mitigation of contamination and Construction Environmental Management Plan.
- 6.5 Following the submission of further information, the Biodiversity Officer agrees with the County Council Ecology Officer's comments and considers that the outstanding Ecological issues have now been addressed subject to the implementation of the above conditions.
- 6.6 CCC Highways Development Management: objected to application on the basis that visibility splays for the junction between Fen Road and the tow path on the north side of the river had not been provided. Visibility Splay diagrams were provided by the applicant and the objection withdrawn.
- 6.7 CCC Transport Assessments: initially objected to the application as the applicant had not provided a full Transport Assessment to assess the implications of this application. This included a requirement for accident data, demand forecast modelling and assessment of modal shift.
- 6.8 Following the provision of a full Transport Assessment and further Technical Notes to address further comments, officers have removed their objection, provided that a detailed signage scheme for the surrounding transport routes, construction management plan and monitoring of the use of the Bridge are secured by conditions. Officers also suggest that improvements in the surrounding highway network be sought should the Bridge come forward without Chisholm Trail for the existing pedestrian crossing on Barnwell Road to be upgraded to a Toucan crossing.
- 6.9 CCC Flood & Water: objected based on the lack of information regarding the surface water drainage proposal.
- 6.10 Discussions were held with the applicant in order to overcome the objection and further information provided through further submissions. This information is sufficient for the LLFA to remove their objection. However, have requested the imposition of conditions requiring a detailed surface water drainage scheme and long term maintenance plan for the scheme. Also requested the requirement for Ordinary Watercourse Consent for any alterations to ordinary watercourses.
- 6.11 CCC Ecology: objected based on the lack of information and inadequate survey work regarding the ecological impact of the proposal.
- 6.12 Discussions were held with the applicant in order to overcome the objection and further information provided through further submissions. This information is sufficient for CCC Ecology to remove their objection. However, have requested the imposition of conditions requiring a detailed ecological design strategy, detailed landscape scheme, construction environment management plan, long-term ecological management plan and haul roads reinstated to grassland.

- 6.13 CCC Historic Environment Team: no objection to the proposal. Comments that the proposed development location is in an area of high archaeological potential and that it is “likely that the Bridge construction would impact on significant heritage assets with archaeological interest.” Recommends a condition for a written scheme of investigation in order to implement a programme of archaeological works.
- 6.14 Historic England: considers that the Bridge would have a degree of impact on the setting of St Mary’s Church in Fen Ditton and the Riverside and Stourbridge Common Conservation Area. However, believes that the considerable public benefit of the Bridge would outweigh any harm. Therefore consider the proposal to be consistent with the NPPF for the conservation for heritage assets.
- 6.15 CCC Rights of Way: no comments to make.
- 6.16 Cambridge Past, Present and Future: support the principle and design of the proposal. Encourages the applicant to address the concerns of other consultees/individual responses regarding the potential ecological and environmental impacts. Supports encouraging cycling as a means of reducing traffic congestion. Considers that the architect has successfully designed and integrated the Bridge for the challenging location.
- 6.17 Natural England: no objection. Provided standing advice regarding protected species, local wildlife sites and local nature reserves.
- 6.18 The Wildlife Trust: objected based on the lack of information, and lack of survey work regarding the ecological impact of the proposal.
- 6.19 Following discussions with the applicant and the submission of further information, The Wildlife Trust objection remains in place based on the overall net loss in biodiversity for both the Bridge and the Phase 1 Trail applications (planning application reference: C/5007/16/CC). They also consider that the Bridge application represents a loss of 0.1 ha of habitat. However, the Trust considers that that the Bridge application does represent a small net gain in biodiversity owing to the enhancements of habitat area proposed as part of this application.
- 6.20 Fen Ditton Parish Council: objects to the siting of the Bridge on Ditton Meadows and the access on the northern bank of the River Cam, and the effect this will have on views of Fen Ditton village/conservation area from the Meadow, and of the Meadow from Fen Ditton Objects to the Bridge application and Trail Phase 1 application being considered separately. Objects to the details of the modern design of the Bridge. Objects to the use of Cambridge Blue and lighter colours in the design rather dark green/black to retain the rural character. Also, objects to the details of the abutment, approach paths, brook realignment, and transport modelling used in support of the application. Raises concern that the Bridge could cause an increase in parking problems in Fen Ditton as the Bridge will provide a link for the new station and people choosing to park in Fen Ditton. Suggests conditions that could alleviate these concerns should planning permission be granted, such as reserving the details of the jetty on the south

bank, and retaining the haul road as cycle access should the Chisholm Trail be delayed. Raises concerns on the factual inaccuracies of the submission documents, including the omission of Fen Ditton conservation area in the Landscape Visual Impact Assessment (LVIA).

- 6.21 Cambridge Cycling Campaign: strongly support both the location and design of the Bridge. Highlights the potential for modal shift to cycling and pedestrian use, reducing vehicle use and encouraging sustainable travel. Highlights the attempt made by the applicant to limit damage to habitats by using the vacant Council plot for the construction compound rather than a site on Ditton Meadows. Supports improvements to the jetty under the existing railway bridge.
- 6.22 CTC Cambridgeshire (local representative of Cycling UK): support both the proposed design and location of the new Bridge. Requests that the jetty under the existing railway bridge improved and the narrow sections of the jetty and linking paths be limited as much as possible.
- 6.23 Cambridgeshire Police, Designing Out Crime Officer: no comments, objections or recommendations to make.
- 6.24 Environment Agency: no objection in principle. Makes a number of recommendations regarding the potential for contamination of the adjacent railway land, the sensitivity of the underlying aquifers, and shallowness of the groundwater. Considers that planning permission could be granted subject to conditions for contamination remediation strategy; further investigation if contamination is found during construction; surface water disposal scheme; restriction on construction methods (piling) unless evidence that there would be no risk to groundwater; Materials Management Plan; securing the flood compensation measures. Additional informative regarding the proposed culverting of Coldham's Brook, need to consult the LLFA for Ordinary Watercourse consent and plan for detailing Water Vole protection.
- 6.25 National Grid: no objection in principle. Noted the presence of an intermediate pressure gas pipeline within the application area. National Grid therefore expect full engagement from the contractor prior to any works being carried out.
- 6.26 Network Rail: confirmed that Network Rail are aware of the proposed works and have no objections provided that the development does not utilise Network Rail's land, other than that agreed with the applicant. Requires that the applicant liaise with Network Rail's Asset Protection Team prior to commencement of any works on site.
- 6.27 Cambridgeshire Design Quality Panel: The proposal was heard by the panel at the pre-application stage, where some of the detailed design work had not yet been finalised. However, they made the following comments:
- 6.28 The Panel strongly supported the principle of a new pedestrian and cycle bridge across the river and were positive about the emerging designs. The following recommendations and comments, were made:

- Reconsider meeting Sustrans minimum design widths for the cycle section of the Bridge crossing to ensure the Bridge provides sufficient space for passing bikes and is future proofed.
- The applicant should satisfy themselves that the raised segregation kerbs are not a hazard.
- The Panel had concerns about the planter design and planting on the north bank, which may not work as intended, especially at the pointed ends.
- The Panel broadly supported the lighting strategy, but suggested ways to make it more efficient such as 'follow the user' style PIR lighting which would be more efficient.
- The mesh covering the lower picture windows on the parapets should enable users to see out with little restriction.

7.0 REPRESENTATIONS

7.1 Comments on this application were received from approximately 400 individuals and local businesses. A full anonymised list of comments is available on the application page on the County Council's website, and has been made available to committee members prior to the Planning Committee meeting.

7.2 Comments in support of the application are summarised as follows:

- Support the improvement of the north-south route through the city, citing link to Cambridge North railway station, Science Park, Biomedical Campus, Abbey, Milton, Mill Road and guided busway, as well as new development e.g. Wing, and new employment development such as Marshalls, ARM and Addenbrookes;
- Will relieve pressure on Green Dragon Bridge which cannot currently cope with demand;
- Will relieve pressure on highway network around Green Dragon Bridge which cannot cope with demand, plus alternative to Green Dragon Bridge if refurbishment is required;
- Will reduce vehicle congestion in the city;
- Positive impact in reducing pollution/improving the environment;
- Will enable people who currently drive to leave their car at home;
- Will encourage journey by foot or cycle;
- Ecological harm would be minimal and outweighed by benefits;
- Public health benefit from users switching to cycling/walking;
- Minimal impact on the view/landscape due to location next to railway bridge;
- Cycling/walking across Ditton Meadow/river will be positive experience;
- High quality, attractive design supported;
- Design integrates with its surroundings;
- Effect on wildlife can be negated by creation of new habitats;
- View from Ditton Meadows improved by obscuring railway bridge;

- Positive addition of stopping space for a view of Ditton Meadow and River from the Bridge;
- Improve access to Ditton Meadows;
- Safer, quieter route than using surrounding roads;
- Improve journeys to school to south of city;
- Improve commuter journeys;
- Relieve traffic congestion to Abbey Stadium on match days;
- Wildlife in area used to disturbance from railway, paths etc., will not cause more harm;
- Overall positive impact on the environment by reducing emission and impact of climate change (carbon footprint etc.);
- Green Dragon Bridge too steep for wheelchair users;
- Safer route to encourage parents and children to cycle;
- Providing walking/cycling to new station will reduce traffic, congestion and parking;
- Bridge will improve access for those with disabilities;
- Increase safety for cyclists being able to cycle away from roads;
- Provides much needed crossing, as Green Dragon Bridge and Baits Bite Lock are about 2 miles apart.

7.3 Comments in objection to the application are summarised as follows:

- Project is not necessary, owing to existing crossing of the River Cam, citing Green Dragon and Riverside;
- Wrong location, too close to Green Dragon Bridge, proposes new bridge in Fen Ditton;
- Bridge could be built adjacent to Green Dragon to increase capacity;
- Green Dragon Bridge has capacity/could be upgraded to avoid a new bridge;
- Poorly chosen route choice;
- Insufficient evidence of the impact of biodiversity and ecology provided as part of the application, e.g. otters, water voles and bats;
- Planning submission inconsistent;
- Insufficient consideration of conservation areas, e.g. long views to Fen Ditton Church and both Central and Fen Ditton conservation areas cover parts of Ditton Meadows;
- Insufficient consideration of historic setting, e.g. for rowing and Stourbridge Fair;
- Negative impact on biodiversity, ecology and wildlife;
- Removal of trees/shrubs will have negative impact;
- Light pollution will have detrimental effect on nocturnal wildlife;
- Litter pollution will increase as a result of increase in users with impacts on appearance and wildlife;
- Unappealing, urban design of the Bridge in rural location;
- Colour (Cambridge Blue) too obtrusive;
- Concrete abutments unsightly, with concerns about graffiti and vandalism;
- Concern over impact of ramp on waterlogged meadow;

- No longer necessary as Science Park users will use Cambridge North Railway Station, and not travel to existing Railway Station;
- Case for the Bridge has not been made, modelling data not considered accurate with inaccurate assumptions;
- Considered too large in size and therefore visual impact;
- Potential to increase parking problems in Fen Ditton and Chesterton High Streets for access to new railway station and Ditton Meadows;
- Will spoil tranquillity and effect character of Meadow;
- Scheme contrary to local plan and NPPF policy for wildlife;
- Construction will have adverse impact on meadow;
- Short journey time to the Green Dragon Bridge making the new Bridge unnecessary;
- Reducing cyclist/walking time will have negative health benefits, reducing exercise;
- The Bridge will allow motorised vehicle onto the meadow;
- Development should not come forward before Wing development or North railway station are constructed;
- Will set a precedent for housing development on protected open space;
- Not clear from submission the paths and ramps and wheelchair/buggy friendly;
- 50mm kerb segregation can be easily crossed;
- Major consequences on the appearance and biodiversity of this ancient green corridor;
- “Salami slicing” approach to application and should be considered with Chisholm Trail and not as separate projects;
- Totally inadequate environmental assessment, should be subject to Environmental Impact Assessment (EIA);
- Consider a Strategic Environmental Assessment (SEA) should have taken place and made available;
- Ditton meadows and flood plain environment needs protecting;
- Lack of process clarity, should be one application as difficult to review legitimate objections as a whole, two applications compounds this problem;
- Inadequate consultation at the pre-application and application stages;
- Members of Planning Committee should consider the petition submitted by Friends of Ditton meadows ahead of Planning Committee (received October 2016).

7.4 Further comments received as suggestions, rather than support or objections are summarised as follows:

- Proposes access improvements from Fen Road to towpath;
- No details of improvement to jetty on south bank and query whether more could be done to improve the jetty;
- Jetty and pedestrian side of Bridge could have designated stopping spaces;
- Suggestion that stainless steel triangles could be glass;

- Suggestion of a spur linking Fen Road on east of the level crossing to the ramp;
- Considers any safety concerns regarding linking ramp directly to Fen Road, which would create a shorter route, but across level crossing, can be overcome;
- Access from Fen Road should be monitored to assess if Fen Road infrastructure can cope;
- Northern access ramp too tight for tandem cycles;
- Suggest lighting switched off when not in use;
- Suggest lighting is motion/time sensor, or dimmed;
- Suggest lights be red/orange to minimise impact on nocturnal wildlife;
- Lighting on Bridge will have impact on bats flying along river corridor;
- Concern that tall lighting might be proposed on the meadow;
- Considers surrounding paths require improvements to deal with pedestrian, cycle traffic, segregation of these paths;
- Requests that segregation and markings be guaranteed;
- Requests that colour used on railings be easier to see at night (i.e. lighter colours, glow-in-the-dark paint/concrete) ;
- Consideration should be had for the breeding season when removing vegetation, and replaced with native species;
- Considers ramps, paths not direct and convenient enough for access to the Bridge;
- Grass river bank should be retained;
- Safety audit should take place to ensure appropriate railings, surfaces de-icing methods are used to avoid users ending up in the river;
- Concern that the path/ramps/Bridge are too wide;
- Concern that the Bridge is too narrow;
- Object to any fencing on Ditton Meadows;
- Evidence of otters and water vole, which need to be considered;
- Concern over who will manage planting/landscaping;
- Concern that litter/rubbish won't be dealt with, lack of bins;
- Transport modelling should not include Northstowe;
- Concerns over flooding/flood defences;
- Essential that CCC grasp the opportunity to improve health, transport and the environment;
- Costs and concern over maintenance, citing Guided Busway with subsidence;
- Video links submitted to show Riverside Bridge and Green Dragon Bridge not at saturation point;
- Contamination concerns especially along old railway corridor need consideration;
- Vocal minority should not hide the amount of support for the Bridge and Trail;
- Need to preserve the past but mustn't miss opportunities to help the future.

7.5 Further comments have been made on the application that are not considered to be material planning considerations, but are included here for completeness:

- Cost of the project too high, waste money which could be spent elsewhere;
- Cost-benefit analysis should be undertaken, should look at “Cheap as Chips” option;
- Bridge should be named Ditton Meadows Bridge;
- Comments section of website not working;
- Other cycle routes in the city should be improved first, citing Mill Road;
- Railway bridge should be painted the same colour;
- Development should not come forward until implications of Brexit are known;
- Consider the project, alongside Chisholm Trail, is a “done deal”.

8.0 PLANNING POLICY AND GUIDANCE

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 paragraphs 8.6 to 8.8 below.

National Planning Policy Framework (March 2012) (NPPF)

- 8.2 The NPPF has at its core, a presumption in favour of sustainable development, including the idea that development that accords with the local development plan should be approved “unless other material considerations indicate otherwise” (para 12).
- 8.3 The NPPF’s core planning principles also sets out the role that the planning process should play to “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling” (para 17).
- 8.4 It also defines the essential characteristics of Green Belt land as their openness and permanence, as well as the fundamental aim being “to prevent urban sprawl by keeping land permanently open” (para 79), and that planning authorities should ensure that “substantial weight is given to any harm to the Green Belt” (para 88). However, it also clarifies the opportunities of Green Belt land to provide access and in providing for outdoor sport and recreation (para 81). Other forms of development that are not inappropriate in Green Belt locations, include “local transport infrastructure which can demonstrate a requirement for a Green Belt location” (para 90).
- 8.5 Paragraph 109 also detail how the planning system should “contribute to and enhance the natural and local environment.” This can be through minimising impacts on biodiversity and providing net gain in biodiversity. This includes through the use of policy for the “preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations” (para 117) and only permitting development which can adequately mitigate, or compensate for any significant harm (para 118).

Cambridge Local Plan (July 2006) (LP)

8.6 The following policies of the adopted Local Plan are of relevance:

- 3/1 Sustainable Development
- 3/2 Setting of the City
- 3/3 Safeguarding Environmental Character
- 3/4 Responding to Context
- 3/7 Creating Successful Places
- 3/9 Watercourses and Other Bodies of Water
- 3/11 The Design of External Spaces
- 4/1 Green Belt
- 4/2 Protection of Open Space
- 4/4 Trees
- 4/6 Protection of Sites of Local Nature Conservation Importance
- 4/7 Species Protection
- 4/9 Scheduled Ancient Monuments/Archaeological Areas
- 4/11 Conservation Areas
- 4/13 Pollution and Amenity
- 4/15 Lighting
- 4/16 Development and Flooding
- 8/2 Transport impact
- 8/4 Walking and Cycling Accessibility
- 8/5 Pedestrian and Cycle Network
- 8/8 Land for Public Infrastructure
- 8/18 Water, Sewerage and Drainage Infrastructure

Cambridge Local Plan 2014 (proposed submission version July 2013) (LP2014)

8.7 Cambridge City Council are currently undergoing a public examination into their new local plan, therefore it can only hold limited weight in the decision making process, as it is yet to be found “sound” by the inspector, and may be subject to major or minor changes before being finally adopted. On this basis, the following policies are considered to be relevant::

- Policy 1: The presumption in favour of sustainable development
- Policy 4: The Cambridge Green Belt
- Policy 5: Strategic transport infrastructure
- Policy 7: The River Cam
- Policy 8: Setting of the city
- Policy 31: Integrated water management and the water cycle
- Policy 32: Flood risk
- Policy 33: Contaminated land
- Policy 34: Light pollution control
- Policy 35: Protection of human health from noise and vibration
- Policy 55: Responding to context
- Policy 56: Creating successful places
- Policy 59: Designing landscape and the public realm
- Policy 61: Conservation and enhancement of Cambridge’s historic Environment
- Policy 65: Visual pollution
- Policy 67: Protection of open space

Policy 69: Protection of sites of local nature conservation importance

Policy 70: Protection of priority species and habitats

Policy 71: Trees

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

Sustainable Design and Construction Supplementary Planning Document (June 2007) (SDC SPD)

- 8.8 The SDC SPD provides guidance on the policies with the Cambridge local Plan 2006 that relate to sustainability, and is a material planning consideration in the determination of applications.

Other relevant documents

Cambridge Landscape and Character Assessment (April 2003) (CLCA)

- 8.9 The CLCA was adopted in January 2003 as a material planning consideration for development in Cambridge, but is not part of the local development plan. It assesses and characterises the character and identity of Cambridge townscape and rural hinterland in order to ensure that new development takes account of existing character and “where possible achieve environmental or visual improvement.”

Cambridge City Nature Conservation Strategy (September 2006) (CCNCS)

- 8.10 The Wildlife Trust produced the NCS in order to guide nature conservation across Cambridge. It has status as Cambridge City Council policy, but not part of the adopted development plan.

Cambridgeshire Local Transport Plan 2011-2031 – Policies and Strategy (July 2015) (LTP)

- 8.11 The Local Transport Plan sets out our transport objectives, policies and strategy for the county as a whole. It contains specific reference to proposed transport projects, including the indicative alignment for the Chisholm Trail and a crossing of the river Cam, and considers it to be a major committed scheme for the period to 2020. It is also referred as part of the facilitation of the Cambridge North Railway Station.

Transport Strategy for Cambridge and South Cambridgeshire – Transport Strategy and High Level Programme (March 2014) (TSCSC)

- 8.12 The TSCSC was adopted by Cambridgeshire County Council on 4 March 2014 and aims to ensure that local councils plan together for sustainable growth through a strategy for transport projects. The strategy contains specific reference to proposed transport projects, including the Chisholm Trail and a crossing of the river Cam.

Sustrans - The National Cycle Network - Guidelines and Practical Details issue 2

- 8.13 Sustrans is UK charity which has provided guidance on optimal and minimum widths for The National Cycling Network, but which can also be applied to local and regional cycling, and shared use, infrastructure.

9.0 PLANNING CONSIDERATIONS

Principle and Justification

- 9.1 The applicant's aims for this proposal are to increase sustainable travel choices across Cambridge and encourage modal shift, by providing a safer, more accessible route from the north side of the river Cam in Chesterton ward, to the south side of the river in Abbey ward. As explained above in section 1.0 of this report, the Bridge application has come forward as a separate proposal from the Trail, and is therefore a standalone project for the purposes of this planning consideration. It is acknowledged that there are intrinsic links between the Bridge and the Trail Phase 1 applications, should one or both be granted planning permission, and this has led to reference to the Trail Phase 1 application (application reference: C/5007/16/CC) in some of the recommended conditions, with relevant triggers established for both scenarios of the Trail being refused or granted permission.
- 9.2 The Bridge is supported in principle at both a national and local level. Paragraph 17 of the NPPF, states that the planning system should actively manage growth to make the fullest possible use of walking and cycling routes. Provision of this route across the river will support growth, such as Cambridge Northern Fringe developments and the existing Cambridge Science Park, as well as Cambridge North Railway Station. Its location has therefore been designed to allow residents and commuters to take full advantage of the pedestrian and highway network across Cambridge.
- 9.3 At a local level a crossing of the River Cam at this location, and a cycle/pedestrian path adjacent or parallel to the railway line has been suggested since at least the Cambridge Local Plan 2006, where a link between Cowley Road and Ditton Fields/Newmarket Road, known as "camToo" was mentioned as part of Policy 8/8 Land for Public Infrastructure (LP). This policy refers to the link facilitating access to the proposed Cambridge North Railway Station and developments in East Cambridge and the Northern Fringe. However, it should be noted that this project was not included as a formal proposal in the development plan at that time.
- 9.4 In addition, Policy 80: Supporting sustainable access to development, of the emerging Cambridge Local Plan 2014 (LP2014) refers specifically to the indicative alignment for an early version of the Chisholm Trail proposal, which includes the Bridge crossing over the River Cam in the currently proposed location and the safeguarding of land for proposed walking and cycling routes, including the Chisholm Trail. It is therefore also supported by emerging plan policy.
- 9.5 The Local Transport Plan (LTP) and the Transport Strategy for Cambridge and South Cambridgeshire (TSCSC) both contain proposals for a north-south cycle and pedestrian route within the city. The schemes propose a route between the new/proposed Cambridge North railway station and the existing railway station/Addenbrookes Hospital, including a crossing of the river Cam in broadly the current location, in order to facilitate economic and housing growth, and

sustainable transport within Cambridge. Policy 5: Strategic transport infrastructure of the emerging local plan (LP2014) supports development proposals which are consistent with the LTP and TSCSC, with particular emphasis on those proposals which secure modal shift.

- 9.6 The NPPF contains a presumption in favour of sustainable development running throughout the document and this is reflected by local plan Policy 3/1 Sustainable Development (LP) and replicated in the emerging local plan as Policy 1: The presumption in favour of sustainable development (LP2014), which state that development will be permitted which meets the principles of sustainability. It is considered that the proposal achieves these aims in principle, crucially meeting the present need for transport infrastructure to alleviate pressures on the highway network and encourage sustainable travel choices, while minimising and mitigating the effect that the proposal will have on the environment. The application can therefore be supported in principle by these policies.
- 9.7 The applicants have a responsibility to consider alternatives to the proposal at the pre-application stage, as has been highlighted by comments received by individuals. However, the County Planning Authority (CPA) must consider the application as proposed, and assess the proposal as put forward by the applicants on its own merits. The CPA can only assess what is presented within the planning application. Therefore, a detailed assessment of the proposal, as submitted by the applicant, follows in the subsequent paragraphs, considering the different aspects and impacts that the Bridge proposal may have on the locality and wider city.

Design and Visual Impact

- 9.8 Policy 3/4 Responding to Context (LP) and emerging Policy 55: Responding to context (LP2014) requires that development draws inspiration from the key characteristics of the surroundings, responding positively to the existing features of natural, historic or local character, and use these characteristics to inform the siting, massing, design and materials of the proposed development.
- 9.9 In addition Policy 3/7 Creating Successful Places (LP) permits development which “demonstrates that it is designed to provide attractive, high quality, accessible, stimulating, socially inclusive and safe living and working environments.” This includes through the use of high quality materials and street furniture which are suitable to their location, and with a focus on the provision of high quality public spaces. Emerging Policy 56: Creating successful places (LP2014) has similar criteria for high quality, inclusive and a comprehensive design approach. Policy 3/11 The Design of External Spaces (LP) and emerging Policy 59: Designing landscape and the public realm (LP2014) also place an emphasis on materials and street furniture used in external spaces, and that development should demonstrate that existing features which positively contribute to the landscape should be retained.
- 9.10 Policy 3/9 Watercourses and Other Bodies of Water (LP) also states that waterside development will be permitted if it is demonstrated that it would complement and enhance the waterside setting or improve access to the

waterside. Emerging Policy 7: The River Cam (LP2014) also specifies that development along the river should take account of views to and from the river, as well as increasing opportunities for public access to the river.

- 9.11 There are different aspects to the Bridge design which have raised comments from consultees and individual representations. This includes the Bridge's steelwork structure, coloured "Cambridge Blue", and the use of pale concrete on the steps and abutments. This section will consider the design in relation to aesthetics and visual impact. However, for consideration of the design in the context of the use of the Bridge, see paragraphs 9.26 – 9.36.

Structure

- 9.12 The Bridge has been designed as a contemporary structure, with a lattice steelwork design on the parapets, creating a diamond/lattice appearance on the outside of the Bridge and creating triangular 'windows' on the eastern/pedestrian side from which users can enjoy views of Ditton Meadows and the River Cam. Comments at the Cambridgeshire Design Quality Panel (DQP) and comments from City Council officers are supportive of the design and location close to the existing railway bridge, as appropriate for both the location, and the context with the existing railway bridge, which is currently the dominant form on the landscape. The design and location is also supported in a number of individual responses, as well as responses from Cambridge Past, Present and Future, "Cambridge Cycling Campaign", and CTC Cambridge (Cycling UK).
- 9.13 However, comments have been received by some individuals, alongside Fen Ditton Parish Council, who are not in favour of the design for the Bridge, considering the design to be too contemporary and urban for the rural nature of the landscape.
- 9.14 Although design can be a matter of opinion, responses from expert technical consultees on the design and structure of the Bridge are consistently supportive of the Bridge design, and its setting in the context of the existing railway bridge. It is considered that the design responds well to the context, with the lattice structure complementing the beam work on the existing railway bridge, and creating a visual balance between the old and new structures, particularly when viewed from a distance. The design is therefore compliant with policies 3/4 in drawing inspiration from existing landscape features and producing a design which is proportionate in scale with its surroundings. The window structures, in particular, support the view that on balance, the design will increase access and enhance the views of Ditton Meadows and the River Cam in accordance with emerging Policy 7 (LP2014) rather than have a negative visual impact.

Colour

- 9.15 During pre-application discussions, the colour of the steelwork was extensively considered, with Cambridge Blue being chosen by the applicant to complement, rather than match the existing dark green, white and red of the railway bridge and the surroundings. Cambridge Blue also has cultural and sporting connotations to the recreational use of the river. Fen Ditton Parish Council has noted that in initial consultations with the public, the colour was shown to be

dark green, to match the existing railway bridge, which they feel to be a more appropriate colour for the rural location. However, individual representations have been received which consider that the existing dark green of the railway bridge already create an imposing visual presence, which they would not wish to see repeated in the new Bridge.

- 9.16 The colour of Cambridge Blue was agreed on site in principle with the City Council Landscape Architect, who considers the choice to be “subtle and appropriate” as other colours which may have been too obvious or contrasting would have added to any adverse visual impact. It is considered that the lighter, recessive colour reduces the impact of the structure, and is appropriate to the environment. It should also be noted that the railway bridge features lighter colours than just dark green, with white and red on the central diagonal sections of the structure. In addition, the Bridge will be seen in the context of the railway bridge and the sky, particularly when viewed from a distance. In this context therefore, the lighter colour is considered appropriate to reduce the overall impact.
- 9.17 The exact colour specification of the steelwork and the other materials will be secured by condition (see paragraph 11.2, condition 4). The choice of Cambridge Blue, with its cultural and sporting connotation, can also be seen to enhance the waterside setting.
- 9.18 In addition, the use of light coloured concrete at the abutments, and lighter coloured fixtures such as the handrails on the jetty, has been described as creating an urbanising influence on the location. As above, exact details of the materials will be secured by condition to ensure they are appropriate for the location. A planting scheme, will also be secured by condition (see paragraph 11.2, condition 29), which will aim to soften the impact of the abutments and ramps. This will include planting along the bottom of the embankments for the ramps, and between the steps and the Bridge itself, which obscure the main concrete vertical section of the abutment, once established.

Landscape and Visual Impact Assessment (LVIA)

- 9.19 Initial assessment, by City Council officers, of the LVIA provided by the applicant in support of this application, found discrepancies between the proposed plans for the landscape scheme and the verified views provided to show how the development will look one year, and fifteen years after completion. However, after revisions were requested, amended versions were submitted to the satisfaction of the City Council officers, which they consider to be an accurate reflection of the development at the one and fifteen year intervals.
- 9.20 The verified views show the development from three viewpoints to the east of the Bridge, after intervals of one and fifteen years. While it is clear that the Bridge will have some visual impact on the landscape, the verified views show that the new Bridge can successfully assimilate into its environment, with the most significant visual impact coming from the concrete abutments, which are mitigated as far as possible through the establishment of the planting scheme.

The views also show that from a distance the Bridge sits well in the context of the railway bridge, without being obtrusive on the landscape.

- 9.21 Concern has been raised by City Council officers that fencing has been proposed along the edge of the paths in Ditton Meadows, which would be considered visually intrusive and unacceptable on the landscape as Ditton Meadows does not contain any other fencing in the open space, aside from the boundaries, for example, against the railway line, which is not readily visible. The applicant has clarified that any fencing would only be installed at the request of the landowners. This would not be solid fencing and would resemble stock proof fencing if required. Details of any fencing, should it be required, will be secured by condition to ensure that any visual impact is minimal (see paragraph 11.2, condition 29).

Lighting

- 9.22 The proposed lighting scheme for the Bridge includes safety and wayfinding lights, rather than a desire to illuminate the entirety of the Bridge and paths which could have detrimental visual impact, and an impact on ecology and residential amenity. The addition of lighting to the Meadows has been raised as a concern in responses from individuals, and comments have been submitted by officers requesting details of the exact nature of the lights, as the precise detail of the lighting scheme has not yet been submitted. It will be necessary to ensure that the lighting scheme is approved prior to its use, as lighting could have a significant visual impact, as well as impact on residential amenity and the wildlife in the area.
- 9.23 Policy 4/15 Lighting (LP) and emerging Policy 34: Light pollution control (LP2014) require that a minimum amount of lighting is installed as part of a development, taking into account public safety, in order to minimise visual impact and light spillage. For compliance with these policies, the lighting scheme will be secured by condition (see paragraph 11.2, condition 7).
- 9.24 Discussion of the Visual Impact as it relates directly to the Green Belt and Conservation area designations is covered in paragraphs 9.37-9.52.
- 9.25 On balance, it is considered that the proposal, with the details of planting, lighting, materials and detailed specification secured by conditions, complies with the development plan in terms of the visual impact that the Bridge will have on the surrounding area. The most significant aspect of the impact, the concrete abutments, will be mitigated through the planting scheme, and any negative impact is outweighed by the benefits of the scheme. The verified views have shown that the proposal can successfully assimilate into the landscape. It is therefore considered to comply with policies 3/4, 3/7, 3/9, 3/11 and 4/15 (LP) as well as emerging policies 7, 34, 55, 56 and 59, as detailed above, in being a high quality design, that responds well to the context of its location and surrounding environment.

Design and Practical Use

Bridge

- 9.26 Sustrans Guidance for a shared use bridge for cycling and walking state that an optimum width for a segregated path would be a combined width of 3.5 metres. At a minimum, a 2.7 metres width should be achieved on a new Bridge that is bounded on both sides, with 1.2 metres footway and 1.5 metres cycleway.
- 9.27 For clarity the preferred and minimal ground level widths for the different types of shared use paths, according to Sustrans Guidance are stated in the following table:

		Walkway	Cycleway	Total width
Bridge	Preferred	-	-	3.5 m
	Minimal	1.2 m	1.5 m	2.7 m
	Proposal (narrowest point)	1.98 m	2.43 m	4.5 metres (segregation gap in centre)

- 9.28 The Bridge is proposed to be 4.5 metres wide at each end, split at 1.98 metres for pedestrians and 2.43 metres on the cycle way. This will increase to 4.92 metres width at its widest point half way across the Bridge with 2.64 metres for the cycleway and 2.19 metres for pedestrians. The proposal therefore meets the optimal width for a shared use segregated bridge path, dimensions recommended by Sustrans Guidance. This is also wider than the Green Dragon Bridge which is approximately 2.3 metres at its narrowest point, unsegregated between cyclepath and footpath. and is the closest other crossing of the river to the west. The Carter Bridge near the existing railway station, is 4.2 metres wide, with the footway as 1.65 metres and the cycle way at 2.55 metres, and has been cited by the applicant as an example of a busy crossing that works well. Both these examples show that the proposed Bridge will be wider, and therefore more comfortably able to accommodate more use than these other Bridges in the city.
- 9.29 It also should be noted that the widest part of the Bridge, the centre, is most likely the location that pedestrians would stop to look out over Ditton Meadows and the river. The ground level width is supported along the whole length of the Bridge by an angled parapet which will provide a greater feeling of width, by angling outwards at the top of the parapet by 20 degrees.
- 9.30 The Design Quality Panel pointed out in their comments that it would have been aspirational to achieve a width of 3 metres for the cycleway and 2 metres for pedestrians, which was quoted as the recommended by Sustrans guidance for Bridges, particularly as this is a new project in what is considered to be the UK's capital for cycling. However, the applicant has explained that they have sought to achieve a balance between providing a wide enough bridge for comfortable use, and minimising the visual impact of such a bridge on the locality.

9.31 According to Sustrans Guidance, where it is felt that delineation is appropriate between cyclists and pedestrians (for example, on a bridge crossing or busy path) either white lines or a 50 millimetre (mm) curb is considered appropriate. A 50 mm curb is proposed on the Bridge, as the applicants consider that this method works well on the Carter Bridge, an existing shared use bridge across the railway line north of the existing Cambridge railway station. This approach is therefore supported. The applicant has not yet provided details of the path markings, or signage, of the surrounding paths, and it would be appropriate to secure the details by condition (see paragraph 11.2, condition 8). This would also ensure that the proposal is in accordance with emerging Policy 65: Visual pollution (LP2014), which requires that aspects such as signage, street furniture and “items that could constitute visual pollution within the public realm” are only permitted where they do not have an adverse impact on the character of an area, do not impede pedestrian movement, impact on public safety and have a clearly defined purpose.

Ramps, Jetty and Surrounding Paths

9.32 Sustrans Guidance recommends that approach gradient for bridge crossings should not exceed 1:20. The applicant has stated that the arrangement will achieve a gradient of 1:20.5. Additionally, the ramps and surrounding paths are proposed to be unsegregated, and guidance for shared use paths are for a minimum of 2.0 metres, with a preferred width of 3.0 metres. The ramps have a proposed width of 3.5 metres. The gradient and width of the ramps is therefore considered to be acceptable and in accordance with Sustrans Guidance.

		Total width
Ramps (shared use, unsegregated)	Preferred	3.0 m
	Minimal	2.0 m
	Proposal (narrowest point)	3.5 m
Surrounding Paths (shared use, unsegregated)	Preferred	3.0 m
	Minimal	2.0 m
	Proposal (narrowest point)	Not specified
Jetty (shared use, unsegregated)	Preferred (canal towpath)	1.5 m
	Proposal (narrowest point)	1.92 m

9.33 The existing jetty beneath the railway bridge on the south side of the river is approximately 1.8 metres and it is proposed to be replaced and widened as part of this application. The width of the jetty is constrained by the specification of the railway bridge and the need to not encroach out onto the river, as any encroachment would narrow the width of the river at this point. The proposed specification is to provide a new jetty with a clear width of 1.92 metres at ground level, beneath the railway bridge. Either side of the railway bridge, where the construction would be less constrained, it is proposed to achieve a width of 2.84 metres, by using more space on the land side and not by encroaching further on to the width of the river.

9.34 Although there is no directly applicable guidance for a path beneath a bridge and next to a river, the figures quoted above refer to the guidance for a canal towpath beneath a road bridge, which suggest a typical width of 1.5 metres for short lengths would be acceptable. Given that the proposed jetty will narrow to

1.92 metres for a short distance underneath the railway bridge only, and widens either side, it is considered that the applicants have provided an acceptable solution, given the constraints of the railway bridge and river, while maximising width where possible. The exact specifications and layout for the proposed jetty will be required by condition (see paragraph 11.2, condition 6).

- 9.35 In addition to the approach ramps and jetty, there are additional sections of paths which are included as part of this application, for example, the loop back from the ramp, to the existing towpath of the south side of the river. While the general specification of these paths has been shown on the plans, as approximately 3.5 metres, it is proposed, in any case, to reserve the details of these paths by condition, in order to ensure that appropriate widths, signage and markings are secured, should permission be granted (see paragraph 11.2, conditions 5 and 8).
- 9.36 It is considered therefore, that as the design has achieved the minimum recommended dimensions in Sustrans guidance, and has often met the preferred figures from the guidance, the practicalities of the design can be supported. In addition, it is considered that the proposal is in accordance with Policy 3/7 Creating Successful Places (LP), in that the design is high quality, accessible and socially inclusive which creates infrastructure which is safe and easily accessible.

Green Belt

- 9.37 The City of Cambridge has an extensive Green Belt which surrounds the city and extends into South and East Cambridgeshire districts. It is designated in Policy 4/1 Green Belt (LP), which supports a “presumption against inappropriate development in the Cambridge Green Belt.” The Green Belt continues to be designated and supported by the emerging local plan, Policy 4: The Cambridge Green Belt (LP2014) which shows its importance and longevity in preventing urban sprawl and maintaining the separation and character of the City from the surrounding villages.
- 9.38 The Green Belt is further supported by Policy 3/2 Setting of the City (LP), where development should enhance the amenity of the urban edge, Policy 4/2 Protection of Open Space (LP) and emerging Policy 67 Protection of open space (LP2014) which states that development will only be supported if it is not harmful to the character of the open space. Additionally, emerging local plan Policy 8: Setting of the city (LP2014) states that development in the Green Belt will only be supported where it enhances the landscape setting and promotes access to the open space.
- 9.39 The NPPF defines the purpose of Green Belt designations as preventing urban sprawl by keeping land permanently open (paragraph 79, NPPF). However, some development is considered to be appropriate “provided they preserve the openness of the Green Belt”. This includes “local transport infrastructure which can demonstrate a requirement for a Green Belt location” (paragraph 89, NPPF). Additionally, the NPPF states that planning authorities should “plan positively to enhance the beneficial use of the Green Belt” and look to provide access and opportunities for outdoor recreation (paragraph 81, NPPF).

- 9.40 Ditton Meadows is entirely within the Cambridge Green Belt and is characterised by its openness and views towards and across the River Cam from the south side of the river.
- 9.41 It should be noted that the Bridge is proposed to be located 12 metres to the east of the existing railway bridge and railway line which separate Ditton Meadows on the east and Stourbridge Common to the west, which already represents a significant visual impact on the landscape and affects the openness of the Green Belt when viewing the River Cam from Ditton Meadows and Stourbridge Common. The Bridge will not be seen from Stourbridge Common, as the railway bridge will obscure the cycle Bridge. From Ditton Meadows, the Bridge will always be seen with the railway bridge in the background, which is a significantly larger structure, and is therefore not considered to increase the visual impact when viewed from Ditton Meadows. The associated ramps, will also be no more of a visual impact, particularly once landscaping is established, than the existing railway line, which is already at a higher level than the rest of the meadow.
- 9.42 In addition, the Bridge includes viewing space on the eastern pedestrian side which would increase access to the open views of the river and Ditton Meadows. This will therefore increase the opportunity to take advantage of the intentions of the Green Belt, the open landscapes and increased recreational access to the countryside.
- 9.43 Given the purposes of the Bridge to improve and increase cycling and pedestrian access across the river, both from a local transport infrastructure perspective in encouraging cycle and pedestrian commuting across Cambridge and to and from the new north railway station, and from the perspective of increasing recreational access, it is considered that the proposed development can be considered appropriate development in the Green Belt in principle. Given the stipulation for “appropriate development” being that which preserves the openness of the Green Belt, it is also considered that the location next to the existing railway bridge is the most appropriate location in order to minimise any visual impact, and therefore preserve the openness of Ditton Meadows.
- 9.44 It is therefore considered that the addition of the Bridge and associated paths is not contrary to the intentions of the Green Belt as defined in Policy 4/1 (LP), emerging Policy 4 (LP2014) or paragraph 79 of the NPPF. The Bridge will not increase the impact on the openness of the Green Belt, and can be considered appropriate development when considered against paragraphs 81 and 90 of the NPPF in providing increased access to the Green Belt for recreation.

Conservation Areas

- 9.45 Additionally, the area of Ditton Meadows adjacent to the river is within the “Riverside and Stourbridge Common Area” of the Central Cambridge conservation area which has been designated for its visual importance and importance for sport, informal recreation and wildlife. It is also considered by City Council Officers, Fen Ditton Parish Council and Historic England, that the

seating of Fen Ditton Conservation Area, 220 metres to the east, could also be affected by the proposal.

- 9.46 Policy 4/11 Conservation Areas (LP) states that development within, or which affect the setting of, or impact on views into and out of conservation areas, will only be permitted if it retains “features which contribute positively to the character or appearance of the area” and that “intensified use will not lead to traffic generation or other impacts which would adversely affect the Area's character.” Emerging Policy 61: Conservation and enhancement of Cambridge's historic environment (LP2014) has similar goals, ensuring development conserves or enhances the heritage assets of the city, including views into and out of conservation areas.
- 9.47 Paragraph 134 of the NPPF states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- 9.48 Policy 3/3 Safeguarding Environmental Character (LP) also states that development should respect and enhance the character and quality of an area, as defined by the Cambridge Landscape Character Assessment (CLCA). The CLCA states that new development should “take account of existing character and where possible achieve environmental or visual improvement.” Ditton Meadows is considered to be a defining character of the River Corridor, with its key character features being its setting, views, feature as part of the “Green Corridor” and its environmental features.
- 9.49 It is considered that the Bridge will increase access for sport and informal recreation, and as previously discussed in relation to the Cambridge Green Belt (paragraphs 9.37 – 9.44), is unlikely to have a significant visual impact given its location next to the existing railway bridge. It will also provide access to views of the River Cam, Ditton Meadows and the conservation area from the pedestrian areas of the Bridge, thereby increasing access to enjoyment of the conservation area, particularly when considering the conservation area has been designated as such because of its importance for sport and informal recreation.
- 9.50 It is not considered that increased cycle and pedestrian use would lead to the type of traffic generation that would adversely affect the character of the area. Additionally, any landscape features, such as trees and plants that are being removed are proposed to be reinstated in order to compensate for the loss, therefore once established, the character of the area would not be affected in the long term. The only notable structure, the World War II pillbox on the north bank to the east of the railway bridge, is to be retained.
- 9.51 Concern has been expressed that the view from, and therefore the setting of, Fen Ditton Conservation Area, might be adversely affected by the Bridge. The easterly part of Ditton Meadows is within the conservation area, and it has been noted by Historic England that St Mary's Church in Fen Ditton, which is grade II* listed, can be seen from Ditton Meadows. However, they also note that the

existing railway bridge “already has a negative impact on the surrounding historic environment and positioning the new Bridge next to the existing railway bridge would be less harmful than putting it in a separate location to cause harm in another location along the river.” Historic England therefore consider that while a degree of harm to the conservation area will be caused by the proposal, the new Bridge “would bring about considerable public benefit which would most likely justify and outweigh the resultant harm.”

- 9.52 It is therefore considered that the proposal is in accordance with Policy 3/3 Safeguarding Environmental Character, 4/11 Conservation Areas (LP), emerging Policy 61: Conservation and enhancement of Cambridge’s historic environment (LP2014) and paragraph 134 of the NPPF in that the proposal is in keeping with the intentions of the conservation area designation and landscape character assessment and will increase access to this landscape of visual, sporting and recreational importance. Therefore, the public benefit of the proposal would outweigh any perceived harm to the conservation area from the visual impact of the Bridge structure itself, and the Bridge would increase the opportunities for access to this landscape.

Heritage and Archaeology

- 9.53 As described above, the application site falls within part of the Central Cambridge Conservation Area, which is a designated heritage asset. There is also a World War II pillbox located to the east of the railway bridge, which although neither listed nor on the City Council list of Buildings of Local Interest is considered by the City Council Conservation Officer to be worth preserving on site.
- 9.54 The County Council Historic Environment Team (HET) have commented that the location of the proposed Bridge is in an area of high archaeological potential, owing to its proximity to Cambridge City Centre and siting on the river Cam. In particular they have referred to evidence for Iron Age, Roman and Saxon activity in the area (Historic Environment Records (HER) 05227, 05539, 05540), where the River Cam functioned as a significant communications route throughout the medieval period as Stourbridge Common was the site of a substantial fair from the 13th century and into the modern period. While HET do not have an objection to the proposed development, they have requested that a written scheme of investigation is secured by condition, to be submitted and implemented prior to any groundworks taking place (see paragraph 11.2, condition 22). This will ensure that any heritage assets that are currently unknown, are discovered prior to construction taking place and the appropriate investigation and analysis of material takes place.
- 9.55 Provided that this condition is secured, HET have no objections, and it is considered that the proposal is in accordance with Policy 4/9 Scheduled Ancient Monuments/Archaeological Areas (LP) which seeks to ensure that a full assessment of the impact a proposal might have on archaeological remains has been carried out, and is in line with the proposed procedure contained within that policy.

Impact on Habitats and Wildlife Site Designations

- 9.56 Policy 4/6 Protection of Sites of Local Nature Conservation Importance (LP) and emerging Policy 69: Protection of sites of local nature conservation importance (LP2014) both state that development will not be permitted which would have an adverse impact on a County Wildlife Site, or a City Wildlife Site, unless it can be demonstrated that the proposals benefits would outweigh the need to safeguard the value of the site. If development is permitted, measures to minimise harm, secure suitable mitigation and enhance the nature conservation value should be sought.
- 9.57 In addition, emerging Policy 70: Protection of priority species and habitats (LP2014) supports development which would enhance and protect priority habitat, which would minimise ecological harm and secure achievable mitigation and compensation measures. Policy 3/9 Watercourses and Other Bodies of Water (LP) also states that waterside development will be permitted if it maintains and enhances the biodiversity of the watercourse.
- 9.58 The NPPF also crucially highlights, that development should minimise the impact on biodiversity and provide “net gain in biodiversity where possible” (para 109) and where necessary only permitting development which can adequately mitigate, or compensate for any significant harm (para 118).
- 9.59 As described above in paragraphs 2.2 – 2.3, the application site is almost entirely within areas designated as City or County Wildlife Sites. Therefore the applicant submitted an Ecological Impact Assessment in support of the application in order to show that the ecological implications of the proposal had been considered, and mitigation measures planned.
- 9.60 Initial consultation responses on this document were predominantly negative, with the County Council Ecology Officer and Wildlife Trust recommending refusal of the application based on the lack of information provided and the quality of the ecological assessments. In particular, some parts of the application site, including the area for the haul road and site compound had not been adequately surveyed. Concern was also raised by a number of individuals and local groups that the ecological information provided with the application was not complete or detailed enough to make a full assessment of the application. Initial appraisal of the application also suggested that the proposal would result in a net loss of biodiversity, as the applicant had not shown appropriate mitigation or compensation for the loss of habitats.
- 9.61 Extensive discussions have taken place between the above ecology officers, the City Biodiversity Officer and the applicant, in order to establish the remit for the ecological surveys required and the level of information that needed to be provided. A revised Ecological Impact Assessment and accompanying technical notes were submitted with the application, in order to address the concerns and provide the required information. This included further survey work.

Ditton Meadows City Wildlife Site

- 9.62 The areas of Ditton Meadows required to construct the cycleway, ramps and flood compensation area will mean the loss of areas of semi-improved grassland and dense scrub on the north-western and south-western sections of Ditton Meadows. However, the habitat that will be permanently lost to facilitate the proposal are the areas for the actual hard surfacing of the cycleway, which constitutes 0.1 ha of land. The areas of ramps and surrounding paths will be replaced with species rich grassland and hedgerow and the flood compensation area will be reinstated to wet grassland, with new planting proposed as part of a landscape scheme, which will be secured by condition (paragraph 11.2, condition 29).

Realignment of Coldham's Brook

- 9.63 In order to facilitate locating the Bridge near to the existing railway bridge, and to align it with the available area of the north side of the river, the proposal involves realigning Coldham's Brook away from the western edge of Ditton Meadows, further to the east in order to locate the Bridge and ramp in this location. The realignment will involve two new culverts for paths to cross the brook to access the ramp and towpaths. .
- 9.64 The realigning of the watercourse will require a precautionary method of working and a detailed scheme for the translocation water voles, see paragraph 9.84 for further details.
- 9.65 Works to the watercourse, including the realigning and new culverts, require separate consent from the Lead Local Flood Authority. An informative to this effect will be included in the decision notice, see paragraph 11.2.

Site Compound

- 9.66 The construction compound is located on a vacant applicant owned site between Ditton Walk and Ditton Meadows. This site is not designated and is the only part of the application site outside of the Green Belt and Flood Zones 2 and 3. It should be noted that the site compound was originally planned to be located on Ditton Meadows, closer to the location for the construction of the Bridge. However, the applicant has stated that they listened to concerns raised at the pre-application stage regarding the impact on the ecology of Ditton Meadows, and submitted an alternative proposal to locate the compound on the vacant site. Thereby utilising the brown field site and avoiding the ecological impact on Ditton Meadows.
- 9.67 This approach, of using a brown field site rather than taking up more space on Ditton Meadows, is supported by national planning policy, as one of the core planning principles of the NPPF (para 17), and is also supported by the Cambridge Cycling Campaign, stating it shows that the applicant has taking account of early consultation and the attempt by the applicant to limit damage as much as possible.

Barnwell Junction Disused Railway City Wildlife Site and Eastern Section of Disused Railway

- 9.68 Along the southern boundary, part of the application site falls within Barnwell Junction Disused Railway City Wildlife Site, with a section to the east outside of City Wildlife Site boundary. This area will be used for the haul road. However, this eastern section is considered of similar ecological quality to the Barnwell Junction City Wildlife Site and it was considered by the CCC Ecology Officer to not have been adequately surveyed in the initial submission of the application. The wildlife site will be used for the haul road from the site compound off Ditton Walk to the location of the Bridge and the creation of two flood compensation areas, the western compensation area is within the City Wildlife Site, the eastern flood compensation area is outside the City Wildlife Site. This will require the removal of trees, scrub and grassland. The applicant has confirmed that any grassland of value will be translocated as part of the proposal, the survey and working scheme for which will be secured by condition (see paragraph 11.2, condition 26).
- 9.69 The wildlife site is otherwise dense scrubland, which the CCC Ecology Officer has indicated has become overgrown, and deteriorated in quality through lack of ecological management. As part of the proposal a 25 year ecological management plan has been recommended and will be secured by condition (see paragraph 11.2, condition 30). The Ecology Officer has indicated that the scheme and the restoration of the key habitat along the length of the disused railway will deliver a net gain in biodiversity value.

Haul Road Location and Overlap with Chisholm Trail

- 9.70 The net gain for this planning application is based on the reinstatement of the haul road following the completion of the development, which will be secured by condition (see paragraph 11.2, condition 12). However, Fen Ditton Parish Council have requested that the haul road be maintained as a means of access to the Bridge, should the Chisholm Trail Phase 1 application either not be granted or constructed by the time the Bridge is open to the public.
- 9.71 While the request of the parish council is understandable, in order to provide more direct access to Ditton Walk, the reinstatement of the haul road is seen as necessary to mitigate the ecological impacts of the development, and restore the land to the grassland wildlife habitat. Therefore the reinstatement of the haul road will be required by condition.
- 9.72 However, it should be noted that, should Chisholm Trail Phase 1 be granted planning permission and be constructed, the route of the Bridge Haul road also makes up the northern part of the Trail Phase 1. The Trail would run along the southern boundary of Ditton Meadows, linking the existing entrance to the meadow in the south east, to Barnwell Junction Disused Railway in the south-west corner, and the Bridge in the north-west corner. This would involve the loss of wildlife site habitat along the length of this path. However, the applicants approach has been to compensate for this permanent loss as part of the Trail application, within the Trail application site. Therefore, while the temporary loss of this habitat for the use as the haul road can be mitigated through the Bridge application, as part of the reinstatement of the habitat, the separate permanent

loss of the habitat can be separately compensated for through the provision of habitat as part of the Trail application. This would ensure that, overall there is a net gain in biodiversity between the two applications, and that the two proposals, both separately and combined could be supported by NPPF paragraph 109. This approach is supported by the CCC Ecology Officer.

- 9.73 In terms of overall habitat loss and creation for the Bridge application, the applicants have provided a table, at the request of consultees, which clearly sets out the habitat loss and creation across the application site. This table shows that the existing 2 ha of habitat will retain 0.65 ha, with 1.35 ha loss (primarily semi-improved grassland of Ditton Meadows) and 1.35 ha gain (mainly species rich grassland). However, the applicants have included the 0.1 ha of “bare ground”, for the cycle way, as part of the habitat gain. This is not agreed by The Wildlife Trust as it would be considered to be a loss of habitat. Therefore, the Wildlife Trust has ascertained that there would be a small net loss in biodiversity in terms of hectares. However, owing to the enhancement works proposed as part of the Bridge application, The Wildlife Trust has concluded that the proposal represents a small net gain in biodiversity, as the new habitats will represent an enhancement over the current situation on site. For example, dense scrub and semi-improved grassland will be replaced with species rich grassland and species rich hedgerow.
- 9.74 The consideration that the proposal represents an overall net gain in biodiversity value is supported by the CCC Ecology Officer. However, it should be noted that The Wildlife Trust’s objection to this application still stands. The Trust considered that the Bridge and Phase 1 Trail applications are intrinsically linked and that one should not be considered without the other. Their objection to the Trail application currently remains on that application, and until they are able to remove their objection to the Trail application, they consider that an objection to the Bridge application should remain as well.
- 9.75 Taking account of the above points, it is considered that subject to the imposition of the ecological and landscape conditions as outlined above, (see paragraph 11.2, conditions 12, 26, 27, 29 and 30) the proposal complies with policies 3/9 Watercourses and Other Bodies of Water, 4/6 Protection of Sites of Local Nature Conservation Importance (LP) and emerging Policy 69: Protection of sites of local nature conservation importance (LP2014). The scheme has mitigated for any harm that could come as a result of the proposal, and proposed appropriate compensation in order to result in a net gain in biodiversity value at the site, it is therefore considered that the proposal complies with the NPPF.

Impact on Wildlife and Protected Species

- 9.76 The Ecological Impact Assessment and submitted Technical Notes make reference to various species of wildlife and protected species within or close to the application area.
- 9.77 Local plan Policy 4/7 Species Protection (LP) state that sites with protected species will be safeguarded from development proposals which would destroy or adversely affect them. Planning permission would only be granted if there

was an overriding need for the development. Development which is permitted must reduce disturbance, facilitate the survival and provide alternate habitats to sustain current population levels. Emerging Policy 70: Protection of priority species and habitats (LP2014) takes a more positive approach, stating that development will be permitted which protects priority species, and that any proposal which might harm or disturb protected species population should minimise ecological harm and secure mitigation and compensatory measures. The policy requires that an assessment of the population and the impact of the proposed development is undertaken where development is proposed adjoining protected species site.

- 9.78 The NPPF also crucially highlights, that development should minimise the impact on biodiversity (para 109) and where necessary only permitting development which can adequately mitigate, or compensate for any significant harm (para 118).
- 9.79 Although not identified as an area with a Local Biodiversity Action Plan (BAP) in accordance with 4/8 Local Biodiversity Action Plans (LP), the policy also states that those habitats which support protected species as outlined in the BAPs should also be protected by harmful development. Protected species are identified in the Wildlife and Countryside Act 1981 (as amended), and it is a criminal offence to intentionally harm any species on the list. Therefore the potential for harm to any protected species is a material planning consideration in the assessment of this application.
- 9.80 Initially it was considered by the CCC Ecology Officer and The Wildlife Trust that the applicant had not provided the appropriate survey work for many of the potential protected species and habitats within the application area in order to have submitted a full Ecological Impact Assessment on which to base a consideration of the potential for protected species within and adjacent to the application site. Natural England also provided standing advice for the application in relation to protected species, which reflects current law and best practice for survey work and mitigation methods. The identified species which required comprehensive survey work in order for the status of potential protected species could be fully assessed include birds, bats, reptiles, otter, great crested newt and water vole.
- 9.81 Further survey work was submitted by the applicant in order to establish the presence and likely harm to the protected species. This included the submission of a revised Ecological Impact Assessment and further technical notes with details of the survey work and the mitigation measures required in order to safely carry out the proposal. In addition, the CCC Ecology Officer asked for further survey work to be completed following a site visit, in December 2016, which was also provided.

Bats

- 9.82 Following the submission of the Bat Survey work dated 30 January 2017, the CCC Ecology Officer considered that an adequate ecological assessment has been carried out for bats, which were found throughout the application site. A single tree was identified to have low bat roosting potential for which a

Precautionary Method of Working will be followed to be secured as part of an Ecological Design Strategy (see paragraph 11.2, condition 27). This approach is supported by The Wildlife Trust.

Reptiles

- 9.83 Following the submission of the Ecological Technical Note, the CCC Ecology Officer considered that an adequate ecological assessment has been carried out for reptiles. The grassland within the disused railway corridor was considered to have some potential to support common reptiles for which a Precautionary Method of Working will be followed to be secured as part of an Ecological Design Strategy (see paragraph 11.2, condition 27).

Water voles

- 9.84 Burrows were found on the application site, and therefore it will be necessary to ensure that mitigation measures for the translocation are implemented, particularly during the realignment of Coldham's Brook. This will be provided as part of the Ecological Design Strategy in order to provide a detailed strategy for the translocation of any water voles. Detailed design, planting scheme and long-term management of the brook for the benefit of water voles will be delivered through the Landscape Scheme and Landscape & Ecological Management Plan (see paragraph 11.2, conditions 29 and 30).

Otters

- 9.85 No evidence of otters was found within the survey work, although anecdotal evidence has been provided by individuals and local organisations that otters are present. The CCC Ecology Officer has confirmed that the impact on otters has been adequately assessed in accordance with best practice guidance. It is considered that a precautionary method of working, secured by the EDS, will ensure that the appropriate measures are taken should evidence of otters be found during the development.

Birds

- 9.86 Evidence of three notable species (song thrush, dunnock and meadow pipit) as well as more common species, were recorded within 1 kilometre of the application site. It will be necessary for the trees and shrubs to be checked for nesting birds before removal, if removed within the breeding season. This can be secured through the Ecological Design Strategy.

Great crested newts

- 9.87 The initial survey work for the site established that there were ditches on the application site with the potential to support great crested newt. However, further survey work established that there was no evidence of great crested newts on the application site.
- 9.88 The CCC Ecology Officer confirmed that the necessary ecological assessments have taken place and that the survey work for protected species have taken place in accordance with national planning guidance, in order for the proposals effects to be properly considered as a material planning consideration in the assessment of the development.

- 9.89 Ultimately, it was agreed between the CCC Ecology Officer and the City Biodiversity Officer that the full details for the mitigation measures and precautionary methods of working, for the above and any other species, that are required could be secured through a condition for an Ecological Design Strategy (see paragraph 11.2, condition 27). The Ecological Design Strategy will be required to show that methods of working and proposed mitigation methods are fully compliant with current law and best practice.
- 9.90 Additionally, the lighting scheme for the site has not yet been finalised, and will be secured by condition to ensure that lighting that could have harm to protected species is avoided, (see paragraph 11.2, condition 7). Therefore submission of the lighting scheme will also involve consultation with the Ecology, Biodiversity and Wildlife Trust.
- 9.91 With the above conditions secured, it is considered that the applicants have shown that there will be no significant harm to protected species, and that any potential for harm during the construction period, can be mitigated. It is therefore considered to be in accordance with the NPPF and local Policy 4/7 Species Protection (LP) and emerging Policy 70: Protection of priority species and habitats (2014) (LP2014).

Trees and Landscape Scheme

- 9.92 In order to facilitate the proposal, including the Bridge and ramps, as well as the haul road from the construction compound, it is considered necessary to remove 11 individual trees and 6 tree groups, of B, C and U category quality, as outlined in the applicant's Arboriculture Impact Assessment. This includes small numbers from the north bank of the river to the east of the existing railway bridge, a group of trees and shrubs to the east of the railway line on the south bank of the river, and a few individual trees on Ditton Meadows.
- 9.93 Policy 4/4 Trees (LP) and emerging Policy 71: Trees (LP2014) both state that development will not be permitted which would involve the felling, or potential root damage to trees, unless it can be demonstrated that the benefit of the proposal outweighs the loss of the trees. Where trees are felled, appropriate replacement planting should be arranged.
- 9.94 A Landscape Environmental Masterplan (part of the LVIA) has been provided as part of the submission which gives a general overview of the proposed landscape scheme, including the areas where new planting is proposed. Trees and shrub planting is proposed in order to mitigate the impact of the new ramps, embankments and the concrete abutments, therefore the specification for the type, location and species of plants will need to ensure that the planting establishes in these areas in order to provide the visual mitigation required, as well as ensuring that suitable trees are replaced to compensated for the loss. The initial species and planting schedule submitted was not considered an acceptable species mix for the area. In order to achieve a successful scheme and comply with the local plan policies, details of the soft landscaping scheme, with planting specification, will be required by condition (see paragraph 11.2, condition 29). This will ensure that an appropriate number, type and location of trees is provided as part of the delivery of new trees and shrubs.

- 9.95 The provisional Tree Protection Plans provided as part of the application show the Root Protection Areas to cover all of the trees on the application site which are not proposed to be altered, to ensure that there will be no damage to trees or roots. The City Council's Tree Officer has requested that a phased Arboriculture Method Statement and Tree Protection Plan are secured by condition, in accordance with the relevant British Standard, to ensure that no trees are damaged as part of the development (see paragraph 11.2, condition 28).
- 9.96 Provided the tree protection condition and details of the landscape scheme are secured by condition, an approach that is supported by the City Council's Tree Officer, it is considered that the requirements of Policy 4/4 Trees (LP) and emerging Policy 71: Trees (LP2014), will have been met, to ensure that any loss of trees is replaced and that trees to remain are adequately protected during the development.

Transport Assessment and Highway Safety

- 9.97 As a transport infrastructure project, the aims of this proposal are to increase modal shift towards cycle and pedestrian travel in this part of Cambridge. The creation of a more convenient, direct and quicker route across the river Cam in this location has been conceived to encourage this modal shift, the principle of which has been discussed above in paragraph 9.3 – 9.5.
- 9.98 It is predicted in the applicants demand forecast modelling that the development could result in an increase of 2,732 cycle journeys and 1,034 pedestrian journeys per day across the new Bridge as a combination of modal shift for new journeys and route choice preference. It is the applicant's aim that the proposal will encourage cyclists and pedestrians, and in particular encourage cyclists to travel off the main public highway, thereby improving the accessibility and safety of journeys across this part of Cambridge.
- 9.99 The submission for this proposal has been accompanied by a Demand Forecasting Report and Transport Assessment which has been assessed by the County Council Transport Assessments Team to establish the effect of the proposal on the surrounding highway network. This has included an analysis based on the Bridge being constructed without any other development, as well as assessing the implication of the Bridge with the Phase 1 Trail application also being approved and constructed.
- 9.100 Based on all the information now provided, Transport Assessments Officers are content that the implications of the development have been appropriately considered. As part of their assessment, accident data has been assessed which indicates that, should the Phase 1 Trail proposal not be constructed, improvements should be made to certain junctions in this area of the city, in order to facilitate the safe onward travel when using the Bridge route. This includes improved signage at the junction between Newmarket Road and Wadloes Road and the need to upgrade the pedestrian crossing to a "toucan" crossing on Barnwell Road, and alter the pedestrian walkway on the east side of Barnwell Road to shared use path. As this is land in the applicant's control

(Cambridgeshire County Council, as Highway Authority have permitted development rights to improve highways and land adjacent to the highway without needing to seek planning permission) these recommended improvements are considered acceptable to secure by condition, should the Phase 1 Trail proposal not be available prior to the opening of the Bridge (see paragraph 11.2 condition 8, 9, 32).

- 9.101 The applicant has offered to undertake a monitoring scheme to survey use of the Bridge, which the Transport Assessment Officers have requested to be secured by condition for a period of five years. This would ensure that the applicants collect data about use of the Bridge and travel patterns, particularly data to recognise the use of the Bridge by different user groups, such as the elderly, wheelchair users and the partially sighted. This would allow an assessment to be made about whether actions are required to improve signage, or change the way the path is segregated. It could also assist the applicants in planning future transport projects. The monitoring scheme will therefore be secured by condition (see paragraph 11.2, condition 32).
- 9.102 Concern has been raised by individuals and Fen Ditton Parish Council that the Bridge, by providing a link to the new Cambridge North railway station from Fen Ditton, and a link to the south of the river from East Chesterton, will exacerbate an existing problem of non-resident parking on Fen Ditton and Chesterton High Streets and other residential roads. While it is acknowledged that excessive parking can be of concern for residents, vehicle parking on these streets is outside the scope of this application. Residents and the parish council will be able, should non-resident parking continue to be a concern, to request that a resident's permit scheme or other parking management measures are assessed and look into implementing these schemes through the Local Highways Improvement Initiative.
- 9.103 With the above recommendations secured, it is considered that the proposal is compliant with Policy 8/2 Transport Impact (LP) and emerging Policy 81: Mitigating the transport impact of development (LP2014), which requires that developments do not have an unacceptable transport impact, and provide the necessary information in order to assess the impacts of a proposal. Transport Assessments Officers are content that the information has been provided and that the proposal will not have an unacceptable impact on the highway network.
- 9.104 The proposal also conforms with the principles of Policy 8/4 Walking and Cycling Accessibility and 8/5 Pedestrian and Cycle Network (LP), which both encourage new developments to give priority to walking and cycling, safeguard land and link with the pedestrian and cycle network, and improve and retain existing routes. While not specifically applicable to this proposal as it is a transport infrastructure project itself, the policies show the emphasis on prioritising sustainable travel accessibility and availability within the city.
- 9.105 It is also worth reiterating that the Chisholm Trail, and a crossing of the River Cam in this location has been part of the aspirations for the County and City Councils for some time, as noted in the discussion of the LTP and TSCSC in paragraph 9.5. It is therefore also in keeping with the city and county policy

towards developing sustainable infrastructure projects and promoting sustainable travel to reduce vehicle use and traffic on the highway network.

- 9.106 Additionally, Policy 3/9 Watercourses and Other Bodies of Water (LP), requires that waterside development maintains or improves public access to the waterside. This proposal clearly improves accessibility to either side of the Cam in this location, and therefore complies with this policy in this regard.

Residential Amenity

- 9.107 It is considered that the period when this proposal is most likely to have an impact on residential amenity is during the construction phase. Operationally, the increase in cycle and pedestrian traffic is unlikely to cause a detrimental impact to the amenity of surrounding residents. Noise from cyclists and pedestrians using the path or Bridge is unlikely to disturb residents. The proposed lighting scheme is also unlikely to affect residential amenity, as the proposed scheme is to install way finding lights only, with surface level lights on the paths, and minimal lighting for safety on the Bridge. Details of the lighting scheme will be secured by condition, to ensure that the impact on any lights does not affect residential amenity. The proposal is therefore in accordance with Policy 4/15 Lighting (LP) and emerging Policy 34: Light pollution control (LP2014) in this respect as the proposal, and details secured by condition, will minimise the impact on residential amenity.
- 9.108 It should also be noted that surrounding residents are subject to trains travelling along the existing railway line and across the railway bridge at regular intervals, which serves Ely and Peterborough and King's Lynn from Cambridge railway station. The impact from noise from cyclists and pedestrians is therefore highly unlikely to disturb local residents when compared to the noise from trains travelling this route at regular intervals. It is therefore considered that the proposal would not raise concerns relating to emerging Policy 35: Protection of human health from noise and vibration (LP2014) which ensures that development doesn't lead to adverse effects on human health as a result of noise and vibration.
- 9.109 There are a small number of houses in proximity to the proposed location of the Bridge, primarily the houses off Fen Road, whose gardens back on to the northern bank towpath to the east and west of the existing railway bridge. During the construction period, including constructing the paths, ramps, embankments and launching the Bridge from the north side of the river, it is possible that some disturbance to the local residents will occur. It is more likely that this impact would be felt by the residents of Fen Road to the east of the railway bridge, where the Bridge is to be located, than those on the west side which is separated from the proposed location by the existing railway bridge. The impact from construction will be temporary, and will be minimised during the construction period by securing by condition the permitted construction hours and permitted construction delivery hours ensuring that construction doesn't occur late into the evening, overnight, or early morning, where potential disturbance would be most likely (see paragraph 11.2, conditions 14 and 15). A Construction Management Plan will also be required by condition (see

paragraph 11.2, conditions 10) to ensure that procedures and practices minimise disturbance to local residents as much as possible.

- 9.110 To the south of Ditton Meadows, the buildings off Ditton Walk are all light industrial and commercial where they back onto Ditton Meadows. The likelihood of disturbance during the day from the construction is unlikely to have an effect on the amenity of the workers in this location.
- 9.111 The routing arrangement for the construction phase will take vehicles along Ditton Walk, along the same route used by the light industrial and commercial buildings, which could cause some disturbance to the residents along this road during the construction phase, through increased traffic along this road. However, as noted above, commercial traffic already travels along this road to access the businesses and light industrial estate along Ditton Walk. In addition, the construction period will be temporary, therefore the impact on residential amenity will not be permanent. Securing the permitted construction hours and permitted construction delivery hours will also minimise the impact, by restricting the daily times where disturbance could occur, and ensuring that construction doesn't occur late into the evening, overnight, or early morning, where potential disturbance would be most likely (see paragraph 11.2, conditions 14 and 15).

Flood Risk and Drainage

- 9.112 The area where the Bridge is proposed to be built is almost entirely within Flood Zone 3 indicating a high potential risk of flooding. To compensate for the increased risk of flooding as a result of this development (increased hard surfacing and new embankments) flood compensation areas have been proposed on the south west corner of the site, which involves the excavation of material from Ditton Meadows. This will increase the volume capacity of the floodplain to ensure that the development will not increase the risk of flooding off site. The principle of the flood compensation areas have been agreed by the City Council's Drainage Engineer and the Environment Agency, subject to conditions to secure the detailed design of the surface water drainage scheme (see paragraph 11.2, condition 23) and the implementation of the flood compensation areas (see paragraph 11.2, condition 24).
- 9.113 The surface water drainage system is proposed to be split into two systems. Surface water on the south side of the Bridge will drain into a filter drain and attenuation pipes, ultimately discharging into the Coldham's Brook at 2l/s. Surface water on the north side of the Bridge will drain into a filter drain and attenuation feature prior to discharging into the River Cam at a rate of 2l/s. The principle of this drainage scheme has been agreed with CCC Flood & Water Officers, as Lead Local Flood Authority, with the recommendation that a detailed surface water drainage scheme can be secured by condition, (see paragraph 11.2, conditions 23 and 25).
- 9.114 It is therefore considered that the proposal is in accordance with Policy 4/16 Development and Flooding (LP) and emerging Policy 32: Flood risk (LP2014), which require that development does not increase the risk of flooding or is an area with an unacceptable risk of flooding. It is also therefore in accordance

with Policy 8/18 Water, Sewerage and Drainage Infrastructure (LP) and emerging Policy 31: Integrated water management and the water cycle (LP2014), which support the use of Sustainable Drainage Systems and would only support development where land drainage is available to meet the demands of the development. With the implementation of the appropriate conditions (see paragraph 11.2, conditions 23, 24 and 25) the proposal will therefore be compliant with these policies.

- 9.115 The realignment and culverting of Coldham's Brook is proposed as part of this application, in order to accommodate the Bridge ramps on the south side of the river. While this proposal is included within this application as part of the development, the realignment and culverting of the brook requires Ordinary Watercourse Land Drainage Consent from the Lead Local Flood Authority under the Land Drainage Act 1991. This will be included as an informative to the applicant should permission be granted, to ensure that they are aware of the additional consents required of them.
- 9.116 There are ecological implications for realigning and culverting Coldham's Brook and these are discussed above in paragraph 9.63 – 9.64.

Contamination

- 9.117 Owing to the presence of the current operational railway line and the disused railway line, there is a reasonable likelihood that the ground could be contaminated in these areas. A land Contamination Desk Study has been submitted as part of this application, identifying the likely risks as low, and confirming that testing should be conducted as part of the condition of any permission granted. This approach has been agreed by the City Council officers, and therefore conditions to cover initial assessment for contamination, remediation works and verification reports for this work will be secured by conditions to ensure the appropriate surveys and necessary mitigation measures have taken place (see paragraph 11.2, conditions 18-21). With these conditions secured, it is considered that the development will comply with the requirements of Policy 4/13 Pollution and Amenity (LP) and emerging Policy 33: Contaminated land (LP2014) which require that development is only permitted which will not lead to adverse effects on health or the environment, and that pollution mitigation measures are implemented where necessary.

Construction

- 9.118 The construction compound is to be located off Ditton Walk on a plot which is currently vacant and consists only of hardstanding. It is proposed to launch the Bridge from the north side of the river, off Fen Road, using land in the grounds of a house which is currently vacant and subject to a planning application for 14 flats. Other approaches for the Bridge construction were considered by the applicant, but launching the Bridge from the north bank was concluded to be the most viable option, particularly taking account of early concerns raised at the pre-application stage of potential harm to Ditton Meadows.
- 9.119 The construction period for the Bridge is proposed to be 35 weeks, and is likely to commence in 2017 should the proposal gain approval.

- 9.120 No demolition is proposed as part of this project and therefore the production of waste will be limited to that required through the construction process. This includes the removal of material from the site to create flood compensation areas on the Meadow to compensate for the increase in hard surfacing as a result of the Bridge proposal. While some of this material is proposed to be used in the Bridge ramps, not all of this material will be used and some material will be transported off site.
- 9.121 A worst case scenario for the amount of material to be transported off site has been provided by the applicant, which has calculated approximately 1,085 cubic metres of material (equating to 5,427.9 tons) and approximately 271 vehicle movements, to remove the material from the site compound off Ditton Walk. The above movements only relate to the worst case scenario for transporting material off-site and it is therefore not a full number of vehicle movements to be associated with the application during the construction phase. As such, a Construction Management Plan will be required by condition, as recommended by the Transport Assessment Team (see paragraph 11.2, conditions 10) and permitted construction and delivery hours will be secured by condition (see paragraph 11.2, conditions 14 and 15) to ensure that the construction period has as minimal effect on the surrounding residents as possible.

Cumulative Impact with the Trail Phase 1

- 9.122 As described earlier in this report, the Bridge, while a separate project for the purposes of the application and planning assessment, would form part of the northern section (Phase 1) of the Trail, should permission be granted for either or both applications. Concern has been raised by consultees and individuals that accepting two separate applications for this project is tantamount to a “salami slicing” approach to development, which is contrary to government guidance for the consideration of planning applications that are part of an overall project, as well as consideration under the Environmental Impact Assessment (EIA) regulations as to whether a proposal should be considered to be EIA development or not.
- 9.123 The approach for the planning application was discussed with the applicant at the pre-application stage, and it was determined, that because the funding sources for the Bridge and Trail were separate, the project timetables were different, and the fact that the Bridge could be developed without the Trail coming forward, that the proposals could be considered separately. The example often cited against this approach is the development of separate sections of a motorway as part of different applications, which could not possibly have any benefit without the other sections being approved and built. In this case, the Bridge can come forward as a viable link across the river in this location, and Phase 1 of the Trail could also provide a safer off road link from Coldham’s Lane to Ditton Meadows, even if the other project was not granted planning permission.
- 9.124 In the same way, while the applicants have aspirations for Phase 2 of the Trail to link Coldham’s Lane to the existing railway station south of the city centre, this too could come forward as a separate proposal which would make sense in the context of the existing network and would provide a viable piece of

infrastructure. Together, the three elements provide a linked up route across the city, but separately they individually have the potential to improve sustainable transport options within the city.

- 9.125 Similarly, in the assessment against the EIA regulations, the Bridge was considered for its individual impacts on the environment. However, as cumulative impact is an important aspect of whether a development is EIA or not, it was also fully considered with the potential cumulative impacts of the whole Chisholm Trail (Phases 1 and 2), alongside other adjacent development. This ensured that the whole project has been fully considered, and all the potential impacts were fully assessed individually and cumulatively.

10.0 CONCLUSION

- 10.1 This proposal has been considered against local and national planning policy, as well as other material planning considerations, in order to provide a full assessment of the benefits and negatives that need to be balanced with a project of this nature.
- 10.2 It is considered that the proposal will have a minimal negative impact on the Green Belt and conservation areas. Detailed design of the structure and surrounding landscapes can be secured through condition to ensure that the best possible design is secured. It is also considered that any impact to the Wildlife Sites, habitats and protected species can be mitigated through the implementation of conditions for both the design and construction phases.
- 10.3 Therefore, the positive benefits afforded to the city of new cycling and pedestrian infrastructure in this location, are considered to outweigh the minimal negative impacts when mitigation and compensation measures are taken into account.

11.0 RECOMMENDATION

- 11.1 It is therefore recommended that planning permission be **granted**, subject to the conditions, advisory notes and informative set out below.
- 11.2 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. Conditions 4, 5, 6, 10, 11, 12, 13, 17, 18, 19, 22, 23, 26, 27, 28, 29 and 30 below all require further information to be submitted, or works to be carried out, to protect the environment and ensure sustainable methods of operation during the construction of the development and are therefore attached as pre-commencement conditions. The developer may not legally commence development on site until these conditions have been satisfied.

1. Commencement

The development hereby permitted shall be commenced not later than three years from the date of this permission. Within 14 days of the commencement of the development the County Planning Authority shall be notified in writing of the date at which the development commenced.

Reason: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2. Opening

Within one month of the Bridge first being brought into public use the County Planning Authority shall be notified in writing of the date at which the Bridge was first opened to the public.

Reason: In order to be able to establish the timescales for the approval of details reserved by conditions and to enable monitoring of the development.

3. Approved Plans

The development hereby permitted shall be carried out in accordance with the application form dated 10/06/2016 and the following information and plans (received 14/06/2016, unless otherwise stated), except as otherwise required by any of the conditions set out in this permission:

- Red Line Drawing, prepared by Cambridgeshire Highways, drwg no.: 5040126/HW/LP/001, rev: B, dated: 6/16 (received: 16/06/2016);
- Site Plan, prepared by Skanska, drwg no.: KA082/TPA/101, rev: A, dated: 06/07/2016 (received: 06/07/2016);
- GA Plan, prepared by Skanska, drwg no.: KA082/TPA/102, rev: O, dated: 10/06/2016 (received: 16/06/2016);
- East & West Elevations, prepared by Skanska, drwg no.: KA082/TPA/201, rev: O, dated: 10/06/2016 (received: 16/06/2016);
- Longitudinal and Transverse Sections, prepared by Skanska, drwg no.: KA082/TPA/202, rev: O, dated: 10/06/2016 (received: 16/06/2016);
- Section B-B & C-C, prepared by Skanska, drwg no.: KA082/TPA/301, rev: O, dated: 10/06/2016 (received: 16/06/2016);
- North Abutments Details, prepared by Skanska, drwg no.: KA082/TPA/303, rev: O, dated: 10/06/2016 (received: 16/06/2016);
- Detail A – Parapet, prepared by Skanska, drwg no.: KA082/TPA/401, rev: O, dated: 10/06/2016 (received: 16/06/2016);
- View from Ditton meadows, prepared by Skanska, drwg no.: KA082/TPA/501, rev: O, dated: 10/06/2016 (received: 16/06/2016);
- View from north bank towpath, prepared by Skanska, drwg no.: KA082/TPA/502, rev: O, dated: 10/06/2016 (received: 16/06/2016);
- Deck view, prepared by Skanska, drwg no.: KA082/TPA/503, rev: O, dated: 10/06/2016 (received: 16/06/2016);
- Distant view from East, prepared by Skanska, drwg no.: KA082/TPA/504, rev: O, dated: 10/06/2016 (received: 16/06/2016);

- Lighting visualisations, prepared by Skanska, drwg no.: KA082/TPA/505, rev: O, dated: 10/06/2016 (received: 16/06/2016);
- Chesterton Bridge Ecological Impact Assessment November 2016, prepared by Atkins, Job No.: 5124710.044, Rev 5.0, dated: 04/11/2016 (received: 07/11/2016);
- Ecology Technical Note, prepared by Atkins, reference: 5124710.44, rev: 01, dated: 19th January 2017 (received: 19/01/2017);
- Ecology Technical Note, prepared by Atkins, reference: 5124710.50, rev: 01, dated: 30th January 2017 (received: 30/01/2017);
- Abbey/Chesterton Foot and Cycle Bridge Landscape and Visual Impact Assessment November 2016, prepared by Atkins, Job No. 5138404, rev: 6, dated: November 2016 (received: 09/11/2016);
- Chesterton Footbridge, Chesterton, Cambridge, Arboricultural Impact Assessment November 2016, prepared by Atkins, Job No. 5138408, rev: P2, dated: 08.11.16 (received: 08/11/2016);
- Tree Protection Plan Sheet 1, prepared by Atkins, drwg no.: 5138404-COL-ARB001, rev: -, dated: 26/04/16 (received: 07/11/2016);
- Tree Protection Plan Sheet 2, prepared by Atkins, drwg no.: 5138404-COL-ARB002, rev: A, dated: 10/06/16 (received: 07/11/2016);
- Tree Protection Plan Sheet 3, prepared by Atkins, drwg no.: 5138404-COL-ARB003, rev: A, dated: 10/06/16 (received: 07/11/2016);
- Tree Protection Plan Sheet 4, prepared by Atkins, drwg no.: 5138404-COL-ARB004, rev: A, dated: 10/06/16 (received: 07/11/2016);
- Chesterton Bridge Land Contamination Desk Study October 2015, prepared by Atkins, Job No. 5142643, Rev: 1.0, dated: October 2015;
- Chesterton Foot/Cycle Bridge Flood Risk Assessment, prepared by Atkins, Job No. 5124710, Rev: 3.0, dated: 31/10/2016 (received: 07/11/2016);
- Chesterton Bridge Preliminary WFD Compliance Assessment, prepared by Atkins, Job No. 5138404, Version: 1.0, dated: 11 April 2016;
- New Abbey – Chesterton Bridge Drainage Layout, prepared by Cambridgeshire Highways, drwg no.: 5040126/BR/DR/501, Rev: C, dated: 10/16 (received: 12/10/2016);
- Chesterton Bridge Demand Forecasting, prepared by Atkins, Job No. 5143000, Rev: 4.0, dated: 02/09/16 (received: 29/09/2016);
- Chesterton Bridge Transport Assessment, prepared by Atkins, Job No. 5143000, Rev: 2.0, dated: 22/09/2016 (received: 26/09/2016);
- Fen Road, Cambridge [Visibility Splay Diagram 1], prepared by Cambridgeshire County Council, drwg no.: 1 (received: 08/08/2016);
- Fen Road, Cambridge [Visibility Splay Diagram 2], prepared by Cambridgeshire County Council, drwg no.: 2 (received: 08/08/2016);
- Abbey – Chesterton Bridge [ECI Presentation] February 2016, prepared by Osborne, (received: 08/11/2016).

Reason: To define the site and protect the character and appearance of the locality in accordance with policy 3/7 of the Cambridge Local Plan (adopted July 2006).

4. Schedule of Materials

No development shall commence until full details including colour samples (with RAL numbers) of all the materials to be used in the construction of the development, have been submitted to, and approved in writing by, the County Planning Authority.

The development shall only be carried out in accordance with such approved details.

Reason: To ensure that the appearance of the Bridge is appropriate in accordance with policies 3/4 and 3/12 of the Cambridge Local Plan (adopted July 2006). The colour and detail of the materials, including how porous they are, is required prior to the construction phase so must be agreed before development starts.

5. Detailed path drawings

No development shall commence until detailed engineers drawings for the development, including detailed dimensions, levels and specifications of the bridge and surrounding paths and ramps, have been submitted to, and approved in writing by, the County Planning Authority.

The development shall only be carried out in accordance with such approved details.

Reason: To ensure that the paths and Bridge are accurately constructed on site to a high standard in accordance with policy 3/7 of the Cambridge Local Plan (adopted July 2006). The detailed information in relation to the paths are required prior to the construction phase so must be agreed before development commences.

6. Jetty Specification

No development shall commence until detailed drawings, for the construction of the replacement jetty, as shown on 'GA Plan, prepared by Skanska, drwg no.: KA082/TPA/102, rev: O, dated: 10/06/2016 (received: 16/06/2016)', have been submitted to, and approved in writing by, the County Planning Authority.

The development shall only be carried out in accordance with such approved details and shall be retained on site thereafter.

Reason: To ensure that the details of the jetty are to a high standard and agreed prior to construction and in accordance with policy 3/7 of the Cambridge Local Plan (adopted July 2006). The detailed information for the jetty specification are required prior to the construction phase so must be agreed before development commences.

7. Lighting Specification

Prior to the installation of any lighting, a lighting scheme and specification shall be submitted to and approved in writing by, the County Planning Authority. The scheme shall include:

- a) specifications for any artificial lighting of the site, including lighting on the Bridge and the paths, and way-finding lights at ground level;
- b) a lighting impact assessment with predicted lighting levels at proposed and existing residential properties, sensitive receptors, and the boundary of the site;
- c) details the hours that the lights will be illuminated; and
- d) details of motion detection sensors and how they will be used.

No lighting shall be installed except in accordance with such approved details and shall be retained on site thereafter.

Reason: To ensure that light pollution is prevented in this sensitive location in accordance with policy 4/13 of the Cambridge Local Plan (adopted July 2006).

8. Signage/Markings Specification

Prior to the bridge first being brought into public use a scheme for signage and path markings shall be submitted to and approved in writing by, the County Planning Authority. The signage/markings scheme shall include, but not be limited to:

- a) Detailed design of all signage and path markings within the application site; and
- b) Detailed design of the signage and path/road markings:
 - i) At the junction of Wadloes Road and Newmarket Road;
 - ii) From Water Street and Fen Road;
 - iii) From the Cambridge North (Science Park) railway station;

The signage/path markings scheme shall be carried out in full in accordance with such approved details, shall be put in place prior to the Bridge first being brought into public use and shall be retained on site thereafter.

Reason: To ensure that the paths are marked for wayfinding and safety purposes and in accordance with policy 8/4 of the Cambridge Local Plan (adopted July 2006).

9. Improvements to Barnwell Road

Prior to the Bridge first being brought into public use, (and unless the Chisholm Trail Phase 1, planning application reference: C/5007/16/CC, has been granted planning permission and constructed and brought into first public use), a scheme for cycling/pedestrian improvements to Barnwell Road shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include, but not be limited to:

- a) Details of upgrading the existing crossing on Barnwell Road to a toucan crossing; and
- b) Details of upgrading the existing footway to a shared pedestrian/cycle path along the eastern side of Barnwell Road.

The scheme shall be implemented in full in accordance with such approved details and the works to be carried out pursuant to the scheme shall be available for use prior to the Bridge first being brought into public use.

Reason: In the interests of highways safety and in accordance with policy 8/4 of the Cambridge Local Plan (adopted July 2006).

10. Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to, and approved in writing by, the County Planning Authority. The plan shall include, but not be limited to, details of:

- a) construction methods;
- b) existing path closures and maintenance of safe access;
- c) construction vehicle movements, numbers and routes;
- d) site protective fencing;
- e) site compound layout; and
- f) a plan for the removal/reinstatement of the site compound following completion of the development.

The development shall only be carried out in accordance with such approved details.

Reason: To protect the amenity of the adjoining properties in accordance with policy 4/13 of the Cambridge Local Plan (adopted July 2006). The Construction Management Plan relates to the construction phase so must be in place before development starts.

11. Construction Environmental Management Plan

No development shall commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the County Planning Authority. The plan shall include:

- a) A Precautionary Method of Working (PMW) in respect of bats, reptiles, nesting birds and hedgerow;
- b) Full details for the protection of water voles during any culverting works;
- c) Provision for and confirmation that an Ecological Clerk of Works must oversee all site clearance works and monitor the PMW;
- d) Pollution controls;
- e) Invasive plant species controls; and
- f) That construction activities should be restricted to within normal daytime working hours, so that no additional lighting is used on the construction site overnight.

The development shall only be carried out in accordance with such approved details.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of surrounding residential occupiers in accordance with policy 4/13 of the Cambridge Local Plan (adopted July 2006). The Construction Environmental Management Plan relates to the construction phase so must be in place before development starts.

12. Haul Road Details and Reinstatement

No development shall commence until details of the haul road(s) including routes; turnaround areas; construction; and method and timetable for removal and re-instatement have been submitted to, and approved in writing by the County Planning Authority.

The haul road(s) described above shall be removed and the land reinstated in accordance with the above scheme, unless planning permission for the Chisholm Trail Phase 1, planning application reference: C/5007/16/CC, has been granted and implemented requiring such haul road to remain in place, whereby the net loss of reinstatement will have been taken into account in accordance with planning permission C/5007/16/CC to ensure no net loss in biodiversity.

Reason: In order to ensure no net loss of biodiversity as a result of this application in accordance with policy 4/6, 4/7 of the Cambridge Local Plan (adopted July 2006). Details of the haul road, including the method of construction and re-instatement of the area, is required ahead of the construction phase so must be approved before development starts.

13. Materials Management Plan

No development shall commence until a Materials Management Plan has been submitted to, and approved in writing by, the County Planning Authority. The plan shall include:

- a) an inspection and sampling strategy for the testing of excavation formations;
- b) a procedure for screening contamination discovered in the development phase to be screened against criteria outlined in the Contamination Remediation Strategy;
- c) a stockpile validation strategy;
- d) detailed material re-use criteria;
- e) details of arisings processing;
- f) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in a) to e) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action;
- g) details of the volumes and types of material proposed to be imported or reused on site;

- h) details of the proposed source(s) of the imported or reused materials;
- i) details of the chemical testing for ALL material to be undertaken before placement onto the site;
- j) the results of the chemical testing which must show the material is suitable for use on the development; and
- k) confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.

The development shall only be carried out in accordance with such approved details.

Reason: To ensure that any contamination of materials is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with policy 4/13 of the Cambridge Local Plan (adopted July 2006). The detailed material information, including the methodology linked to testing for contaminated land related issues etc. is required ahead of the construction phase so must be in place before development starts.

14. Permitted Construction Hours

No development shall take place other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties in accordance with policy 4/13 of the Cambridge Local Plan (adopted July 2006).

15. Permitted Construction Delivery Hours

No deliveries to, or removal of waste or materials from, the site shall take place except between the hours of 0800 and 1800 Monday to Friday, 0800 and 1300 on Saturdays and at no time on Sundays, bank or public holidays.

Reason: To protect the amenity of the adjoining properties in accordance with policy 4/13 of the Cambridge Local Plan (adopted July 2006).

16. Construction Methods/Groundwater Pollution

Prior to any piling or any other foundation designs and investigation boreholes using penetrative methods, a report demonstrating that there will be no resultant unacceptable risk to groundwater shall be submitted to and approved in writing by, the County Planning Authority.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

17. Earthworks

No development shall commence until full details of earthworks have been submitted to and approved in writing by the County Planning Authority.

These details shall include the existing land levels of the red line site area as a baseline for the scheme, alongside methods of soil stripping, handling and storage, ground protection during construction, ground re-instatement, the proposed grading and mounding of land areas including the levels and contours to be formed, and the effect of the proposed mounding on existing vegetation and surrounding landform.

The development shall only be carried out in full in accordance with such approved details, and shall be completed prior to the Bridge first being brought into public use.

Reason: To ensure that the details of the earthworks are acceptable in accordance with policies 3/4, 3/11 and 3/12 of the Cambridge Local Plan (adopted July 2006). The baseline land levels data and details of the earthworks proposed are required ahead of the construction phase so must be in place before development starts.

18. Contamination Preliminary Study

No development shall commence until a preliminary contamination study has been submitted to and approved in writing by, the County Planning Authority. The study shall include:

- a) Desk study to include:
 - i. Detailed history of the site uses and surrounding area (including any use of radioactive material);
 - ii. General environmental setting;
 - iii. Site investigation strategy based on the information identified in the desk study.
- b) A report setting out what works/clearance of the site (if any) is required in order to effectively carry out site investigations;
- c) A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site; and
- d) The results of a site investigation based on (c) and a detailed risk assessment, including a revised CSM.

Reason: To adequately categorise the site prior to the design of an appropriate investigation strategy in the interests of environmental and public safety in accordance with policy 4/13 of the Cambridge Local Plan (adopted July 2006). The contaminated land issue relates to the land ahead of the construction phase and remediation measures may be needed as part of the construction phase so must be in place before development starts.

19. Contamination Remediation Strategy

No development shall commence until a contamination remediation strategy has been submitted to, and approved in writing by, the County Planning Authority. The strategy shall include:

- a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/ or water analysis and subsequent risk assessment to any receptors;
- b) A proposed remediation strategy detailing works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented; and
- c) The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

The approved remediation strategy shall be implemented in full and shall be completed prior to the Bridge first being brought into public use.

Reason: To ensure that any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with policy 4/13 of the Cambridge Local Plan (adopted July 2006). The contaminated land issue relates to the land ahead of the construction phase and remediation measures may be needed as part of the construction phase so must be in place before development starts.

20. Contamination Remediation Strategy – unexpected contamination

If, during the construction of the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the County Planning Authority.

The approved remediation strategy shall be implemented in full.

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with policy 4/13 of the Cambridge Local Plan (adopted July 2006).

21. Contamination Completion/Verification Report

Prior to the Bridge first being brought into public use, a Contamination Completion Report shall be submitted to, and approved in writing by, the County Planning Authority. The report shall include:

- a) A completion report demonstrating that the approved remediation scheme as required by conditions 19 and 20 has been undertaken and that the land has been remediated to a standard appropriate for the end use; and
- b) Details of any post-remedial sampling and analysis (as defined in the approved Material Management Plan) which shall be included in the completion report along with all information concerning materials brought onto, used, and removed from the development. The information provided must demonstrate that the site has met the required clean up criteria.

Upon completion of any works pursuant to the Contamination Remediation Strategy, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To demonstrate the site is suitable for approved use in the interest of environmental and public safety in accordance with policy 4/13 of the Cambridge Local Plan (adopted July 2006).

22. Programme of Archaeological Works

No development shall commence until a Written Scheme of Investigation (WSI) has been submitted to, and approved in writing by, the County Planning Authority. The agreed WSI shall include:

- a) The statement of significance and research objectives;
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI; and
- d) The timetable for the investigation.

The development shall only be carried out in accordance with such approved details.

Reason: To protect any underlying archaeology in the area in accordance with policy 4/9 of the Cambridge Local Plan (adopted July 2006). To ensure that the underlying archaeology is protected the Programme of Archaeological Works needs to be agreed ahead of the construction phase so must be in place before development starts.

23. Drainage Scheme

No development shall commence until a surface water drainage scheme based on the agreed 'New Abbey – Chesterton Bridge Drainage Layout, prepared by Cambridgeshire Highways, drwg no.: 5040126/BR/DR/501, Rev: C, dated: 10/16 (received: 12/10/2016)' has been submitted to, and

approved in writing by, the County Planning Authority. The scheme shall include:

- a) A plan clearly detailing the levels of the bridge to demonstrate that there is a 2.5% cross fall as detailed on the agreed drawing;
- b) An agreed drainage plan that shall detail how surface water draining from the Bridge Deck will be managed with the associated hydraulic calculations;
- c) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds and drainage storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes;
- d) Confirmation of the critical storm duration;
- e) Calculations showing the volume of the attenuation ponds or tanks where on site attenuation is achieved through this method;
- f) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on a plan with the rate of discharge stated;
- g) Calculations to demonstrate how the system operates during a 1 in 100 annual probability critical duration storm event, including an allowance for climate change in line with the National Planning Policy Framework Technical Guidance. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding;
- h) Details showing that Infiltration systems will only be used where it can be demonstrated that they will not pose a risk to groundwater quality;
- i) Details confirming that the drainage scheme has been designed for the benefit of Water Voles and other aquatic species; and
- j) Full details of any proposed culverting works.

The drainage scheme shall be carried out in full in accordance with such approved details, and shall be completed prior to the Bridge first being brought into public use and retained on site thereafter in accordance with the scheme.

Reason: To prevent the increased risk of flooding, to protect water quality, improve habitat and amenity, and to ensure that the drainage and flood risk implications of developments are mitigated in accordance with policies 4/6 and 4/16 of the Cambridge Local Plan (adopted July 2006). Elements of the surface water drainage arrangements may need to be installed in an early part of the construction phase so the scheme must be in place before development starts.

24. Flood Compensation

The flood compensation areas as described in Appendix D of the approved 'Chesterton Foot/Cycle Bridge Flood Risk Assessment, prepared by Atkins, Job No. 5124710, Rev: 3.0, dated: 31/10/2016 (received: 07/11/2016)' and shown on 'Red Line Drawing, prepared by Cambridgeshire Highways, drwg no.: 5040126/HW/LP/001, rev: B, dated: 6/16 (received: 16/06/2016)' shall

be completed prior to the Bridge first being brought into public use and retained on site thereafter.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with policy 4/16 of the Cambridge Local Plan (adopted July 2006).

25. Drainage Long-term Maintenance Plan

Prior to the installation of the surface water drainage scheme approved in condition 23 above, details for the long term maintenance arrangements for any parts of the surface water drainage system which are not to be adopted (including all Sustainable Drainage Systems (SuDS) features) shall be submitted to, and approved in writing by, the County Planning Authority.

The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. The plan must clarify the access that is required to each surface water management component for maintenance purposes.

The maintenance scheme shall be carried out in full in accordance with such approved details.

Reason: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework and policy 4/16 of the Cambridge Local Plan (adopted July 2006).

26. Grassland Translocation

No development shall commence within the area shown as green on plan CCC1, attached to this decision notice, until a Grassland Translocation Survey and Scheme has been submitted to, and approved in writing by, the County Planning Authority. The scheme shall include:

- a) detailed botanical surveys;
- b) a detailed scheme for the storage of ballast/soils, vegetation and important plant species; and
- c) a detailed scheme for the reinstatement of quality grassland & ballast to the area shown as green on plan CCC1.

The scheme, once approved in writing by the County Planning Authority, shall be implemented in full and completed prior to the Bridge first being brought into public use, or in the first planting season following the Bridge first being brought into public use.

Reason: To ensure the protection of existing species and the ecological and biodiversity value of the area shown in plan CCC1 in accordance with policies 4/2, 4/3 and 4/8 of the Cambridge Local Plan (adopted July 2006).

27. Ecological Design Strategy

No development shall commence until an Ecological Design Strategy (EDS) addressing conservation of biodiversity features of the application site has been submitted to and approved in writing by the County Planning Authority. The EDS shall include the following:

- a) Detailed mitigation and enhancement measures for protected species and other species / habitats of conservation interest (including, but not limited to, water vole, reptiles, bats, breeding fish, aquatic invertebrates and City Wildlife Site habitats);
- b) Purpose and conservation objectives for the proposed works;
- c) Review of site potential and constraints;
- d) Detailed design(s) and/or working method(s) to achieve stated objectives;
- e) Extent and location/area of proposed works on appropriate scale maps and plans;
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- h) Persons responsible for implementing the works;
- i) Details of initial aftercare and long-term maintenance;
- j) Details for monitoring and remedial measures; and
- k) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with such approved details and all features shall be retained in accordance with the details approved thereafter.

Reason: To ensure the protection of existing species and the ecological and biodiversity value of the area in accordance with policies 4/2, 4/3 and 4/8 of the Cambridge Local Plan (adopted July 2006). The Ecology Design Strategy detail will need to be agreed ahead of the construction phase so the scheme must be in place before development starts.

28. Tree Protection

No development, including the bringing of any equipment, machinery or materials onto the site for the purpose of the development, shall commence until a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), in accordance with BS5837 2012, has been submitted to, and approved in writing by, the County Planning Authority. The AMS and TPP shall include:

- a) Consideration of all phases of construction, in a logical sequence, in relation to the potential impact on trees;
- b) Details of the specification and position of protection barriers and ground protection; and
- c) all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including

demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and Local Planning Authority's Tree Officer to discuss details of the approved AMS. This meeting will be to discuss the implementation of the approved AMS. The minutes of this meeting shall be submitted in writing to the County Planning Authority, within 14 days of the meeting.

The development shall be carried out in full in accordance with the approved AMS and TPP throughout the duration of the development. The agreed means of protection shall be retained on site until the development has been completed and all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered, in line with the baseline ground levels agreed under condition 17, nor shall any excavation take place.

Reason: To safeguard existing trees on the site and to ensure that suitable replacement trees and planting are provided to mitigate the impact of the development in accordance with policy 4/4 of the Cambridge Local Plan (adopted July 2006). The detail related to tree protection and an Arboricultural Method Statement will need to be agreed ahead of the construction phase so the scheme must be in place before development starts.

29. Landscape Scheme

No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the County Planning Authority.

These details shall include proposed finished levels or contours; means of enclosure or fencing (location, type and detail); hard surfacing materials, proposed and existing functional services above and below ground, e.g. power cables, retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans at an appropriate scale; written specifications (including cultivation and other operations associated with plant and grass establishment); planting details of specific ecological mitigation areas schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

The landscape scheme shall be carried out in full in accordance with such approved details, and completed prior to the Bridge first being brought into public use, or in accordance with the implementation programme agreed in writing by the County Planning Authority.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development in accordance

with policies 3/4 and 3/11 of the Cambridge Local Plan (adopted July 2006). The detail related to the landscape scheme will need to be agreed ahead of the construction phase so the scheme must be in place before development starts.

30. Landscape Ecological Management Plan

No development shall commence until a Landscape Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the County Planning Authority. It shall include:

- a) A ditch management plan;
- b) Measures to ensure no impact on the River Cam County Wildlife Site (CWS);
- c) A mitigation strategy for Water Vole, including details of translocation exercise;
- d) Mitigation measures for habitat loss within City Wildlife Sites and Stourbridge Common Local Nature Reserve (LNR);
- e) Mitigation measures to control spread of invasive non-native species (inc. Floating Pennywort & Parrot's Feather);
- f) A detailed planting scheme, including species list, for ecological mitigation areas (brook and grassland);
- g) Details of plant establishment for a period of 5 years;
- h) Long term design objectives, management responsibilities and maintenance schedules for all landscape areas;
- i) A scheme detailing how the new habitat will be established, managed and maintained for a period of 25 years; and
- j) A scheme for the provision of annual reports, to be submitted to the County Planning Authority, to report on the ongoing habitat management, as agreed in part i) above, for a period of 25 years.

The approved plan shall be implemented in full for a minimum of 25 years from the date that the bridge is first brought into public use.

Reason: In the interests of visual amenity and to ensure that landscaping becomes appropriately established on site in accordance with policies 4/3, 4/4 and 4/7 of the Cambridge Local Plan (adopted July 2006). The detail related to the Landscape Ecological Management Plan will need to be agreed ahead of the construction phase so the scheme must be in place before development starts.

31. 5-Year Landscape Establishment

Any trees or plants provided as part of the landscape scheme as detailed in condition 29 which, within a period of 5 years from the planting date, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted.

Reason: In the interests of visual amenity and safeguarding trees that are worthy of retention in accordance with policies 4/3 and 4/4 of the Cambridge Local Plan (adopted July 2006).

32. Transport Monitoring

Prior to the Bridge being first brought into public use, a scheme for the monitoring of the use of the Bridge shall be submitted to, and approved in writing by, the County Planning Authority. The scheme shall include, but not be limited to:

- a) How the monitoring data will be collected to take account of stakeholders;
- b) The methodology for categorising the data by user type e.g. cyclist, pedestrian, resident; and person type e.g. elderly, wheelchair user, partially sighted, in order to assess how the needs of all user groups are accommodated;
- c) How actions will be agreed as a result of the monitoring e.g. additional signage or changes in dimensions of the segregated sections;
- d) The timescale of the monitoring, which shall be no less than 5 years from the date the Bridge is first brought into public use;
- e) Who will be responsible for undertaking the monitoring and the frequency the results shall be published;
- f) Evidence of early engagement with the Highway Authority to ensure design, monitoring methodology and equipment e.g. automatic permanent counters etc. are compatible.

The approved scheme shall be implemented in full.

Reason: In the interests of highway safety and assessing the impact of the bridge on modal shift in accordance with 8/2 of the Cambridge Local Plan (adopted July 2006).

Informatives

Lead Local Flood Authority - Ordinary Watercourse Consent

Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridge County Council's Culvert Policy for further guidance:

http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/4

Lead Local Flood Authority – Drainage Scheme guidance to meet part a) of condition 23

The cross section on the Drainage Layout currently shows that the bridge will be of a convex shape which suggests that surface water will drain to either side of the bridge. The submitted plans should be in line with the calculations, hence if surface water drains to either side of the bridge then this should be reflected in the submitted calculations to demonstrate that surface water can be

managed on site for rainfall events up to and including the 1 in 100 annual probability rainfall event (including an appropriate allowance for climate change)

Environment Agency

Under the terms of the Water Resources Act 1991, and the Anglian Region byelaws, an Environmental Permit from the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank/foreshore of the River Cam designated a 'main river'.

Public Rights of Way

If any Public Right of Way is required to be temporary closed then the applicant will be required to secure prior arrangement via the County Council's Street Works department. Applications for a 'Temporary Traffic Regulation Order' should be received no later than 12 weeks prior to the proposed closure

National Grid – Intermediate Pressure Gas Pipeline

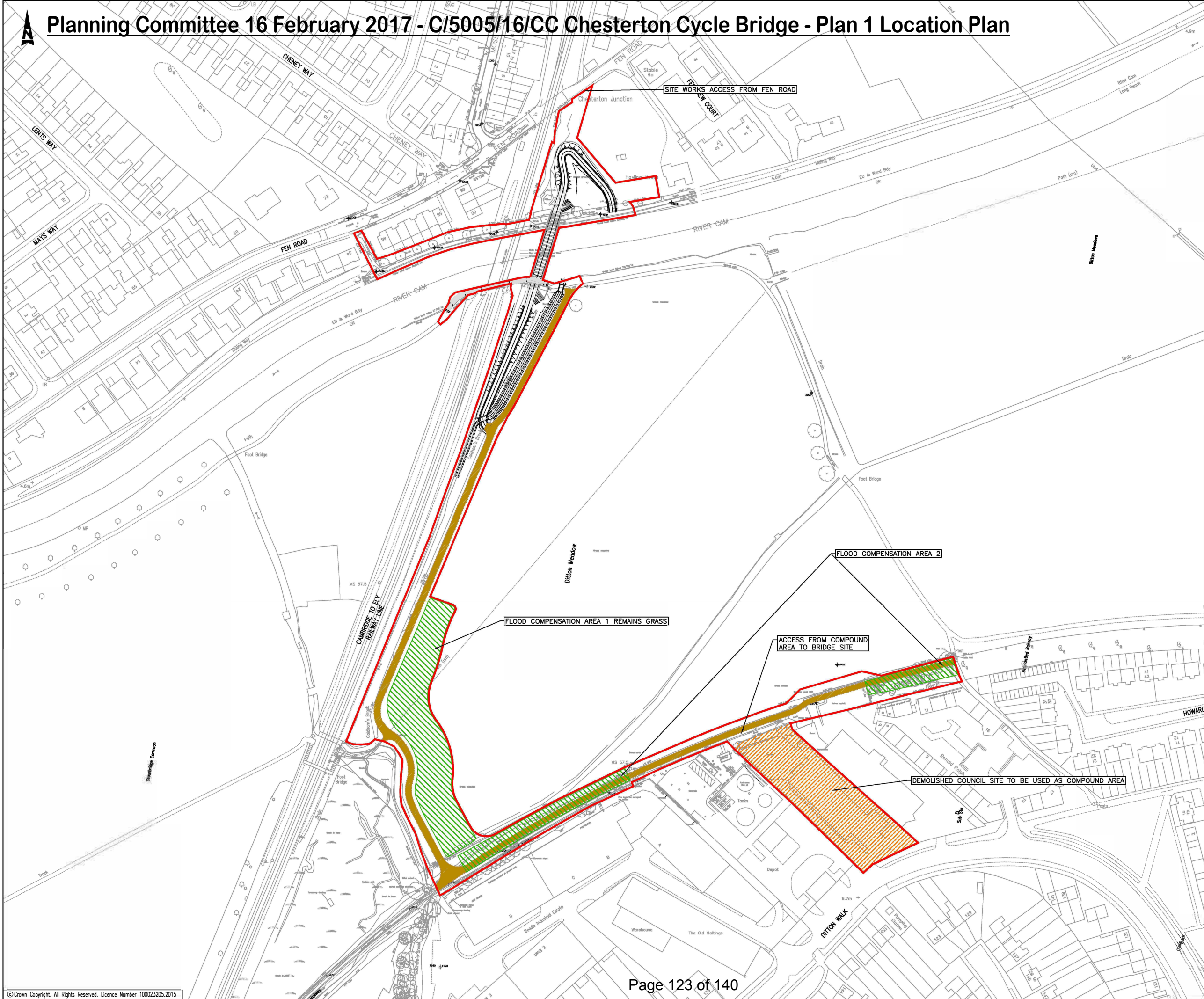
There is an Intermediate Pressure Gas Pipeline located inside the application area. The development will necessitate crossing the pipeline, therefore National Grid will expect full engagement from the contractor carrying out the construction works to ensure that their work methods statement and risk assessments (RAMS) are agreed by National Grid prior to works commencing. This is to ensure the safety of the pipeline is not at risk from any construction activities.

Network Rail – Asset Protection

Given the location of the proposed development Network Rail require the applicant to liaise with their Asset Protection Team at AssetProtectionAnglia@networkrail.co.uk and agree to an Asset Protection Agreement prior to the commencement of any works taking place on site.

Source Documents	Location
Planning Application file: C/5005/16/CC	Shire Hall or application page of the website

Planning Committee 16 February 2017 - C/5005/16/CC Chesterton Cycle Bridge - Plan 1 Location Plan



KEY

- WORKS EXTENT - RED LINE
- INDICATIVE LINE OF PROPOSED CHISHOLM TRAIL
- SITE COMPOUND
- FLOOD COMPENSATION AREA

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

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

CONSTRUCTION	NONE
MAINTENANCE/CLEANING	NONE
USE	NONE
DECOMMISSIONING/DEMOLITION	NONE

Rev	Description	By	Date	Chk'd	Auth
B	RED LINE AMMENDMENTS	OJB	6/16	RLB	TL
I	FOR INFORMATION		05/16		TL

Cambridgeshire Highways
 Infrastructure Services
 5 Wellbrook Court
 Girton Road
 Cambridge
 CB3 0NA
 Tel: (01223) 785165
 cambridgeshirehighways@skanska.co.uk



Project
ABBEY CHESTERTON BRIDGE

Title
RED LINE DRAWING

Original Scale	Designed/Drawn	Checked	Authorised
1:1000 @ A1	JC	RLB	TL
Date	Date	Date	Date
04/05/16	25/05/16	25/05/16	25/05/16
Status	Drawing Number	Rev	
I	5040126/HW/LP/001	B	

Planning Committee 16 February 2017 - C/5005/16/CC Chesterton Cycle Bridge - Plan 2 General Arrangement Plan

Materials

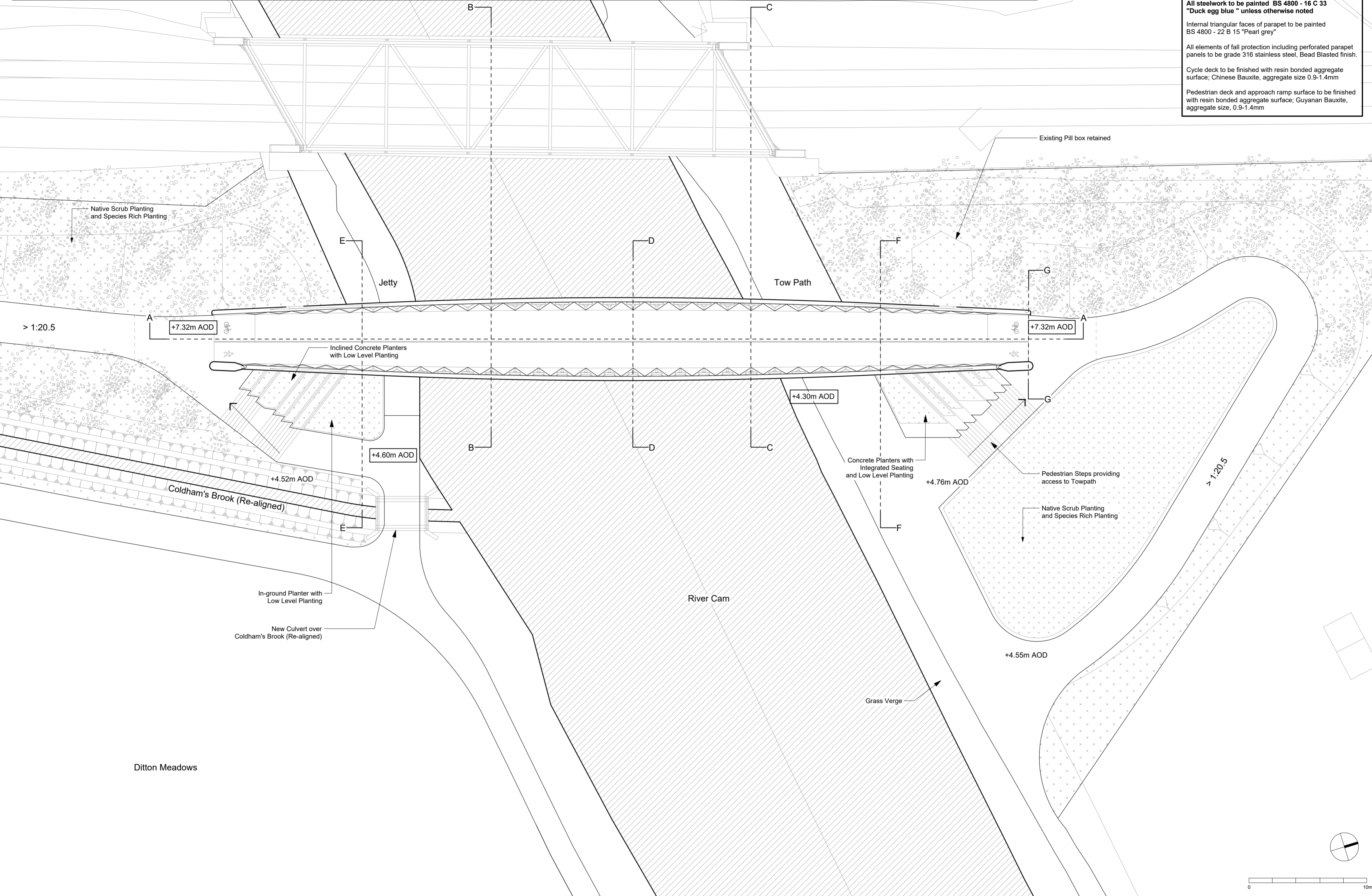
All steelwork to be painted BS 4800 - 16 C 33 "Duck egg blue" unless otherwise noted

Internal triangular faces of parapet to be painted BS 4800 - 22 B 15 "Pearl grey"

All elements of fall protection including perforated parapet panels to be grade 316 stainless steel, Bead Blasted finish.

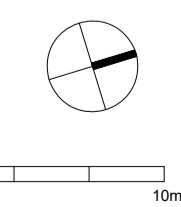
Cycle deck to be finished with resin bonded aggregate surface; Chinese Bauxite, aggregate size 0.9-1.4mm

Pedestrian deck and approach ramp surface to be finished with resin bonded aggregate surface; Guyanese Bauxite, aggregate size, 0.9-1.4mm



Rev.	Date	Comments
0	10/06/2016	Issued for planning

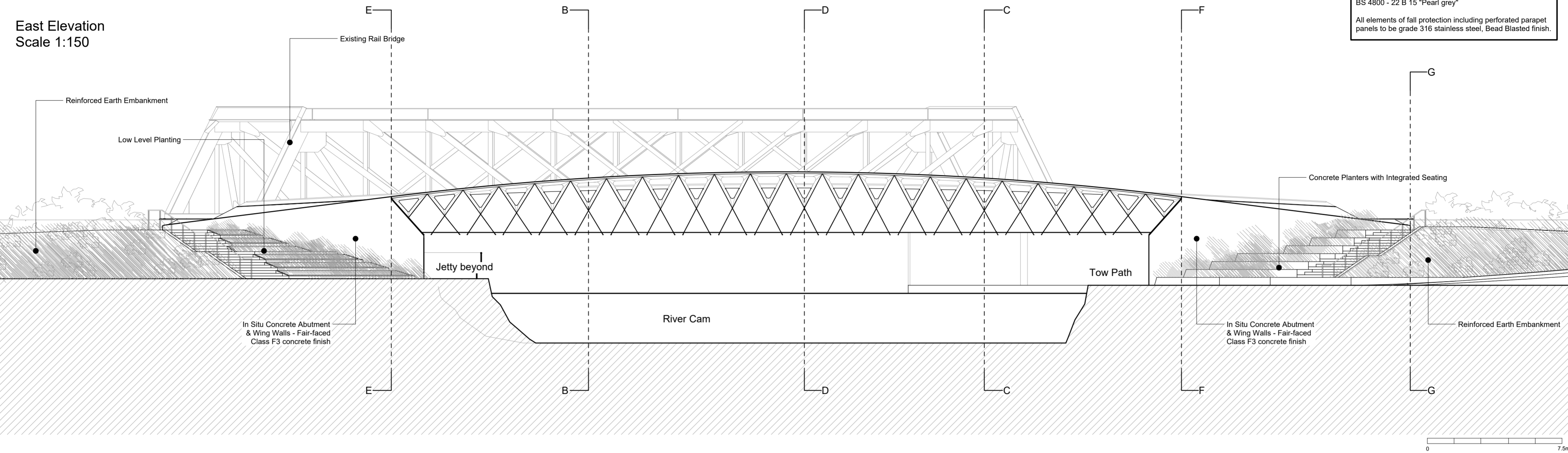
Not for Construction Do Not Scale Except for Planning Purposes	Knight Architects Limited Planner House 3 Castle Street High Wycombe Bucks HP13 6RZ Telephone: 01494 525 500 Email: info@knightarchitects.co.uk	Project: Abbey / Chesterton Foot and Cycle Bridge Central Bedfordshire Council	Scale: 1:200 at A2	Drawing Title: GA Plan	Abbey / Chesterton Foot and Cycle Bridge
© Copyright Knight Architects Limited 2016	Work Stage / Status: Planning	Date: June 2016	Drawing Number: KA082/TPA/102	Revision: 0	SKANSKA KA



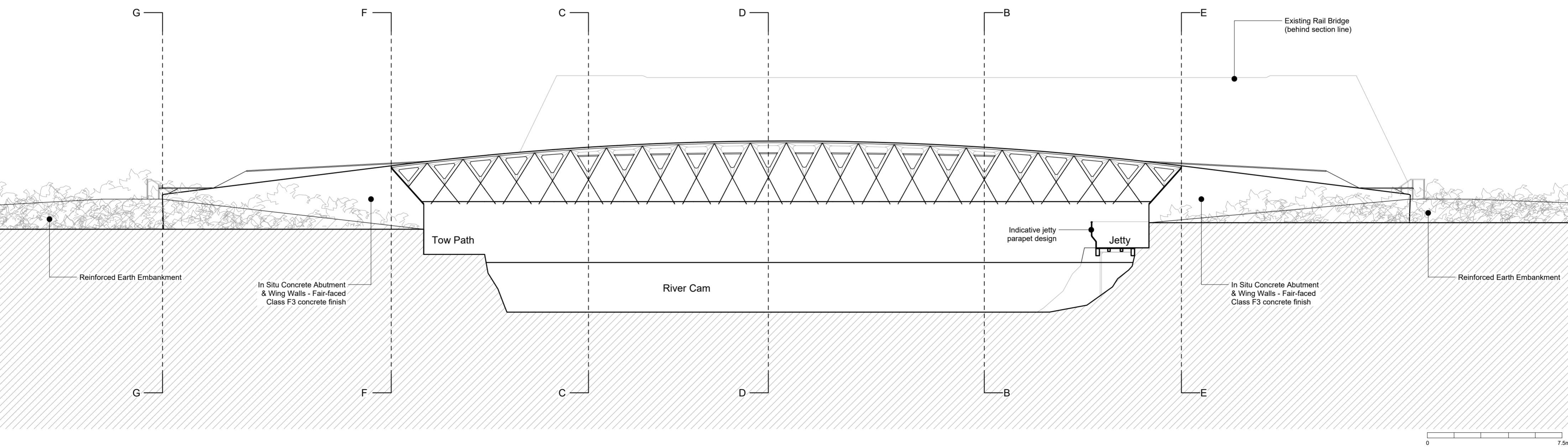
Planning Committee 16 February 2017 - C/5005/16/CC Chesterton Cycle Bridge - Plan 3 East & West Elevations

Materials
 All steelwork to be painted BS 4800 - 16 C 33 "Duck egg blue" unless otherwise noted
 Internal triangular faces of parapet to be painted BS 4800 - 22 B 15 "Pearl grey"
 All elements of fall protection including perforated parapet panels to be grade 316 stainless steel, Bead Blasted finish.

East Elevation
 Scale 1:150

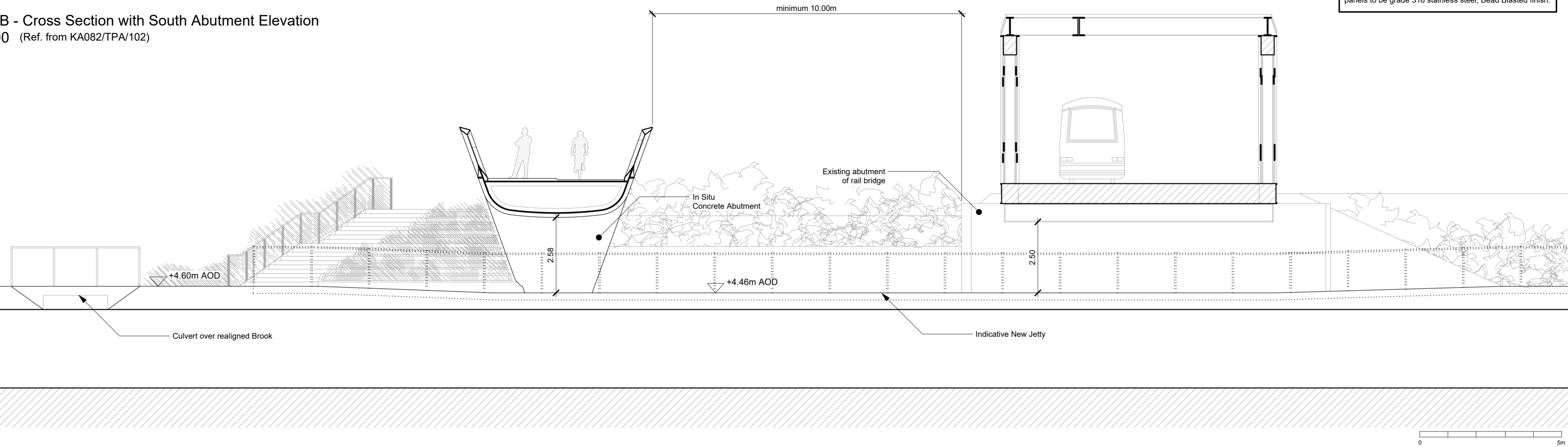


West Elevation
 Scale 1:150

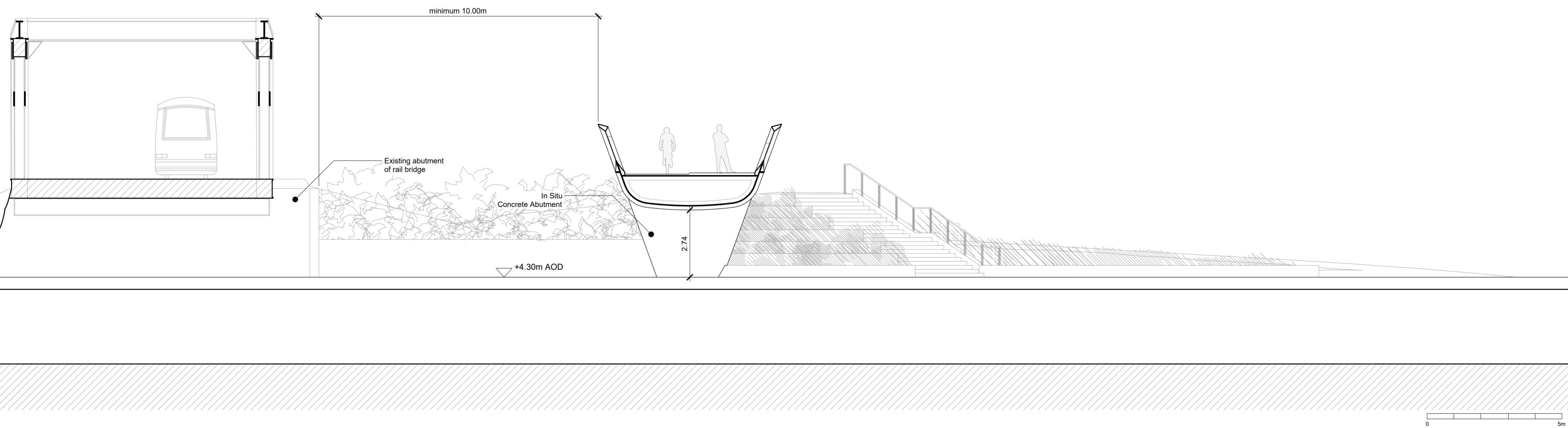


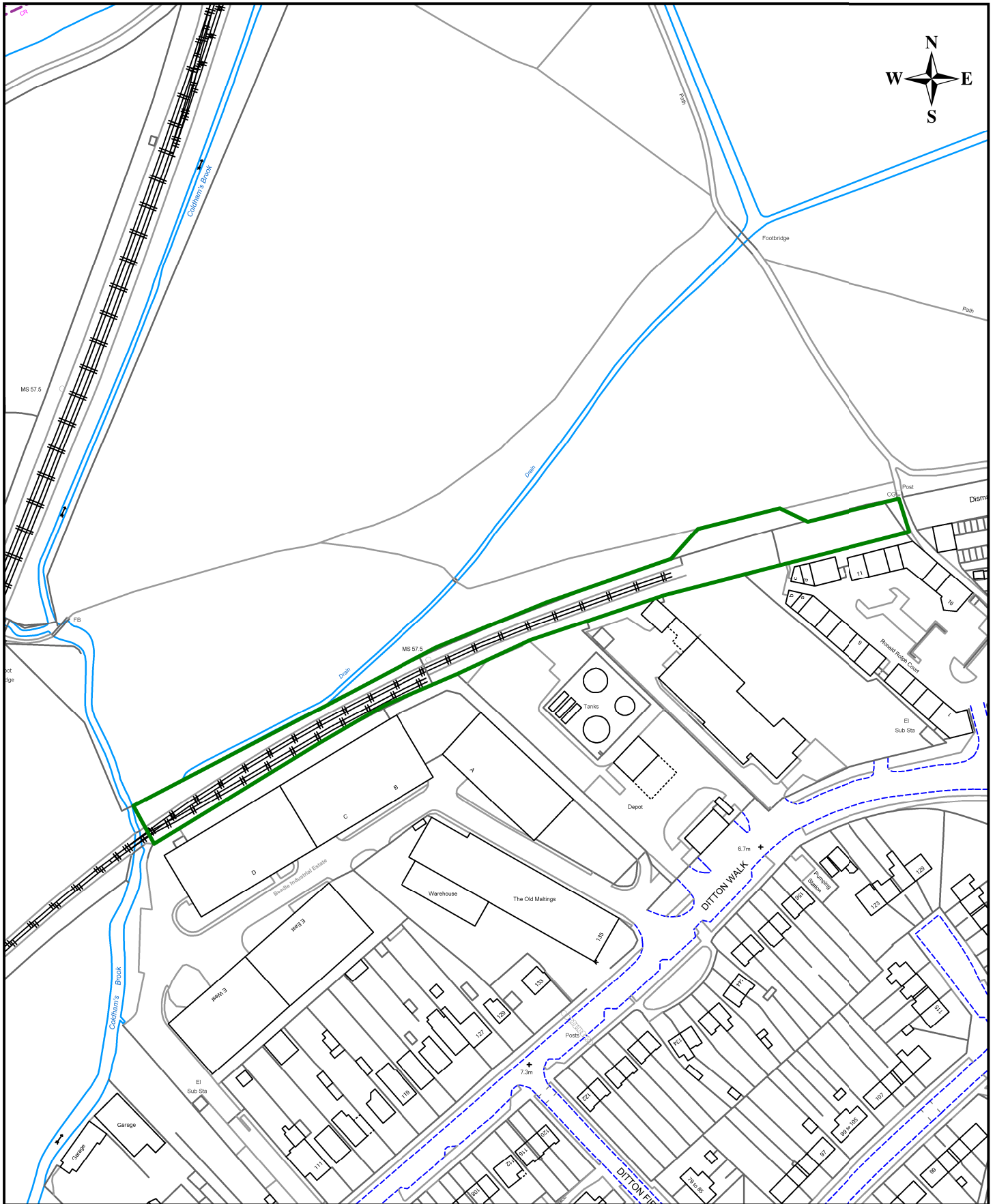
Materials
 All steelwork to be painted BS 4800 - 16 C 33 "Duck egg blue" unless otherwise noted
 Internal triangular faces of parapet to be painted BS 4800 - 22 B 15 "Pearl grey"
 All elements of fall protection including perforated parapet panels to be grade 316 stainless steel, Bead Blasted finish.

Section B-B - Cross Section with South Abutment Elevation
 Scale 1:100 (Ref. from KA082/TPA/102)



Section C-C - Cross Section with North Abutment Elevation
 Scale 1:100 (Ref. from KA082/TPA/102)





Scale: 1:2000
Date: 08/02/2017

Legend
Grassland Translocation Survey & Scheme Area 

Agenda Item No. 7

UPDATE ON HORSEY TOLL PLANNING APPLICATION WITH PETERBOROUGH CITY COUNCIL REF 16/00080/MMFUL. ERECTION OF GAS AND GRID ANEROBIC DIGESTION PLANT TO COMPRISE FOUR DIGESTER TANKS, TECHNICAL OPERATIONS BUILDING, SILEAGE CLAMP, STORAGE LAGOONS, FOUR LIQUID WASTE TANKS, GAS FLARE, GAS UPGRADING SYSTEM (GUS) AND GAS ENTRY UNIT (GEU), SEPARATOR COOLING UNIT, TRANSFORMER, HEATING KIOSK AND TWO UNDERGROUND PROPANE TANKS.

LOCATION: LAND ADJACENT TO HORSEY TOLL FARM, WHITTLESEY ROAD, STANGROUND, PETERBOROUGH, PE7 2PP.

LPA REF: F/2000/16/CW

To: **Planning Committee**

Date: **16 February 2017**

From: **Head of Growth & Economy**

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

Purpose: **To update Members on the progress to date and communication received from Peterborough City Council colleagues**

Recommendation: **It is recommended that Members note the content of the update and agree the approach agreed by officers set out in paragraph 4.1.**

1.0 BACKGROUND

- 1.1 Early in 2016, an update was provided to members to say that to avoid the potential risk of two decisions being made in relation to this cross boundary planning application, and to ensure transparency for the general public in commenting on it, officers sought approval from the Chairman of the Planning Committee (Cllr David Connor) and the local Member (Cllr Ralph Butcher), to delegate the determination of this planning application to Peterborough City Council under S101 (1) of the Local Government Act 1972. To formalise this arrangement, approval was also sought from Group Leaders.
- 1.2 The approval to delegate to Peterborough City Council was given by Group Leaders on 26 January 2016 and as such a formal S101 agreement was drawn up. The S101 agreement with Peterborough City Council (PCC) ensures that joint working between officers will still take place; that any representation made by us will be taken into account in determining the planning application; and that an indemnity is in place to ensure that we are not liable for any appeal costs should either PCC officers or their Members go against the professional recommendations of our planning officers.
- 1.3 Since the S101 agreement was set up, officers have worked with PCC to consider the proposals submitted and as a result agreed it was necessary to request additional information from the applicant/agent.

2.0 UPDATE PROVIDED BY CASE OFFICER AT PETERBOROUGH CITY COUNCIL

- 2.1 On the basis that six months had passed since the additional information was requested, PCC officers wrote to the applicant/agent to ask for an update, as they were minded to refuse the application on grounds of insufficient information. This correspondence was copied to officers at Cambridgeshire County Council to provide an update and also to ensure that they agreed with the stance being taken.
- 2.2 Officers at PCC confirmed that as a result of their discussions with the applicant's agent and e-mail communication that they have received confirmation of the following:
 - Agent acknowledges officers perseverance in waiting for the additional information required and notes that it has been a difficult time for the biogas industry;
 - Confirms that his client has decided to proceed and gain the additional information sought;
 - To take account of PCC's decision to make a final deadline for submission has proposed a submission date of Friday 21 April 2017, which would allow 12 weeks for consultants to work up the information required; and
 - Proposed an outline timetable which includes an extension of time until Friday 21 April 2017, with agreement that upon submission (which may

be earlier than the above deadline timescale) a 16-week extension will be agreed to allow for determination of the application.

3.0 OFFICER DISCUSSIONS ON USE OF S101 AGREEMENT AND APPROACH TO BE AGREED AND WAY FORWARD

- 3.1 Officers from both authorities have discussed the proposed approach and officers at Cambridgeshire County Council stated that their preferred way forward was to ensure that the applicants were given a suitable amount of time to either submit the additional information required, which took account of any announcements from Government that were still required in relation to subsidies or grants for this scheme, or for them to be able to withdraw the application.
- 3.2 To be able to ensure that both authorities had been 'reasonable' in their approach and had checked that the applicant was not waiting for any additional announcements from Government etc. before proceeding, additional dialogue took place between the case officer at PCC and the applicant's agent. As a result of this dialogue it was confirmed that the correspondence and choice to proceed with the application as discussed in paragraph 2.2 above is based upon the present commercial situation which includes interpreting the most recent government announcements, so there is no intention to await future government announcements before proceeding
- 3.3 On the basis of the information contained within paragraph 2.2 and the assurances that were obtained in relation to paragraph 3.2, officers from Cambridgeshire County Council agreed that it was reasonable to set a timescale under which the applicant should submit the additional information. This timescale was agreed to be the end of April (to take account of the agent's proposed timescale for submission by consultants) and that should information not be forthcoming that PCC officers would look to refuse the application on grounds of insufficient information, which would be supported by officers at Cambridgeshire County Council.
- 3.4 Officers from both authorities are working closely together on this matter and have agreed that a timescale for determination will need to be formally agreed upon submission of the additional information, to take account of Committee dates and deadlines for both authorities. However, in the event that the applicant does not submit the additional information within the required timescale, then PCC officers can move to refusal without the need for County officers to go back to Planning Committee.

4.0 RECOMMENDATION

- 4.1 It is recommended that Members support the officer approach and way forward highlighted in section 3 above, which is considered to be in line with the section 101 agreement with Peterborough City Council in relation to this planning application.

Agenda Item No: 8

**Update on Investigation into Importation of Waste at First Drove and Black Bank,
Little Downham**

To: Planning Committee

Meeting Date: 16th February 2017

From: Principle Enforcement and Monitoring Officer

Electoral Divisions: Sutton

Purpose: To consider the above

Recommendation: To note the contents of the report

Officer contact:

Name:	Deborah Jeakins
Post:	Principle Enforcement and Monitoring Officer
Email:	Deborah.Jeakins @cambridgeshire.gov.uk
Tel:	01223 715544

1. Officers met with Senior Management on 23 January 2017 to discuss the planning enforcement investigation into the activities at field 6184, Black Bank, Little Downham and can now provide a further update on the investigation.
- 1.2 The owners and tenant farmer of the land known as field 6184 have repeatedly referenced the ability to bring waste materials onto the land under Permitted Development rights 'reasonably necessary for the purposes of agriculture' and so officers have carefully considered what permitted development rights apply in this case.
- 1.3 Officers now need to meet with officers from East Cambridgeshire District Council (ECDC) to discuss the County Council's assessment of the permitted development rights for agriculture (which can include engineering operations and the construction of agricultural buildings).
- 1.4 Officers will also discuss the current land levels at First Drove in relation to the extant enforcement notice on the land with ECDC and then advise the landowners that the decision not to pursue this, based on Counsel advice, will be reviewed if any further waste materials are brought onto the land or activities take place that require planning permission from the County Council

2. Topographical survey

- 2.1 The Topographical Survey results of field 6184 from December 2016 have been received and the survey company have been asked to provide further technical input to help interpret the data and seek clarification of the variation in land levels that has taken place. The Council has the results of a previous survey of the 'Asgard' part of the field but this is the first time that the land levels of the 'new' field have been taken.

3. Next Steps

- 3.1 Following the meeting with officers at ECDC, and the interpretation of the survey results, officers will write to the landowner / those with an interest in field 6184 clearly setting the findings of the survey and formal advice on which Permitted Development (PD) rights apply. The letter will also advise that if any waste material is brought on to either field 6184 or First Drove officers will review whether it is PD and if it is not we will refer to the evidence from the appeal decision (in relation to First Drove), the Waste Transfer Notes and the updated land levels and are likely to conclude that this has caused a change of use of the wider agricultural unit to landfill that would require county permission.

4. Recommendation

- 4.1 Members are recommended to note the contents of the report.

Summary of Decisions Made Under Delegated Powers

To: **Planning Committee**

Date: **16 February 2017**

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>
Name: Tracy Rockall Post: Planning Co-ordinator E-mail: tracy.rockall@cambridgeshire.gov.uk Tel: 01223 699852

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 Two applications have been granted planning permission under delegated powers during the period between 06/12/2016 and 07/02/2017 as set out below:
1. **H/5010/16/CC** - Development to create a 3FE (630 pupil) Infant and Junior School including extensions (following partial demolition of infant school), a new two storey block with covered walkways, a 60 place pre-school building, and associated works including the relocation of play area extensions to hard play areas, relocation of trim trail, provision of additional cycle and scooter parking spaces and alterations to access and removal of drop off to form a single access, with reconfiguration of car park.

Sawtry Infants & Junior School, Middlefield Road, SAWTRY, PE28 5SH

Decision delegated 30/01/17

For further information please contact Rochelle Duncan on 01223 743814

2. **S/0199/16/CC** - Extension to front elevation increasing the size of the lobby to allow for secure indoor reception, and extension to rear for new toilets.

Babraham C Of E Primary School, High Street, Babraham, CAMBRIDGE, CB22 3AG

Decision delegated 06/02/17

For further information please contact Rochelle Duncan on 01223 743814

Source Documents	Location
Applications files	SH1315, Shire Hall, Cambridge, CB3 0AP