

PLANNING COMMITTEE



Date: Thursday, 14 April 2016

Democratic and Members' Services

Quentin Baker

LGSS Director: Law, Property and Governance

10:00hr

Shire Hall

Castle Hill

Cambridge

CB3 0AP

Kreis Viersen Room

Shire Hall, Castle Hill, Cambridge, CB3 0AP

AGENDA

Open to Public and Press

1 Apologies and Declarations of Interest

Guidance for Councillors on declaring interests is available at

<http://tinyurl.com/cccdcc-dec-of-interests>

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PLANNING APPLICATIONS

3 F-2005-15-CW Lodge Farm, Floods Ferry, March

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ITEMS FOR INFORMATION

5 Enforcement Update Report

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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

Clerk Name: Daniel Snowdon

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PLANNING COMMITTEE: MINUTES

Date: Thursday 10th March 2016

Time: 10.00am – 11.35am

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors P Ashcroft, B Ashwood, D Connor, L Harford, W Hunt, A Lay, M Loynes, M Mason, P Sales and M Smith

In attendance: Councillors C Boden, R Butcher and R Henson

168. APOLOGIES AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councilors Scutt (Councillor Sales substituting) and Kindersley.

There were no declarations of interest.

Councillors Ashwood and Loynes declared non-pecuniary interests as members of the Joint Development Control Committee – Southern Fringes in relation to item 170; Councillor Harford declared an interest as a substitute member on the same Committee.

169. MINUTES – 11TH FEBRUARY 2016

The minutes of the Planning Committee meeting held on 11th February 2016 were agreed as a correct record and signed by the Chairman.

A written update had been tabled on matters raised at previous meetings, and likely items for the next Committee meeting.

170. GREATER CAMBRIDGE CITY DEAL EXECUTIVE BOARD DELEGATIONS

The Committee received a report which provided clarification of the delegations that had been made by full Council to the Greater Cambridge City Deal Executive Board in December 2014, including those delegations relevant to the County Council's Planning Committee. The Greater Cambridge City Deal covers the administrative areas of Cambridge City and South Cambridgeshire District Councils. The original delegations were effectively a 'blanket' delegation of powers to City Deal, but officers and legal representatives felt that it would be helpful to clarify the detail of the delegations.

Members noted the functions delegated to the City Deal, and the specific delegation for Planning Committee was the Granting of Planning Consent. This related only to specific City Deal infrastructure schemes, and the proposal was that those decisions were delegated to the existing Cambridge Fringes Joint Development Control Committee, and that the Terms of Reference for that Committee should be amended accordingly, especially as City Deal schemes could be anywhere in the City Council and South Cambridgeshire area i.e. not restricted to the existing geographic area defined as "Cambridge Fringes". The report provided a definition of what constituted a "City Deal Infrastructure Scheme", and the processes and proposed way of managing that consent.

A Member sought clarification of what would happen if the schemes or delegated powers failed to materialise – how could the County Council regain its powers? The Executive Director advised that the delegation had already been made by full Council, and it was within the gift of full Council to reclaim powers. If the City Deal Board ceased to exist, the powers would revert to the relevant authority.

A Member observed that there had been some discussion on the general procedure with respect to the City Deal and Joint Development Control Committees (JDCCs), with reference to the virtual disbandment of Northstowe Section 101 Committee, which had left the whole planning situation at Northstowe in abeyance. Members had been advised that because the District Council had virtually unilaterally withdrawn from the Northstowe Committee, the functions of that Committee dissolved legally. The Executive Director confirmed that the Northstowe JDCC required two parties, and if one party pulled out, the Committee could not exist in the form it was constituted. Likewise if the Cambridge Fringes JDCC ceased to exist, the County Council could seek to take those powers back.

A Member asked where Local Members fitted in to the process. The Executive Director advised that there had been significant debate about Local Member involvement and consultation issues at Economy & Environment (E&E) and Highways & Community Infrastructure (H&CI) Committees, which had also delegated functions to the City Deal. The Board had established a protocol: essentially, the statutory responsibility to consult fully transferred from County Council to the City Deal Board, and this included the duty to consult with Local Members. It was noted that the H&CI Committee had made a specific amendment to the recommendation regarding consultation, which would be circulated to the Committee, for information. **ACTION: Clerk to email Planning Committee Members the H&CI Decision Summary.**

A Member outlined the history of planning decisions in local government, and how he saw the principles of accountable decision making being undermined by the City Deal. He felt that the processes had been rushed in to meet government conditions relating to the City Deal funding, but there was no real accountability within the system, and the delegations were a retrograde step. He also expressed concerns about potential conflicts of interest from officers representing the County Council, City Deal and other authorities, both in City Deal and other partnerships/shared service arrangements.

A Member observed that the only relevant matter for the Planning Committee was the granting of planning consent to the Fringes JDCC, which included County Councillors who were Local Members. Another Member supported those comments, pointing out that the JDCC comprised County, City and District Councillors from the City Deal area, and it was not attempting to take away Planning Committee responsibilities. Other Members agreed that these decisions should be made by Local Members on the JDCC.

It was resolved, by a majority, to:

endorse and propose to Council that the responsibility for considering planning applications for City Deal infrastructure schemes is delegated to the Fringes Joint Development Control Committee and that the Terms of Reference of the Cambridge Fringes Joint Development Control Committee are amended accordingly.

CARRIAGEWAY ROAD SOUTH OF THE EXISTING A605 (PETERBOROUGH ROAD) FROM A POINT 480 METRES WEST TO 435 METRES EAST OF THE CURRENT KING'S DYKE LEVEL CROSSING PASSING SOUTH OF THE COMMERCIAL PROPERTIES TAKING THE NEW A605 ROAD OVER THE RAIL LINE ON A BRIDGE, ALSO INCLUDING TWO NEW 3 ARM ROUNDABOUT JUNCTIONS (ONE WITH FUNTHAM'S LANE AND ONE WITH THE BRICKWORKS ACCESS), TWO UNDERPASSES MAINTAINING PRIVATE ACCESS REQUIREMENTS, A SHARED FOOTWAY/CYCLEWAY ALONG THE FULL LENGTH OF THE LINK ROAD, TWO SURFACE WATER DRAINAGE/SOAKAGE PONDS, A SURFACE WATER ATTENUATION DITCH, STREET LIGHTING, SAFETY FENCING, SIGNAGE, LANDSCAPING/PLANTING, A SITE COMPOUND AND A TEMPORARY ACCESS TO THE BRICKWORKS

AT: LAND TO THE SOUTH OF THE A605 (PETERBOROUGH ROAD) FROM A POINT 480 METRES WEST TO 435 METRES EAST OF THE KING'S DYKE LEVEL CROSSING

APPLICANT: CAMBRIDGESHIRE COUNTY COUNCIL (MAJOR INFRASTRUCTURE DELIVERY)

LPA NO: F/2010/15/CC

The Committee considered an application for a single carriageway bypass and bridge to replace the King's Dyke Level Crossing, including the construction of two roundabouts, a bridge, plus associated lighting, landscaping, drainage, etc, to alleviate congestion on A605 between Peterborough and Whittlesey. The proposal included two underpasses, one for the riding school to access their paddocks which would be the other side of the bypass. Members noted the location of domestic properties, businesses and industrial units, also the large distribution centre to the north of the current road. Members visited the site on 9th March, and witnessed the problems at that location in terms of congestion and difficulty for vehicles and pedestrians crossing at the level crossing.

The outcome of consultations, planning policies, planning history and land use planning considerations were all taken into account. Plans and aerial photos were shown, illustrating the location and various elements of the site, in relation to the planned development and existing highway network and properties. They also noted the Applicant's visualisations, including access to properties and businesses, and of the scheme from the footpath south of the King's Dyke watercourse. Officers advised that there were a number of detailed highway design matters that would need to be worked up to overcome the departures from highway design standards. It was clarified that the footway/cycleway was two metres wide and only on one side, on the inner, northern curve.

There were representations from businesses who supported the proposals and also representations from local residents, some of whom raised design and operational issues that could be addressed through the detailed highway design; a number had raised the visual impact of the proposed bypass, which would be mitigated as far as possible in the landscape planting scheme.

A Member thanked officers for their excellent presentation. He asked about the screening which was proposed temporarily until the vegetation matured, to ensure that headlights did not shine into properties, and the planting scheme, specifically the reference to *"the detailed scheme shall include the locations of hibernacula and log piles and the location and spacing of trees and shrubs"*. Officers confirmed that a comprehensive landscaping scheme was proposed, but that these detailed proposals had not yet been developed. The scheme would include native species, endorsed by the wildlife officers and the County Council's ecologist. The Applicant would need to determine where the glare problems were, and erect a suitable temporary artificial barrier. It was suggested that the biodiversity enhancement areas needed to be maintained by individuals who understood ecological issues. Officers advised that Condition 8 required a series of updated ecological surveys and measures to reduce

dust and noise, and the requirement to protect trees through the construction phase. Councillor Lay indicated that he would like to be involved in the selection of the trees as part of the landscape planting.

A Member queried whether the span of the bridge was sufficient to cover four railway lines if Network Rail chose to increase the capacity of the line. The Applicant confirmed that it would not.

A Member asked if the position of Network Rail was known with regard to the existing crossing and Control Box. It was confirmed that the understanding was that these would be removed completely. Officers highlighted Section 4.13 of the report, which confirmed that the intention for the existing crossing to be removed, and that there would be no replacement pedestrian facility on the crossing.

A Member noted that the report suggested that the headlights would lead to a loss of amenity to relatively few people, but pointed out that this could have quite a detrimental effect on those individuals. It was noted that more mature trees in the planting scheme was not a viable option, as they would need to be more widely spaced and require greater maintenance than saplings. Moreover, dense, fast growing, low vegetation was more appropriate to stop the glare. This issue was being addressed by the temporary barrier, and the Applicant would need to establish the height of lights and therefore the required height and extent of the barrier.

A Member suggested that the footway/cycleway should be increased from two to three metres, and ideally provided on both sides of the carriageway. It was noted that that point had been raised by Peterborough City Council as the neighbouring local highway authority, but it had been acknowledged that it did not breach any kind of standard and they had no objections to this application.

A Member asked if, given the proximity of the development to the most important archaeological excavation in the country, what would happen if archaeological remains were discovered when work commenced? Officers advised that there was a fairly low risk of this happening, as most of the site had already been assessed and was previously developed land. Since the archaeological assessment took place the scheme layout had changed to include a small area of extra land. Archaeological investigation of this land can be secured by planning condition.

Sarah Wallis (Atkins), Andy Brand (Abbey Group, who own a lot of the land south of the railway line), Tim Watkins (Cambridgeshire County Council) and Richard *Bensley* spoke on behalf of, and in support of the applicant. They welcomed the report recommendations. Mr Brand explained that his company's site comprised industrial units and offices, the main tenant being Asda, who operate a distribution centre at this location: 200 people were employed at the distribution centre, and this would be increasing to 225. Abbey Group also employed 50 people at the location. Both Asda and the Abbey Group supported the proposal, and the consultation indicated that the majority of people support the new road. The proposal had been carefully assessed, and it would provide benefits to the people of Whittlesey, with a limited environmental impact.

In response to a Member question, the Applicant's representatives confirmed that the bridge was not wide enough to span four railway tracks, if Network Rail chose to expand the tracks from two to four at that location. However, the applicant was working in partnership with Network Rail, who support the scheme as proposed. Network Rail was seeking to improve the capacity of the line, mainly through electrification of railway line and reducing the number of level crossings on this route. Increasing the span of the bridge would increase the cost of

the scheme significantly, and would not be affordable. Capacity of the rail network was an issue for Network Rail.

A Member commented that there was not much information with regard to drainage, and asked how much consultation there had been with the Middle Level Commissioners and the Internal Drainage Board (IDB). He believed additional bunding would be needed with regard to the infiltration ponds, and he was concerned that he had not seen the detailed design in the Red Line (application) area. Richard Bensley confirmed that he had been talking to the IDB about the section to the south. Water would be collected in gullies to a low spot, and there would be a new ditch southwards, going underneath King's Dyke initially. There had been regular meetings with the IDB, and the run off would not overload the system, as it was designed to attenuate to the greenfield run off rate. It was also clarified that the impact of climate change had been taken into consideration when developing the drainage proposals, and the very worst case scenario had been used. Infiltration basins were being used rather than balancing ponds, as these hold water until it soaks into the ground.

Councillor Henson spoke as a Member representing an adjacent Division, with the Chairman's prior permission. He thanked the Chairman for letting him speak, and also for allowing him to attend the site visit on 9th March. He stressed the importance of the crossing being closed. He felt that the scheme as proposed was inadequate, and the bypass should be a dual carriageway, and he suggested that the scheme should be reevaluated. He outlined the problems caused by congestion due to the volumes of traffic on the road, and the number of local businesses that used this road. He confirmed that he was in favour of the scheme, but felt it was inadequate for current and future needs.

Councillor Butcher spoke as Local Member. He expressed disappointment that the scheme had taken so long to reach the planning stage. He addressed some of the issues raised by Members:

- Network Rail have a fifty year plan for the route, including plans to close as many level crossings as possible. To his knowledge, Network Rail were not planning to increase the number of railway lines, as this would require many other engineering schemes to roads and bridges to allow four lines through;
- Outlined his work on and with local IDBs, and explained that he was happy with the proposed drainage schemes, especially as there was no history of drainage being a problem at this location;
- Whilst preferring a wider footway/cycleway, he advised that most cyclists used the "Green Wheel", an off road cycleway between Whittlesey and Peterborough on the embankment;
- Noting the comment by Fenland District Council about being "detrimental to industry", he believed this related to the land next to the riding school. He felt that this was not significant, as there were many opportunities for industrial development in that area;
- Making the A605 a dual carriageway for this short section of bypass, when the rest was single carriageway, would lead to bottlenecks;

Councillor Butcher concluded by welcoming the officers' recommendations. The Chairman thanked Councillors Butcher and Henson for their comments.

With regard to a Member question on the lack of response from the IDB, officers explained that the Middle Level Commissioners who provide the IDB with technical advice did not have the resources to respond on every planning application.

A Member welcomed the officers' recommendations and the Local Member's comments. She suggested that it was unhelpful to put up obstacles, the need was great and the problem needed to be addressed. Allocation of resources should be prioritised to enable the scheme to come forward as quickly as possible. A number of other Members expressed their support for these comments.

A Member asked for a clearer definition on Condition 20, specifically whether the applicant needed to enter into legal agreement about the drainage part of this agreement, and who would adopt and maintain drainage.

It was resolved unanimously:

That planning permission is granted, subject to the applicant giving a written and binding commitment that all amendments to existing Traffic Regulation Orders and new Traffic Regulation Orders will be active from commencement of use, and the conditions set out in Appendix 1 to these minutes.

172. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWERS

It was resolved to note the decisions made under delegated powers.

173. DATE OF NEXT MEETING: THURSDAY 14th APRIL 2016

Chairman

It is recommended that planning permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the applicant giving a written and binding commitment that all amendments to existing Traffic Regulation Orders and new Traffic Regulation Orders will be active from commencement of use, and the following conditions:

Implementation

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004

Approved Plans

2. The development hereby permitted shall not proceed except in accordance with the details set out in the submitted application and supporting documents and the following drawings unless amended by revisions resulting from compliance with the conditions below:

- 5040171/HW/PL/012 Rev C Location Plan dated Dec 09, 2015
- 5040171/HW/PL/002 Rev C General Arrangement dated Nov 26, 2015
- 5040171/HW/PL/003 Rev D Proposed Alignment Typical Cross Section and Long Section dated Dec 09, 2015
- 5040171/HW/PL/005 Rev E Drainage Layout dated Dec 09, 2015
- 5040171/HW/PL/011 Rev A Site Access and Compounds dated Nov 26, 2015
- 5040171/HW/PL/017 Rev A Outline Environmental Design Sheet 1 dated 20/11/15
- 5040171/HW/PL/018 Rev A Outline Environmental Design Sheet 2 dated 20/11/15
- 5040171/HW/PL/019 Rev A Outline Environmental Design Sheet 3 dated 20/11/15
- 5040171/HW/PL/020 Rev A Outline Environmental Design Section Elevations A-C dated 20/11/15
- 5040171/HW/PL/021 Rev A Outline Environmental Design Section Elevations D-E dated 20/11/15

Reason: To define the permission and to protect the character and appearance of the locality in accordance with policies LP15 and LP16 of the Fenland Local Plan (adopted May 2014)

Highway design

3. No development shall commence until a scheme that restricts vehicular access along the severed A605 alignment north of the Kings Dyke Level Crossing has been submitted to and approved in writing by the County Planning Authority. The scheme shall include fencing, gates, street lighting, signage and lines as appropriate. The approved scheme shall be completed prior to the commencement of first use of the development hereby permitted.

Reason: To prevent unauthorised access/parking along a public highway in accordance with policy LP15 of the Fenland Local Plan (adopted May 2014). This affects the design of the scheme so needs to be approved before development commences.

4. No development shall commence until full details of the highway construction, road markings, signage and street lighting have been submitted to and approved in writing by the County Planning Authority. The street lighting details shall include the measures set out in section 4.5.3 of the Ecological Impact Assessment dated December 2015. The development hereby permitted shall not be carried out except in accordance with the approved details.

Reason: To ensure satisfactory measures are employed to address any highway safety issues resulting from any Relaxations or Departures in Standard in accordance with policies LP15 of the Fenland Local Plan (adopted May 2014). To minimise the impact of the development on bats in accordance with policies LP16 and LP19 of the Fenland Local Plan (adopted May 2014). This affects the design of the scheme so needs to be approved before development commences.

5. No development shall commence until details of maintenance bays on the proposed east and west roundabouts have been submitted to and approved in writing by the County Planning Authority. The development hereby permitted shall not be carried out except in accordance with the approved details.

Reason: To provide safe access in order to maintain the new roundabout infrastructure in accordance with policy LP15 of the Fenland Local Plan (adopted May 2014). This affects the design of the scheme so needs to be approved before development commences.

6. No development shall commence until a scheme detailing the footways and access for Funtham's Lane realignment and Peterborough Road realignment has been submitted to and approved in writing by the County Planning Authority. The approved scheme shall be completed prior to the commencement of first use of the development hereby permitted.

Reason: To provide safe pedestrian access and satisfactory realignment of Peterborough Road/Funtham's Lane in accordance with policy LP15 of the Fenland Local Plan (adopted May 2014). This affects the design of the scheme so needs to be approved before development commences.

7. No development shall commence until any Relaxations and Departures in Standard remaining, following detailed scheme design, have been the subject of a detailed exception report which has been submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan (adopted May 2014). This affects the design of the scheme so needs to be approved before development commences.

Construction Environmental Management Plan

8. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. The CEMP shall include but not be limited to:

- re-surveys of trees for bats
- Precautionary Method of Working to minimise the risk of harm and disturbance to reptiles
- Great Crested Newt surveys at waterbodies shown as DP1 and DP4 on Figure F-1 Waterbodies of the Ecological Impact Assessment dated December 2015
- re-survey for badgers
- re-survey for water voles in the ditch shown as D1 on Figure F-1 Waterbodies of the Ecological Impact Assessment dated December 2015
- measures to protect nesting birds
- mitigation of dust
- mitigation of noise and vibration
- a timetable for survey work

- a programme of implementation

The approved plan shall be complied with at all times during the construction phase.

Reason: In the interests of safeguarding the amenity of nearby residents/occupiers in accordance with policies LP16 and LP19 of the Fenland Local Plan (adopted May 2014). The CEMP relates to the construction phase so must be in place before the development starts.

9. No removal of hedgerows or trees shall take place between 1 March and 31 August inclusive unless a competent ecologist has undertaken:

- a detailed check of vegetation for active birds' nests immediately before vegetation is cleared; and
- provided written confirmation to the County Planning Authority prior to the removal of any vegetation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason: To protect breeding birds in accordance with policies LP16 and LP19 of the Fenland Local Plan (adopted May 2014).

10. Except for the works set out in paragraph 2.2.7 of the Noise Impact Assessment dated December 2015 carried out under Network Rail possessions, no construction work or collections from or deliveries to the site shall take place other than between the hours of:

0700 to 1900 on Mondays to Fridays; and
0800 to 1300 on Saturdays.

Additionally, no construction work or collections from or deliveries to the site shall take place on Sundays, Bank or Public Holidays.

Reason: In the interests of safeguarding the amenity of nearby residents/occupiers in accordance with policy LP16 of the Fenland Local Plan (adopted May 2014).

Contaminated land

11. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the County Planning Authority:

- 1) A site investigation scheme, based on the Tier 1 Preliminary Risk Assessment summarised in the Preliminary Sources Study Report dated December 2015 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The approved scheme shall be implemented in full.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with National Planning Policy Framework paragraphs 109, 120, 121 and policy of the Fenland Local Plan (adopted May 2014). Remediation measures may be needed as part of the construction phase so must be in place before development starts.

12. The development hereby permitted shall not be brought into use until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the County Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants in accordance with policy LP16 of the Fenland Local Plan (adopted May 2014)

13. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing to the County Planning Authority within 24 hours.

No further development shall be carried out until the developer has submitted in writing a remediation strategy to the County Planning Authority detailing how this contamination shall be dealt with; and written approval has been obtained for the remediation strategy required by this condition from the County Planning Authority.

The development hereby permitted shall not be brought into use until the approved remediation strategy has been implemented in full. Within one month of the completion of the measures identified in the approved remediation strategy a verification report shall be submitted to the County Planning Authority.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants in accordance with in accordance with policy LP16 of the Fenland Local Plan (adopted May 2014)

Archaeology

14. No development shall commence until a written scheme of investigation (WSI) has been submitted to and approved in writing by the County Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

Reason: To secure the provision of archaeological excavation and the subsequent recording of any remains in accordance with policy LP 18 of the Fenland Local Plan (adopted May 2014). Archaeological remains could be damaged by development therefore an approved WSI must be in place before development starts.

Noise mitigation

15. The development hereby permitted shall not be brought into use until a scheme, which has been submitted to and approved in writing by the County Planning Authority, to mitigate the impact of noise on the receptors identified in paragraph 5.1.3 of the Noise Impact Assessment dated December 2015 has been implemented in full. The mitigation measures shall be retained in full in accordance with the approved scheme.

Reason: To protect the amenity of local residents in accordance with policy LP16 of the Fenland Local Plan (adopted May 2014)

Vehicle headlights

16. The development hereby permitted shall not be brought into use until a scheme that has been submitted to and approved in writing by the County Planning Authority to mitigate the impact of vehicle headlights on residential properties has been implemented in full. The scheme shall include triggers for removal of any temporary measures.

Reason: Reason: To protect the amenity of local residents in accordance with policy LP16 of the Fenland Local Plan (adopted May 2014)

Landscape and biodiversity proposals

17. The development hereby permitted shall not be brought into use until landscaping and biodiversity enhancement measures have been fully carried out in accordance with a detailed scheme that has been submitted to and approved in writing by the County Planning Authority. The detailed scheme shall include the locations of hibernacula and log piles and the location and spacing of trees and shrubs.

Reason: To protect the character and appearance of the locality and to enhance biodiversity in accordance with policies LP16 and LP19 of the Fenland Local Plan (adopted May 2014)

18. The landscape and biodiversity enhancement scheme approved under condition 17 shall be managed in accordance with Section 5: Management and Maintenance of the Landscape and Biodiversity Management Plan dated December 2015.

Reason: To protect and enhance biodiversity and the natural environment in accordance with policies LP16 and LP19 of the Fenland Local Plan (adopted May 2014)

19. If within a period of 5 years from the date of planting any tree or shrub, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, becomes in the opinion of the County Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the County Planning Authority gives written consent to any variation.

Reason: To protect the character and appearance of the locality and to enhance biodiversity in accordance with policies LP16 and LP19 of the Fenland Local Plan (adopted May 2014)

20. No development shall commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the County Planning Authority in consultation with the Lead Local Flood Authority (LLFA). Those details shall include:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for Climate Change)), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the

methods employed to delay and control surface water discharge from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface water;

- b) Flood water exceedance routes, both on and off site; and
- c) A timetable for implementation.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development in accordance with policy LP14 of the Fenland Local Plan (adopted May 2014). This affects the design of the scheme so needs to be approved before development commences.

Agenda Item No. 3

Change of use of land to create an extension to the waste transfer and treatment station to provide ancillary storage area; construction of a 5 metre high steel wall for 77 metres along the northern elevation and 52 metres along the western elevation of the site; and 3 metre high bund for 86 metres along the northern elevation and 56 metres along the western elevation of the site.

AT: Lodge Farm, Floods Ferry, March, PE15 0YN.

APPLICANT: Goldstar Metal Traders

LPA REF: F/2005/15/CW

To: **Planning Committee**

Date: **14 April 2016**

From: **Head of Growth & Economy**

Electoral division(s): **March West**

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

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

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

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site is located approximately 3 km to the south west of March and also 3km to the north west of Wimblington. It is also to the west of, and directly adjacent to, an existing waste transfer station and treatment facility (known as Lodge Farm Waste Transfer Station). The application site is situated approximately 90 metres south of Knight's End Road. The access track to the existing waste transfer station extends north to meet the highway at Knights End Road. It runs alongside and to the west of an unnamed adopted road, which also runs along the eastern boundary of the existing site. The unnamed adopted public highway leads further south to serve farms. It is proposed to access the application site through the existing waste transfer and treatment station.
- 1.2 The application site has an area of 0.47 ha. It is currently unused unsurfaced land, which is bounded to the north, west and south by open fields. There is a bund of between 2 and 2.5 metres in height along the northern boundary (54 metres long) and western boundary (56 metres long) of the application site. There is a drain on land outside of the application site, which runs along the southern boundary. This leads to an Internal Drainage Board watercourse, running north-south, which is approximately 200 metres to the west of the site. On the northern boundary of the application site there is a narrow strip of hedgerow/shrubbery which is not established.
- 1.3 The existing waste transfer and treatment facility has a 0.97 ha site area. It contains 3 existing built units; a portacabin site office, and two profiled sheet steel buildings used for recycling operations. Building 1 has a gross external floorspace of 361 sqm and is located on the south side of the site. Building 2 has a gross external floorspace of 1260 sqm, is 8.4 metres high and is adjacent to the northern boundary. The remainder of the site comprises an unsurfaced compound and two concrete pads with a total area for both of 1891 sqm, with permission (reference. F/02016/11/CW) for the storage and treatment of waste metal.
- 1.4 There are a number of wind turbines located in the field to the south of the site. The surrounding area is otherwise predominantly agricultural fields and farms. The closest residential properties are individual farmhouses at Ransonmoor Farm (600 metres to the west) and Boardinghouse Farm (approximately 600 metres to the north).
- 1.5 The site is classified as Grade 2 Agricultural Land and is entirely within Flood Zone 3. It is also within the Ransonmoor Internal Drainage Board area and there is an IDB watercourse approximately 200 metres west of the site, running north-south. There are no other land use planning constraints or designations on the site.

2.0 THE PROPOSED DEVELOPMENT

- 2.1 This application seeks planning permission for a material change to the use of a 0.33 ha area of land to be used as an extension to the existing waste transfer and treatment facilities, to provide an additional outside stocking area of approximately 0.23 ha and allow for the storage of materials up to a maximum height of 5 metres. It is proposed to extend an existing outside storage area associated with the stocking of raw and processed materials “in particular metals”. It is stated that it is not proposed to increase capacity at the site (which is currently limited by environmental permit to 155,000 tonnes per annum) although there are no planning limits on the annual throughput at present. This proposal would increase the size of the waste transfer and treatment station in total from 0.97 ha to 1.3 ha.
- 2.2 The proposal includes the extension of the existing bund, in both height and length, along the northern boundary. The bund height would be increased from 2-2.5 metres to up to 3 metres and by a further 32 metres eastwards along the northern boundary. It is also proposed to erect a 5 metre high steel wall on the inside of the bund for 77 metres along the northern elevation and 52 metres along the western elevation of the site. This would act as visual mitigation for the stockpiles in the area. The steel wall would comprise 10 metre by 5 metre sheet metal panels, between 30-50mm thicknesses. These would be finished in powder paint as a regressive colour scheme, with Olive Green RAL6003 at the base and Light Grey RAL7035 at the top and supported by steel posts in a concrete foundation.
- 2.3 The proposal includes the formation of a concrete hard surface of 2,366 sqm in area, which would be enclosed by the proposed bund and wall, to be used for stockpile storage. The hard surface is proposed to be graded to allow runoff to the north, towards drainage collection points and away from the watercourse on the southern boundary. (This would result in a total hard surfaced area at the Waste Transfer Station of 4,257 sqm).
- 2.4 Landscaping is also proposed along the northern boundary for visual mitigation, in a location where landscaping was required by condition 8 of planning permission F/02000/13/CW. The previous landscaping failed, and is outside of the application site, but on land owned by the applicant.
- 2.5 As the application will not increase capacity at the site, the daily vehicle movements are not proposed to increase beyond the current 52 movements per day (26 in and 26 out).

3.0 PLANNING HISTORY

- 3.1 The existing Waste Transfer Station, was granted planning permission (reference: F/02000/13/CW) in 2013, subject to conditions, for a change of use to a general waste transfer and treatment facility from one which had previously been permitted to take recyclable agricultural waste. This permission also allowed the facility to process and store depolluted end of life vehicles (ELV) outside of the building. Cement bound asbestos, cardboard, paper, plastic, wood, metal and polystyrene are also permitted to be stored at the site, either inside the buildings or externally in segregated containers. The site is currently operating under this permission (F/02000/13/CW), which allows stockpile heights of depolluted vehicles and storage containers of up to 5 metres outside of the buildings.
- 3.2 Prior to the current planning permission outlined above, the site had permission for the waste transfer and treatment of agricultural wastes (reference F/02006/06/CW and an extension to the site and building under reference F/02000/08/CW). These permissions only allowed the storage of segregated wastes (cardboard, paper, plastic, wood, metal and polystyrene) in containers outside the building with no limits on the heights of container stockpiles. The permission reference F/02000/08/CW was varied by a Section 73 application granted to permit metal waste processing and storage in 2012 (F/02016/11/CW), and allowed metal storage externally to the building on the concrete pad up to 5 metres in height.
- 3.3 The following are the relevant permissions on the application site:

Application Ref	Description	Decision
F/02000/13/CW	Change of use from waste transfer & treatment facility for recyclable agricultural waste to general waste transfer & treatment facility including processing end of life vehicles and importation & bulking up cement bound asbestos and retention of Portakabin-type office	Granted – 22 April 2013
F/02016/11/CW	Variation of condition 4 of planning permission F/02000/08/CW to enable storage and processing of metal wastes on external concrete pad	Granted – 22 March 2012
F/02000/08/CW	Change of use of agricultural building and adjacent land to waste transfer & treatment facility for recyclable agricultural waste and extension of building	Granted – 12 March 2008
F/02006/06/CW	Change of use of agricultural building and yard to waste transfer & treatment facility for recyclable agricultural waste.	Granted – 9 August 2007

- 3.4 Enforcement monitoring at the site noted a breach of condition in the 5 metre permitted stockpile heights in May 2012. No other breaches in condition have been reported or monitored.

4.0 CONSULTATION RESPONSES (SUMMARISED)

Consultation took place for this application in two stages following clarification of the description and the operational development included within the proposal. No further comments were received in light of the reconsultation and therefore the initial comments of consultees apply, and are recorded below.

- 4.1 Fenland District Council: object to the proposal as they consider that “any extension will result in the incremental exacerbation of the existing situation, which includes breaches of planning control, to the detriment of the visual amenity of the locality. Simply increasing the height of the bund as a substitute for better management and control of the current storage would be detrimental to the Fen landscape. The cumulative effect of increasing the site area and increasing the bund (and therefore also the stockpile heights) would unduly impact on the landscape character of the area.”
- 4.2 March Town Council: recommends refusal on the grounds that the access road is inadequate and substandard. The access is appalling and consideration must be given to not allowing further development in this area without highway improvements.
- 4.3 CCC Highways Development Management: no objection, as the proposal is for the storage of materials and is therefore unlikely to create an increase in vehicle movements.
- 4.4 CCC Flood & Water: in the absence of a conclusive response from Middle Level Commissioners responded initially with objections based on the absence of a surface water drainage strategy, and information on the discharge rates and surface water run-off of the proposal compared to the existing site. Following the provision of further information to address the comments, including calculations on 1 in 100 year flood risk event and attenuation details for the site, the officer considered the concerns to have been appropriately addressed and withdrew their objection.
- 4.5 Peterborough City Council Wildlife Officer (the Waste Planning Authority’s consultant ecologist for this case): considered the proposed planting and management plan to be acceptable, but required further information upon initial consultation regarding the potential for protected species on site. This information was provided through a Phase 1 Habitat Survey of the site and confirmation that the adjacent

water course would not be affected. The officer therefore removed his objection.

4.6 Environment Agency: initially objected to the proposal for the following reasons:

- Insufficient information has been submitted to demonstrate that the risk to controlled waters has been fully considered.
- The plans for the extension to this site show insufficient information with regards to the surface drainage system for the proposed extension area.
- No detail has been submitted to demonstrate that the existing drainage and treatment systems will be able to cope with the increased inputs into the system.
- It is unclear what type of hard surface will be constructed for the proposed extension area.

However, following submission of further information to address these issues, providing details of the existing drainage arrangement on site and details of the new area of hard surfacing, the Environment Agency withdrew their objection.

4.7 Middle Level Commissioners (MLC) (consultant engineers to Ransonmoor Internal Drainage Board (IDB)): considered that suitable supporting information to support the applicant's assertion that the existing surface water drainage arrangements could be used for this proposal should have been provided at initial submission. Therefore considered that the applicant had not provided evidence to prove that a viable scheme to meet the Board's design standards was possible, or that arrangements had been made for the whole life funding, maintenance and management of said scheme. Also noted the responsibilities of the IDB of wildlife protection within their watercourses.

Subsequent correspondence clarified that the MLC were not objecting to the proposal, but that further plans, calculations and information were required to prove that the scheme was viable. The applicant provided further details of the drainage scheme. Further comments were not forthcoming from the Middle Level Commissioners, and therefore their opinion on whether their concerns have been addressed is still outstanding.

5.0 REPRESENTATIONS

5.1 No third party or neighbour representations have been received.

6.0 PLANNING POLICY AND GUIDANCE

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that 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 6.4 to 6.6 below.

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

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).

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

On 16 October 2014 the Government published updated national waste planning policy for England. A key component of the policy is the principle of moving waste “up the ‘waste hierarchy’ of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort” (paragraph 008).

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”.

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

The following policies are of relevance:

CS18 Waste Management Proposals Outside Allocated Areas
CS32 Traffic and Highways
CS33 Protection of Landscape Character
CS34 Protecting Surrounding Uses
CS39 Water Resources and Water Pollution Prevention

6.5 Fenland Local Plan (adopted May 2014) (LP)

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

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

7.0 PLANNING CONSIDERATIONS

Principle of extension and arrangement of the site

- 7.1 The existing waste transfer station has been operating for almost 9 years, firstly processing agricultural waste and only allowing segregated material to be stored in containers outside the building, and more recently, since 2013, processing general waste including metal waste to be treated within the buildings and stored externally on concrete pads. The site is not allocated in the MWCS, and therefore policy CS18 - Waste Management Proposals Outside Allocated Areas (MWCS) applies, which requires proposals of this type to contribute towards moving waste up the waste hierarchy. This is also a core principle of the NPPW (paragraph 008), and it is considered that the processes involved at this site, recycling cardboard, wood, metal and End of Life Vehicles (ELVs) contribute towards those aims.
- 7.2 Policy CS18 allows sites to be permitted under certain criteria, and it is considered that in this case criteria c applies as the proposal will be “co-located with complementary activities (including existing permanent waste management sites)”. The existing site is operating as an “existing permanent waste management site”.
- 7.3 The additional land that is included within the application site is classified as Grade 2 Agricultural Land. The NPPF sets out that planning authorities should:-
- “take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality” (paragraph 112).
- 7.4 The land is owned by the applicant and has been enclosed by an existing bund the height (up to 2 metres) and detail of which were approved as part of condition 8 (landscaping) of planning permission F/02000/13/CW in May 2013. The existing bund is stated to exceed a height of two metres. In certain circumstances a means of enclosure could be constructed up to 2 metres using “permitted development rights,” without the need to apply for planning permission.
- 7.5 The existing site was granted planning permission on the basis that it was for the processing of agricultural wastes, which is also currently

provided for under policy CS18 and was also on Grade 2 agricultural land. The application would provide a limited proposed expansion to an existing site, of 0.33 hectares of land that would be integrated with the existing facility. To provide separate storage elsewhere would result in the additional undesirable movement of the waste. Given the limited amount of land and the lack of a satisfactory available alternative, it is considered that the proposal would not result in a significant loss of grade 2 agricultural land.

- 7.6 The applicant has stated that the proposal has come forward in order to prevent stockpiles breaching the 5 metre limit while operating at capacity; and that the rearrangement of the site, without an increase in capacity, will ensure stockpiles are kept below the height required by condition (particularly during periods of seasonal variation in waste streams). Fenland District Council has referred to breaches of the existing 5 metres height restriction. The County Council's enforcement records refer to a breach in the control of the stockpile heights in 2012.
- 7.7 The site's annual throughput capacity is regulated by Environmental Permit, as are the control of the processes which are a matter for pollution control authorities. However, a condition to limit the capacity of the waste throughput of the site can be added to ensure that this can be appropriately controlled.

Visual Impact and Stockpile Heights

- 7.8 Concerns have been raised by Fenland District Council about the visual impact of the site as it exists; and that the proposed extension will make this worse increasing the adverse impact upon the landscape character of the area.
- 7.9 The site is parallel to and can be seen from Knight's End Road. The current limit on all stockpile heights (depolluted vehicles and metal waste and segregated waste in containers) on the existing site is up to 5 metres in height. Waste material including cars can often be seen from outside of the site and from Knight's End Road. Existing containers can give the appearance of forming a "solid wall" of 35 metres, to the west of Building 2 and can be stacked up to 5 metres in height. This visual appearance of the existing site varies in relation to the amount of material on site and seasonal variation.
- 7.10 If permitted this application would enable stockpiles to be stored up to a further 40 metres to the west of the existing site at up to 5 metres in height. This proposed stockpile area and the existing outside storage located would all be located behind the bund at 3 metres in height and behind the 5 metre high steel retaining wall. This would visually shield the material stockpiles when viewed from the north, including Knight's End Road, and when seen from the west. Therefore instead of containers and material, when seen from the north and west, only the steel wall, bund and landscaping would be visible. The steel wall would

be lower than Building 2 along the northern boundary, at 5 metres high, compared to Building 2 which is 8.4 metres tall at the apex.

- 7.11 While the wall and bund represent a structure of significant height on the flat Fen landscape, it is considered that they would present a more tidy appearance from Knight's End Road than the current appearance of multi-coloured storage containers up to 5 metres high. The applicant has advised that the wall will be painted a "regressive" colour, and subject to approval of the colour, it is considered that the wall would not have an overly imposing or detrimental impact on the Fen landscape.
- 7.12 It is considered that the proposed mitigation measures, although not natural features within the landscape, would provide a significant element of visual mitigation of the material on site and would provide the benefit of screening, in part, the existing waste. It is considered that the wall and bund will not be as visually imposing as the existing permitted recycling building (Building 2) on site, which is significantly taller and darker in colour. The steel wall will run for 77 metres along the northern boundary, approximately double the length of the building in this location. It would be at a lower height, and in a lighter and controlled colour, and would be an improvement upon the different coloured storage containers (the colour of which is not controlled).
- 7.13 From the south there are no public rights of way, adopted roads or private premises within 1km of the site. The agriculture and natural vegetation of the fields means that the site is not clearly or overtly visible from this view and the proposal would not have a significant impact.
- 7.14 It is therefore considered that, on balance, the proposal and visual mitigation measures proposed are in accordance with policy CS33 Protection of Landscape Character (MWCS), for the reasons given above.

Landscaping

- 7.15 New landscaping has been proposed on the other side of the northern boundary of the site to soften the appearance of the bund and to compensate for the failed planting installed under a previous permission. The applicant has submitted a landscaping scheme, including native trees and shrubs including Hawthorn, Gorse and Wild Privet, in order to encourage growth and establish a new hedgerow.
- 7.16 Peterborough City Council's Wildlife Officer (as the WPA's consultant ecologists for this case) has no objections and considers that an acceptable mix of native planting that should survive in this location has been proposed. A further replacement planting condition would extend the period within which replacement planting is required and give an increased prospect of establishment.

- 7.17 The landscaping scheme is considered to be in accordance with LP19 The Natural Environment (LP), given the creation of new habitat, and LP16 Delivering and Protecting High Quality Environments across the District (LP) with the reinstatement of a hedgerow within the Fen landscape.

Residential Amenity

- 7.18 The proposal is unlikely to significantly affect residential amenity owing to the significant distances to the nearest neighbours. Owing to the distance to the nearest residences and the surrounding land uses, the proposal is considered to be in accordance with policy CS34 Protecting Surrounding Uses (MWCS) and policies LP2 Facilitating Health and Wellbeing of Fenland Residents and LP16 Delivering and Protecting High Quality Environments across the District (LP), in that residential amenity would not be result in an unacceptable loss of residential amenity.

Vehicle Movements

- 7.19 March Town Council has objected on the grounds that it considers the access road to be unsuitable for further development in this area.
- 7.20 There is no proposed increase in annual throughput as a result of this proposal. Therefore vehicle movements of approximately 52 HGVs per day are not expected to increase significantly. Given this, there are no objections from the County Council Highways Development Management Officers.
- 7.21 The road is paved with tarmac at the junction between the unnamed road and Knight's End Road. This was required as part of improvements to the access road by condition 12 of planning permission F/02006/06/CW.
- 7.22 A condition is recommended to ensure that the additional area proposed for storage purposes would be limited to use for ancillary storage only to ensure that it would not result in an increase in the area available for the processing or treatment of the waste. It is also proposed to limit the annual throughput by condition, which will also control the vehicle movements to and from the site.
- 7.23 The proposal is considered to be in accordance with CS32 Traffic and Highways (MWCS) as the access road is suitable for the nature of the development.

Flooding and Drainage

- 7.24 The site is within Flood zone 3. The Middle Level Commissioners, have clarified that they do not object to the proposal in principle but their opinion on whether their concerns have been addressed is still outstanding having retained concerns about the drainage scheme.

Therefore, to seek a comprehensive response on the drainage of the site, both the Environment Agency and Lead Local Flood Authority were consulted. Initially both had objections regarding the proposed and existing arrangements at the site. The applicant provided more details of the amount of hard surfacing, the attenuation and storage requirement for hard-surfacing of the size and further calculations on flood risk, including allowances for climate change and subsequently the LLFA and EA both removed their objections. Crucially, the applicant has demonstrated that the potential surface water on the site can be accommodated, without discharging to the IDB watercourse.

- 7.25 Therefore, notwithstanding outstanding concerns from Middle Level Commissioners, it is considered that the drainage concerns have been appropriately addressed at the site, and that the proposal will not represent an increase to run-off or flood risk. The proposal is therefore considered to be in accordance with policy LP14 Part B Flood Risk and Drainage (LP) in providing an appropriate drainage scheme for the site.
- 7.26 The applicant has also demonstrated, through the drainage scheme, that polluted run-off will also be contained on site and will not be allowed to run-off off site. This demonstrates that the proposal is also in accordance with policy CS39 (MWCS) in that it will not present a significant adverse impact to surface or groundwater resources, and has incorporated adequate water pollution control measures.
- 7.27 Peterborough City Council Wildlife Officer (as the WPA's consultant ecologists for this case) also raised concerns about the drainage and adjacent drains in relation to protected species - in particular the potential for water voles in the adjacent drain. Following the submission of further information, it was confirmed that the proposal would not affect the drains in this way, and therefore water voles and other protected species were not at risk. The proposal is therefore in accordance with policy LP19 The Natural Environment (LP), as the proposal will not cause harm to protected habitat or species.

8.0 CONCLUSION

- 8.1 In conclusion, it is considered that given there is no proposed significant material increase in the traffic movements that would be likely to be generated as a result of this proposal and no objections from the Highways Development Management Team; and that the visual mitigation measures would provide some benefit in relation to the existing site in addition to providing acceptable mitigation for the proposed extension; that the proposal is acceptable subject to the imposition of appropriate conditions. It is considered that the conditions imposed as part of application F/02000/13/CW should be reimposed as part of this permission to ensure consistency of controls across the site in addition to those already referred to in this report.

9.0 RECOMMENDATION

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

1. Date of Commencement

The development hereby permitted shall be commenced not later than three years from the date of this permission.

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

2. Approved plans

The development hereby permitted shall be carried out in accordance with the following documents and drawings (received 25 June 2015 unless stated otherwise):

- Location Plan drawing number L24/401 dated 06/15 (received 01/03/2016)
- Proposed Site Layout Plan drawing number L24/403 dated 06/15 (received 01/03/2016)
- Landscape Proposals drawing number 2363/LP/1 dated May 2015
- Northern Boundary – Typical Cross Sections drawing number 2363/S/1 dated May 2015 (received 01/03/2016)
- Proposed Site Drainage Plan L24/404 dated 11/15 (received 24/11/2015)
- Written Statement (Planning Application for a Change of Use to Allow Extension of Consented Activities) dated June 2015
- Appendix 6 – Visual Impact Assessment dated 18 June 2015
- Appendix 7 – Proposed Planting Scheme and 5 Year Aftercare and Management Plan dated 5 May 2015
- Appendix 8 – Flood Risk Assessment dated June 2015
- E-mail dated 17 August 2015 “Lodge Farm - F/2005/15/CW” – Response to EA/Ecology objections
- Extended Phase 1 Habitat Survey Ref: 150928 dated 22nd September 2015 (received 05/10/2015)
- E-mail dated 24 November 2015 “Lodge Farm - F/2005/15/CW” – E-mail from agent re MLC comments
- E-mail dated 04 January 2016 “Lodge Farm - F/2005/15/CW” – E-mail from agent re LLFA comments
- E-mail dated 01 March 2016 “Re: Lodge Farm – F/2005/15/CW” – e-mail re detail of steel wall

Reason: To define the site and protect the character and appearance of the locality in accordance with policy LP16 of

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

3. Permitted Materials

Nothing other than end of life vehicles, cement bound asbestos, cardboard, paper, plastic, wood, metal and polystyrene shall be stored at the site.

Reason: To minimise the risk of pollution and protect the surrounding environment in accordance with policy LP16 of Fenland Local Plan (May 2014), CS34 and CS39 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

4. Restricted Use of Storage Area

The area identified as the “Proposed Storage Area” on drawing number L24/403 dated 06/15” received 01/30/2016 shall only be used for the storage of segregated recyclable waste within containers and depolluted vehicles and metal waste.

Reason: In the interests of visual amenity, maintaining a limit on throughput in relation to highway safety and the minimisation of the risk of pollution in accordance with in accordance with policy LP16 of Fenland Local Plan (May 2014), CS32, CS34 and CS39 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

5. Stockpile Heights

No material stored within the application area shall exceed 5 metres in height, nor therefore the height of the 5 metres steel wall on the northern and western boundaries, whether in stockpiles or containers.

Reason: In the interests of preventing excess visual intrusion from the site and the protection of the Fen landscape character in accordance with policy LP16 of Fenland Local Plan (May 2014) and CS33 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011)

6. Operating Hours

Waste material shall be received and dispatched between the hours of 0730 to 1800 Mondays to Saturdays only, except Bank or Public Holidays. There shall be no such activities on Sundays or Bank or Public Holidays.

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

7. Additional External Lighting and CCTV

No additional external lighting or CCTV equipment shall be installed at the site unless a scheme has been submitted and approved in writing by the Waste Planning Authority. Any lighting approved under such a scheme shall only be illuminated between the hours of 0730 to 1800 Mondays to Saturdays and at no time on Sundays, Bank or Public Holidays

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

8. External Lighting

External lighting shall only be illuminated between the hours of 0730 to 1800 Mondays to Saturdays and at no time on Sundays, Bank or Public Holidays

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

9. Silencers

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

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

10. Annual Throughput

The annual waste throughput of the waste transfer and treatment station shall not exceed 155,000 tonnes per annum. Records showing waste throughput for any specified period shall be provided to the Waste Planning Authority within 30 days of a written request.

Reason: To enable the Waste Planning Authority to retain control over the future development of the site in accordance with Policy CS29; to ensure that the vehicle movements that have been assessed as part of this application which have been linked to waste throughput are not exceeded in accordance with policy CS32; and to protect residential amenity in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

11. Drainage and Surface Water

The drainage scheme at the site shall be implemented in accordance with the following plans and documents:

- Proposed Site Drainage Plan L24/404 dated 11/15 (received 24/11/2015)
- Appendix 8 – Flood Risk Assessment dated June 2015

Only surface water from roofs and paved areas not accessible to vehicles shall be discharged to soakaway, watercourse or surface water sewer. Only clean uncontaminated water shall be discharged via soakaway

Reason: To minimise the risk of pollution of the water environment and risk of flooding on the site and surrounding area in accordance with LP14 of Fenland Local Plan (May 2014) and CS39 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

12. Colour of the Steel Wall

The steel wall, identified on “Proposed Site Layout Plan drawing number L24/403 dated 06/15” (received 01/03/2016), shall be painted in a regressive scheme comprising Olive Green RAL 6003 at the base to Light Grey RAL 7035 at the top. The wall shall be finished in the approved colour, prior to the application site being first brought into use.

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

13. Commencement of Storage

The application area shall not be first brought into use as hereby permitted until the steel wall and bund shown on “Proposed Site Layout Plan drawing number L24/403 dated 06/15” received 01/03/2016 have been constructed in their entirety in accordance with the approved details as shown on Northern Boundary – Typical Cross Sections drawing number 2363/S/1 dated May 2015 (received 01/03/2016), and detailed in “E-mail dated 01 March 2016 “Re: Lodge Farm – F/2005/15/CW” – e-mail re detail of steel wall”.

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

14. Landscaping Scheme

The landscaping scheme shown on drawing number 2363/LP/1 dated May 2015 shall be implemented in full during the first planting season following commencement of the site for stockpile storage.

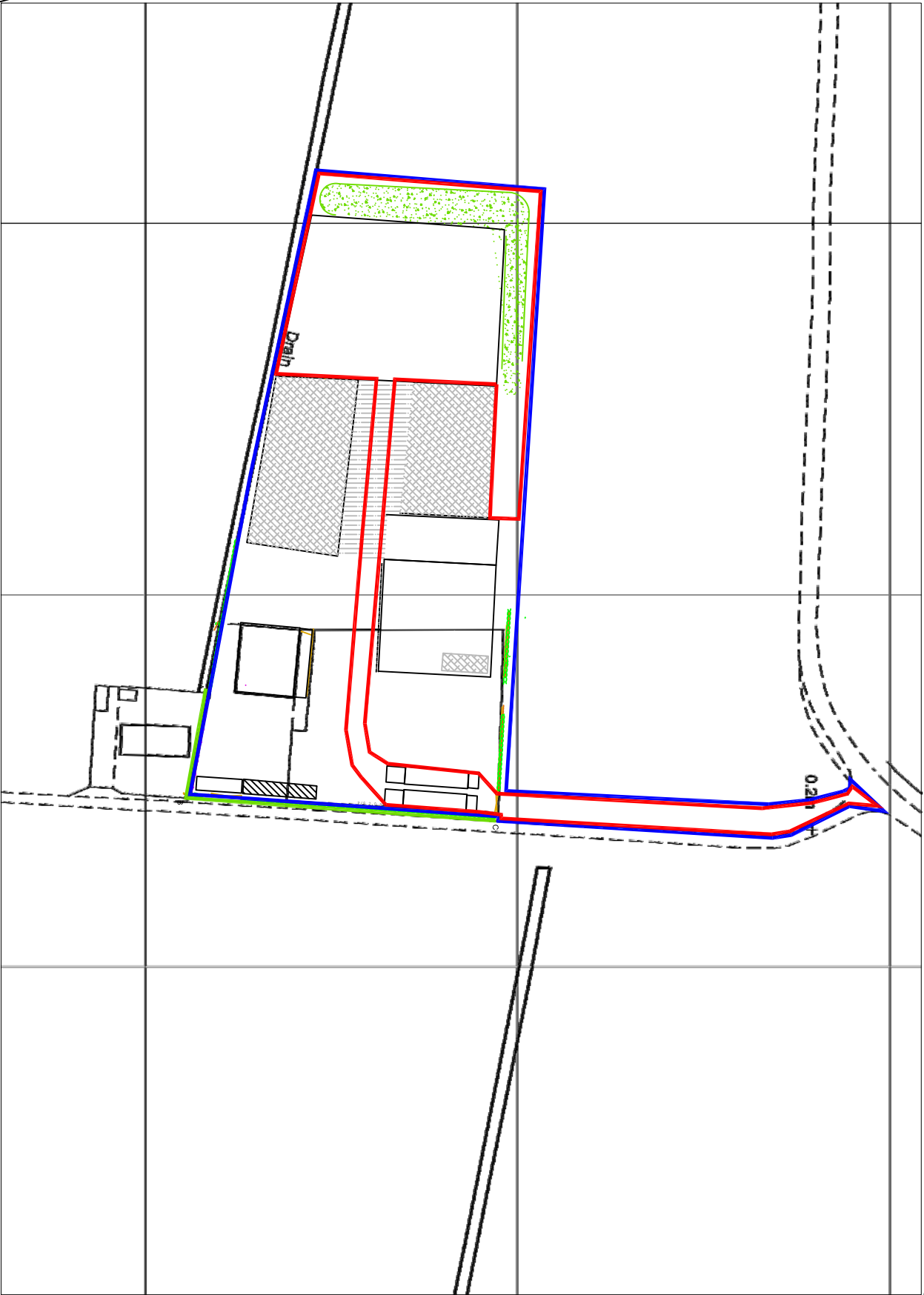
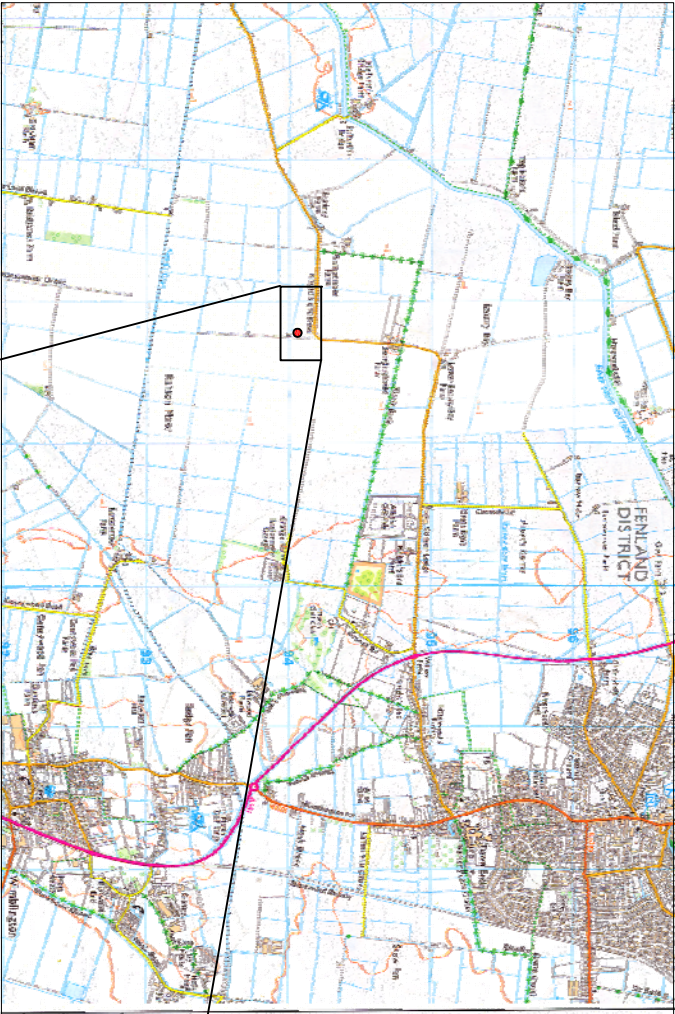
Reason: In the interests of landscape character protection and visual amenity in accordance with policy LP16 of Fenland Local Plan (May 2014) and CS33 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011)

15. Landscape Management

If within a period of 5 years from the date of planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, becomes, in the opinion of the Waste Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise agreed in writing by the Waste Planning Authority.

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

Source Documents	Location
Casefile: F/2005/15/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

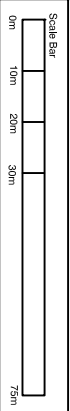


Grid
NORTH

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LEGEND

- OTHER LAND UNDER APPLICANT'S CONTROL
- APPLICATION SITE
- EXISTING BUND
- APPROVED PROCESS AREA
- SURFACED ANCILLARY AREA

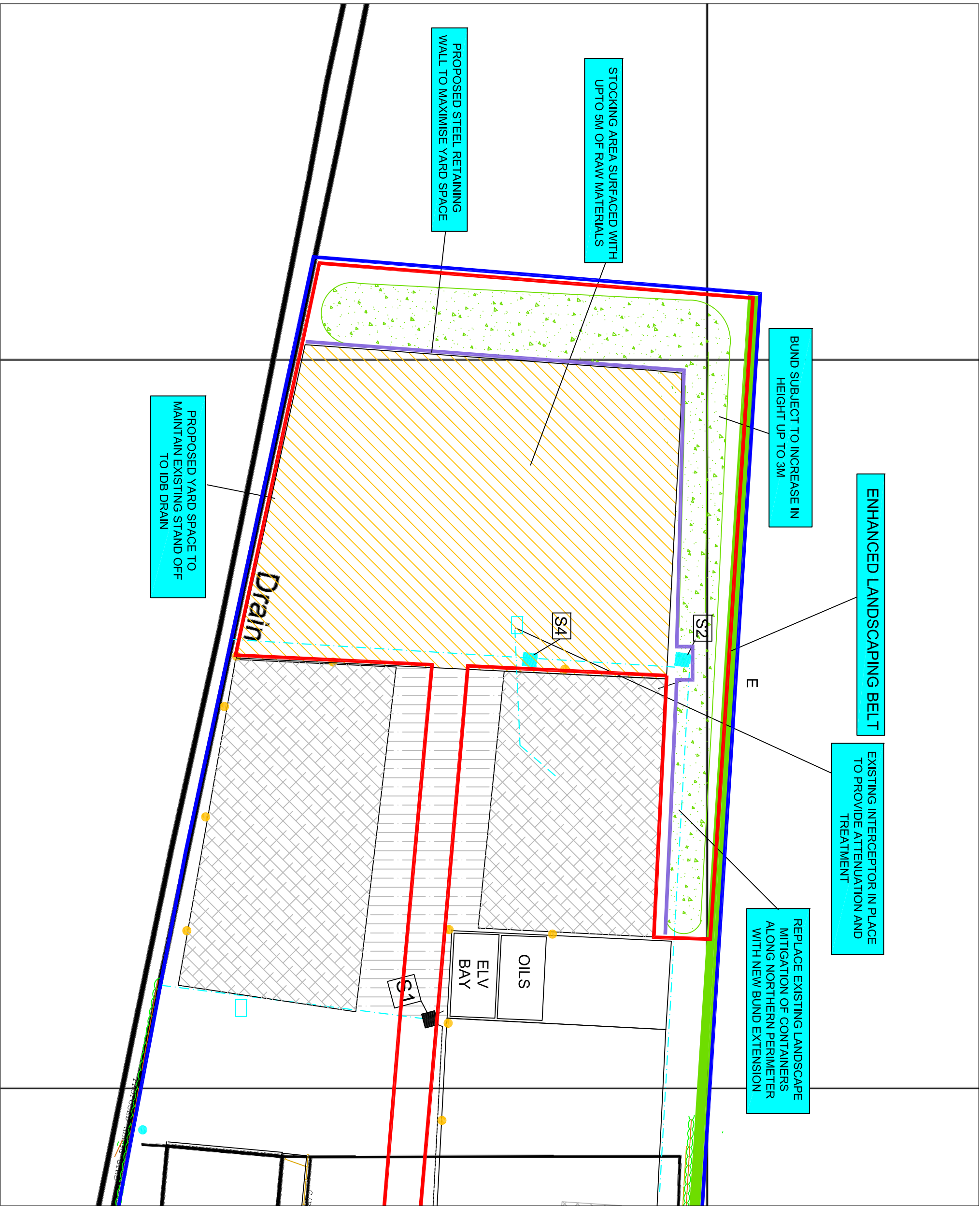


GOLDSTAR

Location	Lodge Farm		
Title	Location Plan		
Dwg.No.	Scale	Date	
L24/401	1:1,500@A3	06/15	

David L Walker
Limited

Albion House 89 Station Road
Eckington Sheffield S21 4FW
Tel: 01246 431 749 Fax: 01246 431 863
Email: headoffice@dlwalker.net

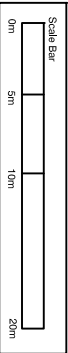


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NORTH

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LEGEND

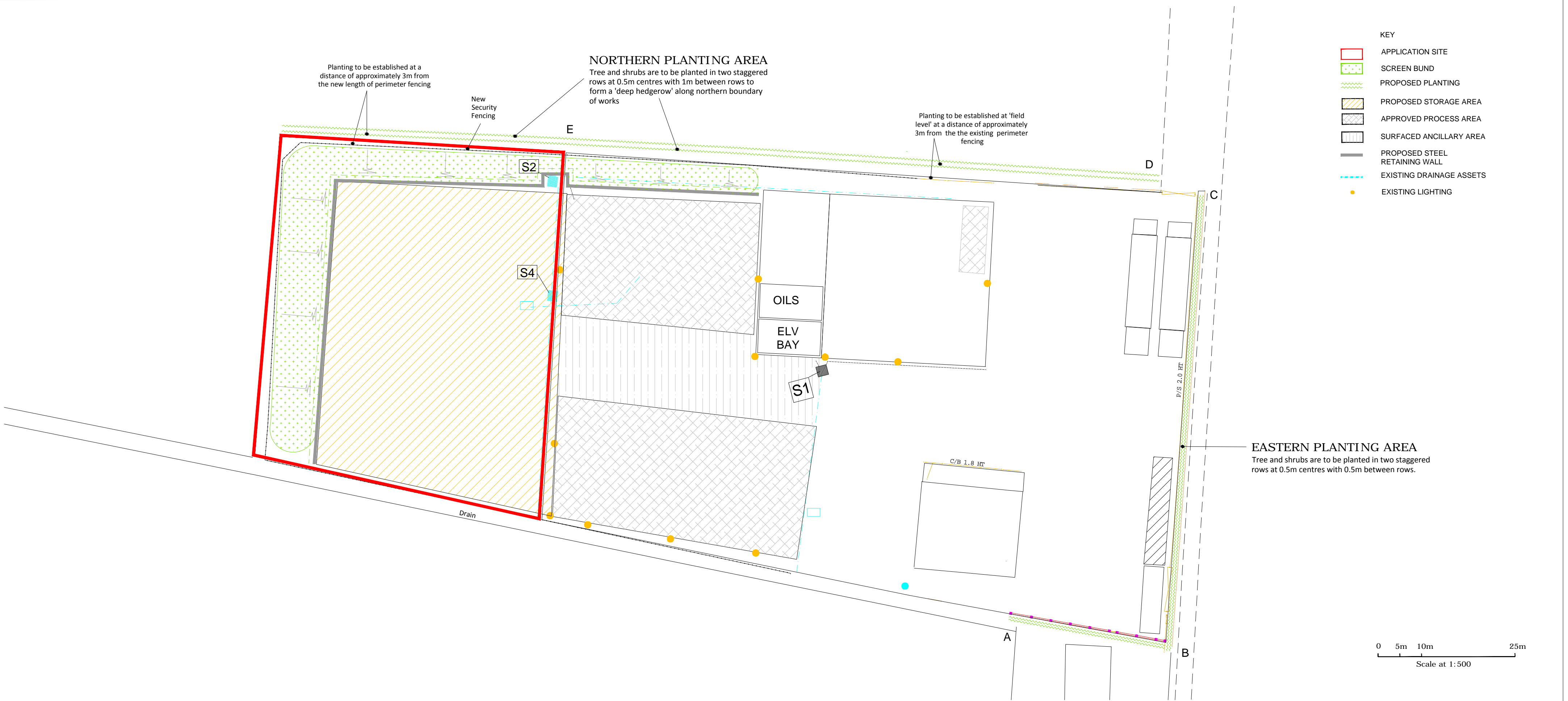
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- APPLICATION SITE
- BUND ENHANCEMENTS
- LANDSCAPING
- PROPOSED STORAGE AREA
- APPROVED PROCESS AREA
- SURFACED ANCILLARY AREA
- PROPOSED STEEL RETAINING WALL
- EXISTING DRAINAGE ASSETS
- EXISTING LIGHTING



GOLDSTAR

Location		
Lodge Farm		
Title		
Proposed Site Layout Plan		
Dwg.No.	Scale	Date
L24/403	1:500@A3	06/15
<div>David L Walker Limited</div>		
Albion House 89 Station Road Eckington Sheffield S21 4FW		
Tel: 01246 431 749 Fax: 01246 431 863		
Email: headoffice@dlwalker.net		

Lodge Farm F/2005/15/CW - Committee Plan 3 Landscape Proposals



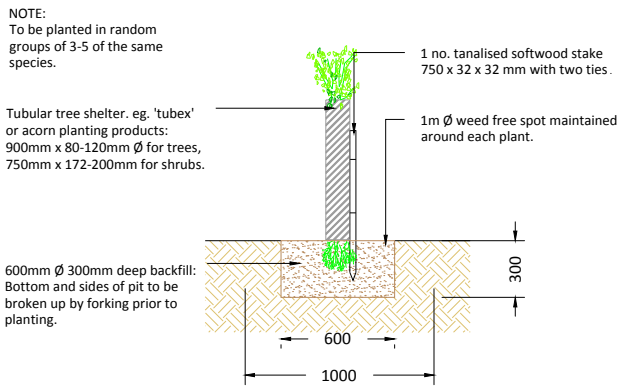
- KEY
- APPLICATION SITE
 - SCREEN BUND
 - PROPOSED PLANTING
 - PROPOSED STORAGE AREA
 - APPROVED PROCESS AREA
 - SURFACED ANCILLARY AREA
 - PROPOSED STEEL RETAINING WALL
 - EXISTING DRAINAGE ASSETS
 - EXISTING LIGHTING

PROPOSED PLANTING SCHEDULE

SPECIES		SIZE AT PLANTING	AGE/ POT VOLUME/SUPPLY	%	NUMBER
Carpinus betulus	Common Hornbeam	40-60cm	1+1 bare root	5	55
Crataegus monogyna	Hawthorn	40-60cm	1+1 bare root	40	440
Eunonymus europaeus	Spindle	40-60cm	1+1 bare root	10	110
Ligustrum vulgare	Wild Privet	40-60cm	0+1 bare root	10	110
Cystisus scoparius	Broom	30-40cm	2 Litre	15	165
Ulex europaeus	Gorse	40-60cm	2 Litre	15	165
Viburnum Lantana	Wayfaring tree	40-60cm	1+1 bare root	5	55

Tree and shrubs are to be planted in two staggered rows at the intervals described on the planting plan. Plant species to be randomly selected at planting to provide a good overall mix. Plants to be provided with a tubular tree shelter. E.g. 'tubex' or acorn planting products: 900mm x 80-120mm Ø for trees and 750mm x 172-200mm for shrubs.

DETAIL A: Planting Pit



A 29.02.16 Plan reproduced at 1:500 scale.

DAVID JARVIS ASSOCIATES

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Tel: 01793 612173 Fax: 01793 613625
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Client
GOLDSTAR METAL TRADERS LTD

Project
LODGE FARM

Drawing Title
LANDSCAPE PROPOSALS

Scale 1:500 AT A2	Date MAY 2015
Drawing No. 2363/LP/1A	

Agenda Item No. 4

Section 73 planning application to develop land without complying with conditions 7 (which restricts the numbers and types of deliveries on Saturdays Sundays and Bank Holidays) and 9 (to extend the operating hours), of planning permission H/5013/07/CW with continued use as a Waste Transfer Station and Recycling Facility with existing skip hire depot, outside storage, skip lorry parking, offices, maintenance building, aggregate storage and distribution, with existing permitted variation to building and layout.

AT: Alconbury Waste Transfer Facility, Stangate Business Park, Old North Road, Alconbury Weston, PE28 4JH

APPLICANT: Amey LG Ltd.

LPA REF: H/5013/15/CW

To: **Planning Committee**

Date: **14 April 2016**

From: **Head of Growth & Economy**

Electoral division(s): **Huntingdon**

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

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

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

1.0 THE SITE AND SURROUNDINGS

- 1.1 The 2.4 ha application site currently operating as a Waste Transfer Station is located on the Stangate Business Park on the eastern side of the B1043, 2.4 km north of Alconbury, 1.8km north-east of Alconbury Weston, 0.8km east of Upton (all to the west of the A1(M)). It is also to the north of Junction 14 of the A1(M) and A14. The B1043 runs parallel to and on the eastern side of the A1(M). The application site is surrounded directly by agricultural fields. There are three dwellings in the vicinity, the closest being Monks' Wood Farm, 280 metres to the north-east, and Wheatsheaf Cottages 320 metres to the south, which are also accessed off the B1043. There is also a warehousing and distribution park, 320 metres to the south, at Alconbury Hill. The surrounding agricultural fields contain a number of drains, the closest being 90 metres to the south. There are woodland areas in the vicinity of the site, the closest and most important being Monks Wood National Nature Reserve, designated as a Site of Special Scientific Interest (SSSI), which is 680 metres to the north-east of the site at its closest point.
- 1.2 The eastern boundary of the site constitutes a 2 metre bund with planting within the application site. There is a landscape buffer of planting of trees and hedges (consisting mainly of Hawthorn, Blackthorn, Hazel and Dog rose shrubs and trees predominantly Field maple, Common Ash and Wild Cherry) on the northern, southern and western boundaries. The southern boundary also includes a swale on the inside of the planting buffer. The site is also bounded by a 2.4 metre secure palisade fence, on the outside of the approved planting on the eastern and southern boundaries, on the inside of the tree line on the northern boundary and on the inside of the tree and hedge line, with gaps in the fence at the two access points, on the western boundary. The western boundary, adjacent to the B1043, contains two access gates, the southern one of which is in regular use, the northern one is permanently closed and remains only for use in an emergency. The eastern and southern boundaries of the site were landscaped and planted as part of application H/5013/07/CW. The site contains two waste transfer buildings, external aggregate storage bays, weighbridge and office, and vehicle parking spaces.
- 1.3 The site capacity is limited by Environmental Permit which permits waste streams per annum of 150,000 tonnes of mixed household waste, green waste and dry recyclables. The current vehicle movements are around 90 per day, which works out to approximately 8 per hour.

2.0 THE PROPOSED DEVELOPMENT

- 2.1 The current application is to develop land without complying with conditions 7 (which restricts the numbers and types of deliveries on

Saturdays Sundays and Bank Holidays) and 9 (to extend the operating hours), of planning permission H/5013/07/CW with continued use as a Waste Transfer Station and Recycling Facility with existing skip hire depot, outside storage, skip lorry parking, offices, maintenance building, aggregate storage and distribution, with existing permitted variation to building and layout.

2.2 Condition 7 is worded as follows:

“Unless otherwise agreed in writing by the Waste Planning Authority, use of the site on a Saturday, Sunday or Bank Holiday shall be limited to the import of materials from HWRC’s. No more than 15 deliveries per Saturday, Sunday or Bank Holiday shall occur. Weighbridge tickets shall be made available to the Waste Planning Authority upon request to demonstrate the vehicle movements that have taken place and the origin of waste delivered during these times.”

2.3 The applicant proposes to remove condition 7.

2.4 Condition 9 is currently worded as follows:

*“Unless otherwise agreed in writing by the Waste Planning Authority, the hours of operation of the site are permitted between:
0700 and 1800 Monday to Friday
0700 and 1300 on Saturdays*

*However the site may be used for the deposit of waste from Household Waste Recycling Centres only during the following times:
Between 0700 and 1600 on Saturdays
Between 0700 and 1600 on Sundays and Bank Holidays*

This shall be undertaken in accordance with Condition 7 (above) and no processing shall occur on a Saturday or Sunday or Bank Holiday.”

2.5 The applicant has proposed to vary condition 9 to read:

“The site may operate between 0600 and 1800 Monday to Sunday.”

3.0 PLANNING HISTORY

3.1 This application is for the development of land without compliance with conditions 7 and 9 of planning permission H/5013/07/CW. Application H/5013/07/CW was itself a S73 application for the development of land without compliance with conditions of planning permission H/05019/04/CW. H/05019/04/CW granted permission for a Waste Transfer Station and Recycling Facility, with existing skip hire depot. The same site has had continuing permission for use of the land as a skip hire depot, since 2001 (district council reference 9901497FUL).

3.2 Relevant planning history on the application site:

Application Reference	Description	Date Granted
9901497FUL	Change of use of land to skip hire depot and ancillary facilities, outside storage, transport depot and overnight lorry parking, together with the establishment of a tree planting belt	10/04/01
0100080FUL	Erection of maintenance building and provision of ancillary facilities for skip hire depot	27/04/01
0101649FUL	Change of use of land to skip hire depot and ancillary facilities including storage and distribution of aggregates, paving slabs and fencing, transport depot and overnight lorry parking	29/01/02
H/05019/04/CW 0405019CCM	Waste transfer station and recycling facility, with existing skip hire depot, outside storage, skip lorry parking, offices, maintenance building, aggregate storage and distribution	23/12/04
H/5001/05/CW 0505001CCM	Use of land for the drop off and transfer of bonded asbestos.	14/03/05
H/5013/07/CW 0705013CCM	Variation to building & layout of waste recycling and transfer facility.	12/09/07

3.3 Additionally, the following applications at the distribution centre, 300 metres to the south of the site are of relevance in relation to vehicle movements, routing and restrictions on vehicle delivery hours along the B1043:

Application Reference	Description	Date Granted
0100944FUL	Erection of warehouse/distribution units with offices (B8) and car parking	25/01/02
0600235HZC	Storage of hazardous substances	13/11/07

4.0 CONSULTATION RESPONSES

4.1 Huntingdonshire District Council Planning: no objection subject to the following:

- consideration of the impact on residential amenity and representations from neighbours and the parish council
- consideration of the application description to ensure that it accurately reflects the proposed development
- consideration of the proposed change in wording to condition 9 to ensure that operational hours and hours for deliveries are specified

- consideration of the concerns over litter, its impact on character and appearance of the area and residents
 - consideration of the perimeter landscaping, the need to retain it and potential for enhancements
 - consultation of the adjoining parish councils of Sawtry, and Upton and Coppingford in addition to Alconbury Parish Council.
- 4.2 Huntingdonshire District Council Environmental Protection Officer: noted that the closest residential properties are 350metres from the site and does not foresee that an intensification of onsite activity would have a detrimental impact on residential amenity. The proposal will result in an increase in traffic during the extended hours. The area is subject to significant traffic noise owing to the proximity of the A1.
- 4.3 Alconbury Parish Council: oppose the application. Consider that the existing operations at the site result in unacceptable noise pollution and nuisance to residents living close to the site, loss of residential amenity in front gardens owing to litter and rubbish emanating from waste lorries. Consider that the proposal to increase the operational hours would offer no respite from this.
- 4.4 Alconbury Weston Parish Council: oppose the application. Consider that the existing operations at the site result in unacceptable noise pollution and nuisance to residents living close to the site, loss of residential amenity in front gardens owing to litter and rubbish emanating from waste lorries. Consider that the proposal to increase the operational hours would offer no respite from this.
- 4.5 Upton and Coppingford Parish Council: no comments to make on the proposal.
- 4.6 Sawtry Parish Council: Consider the site to be a useful local amenity and that extending the hours to cope with the additional workload at busier times should be supported.
- 4.7 CCC Highways Development Management: no objections on highway safety grounds as it is indicated that the proposal would not increase the amount of vehicle movements, and the changes proposed would spread out movements over the day and at weekends.
- 4.8 CCC Transport Assessments: no objections as the proposal will not result in any additional trips on the local road network.
- 4.9 Environment Agency: no objections. Advise the applicant to contact the Agency to establish whether a variation to the Environmental Permit will be required subsequent to any planning approval.

5.0 REPRESENTATIONS

5.1 The following is a summary of the representations received from individual households living at three properties, all within 320 metres of the site:

- Concern of noise and vibration from vehicles entering and leaving the site and travelling the B1043, and the impact on residential amenity
- Suggestion that vehicles be rerouted to the north of the Waste Transfer Station and traffic calming applied to the B1043
- Concern that litter emanating from vehicles is having a detrimental impact on residential amenity, visual amenity and health
- Concern that vehicles are not being properly sheeted when full of waste
- Concern over noise emanating from the site
- Concern over odour emanating from the site
- Concern over mud and debris on B1043
- Concern that the operation of the site on Sundays and Bank Holidays will impact on residential amenity and enjoyment of their homes and gardens
- Concern that previous permissions did not comply with planning policy in regards to traffic nuisance and effect on residential amenity from litter emanating from vehicles
- Concern that increase in flexibility and opening hours, combined with anticipated housing growth within the county will result in a required increase in capacity and therefore higher numbers of vehicle movements
- Disagrees that the daily checks have been adequately carried out
- Disagrees with the record of site complaints
- Concern that litter picking that has taken place recently will not continue once planning permission is granted

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that 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 6.5 to 6.9 below.

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

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 without delay “unless other material considerations indicate otherwise” (para 12).

The NPPF also includes as one of its core land-use planning principles a requirement to “seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings” (para 17).

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

On 16 October 2014 the Government published updated national waste planning policy for England. A key component of the policy is the principle of moving waste “up the ‘waste hierarchy’ of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort” (paragraph 008).

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”.

6.4 Planning Practice Guidance (PPG)

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

Discharging and modifying conditions once planning permission is granted; and

Amending the conditions attached to a permission including seeking minor material amendments (application under Section 73 TCPA 1990)

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

The following policies are of relevance to this proposal:

CS2 – Strategic Vision and Objectives for Sustainable Waste Management Development

CS29 The Need for Waste Management Development and the Movement of Waste

CS32 – Traffic and Highways

CS33 – Protection of Landscape Character

CS34 – Protecting Surrounding Uses

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

The site is subject to the following allocations in the Site Specific Proposals document:

W1A – Adjacent A1 Alconbury – allocation as an Existing Waste Recycling and Recovery Facility (Non-Landfill)

W8A – Adjacent A1 Alconbury – corresponding waste consultation area.

6.7 Huntingdonshire Core Strategy (adopted September 2009) (CS2009)

The following policies from the Huntingdonshire Core Strategy are of relevance:

CS1 – Sustainable Development in Huntingdonshire

6.8 Saved Policies from Huntingdonshire Local Plan (adopted December 1995) and Local Plan Alteration (adopted December 2002) (LP1995)

The following saved policies from the Huntingdonshire Local Plan 1995 and Local Plan Alteration 2002 are of relevance:

En18 – Protection of Countryside Features

6.9 Huntingdonshire Draft Local Plan to 2036: Stage 3 (2013) (LP2013)

Huntingdonshire District Council is working on a new Local Plan to 2036 which is currently expected to be published as a Stage 4 Proposed Submission Version in autumn 2016. The Stage 3 draft plan therefore only holds limited weight in the consideration of this application.

LP15 – Ensuring a High Standard of Amenity

LP29 – Trees, Woodland and Related Features

7.0 PLANNING CONSIDERATIONS

Principle of Section 73 Application

- 7.1 The applicant has sought this Section 73 application to remove condition 7 and vary condition 9 in order to allow operations at the site and vehicle movements to take place between 0600 to 1800, seven days a week. The planning permission that the site is currently operating under (reference H/5013/07/CW) only permits operations between 0700 and 1800 Monday to Friday and 0700 to 1300 Saturday mornings, with the exception of a maximum of 15 deliveries per day from Household Waste Recycling Centres on Saturdays, Sundays and

Bank Holidays, between 0700 and 1600. This planning application is seeking to not comply with conditions 7 and 9, which would in effect allow the site to operate (including vehicle movements), between 0600 and 1800 hours Mondays to Sundays. This would allow the site to operate one hour earlier in the morning than currently permitted Monday to Saturday and would extend the hours of operations on Saturdays, Sundays and bank holidays.

7.2 The current wording of the conditions includes the phrase “unless otherwise agreed in writing by the Waste Planning Authority”, and this was used to permit some exceptions to these restrictions by the WPA on a case-by-case basis, usually around the Christmas/New Year and Easter bank holidays. These exceptions were requested by the applicant owing to the need to continue operating over the weekends and bank holidays because of the demand for refuse collection at these times.

7.3 This wording for conditions is no longer considered best practice particularly where continuous requests are required in the case of bank holidays for catch up refuse collections at the site. Any changes to conditions applied to planning permissions should only be varied through Section 73 applications for material or minor material amendments or through the non-material amendment application procedure. As this variation is considered to be material, a Section 73 application to operate without complying with conditions 7 (to be removed) and condition 9 (to be varied) has been applied for.

Justification and Principle of Increase in Operational Hours

7.4 This site is allocated within the Site Specific Proposals document (MWSSP) as an existing site and is therefore defined as part of the county’s network of waste management facilities. Its efficient operation is integral to the efficient movement of waste in Huntingdonshire. Therefore its continued operation as a waste management site is supported by the Minerals & Waste Development Plan, particularly policy CS2 of the Minerals & Waste Core Strategy (MWCS) and allocation W1A/W8A in the MWSSP. The applicant has stated that the increase in hours is required to operate the site efficiently and in response to the operations of Huntingdonshire District Council (HDC) as the Waste Collection Authority (WCA).

7.5 Conditions 7 and 9 of permission H/5013/07/CW were applied in order to “ensure that the residential amenity of neighbouring properties is upheld” and was justified in the officer’s report that the condition only permitted up to 15 vehicle movements a day, only delivering material from Household Waste Recycling Centres (HWRCs) on Saturday afternoons, Sundays and Mondays. No concerns were raised by the Environmental Health Department at the time of granting permission H/5013/07/CW and no concerns have been raised by HDC’s Environmental Protection Officer as part of this application.

- 7.6 The applicant has made this application in order to improve efficiency at the site, in order to cope with the demands during peak periods around bank holidays and to better match the operations of HDC as WCA. This currently includes the need to reschedule household waste collections around bank holidays and to store fully loaded waste collection vehicles from weekend town centre cleaning operations overnight on Sundays. Allowing seven days a week opening hours would avoid this disruption and inefficiency. Support for the application has been submitted by the applicant from both the WCA and from Cambridgeshire County Council as Waste Disposal Authority (WDA).
- 7.7 Efficient and sustainable waste management facilities are a key priority of the Minerals and Waste Core Strategy (MWCS), with the principles of sustainability and movement of waste up the waste hierarchy identified in policy CS2. It is considered that this proposal would continue to contribute towards those aims.

Vehicle Movements and Residential Amenity

- 7.8 Of concern to the neighbours and parish councils is the number of movements of vehicles carrying waste to the site at present; the associated noise and impact upon residential amenity; and the concern that removing the current limits on operating hours will further impact upon residential amenity (allowing no respite from vehicles travelling at speed down the B1043).
- 7.9 At present there is no routing arrangement for the vehicles travelling to the site. There are also no conditions limiting vehicle movements to the distribution park located to the south of the site. This means that vehicles travelling to the distribution park can freely pass in either direction on the B1043 on their way to the A1(M) or A14.
- 7.10 To divert traffic for the Waste Transfer Station away from Wheatsheaf Cottages would require vehicles to use a more northerly junction of the A1(M). Travelling north on the A14 or A1(M) and using junction 15 instead of junction 13 would add approximately 4 or 4.5 miles respectively to each vehicles journey. It would also increase traffic on the A1, junction 15 and the section of the B1043 to the north of the site. This section of the B1043 also contains private dwellings and any routing agreement would divert traffic past these homes.
- 7.11 While it is acknowledged that noise from traffic and vehicles can be a nuisance, the B1043 is a busy road which serves more commercial sites than just the Waste Transfer Facility. The B1043 is adjacent to the A1(M), with an approximately 20 metre verge between them. The residences and commercial properties on the east side of the B1043 are all therefore directly affected by noise from the A1(M). Wheatsheaf Cottages, for example, are only 45 metres from the southbound carriageway of the A1(M).

- 7.12 Additionally, the site would not increase capacity, nor the overall number of vehicle movements generated as a result of this proposal. This was stated at approximately 90 per day, approximately 8 per hour, as part of the previous application. A condition to limit the capacity of the waste throughput of the site can be added to ensure that this can be appropriately controlled. The expected outcome from increasing the hours of operation is for a reduced frequency of waste vehicles related to the site travelling along the B1043. A reduction in the intensity of the related waste vehicle movements along this road should reduce the impact of noise and vibration on residents.
- 7.13 The applicant suggested a variation to the condition 9 but did not specify a difference between vehicles deliveries to the site and the operational activities taking place at the site. It is suggested that the condition be reworded for the avoidance of doubt and in order to specify the hours of operations and deliveries.
- 7.14 Policy CS32 Traffic and Highways of the MWCS requires that increases in traffic would not cause unacceptable harm to the environment or residential amenity. This proposal does not constitute an increase in the volume of traffic, but does increase the number of hours where vehicle movements to and from the site would be permitted.
- 7.15 Overall, it is considered that the increase in hours for vehicle movements is necessary to facilitate more efficient operations at the site. The variation to the conditions would increase the hours that vehicle movements are permitted to and from the site, but will spread out the frequency of movements to reduce the intensity of the impact. By controlling the waste throughput of the site by planning condition, to ensure that the levels remain as assessed as part of this planning application, this should also ensure that the movements do not increase. It is therefore considered that on balance, the proposals are acceptable in principle in this regard, and would therefore be in accordance with policy CS32 of MWCS

Litter and Pollution

- 7.16 The primary concern of the neighbours and parish councils who made representations was that litter and rubbish is being blown off vehicles traveling to the site onto the roadside verges and into the gardens of residential properties. It is not clear whether this is occurring from fully loaded vehicles or from vehicles leaving the site which are not entirely empty.
- 7.17 The site has a pro-forma for daily site checks, which includes checking the B1043 for litter. It is also stated by the applicant that complaints from members of the public are recorded internally, and that there were only three recorded complaints of litter during the last three years. However, this claim is disputed by residents who state that they

regularly complain to the site operators about litter in their front gardens.

- 7.18 Litter emanating from vehicles travelling to and from the site is clearly causing concern for residents, and the current control measures that are in place have not been effective at controlling or addressing the problem. Although the increase in hours of operation at the site would not necessarily increase the overall amount of litter, the time period would increase over which litter could be deposited thereby adding to its impact upon residential amenity. It is considered that litter management is a problem that should be addressed at this site for the benefit of the environment and surrounding residents, and that any new permission should seek to address the concerns raised.
- 7.19 The NPPW states that planning authorities should not concern themselves with the control of processes that are a matter for the pollution control authorities. However, in this case it appears necessary to apply more stringent controls through the planning system in order to reduce the impact of litter and debris on the surrounding environment and its residents.
- 7.20 It is therefore considered that new conditions should be applied to any permission granted to ensure that vehicles arriving to or departing from the site are properly sheeted and that a new comprehensive Litter Management Plan is secured. The management plan should include regular detailed recorded monitoring of the B1043 and surrounding roads, regular litter picking and procedures to record complaints and conduct spot-checks to ensure that the site's surroundings are kept litter free.
- 7.21 It is considered that with these conditions applied (see proposed condition numbers 19 to 20, paragraph 9.1) the proposal can be considered acceptable and in accordance with policies CS34 Protecting Surrounding Uses (MWCS) and LP15 Ensuring a High Standard of Amenity (LP2013) and will ensure that the litter problem at the site will not be exacerbated by the proposal. It will also contribute towards the aims of En18 (LP1995) and LP29 (LP2013) in protecting the adjacent hedgerow, trees and verges in proximity from litter pollution.

Landscaping and Biodiversity

- 7.22 Monks Wood Site of Special Scientific Interest (SSSI) is located approximately 680 metres to the north-east of the site. There is no evidence that the SSSI is being affected by the Waste Transfer Station, given the distance to the site and the agricultural fields in between, the other commercial premises in proximity and the proximity of the A1(M). It is also considered that the increase in operational hours would be equally unlikely to have an adverse impact for the same reasons, and no concerns have been raised by consultees in this regard.

- 7.23 Additionally the proposal is unlikely to have any impact on the drainage network, given that no new buildings or operations are proposed, which means that it is unlikely to have an adverse impact upon any other Wildlife Sites in the wider area.
- 7.24 The perimeter landscaping of trees and shrubs at the site is now well established. It surrounds the site on all sides, with the exception of the two access gates onto the B1043. Only the southern most of these accesses is in regular use, the other is reserved for emergency use. In response to comments from Huntingdonshire District Council, it is considered that the landscaped perimeter is well suited for the area and that the site accords with policy CS33 of MWCS in that the landscape character of the area is being preserved as much as possible through the landscape perimeter. It is also supported by policy En18 of LP1995 and the protection and retention of countryside features, such as trees, hedges and woodland.

Other conditions where details have been approved

- 7.25 The details required by a number of the conditions applied to permission H/5013/07/CW have been approved. Amendments are recommended to those conditions and amended when appropriate. Additionally, a minor amendment was approved to the Proposed Site Layout to approve an area for Waste Electrical and Electronic Equipment storage at the site, in a letter dated 21 July 2009, and the plan in Condition 2 (rev G) has been updated accordingly.
- 7.26 Section 73 applications require that all relevant conditions are reimposed as part of the issue of a new decision notice. For clarity, where conditions are no longer relevant this is noted in the decision notice under the same condition number.

8.0 CONCLUSION

- 8.1 On balance, it is considered that the proposed removal of condition 7 and variation to condition 9 would be acceptable, subject to the split between the hours of operation and the hours of delivery; and the imposition of conditions in relation to the current capacity of the site (which is linked to vehicle numbers assessed as part of the application); a comprehensive litter management strategy, and the requirement that all vehicles travelling to and from the site need to be sheeted. These new conditions to address the capacity of the site (based upon the vehicle movements assessed); and the litter management to ensure that litter on the B1043 can be more effectively managed; will ensure that residential amenity is not affected by the proposal.

9.0 RECOMMENDATION

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

1. Implementation

This permission shall be implemented within twelve months of the date of this consent. The operator shall notify the Waste Planning Authority in writing, not more than 14 days after the event, of the date upon which the new hours of operation commence in accordance with this consent, whereupon planning permission H/5013/07/CW shall cease to have effect.

Reason: For the avoidance of doubt and to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

This planning permission shall only be implemented in accordance with the following approved plans & details:

- 15186/ SK005 rev C Concept Section dated 04.05.07
- 15186/ A1 / 001 ref G Proposed Site Layout dated 10.07.2009
- 15186/ A1/ SK5302 rev D Proposed Elevations Option 3 dated September 2006 (except planting shown on that plan)
- 15186/ A1 / 300 Surface Water Drainage dated May 2007
- 15186/ A1/ 0685 Artic Truck Tracking Layout dated Aug 2007
- 15186/ A1/ 0686 Refuse Truck Tracking Layout dated Aug 2007
- 15186/ A0/ 0687 Entrance Visibility Splay dated Aug 2007
- 5/1 Location Plan dated 12/12/05
- A1/001 rev A Planting and Seeding Plan dated July 2007
- Supporting Statement dated May 2007
- Application form dated 9th May 2007
- 15186/A1/0110 rev B dated 2.10.2007 Proposed Modified Highway Entrance

Reason: To define the site and protect the character and appearance of the locality in accordance with policy En25 of the Huntingdonshire Local Plan (December 1995), policies LP13 and LP15 of the Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013) and policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

3. Archaeology

The archaeological works required by this condition have been completed, and no further works are required. This was confirmed by letter dated 10 January 2008, and therefore this condition is no longer required.

4. Landscaping and Biodiversity

The landscaping scheme shown on “A1/001 rev A Planting and Seeding Plan dated July 2007” shall be implemented and maintained throughout the period that the site is operational. The landscape maintenance plan shall be carried out as approved.

Reason: To ensure that landscaping is carried out within a reasonable period in the interests of improving biodiversity and upholding the visual amenities of the area in accordance with policies En20 and En25 of the Huntingdonshire Local Plan (December 1995), policies LP13 and LP15 of the Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013) and policies CS33, CS34 and CS35 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

5. Tree Protection

The Tree Protection Plan required by this condition has been submitted and was approved by letter dated 10 January 2008 and therefore this condition is no longer required.

6. Detailed Design

Details of the second weighbridge and relocated office building were submitted by letter dated 24 September 2007 and approved by letter date 10 January 2008. Therefore this condition is no longer required.

7. Vehicle Movements

This condition is removed as part of this application.

Replacement Condition 7

7. Annual Throughput

The annual waste throughput of the Waste Recycling and Transfer Station shall not exceed 150,000 tonnes per annum. Records showing waste throughput for any specified period shall be provided to the Waste Planning Authority within 30 days of a written request.

Reason: To enable the Waste Planning Authority to retain control over the future development of the site in accordance with Policy CS29; to ensure that the vehicle movements that have been assessed as part of this application which have been linked to waste throughput are not exceeded in accordance with policy CS32; and to protect residential amenity in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

8. Reversing Alarms

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

Reason: To ensure that the residential amenity of neighbouring properties is upheld in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

9. Hours of Operation and deliveries

- a) No activity, other than the arrival and departure of staff, shall occur at the site except between the hours of 0600 and 1800 Monday to Sunday.
- b) No vehicles, other than for the arrival and departure of staff, shall arrive or leave the site except between the hours of 0600 and 1800 Monday to Sunday.

Reason: To ensure that the residential amenity of neighbouring properties is protected in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

10. Dust

Dust suppression at the site shall be implemented in accordance with paragraph 6.8 of the Supporting Statement dated May 2007.

Reason: To ensure that the residential amenity of neighbouring properties is protected in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

11. Drainage & Pollution Prevention

The drainage and pollution prevention scheme by RPS Burks Green dated 4 September 2007, and approved by letter dated 10 January 2008, shall be maintained in accordance with the approved details.

Reason: To ensure satisfactory drainage of the site in accordance with policy CS39 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

12. Environmental Protection

No processing or storage of waste whether in a raw or processed form shall be permitted at the site unless within the confines of the buildings or designated storage bays shown on the approved drawings.

Reason: To ensure that noisy activities are confined to the building, to avoid 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).

13. External Lighting

External Lighting at the site shall only be implemented in accordance with the following details approved by letter dated 20 April 2008:

- Details contained within e-mails dated 28 and 29 April 2008
- Illustrative material showing a 28watt 2D high frequency bulkhead ref SC28hflew
- Extracts from the lighting calculations (pages 4, 5, 13 & 14 which illustrate lighting levels
- External Lighting Details plan ref. 15186/A1/2006 rev A

Reason: In the interests of visual amenity and the amenity of nearby residents in accordance with policy LP15 of the Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013) and policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

14. Stockpiles

The height of the stockpiles and processed waste material on site shall not exceed a height of 5 metres as measured from the base of the pile.

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

15. Highways

The gradient of the access shall not exceed 1 in 10 for a distance of 17m from the edge of the existing carriageway.

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

16. The details of the site access junction have been submitted and approved by letter dated 10 January 2008. The plan is listed in condition 2 and therefore this condition is no longer required.

17. Site Access

The northern access to the site shown on “15186/ A1 / 001 ref G Proposed Site Layout dated 10.07.2009” shall be permanently and effectively closed, unless otherwise agreed in writing by the Waste Planning Authority.

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

18. Turning/Parking Surfacing

The space on site for turning/ parking/ loading and unloading shown on plan “15186/ A1 / 001 ref G Proposed Site Layout dated 10.07.2009” shall be retained permanently on site and kept available at all times.

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

19. Sheeting of Vehicles

No vehicle carrying waste shall enter or leave the site unsheeted.

Reason: In the interests of visual amenity, residential amenity and environmental health in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011).

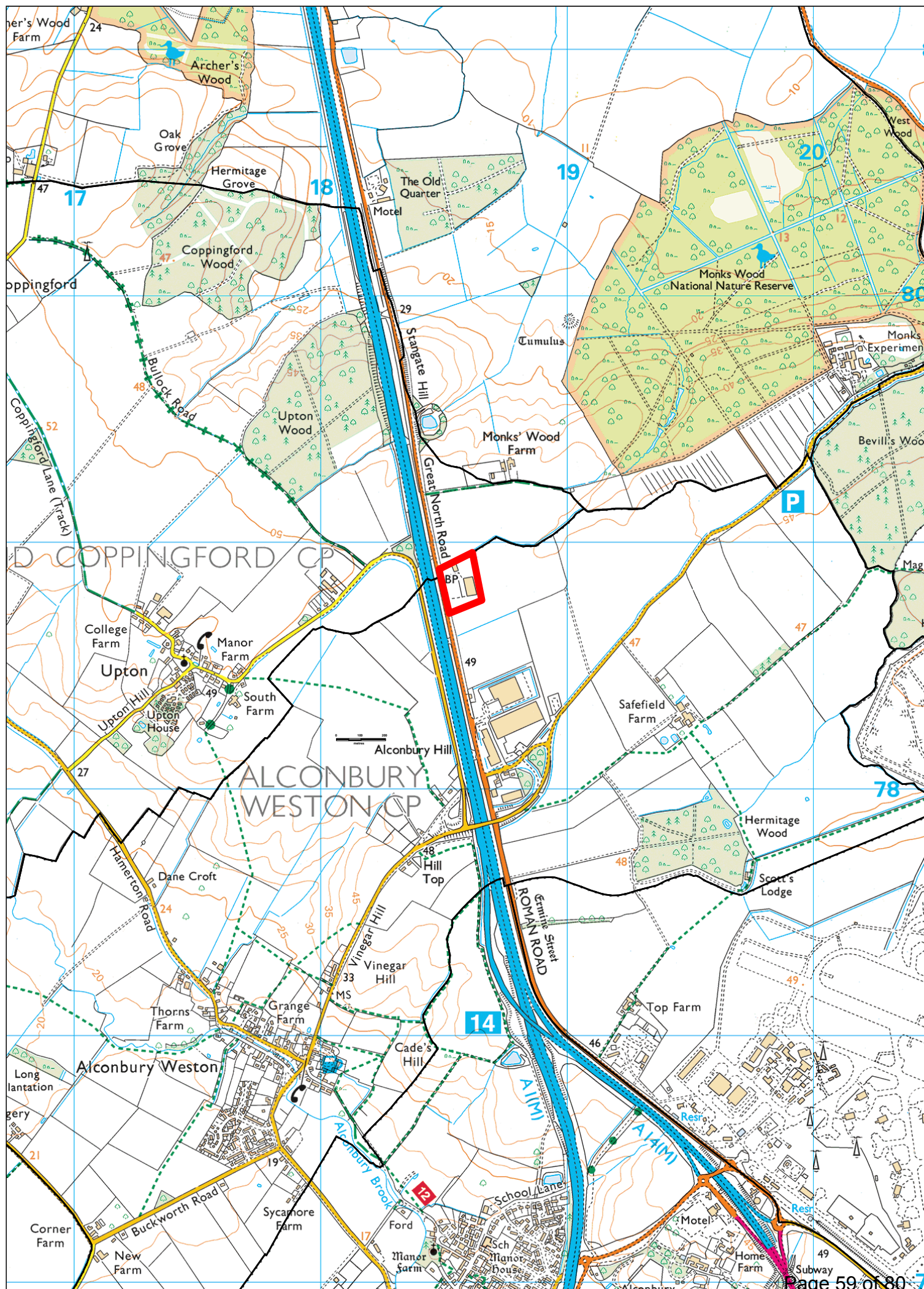
20. Litter Management Scheme

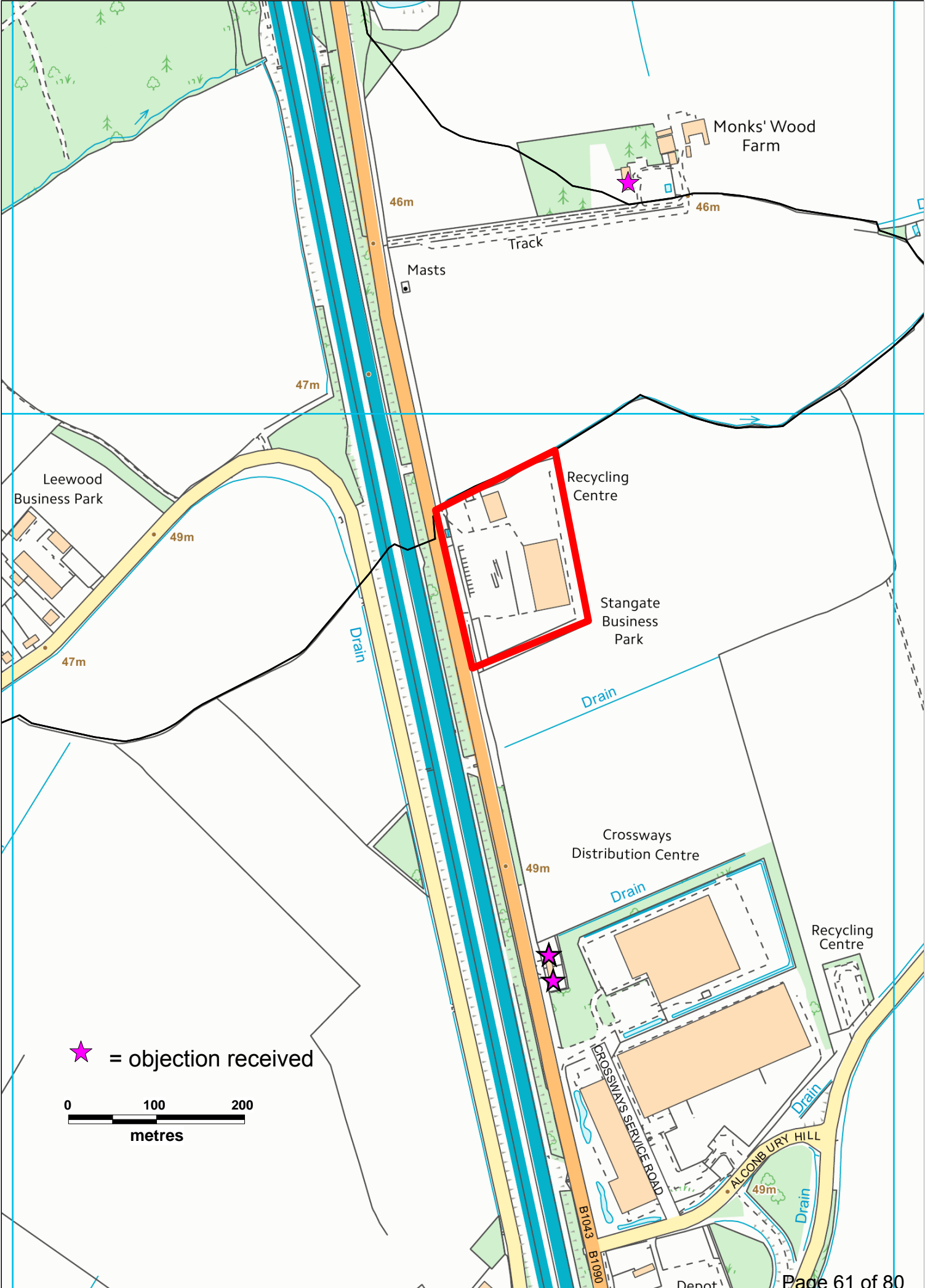
Within 3 months of the date of this permission a scheme for the comprehensive management of litter has been submitted to, and approved in writing by, the Waste Planning Authority. The scheme shall be implemented in full for the whole-life operation of the development. Such a scheme shall include details of:

- a timetable for the monitoring of the B1043 for litter and debris
- a scheme for regular litter picking along the B1043 including provision for litter picking whenever monitoring shows it to be required or at the request of the Waste Planning Authority following any complaints received
- provision for recording the monitoring, picking schedule, incidents and complaints received directly at the Waste Transfer Station. These records shall be made available to the Waste Planning Authority within 30 days of a written request.

Reason: In the interests of visual amenity, residential amenity and the protection of trees and plants in the vicinity, in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policies LP15 and LP29 of the Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013).

Source Documents	Location
<p>Casefile: H/5013/15/CW Casefile: H/5013/07/CW</p> <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>Shire Hall</p>





**ENFORCEMENT UPDATE REPORT
1 NOVEMBER 2015 – 31 MARCH 2016**

To: **Planning Committee**

Date: **14 April 2016**

From: **Head of Growth and Economy**

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

Purpose: **To consider the following report**

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

<i>Officer contact:</i>	
Name:	Deborah Jeakins
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Tel:	01223 715544

1. INTRODUCTION

- 1.1 The purpose of this report is to brief the Planning Committee members on the planning enforcement and monitoring work being undertaken by the County Planning, Minerals and Waste team within the Growth and Economy service.
- 1.2 The requirement to produce the report is set out in section 17, Monitoring Performance, of the Local Enforcement Plan for Minerals, Waste and County Development in Cambridgeshire - Version 3 December 2014.
- 1.3 Paragraphs 2 to 5 of the report cover the period 1 November 2015 to 31 March 2016 and summarise the following information.
- Complaints received and their current status;
 - New enforcement cases;
 - Ombudsman complaints received;
- 1.4 Paragraph 6 of the report details site monitoring visits undertaken in the financial year 1 April 2015 to 31 March 2016.
- 1.5 Paragraphs 7, 8 and 9 of the report provide updates on a number of ongoing Enforcement investigations.

2. COMPLAINTS RECEIVED

- 2.1 21 new complaints were received. Table 1 summarises their status at the time of writing.

Table 1 - Complaint Status

Complaint Type	Number
No breach established	6
Breach established and resolved	5
Breach established. Investigation on-going.	8
Not a county matter	2
Total	21

3. NEW ENFORCEMENT CASES

- 3.1 No new Breach of Condition Notices (BCN) or Temporary Stop Notices (TSN) were served during the reporting period.

4. ONGOING ENFORCEMENT CASES

- 4.1 8 enforcement cases are on-going. A summary of each case is set out in Appendix 1.

- 4.2 For the purposes of the Town and Country Planning Act 1990 the issue of an Enforcement Notice (EN) or the service of a Breach of Condition Notice (BCN) constitutes taking enforcement action.
- 4.3 Appendix 2 contains a list of enforcement investigations where formal action has been taken and the notices remain extant. Unless there are other issues or reports of development on these sites then no further investigation or action will be required.

5. OMBUDSMAN COMPLAINTS

- 5.1 No Local Government Ombudsman complaints were received.

6. SITE MONITORING VISITS 1 APRIL 2015 – 31 MARCH 2016

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

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

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

Table 2 – Chargeable Site visits by type 1 April 2015 - 31 March 2016

Site Type	Visits
Landfill	18
Quarries	28
Total	46

- 6.3 Chargeable site visits have priority as they generate a small but significant income stream for the Council.
- 6.4 The estimated income from chargeable visits for the period 1 April 2015 to 31 March 2016 is £10,591.
- 6.5 There has been a significant reduction in the number of chargeable visits that should have been completed within this period owing to staff absences within the Enforcement and Monitoring team. The team is due to return to full staffing levels in the near future and this should increase the capacity of the team.

7. LAND ADJACENT TO ROYSTON RECYCLING CENTRE

- 7.1 On 25 February 2015 the County Council received a report from the Environment Agency (EA) that a significant quantity of baled refuse derived fuel (RDF) waste had been deposited on the above land. Details of the complaint were shared with Cambridgeshire Fire and Rescue Service who estimated that approximately 20,000 bales of RDF waste may have been deposited on the land. Using a multi-agency approach an emergency plan was produced which took account of the sites proximity to the Cambridgeshire and Hertfordshire county border and the fire risk associated with the stored waste. The presence of an aquifer was also taken into account when considering the risks from the waste being stored on the site.
- 7.2 On 19 March 2015 the EA issued a notice under section 59 of the Environmental Protection Act 1990 requiring the operators, Winters Haulage Limited (WHL), to remove all the RDF waste by 1 July 2015. As the RDF waste wasn't removed by the specified deadline the EA issued a further section 59 notice which required that the waste was removed by 1 October 2015.
- 7.3 Although the RDF waste was removed from the site by 16 October 2015 (just outside of the EA's required date), the WPA raised concerns over the amount and type of waste brought on site and the implications this had on the aquifer. As a result of these concerns a topographic survey of the land was completed on behalf of the landowners, Anglian Water Land Holdings Limited (AW), shortly after the RDF waste was removed from the site. The survey showed that approximately 13,952 tonnes of what was believed to be waste soils, had been deposited on the land, raising the levels by over a metre across approximately two thirds of the site. To address the concerns being raised a condition survey, commissioned by AW, has also taken place at the beginning of November to establish, through the use of trial pits, the type of waste deposited and any likely contamination of the land. The WPA and EA are working with AW to ensure the waste is categorised and removed from the land.
- 7.4 Officers attended a meeting with the landowner (Anglian Water Land Holdings Ltd), alongside officers from the EA on 27 January 2016. The WPA is therefore still supporting the EA with their investigations in relation to this site, and further updates will be provided once more information is known.

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

- 8.1 On 13 July 2015 the County Council received a complaint from members of the public that alleged that the excavation of clay and the importation of waste materials were taking place on this parcel of land. Following a visit by officers from the Council on 16 July 2015 it was established that excavations were under way to extract the underlying clay, which was then being spread on the land raising the land levels. It was also noted at the time that waste materials were being imported onto the land to infill the excavations.
- 8.2 A topographical survey was commissioned to assess the land levels to establish a baseline as part of the investigations. Legal advice was then sought, which has identified further information / investigations required before a view can be formed.

- 8.3 The WPA has considered the legal advice obtained to date; liaised with the EA regarding issues on site; and are working with the District Authority to ensure a co-ordinated approach.
- 8.4 Whilst the District Council has confirmed that planning consents exist for this site, further information is still required by the WPA. Officers will progress these matters with the landowner, before taking a decision on how best to proceed.
- 8.5 The local Member will be kept informed of progress in relation to this matter.

9 BLOCK FEN

- 9.1 Aggregate Industries (AI) commenced work to upgrade the first half of Block Fen Drove in accordance with their approved scheme in August 2015. Work has been carried out on Friday, Saturday and Sunday nights only to minimise disruption to the users of the highway. Works commenced near the junction with the A142 roundabout and has progressed past the industrial units. AI are now working on the section up to the Tarmac quarry access, which was initially delayed owing to an issue surrounding overhead electricity cables.
- 9.2 A meeting took place on Monday 29 February 2016 to discuss the second half of Block Fen Drove with the mineral and waste operators at Block Fen. During this meeting a proposed scheme was presented by Peter Brett Associates on behalf of Mick George Ltd (MGL). The scheme dealt with the second half of Block Fen Drove, to follow on from the works already undertaken by AI on the first section. The scheme proposed by MGL was on the understanding that all the operators contributed to its cost, as they felt the proposal went beyond what was required for MGL's planning permissions alone. Additional information has been submitted to the Highway Authority and discussions with the operators are still being undertaken by officers.
- 9.3 This situation will be kept under review and Members will be updated on the progress of these discussions in due course.

APPENDIX 1 - ONGOING ENFORCEMENT CASES

KEY: RED = HIGH PRIORITY AMBER = MEDIUM PRIORITY GREEN = LOW PRIORITY

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

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

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

Description of Alleged Breach	Location	Notice Issued	Comments
			<p>The sentencing hearing scheduled for 8 May 2015 was adjourned to 29 May 2015 because Mr Meads had to attend hospital with his wife.</p> <p>The sentencing hearing on 29 May 2015 was adjourned until 23 October 2015 (despite very strong objections from the County Council) to allow the defendants more time to comply with the notice and to provide the court and the prosecution with a report which sets out the costs of remediating the breach.</p> <p>The latter will help the judge to decide the financial benefit the defendants have gained in failing to comply with the notice.</p> <p>At the hearing on 23 October the His Honour Judge Hawksworth decided to defer sentencing until 1 April 2016 as the time for the waste to be deposited into a trench which has been excavated in the adjacent quarry. If the breach was not addressed by 1 April 2016 without good reason the defendants could expect a higher fine and/or contempt of court proceedings.</p> <p>The County Council will apply for the costs incurred in bringing the prosecution at the end of the next hearing.</p> <p>At the time of writing, HML were continuing to take steps to deposit the waste into a trench in the adjacent quarry. Officers will provide members of the Planning Committee with a oral update on the result of the 1 April sentencing hearing.</p>
<p>4.RED</p> <p>Breach of Condition 5 of planning permission S/00060/10/CW - Variation of Conditions 2, 7, 8, and 9 of planning permission S/0203/05/CW to extend the period of land filling until 30 September 2011 and be consistent with planning permission S/2073/07/CW; deletion of</p>	<p>Wilbraham Quarry Mill Road Great Wilbraham</p>	<p>BCN 02/06/11</p>	<p>Officers visited the site on 24 February and 25 May 2011. During the visits it was again noted that the heights of the stockpiles of waste, which had been deposited on the landfill site, were considerably in excess of the maximum permitted height of 2 metres and were several metres above the height of the surrounding land. The deposited waste was visually intrusive and was hindering the restoration of the landfill site. There was no void space within the red line of planning permission</p>

Description of Alleged Breach	Location	Notice Issued	Comments
<p>conditions 4 (approved drawings) and 5 (phasing); and discharge of Conditions 10 (restoration) and 13 (wheel cleaning)</p> <p><u>Condition 5</u></p> <p>Temporary stockpiles shall not exceed 2 metres in height.</p>			<p>S/0060/10/CW into which the additional waste could be deposited.</p> <p>The landowner was advised on 1 April 2011 that they had until 1 June 2011 to comply with condition 5 or a BCN would be served. As the height of the stockpiles was not reduced by the deadline the WPA had no option but to serve the notice. The landowner had until 30 September 2011 to comply with the notice.</p> <p>At the time of writing, the landowner remains in breach of condition 5. However, the WPA has taken further enforcement action to reduce the height of the waste deposited on the land via the EN referenced under item 3.</p>
<p>5. RED</p> <p>Breach of Condition 12 of planning permission S/00060/10/CW - Variation of Conditions 2, 7, 8, and 9 of planning permission S/0203/05/CW to extend the period of land filling until 30 September 2011 and be consistent with planning permission S/2073/07/CW; deletion of conditions 4 (approved drawings) and 5 (phasing); and discharge of Conditions 10 (restoration) and 13 (wheel cleaning)</p> <p><u>Condition 12</u></p> <p>12) Within 1 month of the date of this permission a scheme for the improvement of vehicle wheel cleaning facilities shall be submitted to and approved in writing by the Waste Planning Authority. The submitted scheme shall make provision for the following matters:</p>	<p>Wilbraham Quarry Mill Road Great Wilbraham</p>	<p>BCN 02/06/11</p>	<p>Officers visited the site on 24 February and 25 May 2011. During the visits it was noted that the wheel wash was not operational and that it had not been installed in accordance with the requirements of the planning permission.</p> <p>The landowner was advised on 1 April 2011 that they had until 1 June 2011 to comply with condition 12 or a BCN would be served. As the required scheme was not submitted by the deadline the WPA had no option but to serve the notice.</p> <p>The required scheme was not submitted by the 11 July 2011 deadline. At the time of writing the landowner remains in breach of this condition. However, the approved timetable for compliance with the EN issued on 1 May 2012 (see item 3), includes a section which requires the landowner to keep Mill Road free of mud and debris whilst the waste is removed.</p> <p>During a visit to the site on 14 March 2016, officers did not witness any vehicles leaving the site and noted that there was no mud or debris on the road.</p>

Description of Alleged Breach	Location	Notice Issued	Comments
<ul style="list-style-type: none"> - The pressure washing of vehicle wheels before they leave the site. - Provision for the supply and storage of adequate volumes of water for use in the cleaning of vehicle wheels. - Provision of a hard surfaced roadway capable of being mechanically swept between the wheel cleaning facility and the public highway. - Arrangements on site to ensure that all HCV vehicles leaving the site pass through the wheel cleaning facility before entering the public highway. - A maintenance scheme for the wheel cleaning facilities. - The provision for under chassis cleaning. - The approved scheme shall be implemented in full and thereafter maintained in an operational condition for the duration of the landfill development. 			
<p>6. RED</p> <p>Failure to comply with condition 10 of planning permission H/05014/12/CW.</p> <p><u>Condition 10</u></p> <p>10. Unless otherwise agreed in writing with the</p>	Land at Units 3a-e & 4 Warboys Airfield Industrial Estate Huntingdon	BCN 20/08/2015	Officers had been working with the EA to ensure that several thousand tonnes of cathode ray tube (CRT) waste is removed from land at Warboys Airfield Industrial Estate. The land has planning permission for the storage and processing of waste electrical and electronic equipment and was previously occupied by Reclaimed Appliances (UK) Limited. However, the company got into financial difficulties and was put into administration earlier in the year raising concerns that the CRT waste could be

Description of Alleged Breach	Location	Notice Issued	Comments
<p>Waste Planning Authority the only area for external storage of waste or processed material within containers are those highlighted in yellow on the Site layout Plan prepared by Sarah Truscott, 28/09/2012 alongside the accompanying notes received 30/09/12. This area is restricted to a maximum of 3 metres in height and should be carefully managed to avoid unnecessary outside storage.</p>			<p>abandoned on land. The landowner has been removing the waste but the rate of removal had been unacceptably slow so the WPA issued a breach of condition notice on 2 October requiring removal of all of the remaining waste by 1 November 2015. From discussions with the Environment Agency the removal of waste from the site has been hampered by the rate that the specialist waste could be taken by the specialist permitted waste site.</p> <p>Officers visited the site on 23 March 2016 and confirmed that significant progress has been made by the landowner to remove the waste and arrangements have been made to auction the remaining assets, the tendering period for the auction will close on 8 April 2016. Officers will continue to monitor the site to ensure that the removal of waste is completed.</p>
<p>7. RED</p> <p>Without planning permission, the change of use of the land from agricultural land to a mixed use comprising of agricultural and the importation and disposal of waste material and raising the level of part of the land by the depositing of waste materials.</p>	<p>First Drove Little Downham Ely</p>	<p>EN 17/01/12</p>	<p>In 2005 a prior notification application (PNA), for a steel framed agricultural building, was submitted by the landowner to East Cambridgeshire District Council under planning reference 05/00014/AGN. The application was approved but the building has not been completed.</p> <p>The landowner excavated a series of holes in the land adjacent to the building footprint and spread the resulting material across a nearby field. The holes were then back filled with imported inert waste to create a raised area. The WPA took the view that the importation and deposit of waste required planning permission and that a breach of planning control had occurred.</p> <p>Despite repeated attempts to resolve the matter by negotiation the landowner continued to fill the excavated holes with inert waste. An EN requiring the landowner to cease the importation of waste, remove all deposited waste and restore the land to agricultural use was issued on 17 January 2012.</p> <p>The landowner appealed the EN to the Planning Inspectorate and on 7 September 2012 the appeal was dismissed and the EN, as</p>

Description of Alleged Breach	Location	Notice Issued	Comments
			<p>corrected and varied by the planning inspector, was upheld. The corrected and varied notice required the landowner to remove all the waste from land to the level of the adjoining field by 7 November 2012 and to return the land to its former condition (i.e. fit for agriculture) by 7 September 2013.</p> <p>Officers from the WPA visited the site on 6 December 2012 to determine whether the land had been reduced to the level of the adjoining field. A topographical survey of the land was undertaken during the visit and a series of trial pits were excavated. The results of the survey and the trial pits confirmed the level of the land had not been reduced in accordance with the requirements of the varied EN.</p> <p>A second site visit was undertaken on 7 September 2013 during which officers established that all the waste had still not been removed and the land had not been restored to a condition suitable for agriculture.</p> <p>A third site visit was scheduled for 13 August 2014. However, the landowner wrote to the WPA shortly beforehand and requested a meeting with the Head of Service (HoS) and a representative from legal. The WPA agreed to the request and the site visit was put on hold.</p> <p>The meeting with the landowner and his daughter took place on 26 September 2014. The landowner was advised that officers wished to enter the land and that if the Council's assessment was that the varied notice had still not been complied with one option was prosecution. As the landowner did not give unequivocal consent to the request to enter land the WPA applied to the Magistrates' Court for a warrant. The application was successful and a warrant to enter the land was issued by the Court on 30 September 2014.</p>

Description of Alleged Breach	Location	Notice Issued	Comments
			<p>Officers and their contractors entered the land on 2 October 2014. A further topographic survey was undertaken together with a further assessment of the land. The results of the visit confirmed the level of the land had not been reduced and the land had not been restored in accordance with the varied EN.</p> <p>A case file, recommending that the landowner was prosecuted for failing to comply with the EN was passed to legal.</p> <p>Counsel has provided advice that the case doesn't meet the public interest test on the available evidence and prosecution should not be pursued.</p> <p>The enforcement case remains open and subject to review.</p>
<p>8. AMBER</p> <p>Failure to comply with condition 8 of planning permission F/2019/02/CW</p> <p><u>Condition 8 – Environmental Protection</u></p> <p>No processing or storage of waste including plastic materials whether in a raw or processed form shall be permitted at the site unless within the confines of the approved buildings shown as Unit 1 and Unit 2 on the approved Site layout Plan Drawing Ref 261/03A.</p>	<p>Land off Bridge Lane Wimblington March</p>	<p>BCN 13/02/2015</p>	<p>A BCN was served on the operator in response to complaints alleging that waste was being stored outside contrary to condition 8. The notice required that the storage of waste outside ceases by 27 March 2015. However, the operator discussed an application to vary the wording of condition 8 with the WPA. Pre-application advice was issued on 30 April 2015.</p> <p>Officers have contacted the agent for the site and expect the submission of a planning application to regularise the activity of outside storage within the next month.</p>

APPENDIX 2 – EXTANT NOTICES

This appendix contains information on formal notices which have been served and remain in force.

Description of Breach	Location	Notice Issued	Current position
Without planning permission, the importation and deposit of waste materials.	Block Fen Drove Chatteris	EN 21/01/03	An EN was served on the landowner on 21 March 2003 requiring that waste ceased to be deposited on the land. Since then waste has been intermittently deposited. However, no further tipping appears to have taken place since May 2010. The site continues to be monitored on an occasional basis.
Failure to comply with condition 7 of planning permission S/01556/10/CW regarding surfacing of the site.	Long Acre Farm Fen Road Chesterton Cambridge	BCN 08/10/13	A joint visit with the EA on 26 May 2015 confirmed that the majority of the waste has now been removed. Some hardcore and soils remain on site but they do not represent a pollution risk.
Failure to comply with condition 6 of planning permission F/02001/13/CW regarding hours of operation.	Land at Yard 1, 35 Benwick Road Whittlesey	BCN 19/08/2015	Since the Breach of Condition Notice (BCN) was served on 19 August 2015 in relation to Condition 6 of planning permission F/02001/13/CW we have undertaken out of hours site visits and have not found the operator to be working outside of hours.

Summary of Decisions Made Under Delegated Powers

To: **Planning Committee**

Date: **14 April 2016**

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: Heather Doidge Post: Planning and IT Systems Officer E-mail: heather.doidge@cambridgeshire.gov.uk Tel: 01223 699941

1.0 INTRODUCTION

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

2.0 SUMMARY OF DECISIONS

- 2.1 2 applications have been granted planning permission under delegated powers during the period between 1 March 2016 and 31 March 2016 as set out below:

1. **E/3008/15/CC**—Extension of the school from a 2-FE primary school to a 3-FE primary school, including part two storey and part one storey extension, provision of a new building entrance, the relocation of the existing MUGA, the creation of a temporary haul road, the provision of new cycle and car parking, the siting of temporary classrooms, hard and soft landscaping, general building refurbishment and ancillary works at Burwell Primary School, The Causeway, BURWELL, CB25 0DU

Decision granted on 11/03/2016

For further information please contact Mary Collins on 01223 743840

2. **E/3011/15/CC**- Change of use for caretaker's bungalow to teaching space for The Harbour School at 3 The Drive, Station Road, Wilburton, ELY, CB6 3RP

Decision granted on 29/03/2016

For further information please contact Rochelle Duncan on 01223 743814

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