

PLANNING COMMITTEE: MINUTES

Date: Thursday 15th December 2016

Time: 10.00am – 10:30am

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors P Ashcroft, B Ashwood, D Connor (Chairman), L Harford, B Hunt, S Kindersley, A Lay, M Mason, M Loynes, M Smith, and J Scutt

213. APOLOGIES AND DECLARATIONS OF INTEREST

No apologies for absence were received.

The Chairman informed the Committee that whilst he did not have an interest to declare in the planning applications before the Committee, he requested that the minutes note that he had previously visited an adjacent site (that experienced a fire), for a meeting with the Environment Agency, the local member (Cllr Ralph Butcher) and an officer from the Monitoring and Enforcement Team from Cambridgeshire County Council. Following that meeting he had been forwarded correspondence via the local Member that raised concerns about the application site which he passed on to officers to investigate. This correspondence had not clouded his judgement and he would consider the applications with an open mind before coming to any conclusions.

There were no other declarations of interest.

214. MINUTES – 6TH NOVEMBER 2016

The minutes of the Planning Committee meeting held on 3rd November 2016 were agreed as a correct record and signed by the Chairman.

215. SECTION 73 APPLICATION TO DEVELOP LAND WITHOUT COMPLYING WITH CONDITION 3 (APPROVED PLANS), CONDITION 5 (ANNUAL THROUGHPUT) AND CONDITION 6 (OPERATING HOURS) OF PLANNING PERMISSION F/02001/13/CW FOR A WOOD WASTE RECYCLING FACILITY (PART RETROSPECTIVE)

AT: UNIT 1, 35 BENWICK ROAD INDUSTRIAL ESTATE, WHITTLESEY, PE7 2HD

APPLICANT: EAST ANGLIAN RESOURCES LTD.

APPLICATION NO: F/2008/16/CW

The Committee considered a section 73 application to carry out the development of the site without complying with conditions 3, 5 and 6 of planning permission F/02001/13/CW to:

- i. Amend the approved site plan to enable flexibility in the position of the wood stockpiles to avoid conflict with the fire prevention plan which was part of the environmental permit.
- ii. Increase the annual throughput from 15,000 to 29,999 tonnes per annum; and
- iii. Extend the hours of operation by 1 hour until 1900 hours on Mondays to Fridays.

Officers drew attention to the location of the site in relation to the Benwick Road, nearby railway line and the closest residential property that was located opposite the entrance to the Industrial Estate. Portakabin offices, water supply for firefighting, a new building and reject material locations were highlighted to Members on the site plan. Members noted that wood stockpile locations moved with demand.

The comments of Whittlesey Town Council were relayed to the Committee following their late submission after the agenda and reports had been published. The representation included comments regarding non-compliance issues affecting the site and officers reminded Members that site operator performance could not be taken into consideration within the context of the application.

Officers explained that the site layout plan approved in 2013 required the stockpile of material to be arranged in a linear formation that now conflicted with fire prevention plan standards as part of the environmental permit. In order that the site operator was able to respond to future changes in fire prevention planning it was therefore proposed that the site plan be amended to allow greater flexibility in the position of wood stockpiles. The visual impact of the stockpiles would remain controlled through existing condition and environmental permit.

Members noted that the applicant originally proposed that the annual throughput of the site be increased to 50,000 tonnes but in response to the Environment Agency's initial objection reduced the annual throughput for the site to 29,999 tonnes so as to be consistent with the environmental permit. The Highway Authority completed its assessment based on annual throughput of 50,000 tonnes and raised no concerns.

Officers informed Members that that the application for the hours of operation to be extended by 1 hour until 1900 hours would still be considered to be daytime hours and condition 12 of the environmental permit would be sufficient to control noise emanating from the site. Although it was acknowledged that complaints had been received alleging non-compliance with condition 6 (hours of operation), the past performance of the operator could not be taken into account when determining the application.

Appearing on behalf of the applicant, Bobby Tribe in response to Member questions clarified the surface water drainage arrangements for the site and the location of the weighbridge.

Local Member Councillor Ralph Butcher, although unable to attend the meeting wished it to be passed on to the Committee that he echoed the comments of Whittlesey Town Council.

It was unanimously resolved:

To grant planning permission subject to the conditions set out in appendix A to these minutes.

216. EXTENSION TO EXISTING WOOD WASTE RECYCLING FACILITY AND ERECTION OF A WORKSHOP (RETROSPECTIVE)

AT: UNIT 1, 35 BENWICK ROAD INDUSTRIAL ESTATE, WHITTLESEY, PE7 2HD

APPLICANT: EAST ANGLIAN RESOURCES LTD.

APPLICATION NO: F/2009/16/CW

The Committee received a retrospective planning application for an extension to the existing wood waste recycling facility at Benwick Road Industrial Estate and the retention of a workshop in which tools and equipment to carry out plant and HGV repairs and maintenance were stored.

The conditions set out in the officer report contained wording within brackets that would be included in the Decision Notice if application F/2008/16/CW was granted.

It was resolved unanimously:

To grant planning permission subject to the conditions set out in appendix B to these minutes

217. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWERS

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

218. DATE OF NEXT MEETING: 19TH JANUARY 2017

Chairman

Appendix A

1. This permission shall be implemented within one month of the date of this decision notice. The operator shall notify the waste planning authority in writing, not more than 14 days after the event, of the date upon which this planning permission has been implemented.

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. This permission shall be limited to a period expiring on 30 June 2018 at which time all unprocessed wood waste, processed wood product, the site office/mess room and weighbridge office shall be removed and the site restored to its pre-development condition.

Reason: Permission was sought and granted for a temporary period in the interests of visual and residential amenity in accordance with policies CS34 of the Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

3. This planning permission shall only relate to the area edged red on Location Plan - Plan Ref: EARL1 hereafter referred to as "the site". The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Location Plan - Plan Ref: EARL1

Site Plan – Plan Ref: EARL 16/2 Rev B

Plan Ref: EARL3 (office/mess room and weighbridge office)

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

4. Nothing other than non-hazardous wood shall be stored or treated at the site.

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

5. The throughput of the site shall not exceed 29,999 tonnes per calendar year.

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

6. No operations associated with the development on the site shall take place outside the hours of 0700 to 1900 Mondays to Fridays and 0700 to 1300 on Saturdays. There shall be no such activities on Sundays or Bank or Public Holidays.

No HGVs shall enter or leave the site outside the hours of 0700 to 1900 Mondays to Fridays and 0700 to 1300 on Saturdays. No HGVs shall enter or leave the site on Sundays or Bank or Public Holidays.

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

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

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

8. No external lighting shall be installed at the site except in accordance with details that have been submitted to and approved in writing by the WPA. No external lights other than security lights shall be illuminated before 0630 hours and after 1930 hours Monday to Friday and before 0630 hours and after 1330 hours on Saturdays.

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

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

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

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

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

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

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

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

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

13. The surface water disposal scheme comprising page 7 of the document Woodacre Developments Ltd Scheme to discharge planning conditions 8, 9, 11, 13 and 14 of Consent No F/02001/13/CW dated July 2013 as amended and amplified by Gough Planning & Development Ltd letter dated 7 October 2014 (sic) (received 8 January 2014) shall be implemented in full.

Reason: To minimise the risk of pollution of the water environment in accordance with policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policies LP14 and LP16 of Fenland Local Plan (May 2014)

14. The water supply for fire fighting described in the developer's email to the Fire Service (Bobby Tribe to Kevin Laska dated 2 September 2013) shall be maintained on site for the duration of the development.

Reason: To ensure that there is a sufficient and accessible water supply for fire fighting in accordance with policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policies LP14 and LP16 of Fenland Local Plan (May 2014)

Appendix B

This permission shall be limited to a period expiring on 30 June 2018 at which time all waste and processed wood product shall be removed and the site restored to its pre-development condition.

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

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

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

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

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

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

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

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

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

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

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

ground.

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

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

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

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

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

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

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

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

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

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

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

Reason: To minimise disturbance to the occupiers of nearby properties in accordance

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

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

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