

# PLANNING COMMITTEE



**Date: Thursday, 01 September 2016**

**Democratic and Members' Services**

Quentin Baker

LGSS Director: Law 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 for absence and declarations of interest**

*Guidance on declaring interests is available at*

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

<b>2</b>	<b>Minutes 21st July 2016</b>	<b>3 - 16</b>
<b>3</b>	<b>Planning Committee Site Visit Protocol</b>	<b>17 - 26</b>
<b>4</b>	<b>Enforcement Update Report</b>	<b>27 - 38</b>
<b>5</b>	<b>Summary of Decisions Made Under Delegated Powers</b>	<b>39 - 42</b>

The Planning Committee comprises the following members:

Councillor David Connor (Chairman) Councillor Mandy Smith (Vice-Chairwoman)

Councillor Peter Ashcroft Councillor Barbara Ashwood Councillor Lynda Harford Councillor Bill Hunt Councillor Sebastian Kindersley Councillor Alan Lay Councillor Mervyn Loynes Councillor Mike Mason Councillor Jocelyne Scutt

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

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**PLANNING COMMITTEE: MINUTES**

Date: Thursday 21<sup>st</sup> July 2016

Time: 10.00am – 12.45pm

Place: Kreis Viersen Room, Shire Hall, Cambridge

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

**191. APOLOGIES AND DECLARATIONS OF INTEREST**

There were no apologies received.

Councillor Mason declared a non-statutory interest regarding Nationwide Recycling because he was a former customer of the site.

The Chairman affirmed that although he owned a scrap metal business he has had no dealings with the firm.

**192. MINUTES – 16<sup>TH</sup> JUNE 2016**

The minutes of the Planning Committee meeting held on 16<sup>th</sup> June 2016 were agreed as a correct record and signed by the Chairman.

The Chairman reminded Members of the importance of listening to all of the debate that took place concerning the applications before them and should only vote on an application if they had been present through the entire debate. The meeting would be adjourned if Members required a break and that during such an adjournment Members should refrain from discussing the applications on the agenda or engaging with any member of the public in the gallery.

**193. LAND AT: NATIONWIDE RECYCLING LTD, BARNWELL JUNCTION, SWANN ROAD, CAMBRIDGE, CB5 8JZ**

**FOR: ERECTION OF 48 METRE LENGTH OF 5 METRE HIGH FENCE AND 42 METRE LENGTH OF 5.1 METRE HIGH STACKED SHIPPING CONTAINERS TO PROVIDE NOISE ATTENUATION AND VISUAL SCREENING (RETROSPECTIVE)**

**LPA REF: C/5010/10/CW**

The Committee received a report regarding a retrospective planning application for the erection of a 48 metre length of 5 metre high fence and 42 metre length, 5.1 metre high stacked shipping containers that provided noise attenuation and visual screening.

Officers introduced Fiona Quinn, Environmental Health Officer from Cambridge City Council who had assisted officers regarding the noise pollution elements of the application.

Officers informed Members that, noise from the site had historically resulted in nearby residents lodging complaints. Following monitoring, recorded noise was found to be at a level above that at which complaints were likely. An interim injunction was then applied for

by the residents to restrain the alleged noise nuisance from the metal recycling activities. Following the erection of the barriers in early 2010 an application for retrospective planning permission was submitted. It was not presented to the Committee owing to ongoing action being taken by local residents thereby avoiding legal challenge and associated costs for the Local Authority.

Members' attention was drawn to the location of the fence and shipping containers in relation to the objectors' properties. Officers explained that it was difficult to see them from the properties given the level of foliage and the visual impact was not inappropriate for the setting.

A Member questioned whether Network Rail had requested conditions be imposed given the proximity of the site to the rail line. Officers confirmed that Network rail had been re-consulted and that no further comments had been received.

During discussion:

- A Member commented that the screening provided by deciduous trees would provide no noise attenuation therefore could not support the application. Officers explained that trees provided no significant noise attenuation and the trees did not form part of the planning application.
- Members noted that the use of the site as a scrap metal recycling facility had been long established and the proximity of the railway lines would also create noise.

It was resolved to approve the application.

**194. DEMOLITION OF EXISTING BUILDINGS AND 3, 14 METRE HIGH CHIMNEYS; ERECTION OF A PYROLYSIS PLANT BUILDING CONNECTED TO A WASTE RECEPTION BUILDING; ERECTION OF A 25 METRE HIGH CHIMNEY; 2 CONTAINERS FOR GAS ENGINES; ELECTRICITY SUBSTATION; UPGRADING AND EXTENSION OF INTERNAL ACCESS TRACK AROUND PERIMETER OF THE MEMORIAL GARDEN**

**AT: NOVUS ENVIRONMENTAL, NOVUS HOUSE, THRILOW, SG8 7RR**

**APPLICANT: PAUL BOURCHIER, VETSPEED**

**LPA NO: S/0008/15/CW**

The Committee received an application that had been previously presented and deferred F/YR15/0985/F at the May 2016 Planning Committee regarding a proposed pyrolysis plant building connected to a waste reception building, the erection of a 25 metre high chimney, 2 containers for gas engines, an electricity substation, the upgrading and extension of an internal access track and the demolition of existing buildings and 3, 14 metre high chimneys.

Officers explained the purpose of the proposed plant. Members were informed that the pyrolysis process was preferable to disposal by landfill or incineration without energy recovery. This was consistent with national waste management policy. The site was recognised in the Minerals and Waste Core Strategy as making a significant contribution to managing hazardous waste streams. With regard to the environmental impact of the development of the proposed site Members noted that there was no increase to flood potential and the existing sustainable drainage system would be employed. The site was not deemed to be ecologically significant. With regard to noise; the gas engines would be contained within structures that would provide noise attenuation and Environmental Health

Officers had confirmed that there would be no significant impact in relation to noise pollution. Emissions from the chimneys would be subjected to regulation and permitting from the Environment Agency; the monitoring and enforcement of the permits, it was explained, was the remit of the Environment Agency and not a matter for consideration by the Planning Committee. There would be no significant increase to vehicular movements to and from the site and officers introduced the Council's Highway Engineer, Dr Jon Finney who would be able to answer any highway related questions from Members.

Imperial War Museum (IWM) Duxford, officers explained, had raised concerns regarding the impact of the proposed chimneys on the vista from the airfield. The buildings and chimney were larger than those to be demolished and would therefore make the site more prominent. Attention was drawn to the location of the site in relation to the nearest settlements including the development at Healthfield. Conservation areas at Thriplow and Duxford were drawn to Members' attention.

However, the site was remote enough for the visual impact to be insignificant from local villages and South Cambridgeshire District Council's Conservation Officer had concluded that because the distance involved (over 1km) the impact on the Duxford Conservation Area would be minimal. In respect of paragraph 134 of the National Planning Policy Framework it was considered that the minimal harm on a designated heritage asset was outweighed by the benefit of managing hazardous waste streams and generating energy.

Officers highlighted the principal objection of IWM Duxford regarding the impact of the proposed chimney on air safety. Following information presented regarding the safety zone map, Members were informed that the applicant had commissioned its own specialist advice regarding air safety and due to aircraft safety being outside the expertise of the Council, officers had also commissioned independent specialist advice. Peter Forbes of Alan Stratford and Associates Ltd and Nils Jamieson, a pilot with experience of flying vintage aircraft were introduced to Members and were available to answer any questions.

Members were reminded that when the application was previously considered at the May meeting of the Committee the decision was deferred to allow IWM to compile a technical air safety report, for the applicant to discuss the proposed height of chimney with the Environment Agency and for a meeting to take place between IWM Duxford and the applicant in order to establish whether a compromise could be reached.

The applicant, Members were informed considered the report presented by IWM Duxford to be largely anecdotal rather than a full technical assessment of the potential impact to air safety and Alan Stratford and Associates concluded the same.

In response to Members' questions:

- Further information was presented regarding the location of the grass runway at IWM Duxford.
- Confirmation was given that the proposed chimney would emit exhaust gasses from the new gas engines.
- Confirmation was provided that the height of the chimney was critical to the escape of emissions from the site and any change to the height would affect the plume and where it landed.
- Peter Forbes and Nils Jamieson presented the conclusions of the technical report commissioned by the Local Authority. The chimney was below the obstacle clearance

limits set by the Civil Aviation Authority (CAA). IWM Duxford maintained that vintage aircraft were exceptional and the height of the chimney posed a significant threat to air safety. Mr Forbes explained that the CAA had been contacted and had advised that if IWM Duxford believed that there should be no development greater than a specific height due to the type of aircraft flown from the airfield then the CAA should have been informed during the licensing process. Mr Forbes explained further that all aviation activity posed a level of risk but that vintage aircraft were quite maneuverable and could undertake a 5° turn that would avoid the site. There were also many fields and open spaces where an emergency landing could take place if necessary. Aircraft landing posed less risk as the landing slope would mean that aircraft were well above the proposed chimney and a curved approach could be adopted. The emissions from the chimney were not deemed to pose a significant risk to aircraft, even if the aircraft had an open cockpit and any smoke plume would not impede any navigation due to its small size and the relatively short timescale the pilot would be going through it. The plume was also not considered to be a temperature risk to the pilots or aircraft.

- Nils Jamieson, commented further, noting that any chimney was a hazard to aircraft but the question was how big a risk and how significant. It would take relatively small manoeuvres at that stage of flight to avoid the proposed chimney. Mr Jamieson went on to explain a “bow-tie” risk analysis of the take off and the controls in place to mitigate the risk posed. The aircraft flown from IWM Duxford were some of the best maintained aircraft in the world and all would have sufficient performance to clear the obstacle. Aircraft were flown in good weather conditions and in daylight hours. Following assessment of the risk and the controls in place Mr Jamieson determined that the risk posed was small.
- Mr Jamieson confirmed that vintage aircraft took off into the prevailing wind and that vintage aircraft were more sensitive to wind than modern aircraft and explained further the approaches aircraft could take to the airfield.
- It was explained that regulation CAP 168 provided a level of safety regarding obstacle free zones around an airfield and that it was the licensed airfield that was obliged to contact the CAA if a greater margin of safety was required than set out in CAP 168.
- Members noted that if the chimney was painted in bright colours then it could aid visibility but lighting of the chimney was not required due to the airfield’s hours of operation.
- It was explained that paragraph 2.7 of the officer’s report was taken from the applicant’s technical assessment and not the Local Authority’s.

Mrs Barbara Pointon on behalf of Thriplow Parish Council addressed the Committee. Mrs Pointon drew Members’ attention to the Heathfield site. Heathfield was the nearest settlement and was expanding. Mrs Pointon referred to the concerns she raised when the application was presented at the May meeting of the Committee and requested a more thorough and robust assessment of the impact on health and the environment. The current assessments had failed to take into account the prevailing winds and there had been no assessment of the impact on farmers, pedestrians and how the emissions would affect local organic farmers. Mrs Pointon welcomed the proposed conditions regarding groundwater pollution but expressed disappointment that noise pollution had largely been ignored.

In response to Members questions:

- Mrs Pointon explained that although the Member could not see anything in the officers' report that suggested noise from the site would increase, the prevailing wind would carry noise to Heathfield and that noise can exacerbate health conditions and risk of stroke.
- Officers confirmed that the assessments carried out on health and air quality were of a sufficient standard and that following the submission of a Health Impact Assessment the Environmental Health Officer confirmed that that it was satisfactory.

Speaking on behalf of the applicant, Mr Matthew Day informed Members that during the application great care had been taken to ensure that neighbours and stakeholders were consulted on the proposals. Following extensions of time to allow them to provide a technical report, IWM Duxford's submission had not demonstrated that the erection of a 25 metre high chimney posed a significant hazard to aircraft flown from the airfield. Mr Day informed Members that the Environment Agency had been approached with regard to the height of the chimney following the request of Members at the May meeting of the Committee, but the Environment Agency were unable to comment on amending the height of the chimney at this stage.

Mr Day informed Members that the plant would have advanced technology involved to recover energy from the incineration of waste and the plant would be self-sufficient in terms of energy usage and would return electricity to the national grid. Mr Day highlighted that the policies within the Minerals and Waste Core Strategy supported the proposal and the regional importance of the site in terms of waste management.

Mr Day drew attention to the independent experts hired by the Council and agreed with their findings; the risks should be deemed acceptable. Concerns regarding air safety appeared to be unfounded and therefore requested that Members approve the application.

In response to a Member question Mr Day confirmed that technical assurance had been provided in terms of a geotechnical report and was confident that the proposed conditions regarding groundwater could be met.

Speaking against the application, Mr Graeme Etheridge and Mr Mark Miller on behalf of IWM Duxford informed Members that Mr Etheridge was the accountable manager of the airfield and registered with the CAA. Mr Etheridge emphasised the independence of Air Commodore Rick Peacock-Edwards who had compiled the technical report on behalf of IWM Duxford. The erection of the chimney would constitute a hazard and pose most risk during take-off and landing. Mr Etheridge informed Members that Vetspeed operated 2 other sites that could manage the type of operation proposed within the planning application.

Attention was drawn by Mr Etheridge to the officer presentation and that the proposed chimney height had not been overlaid onto the photographs shown to Members and that it would have a significant impact on the vista from the airfield. Mr Etheridge explained that further representation had not been made to the CAA in relation to CAP 168 because they had not perceived a development such as the one proposed would take place and that if they had known such a development was being planned then they would have applied for further restrictions to be imposed.

In response to Members questions Mr Etheridge and Mr Miller:

- Explained that a pilot on take-off would not see the chimney because of the angle of climb and the lack of visibility and would therefore need to know that obstacles were not

a significant height. Aircraft were often tested at IWM Duxford and that increased the risk posed by the proposed chimney.

- Confirmed that if the planning application was granted then charts and information supplied to pilots would be amended to include the chimney but warned that further flying restrictions would be imposed by IWM Duxford if risk assessments determined that the risk was too high and eventually result in flying ceasing from the airfield.
- Apologised for the lack of technical data within the report submitted by IWM Duxford. The report had been written so as not to confuse Members with jargon.
- Confirmed that the proposed chimney posed a significant risk to the operation of the airfield.

A Member challenged Mr Etheridge on the technical report submitted stating that the case for the chimney posing a significant risk to aircraft had not been made and that it would be highly unlikely that an aircraft would collide with the chimney before hitting the ground. Mr Etheridge and Mr Miller explained that there was a lack of performance data regarding vintage aircraft and it was therefore difficult to model how an aircraft would perform. Following this the Member asked whether the diagram showed on page 162 was indeed accurate in their opinion, which Mr Miller confirmed it was.

The Local Member for Duxford, Peter Topping addressed the Committee. Councillor Topping drew attention to the extensive consultation undertaken by the applicant and the technical principles behind the pyrolysis process that were in line with national guidance. The issue for local residents, particularly for the Heathfield development was that they remained concerned about the emissions from the plant. It was therefore a matter for the Committee to determine, guided by experts whether those concerns were unfounded. Local residents asked that Novus Environmental carried out the proposed experimental work elsewhere.

Councillor Topping drew attention to the concept of risk in the field of civil aviation and highlighted that IWM Duxford had reasonably demonstrated that the proposed development would impact on their operation of the airfield and, although not a consideration for the Planning Committee, could result in the cessation of flying from IWM Duxford in the future. Councillor Topping expressed disappointment that there had been no compromise reached between the 2 parties. In closing, Councillor Topping concluded that there was a requirement to protect a site of national heritage and science from development.

In response to Member Questions Councillor Topping:

- Drew attention to the reliance of public sector organisations on income streams and visitors would be less inclined to visit IWM Duxford if flying ceased from the airfield.
- Noted that the recommendation was for approval because there were no material planning grounds for refusal, but as the Local Member it was his role to raise the concern of local people and request that all the evidence presented be properly weighed.

During discussion of report:

- Members confirmed that if the application was approved then 3 of the existing chimneys would be demolished and that the new chimney would require a permit from the



Environment Agency. Emissions limits would be applied which would likely be higher than existing standards that apply to the old chimneys.

- Members clarified that IWM Duxford should have contacted the CAA with regard to CAP168 irrespective of any planned developments if they required greater development restrictions due to the nature of flying from the airfield.
- A Member noted the value of IWM Duxford and its importance for the Cambridgeshire area, but drew attention to the lack of technical evidence produced by IWM Duxford as to why the application should not be approved. There was however, good technical advice that informed Members that the application did not pose a significant risk to aircraft.
- A Member noted comments on planning regulation and law but emphasised the importance of common sense and the need to secure a national asset for the future. There was a responsibility to ensure the safety of all those who watched airshows and the residents at Healthfield.
- Attention was drawn by a Member to the potential environmental benefits of a taller chimney and the technology replacing outdated machinery that could potentially reduce emissions and the site represented significant financial investment in the area.
- The Council's Legal Officer explained that whilst a holding direction had been placed on this decision by the Secretary of State he could not confirm whether it would be called in or not. Therefore a responsible decision needed to be reached during the meeting.
- A Member was minded to agree with the submission from IWM Duxford and would therefore vote for permission to be refused.
- The natural instinct, a Member commented, was to support IWM Duxford but there had been no grounds for refusal that had been offered so far that would stand up at appeal. Every opportunity had been afforded to IWM Duxford to provide technical reasons as to why the application should be refused but none had been presented. It was therefore imperative that reasons for refusal were clear and were not emotional regarding potential loss of life in the future; they had to be material planning considerations.
- A Member shared concerns of local residents and IWM Duxford but accepted there were no grounds for refusal of the application and therefore would abstain from the vote.
- When the application was presented to the Committee in May, a Member reminded the Committee, it was deferred in order for further reports and negotiations to be conducted. The deferral had not resulted in any change to the position and would therefore be voting for approval of the application.

Councillor Hunt, seconded by Councillor Loynes proposed that planning permission be refused on grounds that it would damage a conservation area; damage a heritage asset; pose a danger to pilots and passengers in aircraft; pose a risk to the safety of public attending airshows and viewing in the vicinity of the airfield; financial damage to the local community; and loss of residential amenity in terms of noise for residents at Healthfield in relation to the prevailing wind.

In response to the proposal a Member, while respecting the proposal made, highlighted that the application was not in a conservation area, it did not impact upon a heritage asset, the safety risks had not been demonstrated, there appeared to be no evidence to support any

potential financial damage and there would be no more noise emitted from the site than currently.

The Council's Legal Officer advised Members of the potential cost implications of resolving to refuse the application and emphasised the requirement for clear evidence for reasons for refusal.

On being put to the vote the proposal was lost 6 votes in favour to 4 against with 1 abstention.

It was therefore proposed that planning permission be granted.

On being put to the vote it was resolved, 6 votes in favour to 4 against with 1 abstention, that planning permission be granted subject to the conditions set out in appendix A of these minutes.

Officers reminded Members that a holding direction had been issued by the Secretary of State for Communities and Local Government to enable him to decide whether to determine the application himself or refer it back to the Council as a local decision. Until a response had been received from the Secretary of State permission could not be granted. Officers would update Members once they knew more and would discuss the implications of this with the applicant's agent in the interim period.

#### **195. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWERS**

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

#### **196. DATE OF NEXT MEETING: THURSDAY 1<sup>ST</sup> SEPTEMBER 2016**

Chairman

1. The development hereby permitted shall have begun before the expiration of three years from the date of this permission. Written notification of the date of the commencement of the development shall be sent to the Waste Planning Authority within 7 days of such commencement.

*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*

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, except as otherwise required by any of the conditions set out in this permission:

- Fig 1 Rev c Location Plan dated April 2016
- Fig 5 Rev e Proposed Site Plan dated April 2016
- Fig 6 Proposed Building Plan dated June 2015
- Fig 7 Proposed Roof Plan dated June 2015
- Fig ES 1 Plant Layout (undated – received 30 June 2015)
- Fig 8 rev b Proposed Building Elevations dated 03.16 – Colours amended
- Fig 9 rev a Proposed Building Elevations dated December 2015
- JEC/407/01 Rev B Planting Proposals dated April 2016
- Specification for Soft Landscape Works dated December 2015

*Reason: To define the permission and to protect the character and appearance of the locality in accordance with policies CS33 & CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(p), DP/2(a), DP/3(m), GB/3 and NE/4 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)*

3. External cladding shall not be attached to the fuel storage building or pyrolysis plant building until details of coloured panels have been submitted to and approved in writing by the Waste Planning Authority. The development shall not be carried out except in accordance with the approved details.

*Reason: To break up the visual form of the buildings in accordance with policies CS33 & CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(p), DP/2(a), DP/3(m), GB/3 and NE/4 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)*

4. No demolition or construction shall take place until a traffic management plan has been submitted to and approved in writing by the Waste Planning Authority. The approved plan shall be complied with in full during all demolition and construction work.

*Reason: In the interests of highway safety in accordance with policy CS32 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policy DP/3(b) of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)*

5. The area shown for HGV turning on Fig 5 Rev C Proposed Site Plan dated August 2015 shall be provided and retained and kept free from any obstruction at all times.

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

6. The fuel storage building and pyrolysis plant building shall not be erected until a timetable for the phased implementation of the landscaping scheme shown on drawing no JEC/407/01 Rev B *Planting Proposals* dated April 2016 has been submitted to and approved in writing by the Waste Planning Authority. The approved timetable shall be complied with in full.

*Reason: To mitigate the visual impact of the buildings in accordance with policies CS33 & CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(p), DP/2(a) & (j), DP/3(m), GB/3 and NE/4 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)*

7. 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 Waste 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: (i) In the interests of the biodiversity of the site in accordance with policy CS35 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(o), DP/3(o) and NE/6 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)*

8. 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 Waste 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 Waste Planning Authority gives written consent to any variation.

*Reason: To mitigate the visual impact of the buildings in accordance with policies CS33 & CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(p), DP/2(a) & (j), DP/3(m), GB/3 and NE/4 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)*

9. No development shall take place until a remediation strategy 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 Waste Planning Authority:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they will be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy required by 9. (3) above has been submitted to and approved in writing by the Waste Planning Authority.

*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, Environment Agency Groundwater Protection: Principles and Practice (GP3), policy CS39 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(l), DP/3(r) and NE/8 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007). Remediation measures may be needed as part of the construction phase so must be in place before development starts.*

10. If, during development, contamination not previously identified is found to be present no further development shall be carried out until a remediation strategy detailing how this contamination shall be dealt with has been submitted to and approved in writing by the Waste Planning Authority. The approved remediation strategy 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 line with National Planning Policy Framework paragraphs 109, 120, 121, Environment Agency Groundwater Protection: Principles and Practice (GP3), policy CS39 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(l), DP/3(r) and NE/8 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007).*

11. No development shall commence until a scheme for surface water disposal has been submitted to and approved in writing by the Waste Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall not be occupied until the approved scheme has been implemented in full.

*Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 109, 120, 121, Environment Agency Groundwater Protection: Principles and Practice (GP3), policy CS39 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(l), DP/3(r) and NE/8 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007). Elements of the surface water disposal arrangements may be need to be installed in an early part of the construction phase so the scheme must be in place before development starts.*

12. No development shall commence until a detailed foundation design demonstrating how the foundation solution will integrate with the on-site capping layer and a foundation works risk assessment which shall demonstrate that there is no resultant unacceptable risk to groundwater have been submitted to and approved in writing by the Waste Planning Authority. The development shall not be occupied until the approved scheme has been implemented in full.

*Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 109, 120, 121, Environment Agency Groundwater Protection: Principles and Practice (GP3), policy CS39 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(l), DP/3(r) and NE/8 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007). The*

*foundation design will need to demonstrate that there is no resultant unacceptable risk to groundwater before development starts.*

13. During the period of demolition and construction no power operated machinery shall be operated before 0800 hours on weekdays and 0800 hours on Saturdays or after 1800 hours on weekdays and after 1300 hours on Saturdays or at any time on Sundays or Bank or Public Holidays.

*Reason: In the interests of the amenity of local residents in accordance with policy CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/3(n) and NE/15 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007).*

14. No development shall commence until a programme of measures to minimise the spread of airborne dust (including the consideration of wheel washing and dust suppression provisions) from the site during the demolition and construction period has been submitted to and approved in writing by the Waste Planning Authority. The approved measures shall be implemented in full for the duration of the demolition and construction phases.

*Reason: In the interests of the amenity of local residents in accordance with policy CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/3(n) and NE/16 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007). This relates to the demolition and construction phases of the development so needs to be in place before development starts.*

15. No external lighting shall be installed except in accordance with details that have been submitted to and approved in writing by the Waste Planning Authority.

*Reason: In the interests of the amenity of local residents in accordance with policy CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/3(n) and NE/14 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007).*

16. No part of the access track shown on Fig 5 Rev e dated April 2016 shall be constructed until details of its construction and surfacing have been submitted to and approved in writing by the Waste Planning Authority. The access track shall not be constructed except in accordance with the approved details.

*Reason: To ensure that the access track is permeable and there is no increase in the impermeable area of the site in accordance with policies DP/1(i) and DP/3(p) of the South Cambridgeshire Development Control Policies DPD (adopted July 2007).*

17. No waste shall be stored outside the building.

*Reason: To protect the visual appearance of the area in accordance with policies CS33 & CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(p), DP/2(a), DP/3(m), GB/3 and NE/4 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)*

18. The amount of waste received for treatment by the pyrolysis plant in any one calendar year shall not exceed 30,000 tonnes excluding residual waste from the adjacent autoclave process.

*Reason: The development has been assessed on this level of vehicle movements. In the interests of highway safety in accordance with policy CS32 of the Cambridgeshire &*

*Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policy DP/3(b) of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)*

19. The Great Crested Newt watching brief set out in the AWS Ecology letter dated 21/03/2016 shall be implemented in full for the duration of the construction of the internal access road. If Great Crested Newt are found, construction work shall stop and not recommence until a mitigation strategy has been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved mitigation strategy.

*Reason: (i) In the interests of the biodiversity of the site in accordance with policy CS35 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(o), DP/3(o) and NE/6 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)*





**PLANNING COMMITTEE SITE VISIT PROTOCOL**

*To:* **Planning Committee**

*Date:* **1 September 2016**

*From:* **Head of Growth and Economy**

*Electoral division(s):* **ALL**

*Purpose:* **To consider the following report**

*Recommendation:* **The Planning Committee is requested to note the content of the site visit protocol and endorse the content, agreeing any amendments required, to allow the relevant section of the document to be published on the Council's website.**

<b><i>Officer contact:</i></b>	
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## **1. INTRODUCTION AND BACKGROUND**

- 1.1 It is good practice to review development management (DM) procedures, which includes the site visits undertaken by members of the Planning Committee in relation to planning applications. Historically, Cambridgeshire County Council's site visit protocol has been covered and agreed as part of the training given to members of the Planning Committee (previously Development Control Committee). Whilst it is proposed for officers and members of the Planning Committee to continue with this approach, it has been identified that it would be useful to have a formal document to be able to give to third parties such as applicants / agents, local members, parish councils and objectors etc. to explain our site visit process and when a site visit is considered appropriate.
- 1.2 From a review of neighbouring authorities, it is evident that many have an approved site visit protocol to share with the general public and to set out how officers and members of the appropriate committees will conduct any site visits. The proposed text is sometimes split between what is displayed for the public (as an overview) and the detailed text for the officers and members of the Planning Committee. It also provides an opportunity for the emphasis to be made on the visit as a 'fact finding' session rather than an opportunity for third parties to influence the decision making.
- 1.3 The following report has taken account of the site visit protocol historically used by Cambridgeshire County Council and has ensured that it is broadly consistent with neighbouring county planning authorities in terms of the way it is proposed to be displayed to the general public.

## **2. CONTENT OF THE SITE VISIT PROTOCOL**

- 2.1 Appendix A contains the proposed 'Planning Committee Site Visit Protocol' text for consideration and endorsement by members of the Planning Committee, subject to agreeing any amendments required. The first section includes the proposed text for the website and therefore circulation to the public and third parties that wish to be involved in a site visit. The second section sets out the detailed arrangements which are laid out in sections covering an introduction; purpose of site visits; procedures; the role of members; the role of the Chairman; and the role of the council officers. Although it is acknowledged there is some cross over having this layout, it does set out the appropriate roles and responsibilities for everyone involved in the site visit.
- 2.2 As confirmed in paragraph 1.3 above, the proposed text has been produced taking account of our historical protocol and how this compares with our neighbouring county planning authorities. It has been checked by colleagues in legal and has been shared in draft with the Chairman and Vice Chair of Planning Committee to ensure that it is broadly consistent with the procedures already followed by members of the Planning Committee.

### **3. PROPOSED PROCESS FOR AGREEMENT**

- 3.1 As this protocol relates specifically to the Planning Committee, officers have received confirmation from legal that this can be endorsed by members of the Planning Committee and that it does not need to be incorporated into the constitution or need further endorsement from the wider Council. Therefore subject to any amendments requested by members of the Planning Committee it is proposed to endorse the formal site visit protocol text so that this can be placed onto our website and is available for circulation for any third parties as soon as possible.
- 3.2 At present, Appendix A does not stipulate a preferred day for any site visits to take place. However, the Chairman has raised concerns about the level of attendance at some recent site visits and therefore he has asked whether consideration can be given to a set day ahead of Planning Committee that can be kept free and then cancelled if not required? Apparently a similar protocol is used by some of the District Councils. Officers are content for a set day to be confirmed within the protocol if this would be useful to Members and to allow them to control their diary commitments easier. Based on the current timetabling, officers would recommend that either the Friday or the Monday ahead of Planning Committee be kept for this purpose, which allows time for the papers to be published and some time for officers to respond to any queries if these can't be covered as part of the site visit.

### **4. CONCLUSION AND RECOMMENDATION**

- 4.1 In conclusion, to assist members of the general public and third parties that may be required to attend a Planning Committee site visit, it is proposed to produce a formal 'Planning Committee Site Visit Protocol' document. This will formalise the historical practices and ensure that the process is open and transparent to all. It will also set out the protocol that needs to be followed by officers and members of the Planning Committee and what information will be recorded and provided to Democratic Services that will be available for inspection upon request.
- 4.2 It is therefore recommended that members of the Planning Committee endorse the text contained within Appendix A of this report and agree any amendments required, to allow the relevant section of the document to be published on the Council's website.



## Planning Committee Site Visit Protocol – Text for website and the public

Planning Committee members are sometimes required to inspect a site to gain a greater understanding of its location, physical characteristics and relationship to neighbouring properties or land use. This helps them when making a formal decision on a development management (planning) application. This protocol sets out the normal practice for the arrangement and conduct of formal site visits by the Planning Committee.

### **Requests for site visits**

A site inspection will result from any one of the following:

- A request by a councillor in writing during the time that an application is processed (ideally within the initial 21 day consultation period). Councillors will provide reasons for their request.
- The Head of Service for Growth and Economy or the Business Manager County Planning, Minerals and Waste requires one in the interests of proper decision making.
- Planning Committee calls for a site visit following a deferral of a decision (although this should rarely be necessary given the provisions of 1 and 2).

### **Conduct of site visits**

- Site visits are solely for the purpose of viewing the site, understanding its location and immediate environs to be able to put the development proposal into context, and discussing the facts of the application.
- Site visits will commence promptly at the time provided by the Democratic Services Officer.
- Site visits will be led by a council officer, usually the Business Manager and / or the case officer with the assistance of the Chairman.
- On occasion, officers of other authorities or statutory bodies may be invited (by the Head of Service for Growth and Economy / Business Manager County Planning, Minerals and Waste) to attend a site visit to clarify factual matters (for example Cambridgeshire County Council as the local highway authority).
- Third parties (such as media or the public) are not invited or expected to attend site visits. Members of the Committee will not directly engage any third party person present at the site visit and will address any questions to the lead officer through the Chairman.
- Officers will give a brief presentation on the site, the setting of the proposed development and the specific reasons why the Committee / officers requested a site inspection. They will also advise whether the applicant or objectors have requested that the committee view the site from other locations and how that is to be dealt with.

- Councillors will ask their questions through the Chairman including any requests for specific information from the applicant / agent or any other third party. All Committee members need to ensure that they can hear the officers' presentation and the questions and answers.
- The Chairman will seek confirmation that members are satisfied they have seen everything they need to make a decision and will draw the site inspection to a close.
- Members of the Committee should politely avoid engaging in private conversations with applicants, agents or any other third parties including objectors as this can give the wrong impression to others present or anyone observing the site visit.
- For the purposes of factual record, attendance at a site visit will be recorded by the lead officer including the locations visited.
- As the purpose of the visit is not to debate but simply to establish facts about the site and its surroundings, no formal notes of a site visit will be recorded, other than the attendance and locations visited as noted above.

Planning Committee Site Visit Protocol – Text for our Member agreement. Detailed protocol text for councillors and officers to follow but not be published on the website

Introduction:

1. This protocol applies to both councillors who serve on the Planning Committee and officers who support its functions. The protocol supplements the County Council's Code of Conduct. Both councillors and officers should always refer to the provisions of the Code of Conduct in the first instance.
2. The protocol is intended to guide members of the Planning Committee when attending site visits as part of the development management process. In the interests of openness it is also intended to inform other stakeholders with an interest in planning applications e.g. parish councils, applicants, agents, objectors etc., with regard to procedural matters.
3. It is important that site visits are dealt with in a consistent and organised manner and to ensure that administrative and procedural arrangements on site are understood so that all parties involved in the process are dealt with fairly.
4. For reasons of health and safety members of the Planning Committee will notify the Democratic Services Officer in advance of their intention to attend the site visit. Members should not seek to gain access to a site independently of the site visit.
5. If members are not able to attend the scheduled site visit they should contact the Democratic Services Officer or the County Planning, Minerals and Waste Team at the earliest convenience to see if it is possible to arrange a separate visit. The member will always be accompanied by a council officer usually the BM and / or the case

officer. This visit will also be carried out in accordance with the relevant provisions of the site visit protocol.

6. Members of the Planning Committee should never seek to gain access to a site in relation to a planning application due to be considered independently of an organised site visit. However, for clarification, where a member needs to gain access to a site as part of their duties as a division or ward member this falls outside of this remit.
7. All members, including any who were not able to attend the site visit, are entitled to participate in the making of the decision when the proposal is considered at the Planning Committee meeting.

#### The Purpose of Site Visits:

8. The purpose of the site visit is to enable members of the Planning Committee to:
  - More fully understand matters of fact relating to a development proposal in the context of the application site and the surrounding land and buildings; and
  - More fully understand issues raised by interested parties when the proposal is discussed at the Planning Committee meeting.
9. There are 3 key points for members of the Planning Committee to note:
  - Site visits are not formal meetings of the Planning Committee and no decisions can be taken at the time of the site visit;
  - Members should always, as far as possible, avoid discussion or other actions during the site visit which could be construed as amounting to bias or predetermination. There should be no debate on the merits of the application which should be left to the formal meeting of the Planning Committee; and
  - The Council's Code of Conduct still applies to members during site visits. Everyone attending a site visit should be treated with courtesy and respect.

#### Procedure at Site Visits:

10. The Chairman of the Planning Committee, or the Deputy Chairwoman of the Planning Committee / their representative, will oversee the site visits to ensure it is conducted effectively.
11. No decision will be made at a site visit by the Committee and the Chairman will make this clear at the beginning of the visit.

12. The council officers, usually the BM and / or the case officer, will describe the proposal and may refer to matters raised in the committee report relating to the application. It is expected that members will be familiar with the committee report. The council officers will also indicate the matters of fact in relation to the proposal and surrounding land which members should take account of.
13. The Chairman will give third parties (e.g. applicant, agent, local member and objectors etc.) an opportunity to clarify any issues and to identify any features which are relevant to the Committee's consideration and to respond to any questions raised by members. The third parties may not address the members present about the merits of the proposal. If any such attempt is made, the Chairman will then advise the relevant third party to cease and that members cannot consider their comments.
14. The Chairman will invite the members of the Planning Committee to raise any matters of fact relating to the application, such as seeking factual clarification on any planning matter relating to the proposal or surrounding land, for example, distances to adjoining properties or objectors' properties or the locations of parking spaces. At no time during the site visit should members debate the planning merits or otherwise of a proposal. If a member makes such attempt, the Chairman will advise them to cease.
15. Members should keep together in one group with the Chairman and council officers and not break away into small groups.
16. Documents, letters or petitions concerning the planning proposal or the site visit from any party will not be accepted at any site visit. Such documents, letters or petitions should be sent directly to the County Planning, Minerals and Waste Team ([planningdc@cambridgeshire.gov.uk](mailto:planningdc@cambridgeshire.gov.uk)) copying in the case officer and the Democratic Services Officer and will be referred to in the report(s) to Planning Committee.
17. Once the site has been inspected the Chairman will declare the visit closed and Members should leave the site promptly. If the site visit is one of several taking place on the same day members will drive or be transported to the next site where the same procedures as above will apply.
18. The council officers, usually the BM or the case officer, will keep a record of when a site visit was held, the locations visited and of those who attended the site visits, including any third parties, and will forward this information to the Democratic Services Officer. This information will be made available for inspection upon request from the Democratic Services Officer.

The Role of Members:



19. Members travelling independently shall meet at the agreed meeting location and shall not engage in any discussion with the applicant and/or agent until the Chairman and council officers arrive.
20. Members may ask questions, through the Chairman, of the applicant and/or agent and any third parties during the site meeting.
21. Members should not enter into discussion of the merits of the proposal with the applicant and/or agent and any third parties including other councillors during the site visit.
22. In order to maintain impartiality and to avoid any impression to the contrary, members should not engage with the applicant, agent or third parties on unrelated matters during the site visit.
23. Members shall conduct themselves at all times in line with the Code of Conduct.
24. If a member of Planning Committee should need to leave the site visit before the end, they should indicate this to the Chairman or council officers so that this can be noted.

The Role of the Chairman:

25. The Chairman must formally open and close the site visit.
26. The Chairman shall ensure that the members inspect the site as one group. He must also ensure that the members see or inspect all relevant matters so they can fully understand the proposal before them.
27. The Chairman must ensure that the site visit is run in a fair, orderly and productive manner. The Chairman must also ensure that all questions and comments are made through him.
28. Before closing the site visit the Chairman will identify, and ensure members are aware of, any matters of fact raised during the site visit that could not be answered fully and would therefore be the subject of further information. This information will be provided to Planning Committee through the council officers as soon as possible so that it can be considered as part of the Planning Committee meeting.

The role of the council officers:

29. They will describe the matters of fact regarding the proposal as made reference to in the Committee report.
30. They will answer any questions raised by members at the site visit relating to the relevant development plan and national planning policies.
31. Officers will act in support of the effective conduct of the site visit in accordance with this site visit protocol document.
32. They will provide any additional information sought at the site visit to the members of the Committee so that it can be considered as part of the Planning Committee meeting.
33. As stated in the 'procedure at site visits section', the council officers (usually the BM or the case officer) will keep a record of when a site visit was held, the locations visited and who attended the site visits including any third parties and will pass this information on to the Democratic Services Officer. This information will be made available for inspection upon request from the Democratic Services Officer.

**ENFORCEMENT UPDATE REPORT  
1 April 2016 – 31 July 2016**

*To:* **Planning Committee**

*Date:* **1 September 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.**

<b><i>Officer contact:</i></b>	
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## 1 INTRODUCTION

- 1.1 The purpose of this report is to brief the Planning Committee members on the planning enforcement and monitoring work being undertaken by the County Planning, Minerals and Waste team within the Growth and Economy service.
- 1.2 The requirement to produce the report is set out in section 17, Monitoring Performance, of the Local Enforcement Plan for Minerals, Waste and County Development in Cambridgeshire - Version 3 December 2014.
- 1.3 The Enforcement update report is usually prepared and presented to members quarterly. However, the presentation of this report was postponed from the July Planning Committee with the agreement of the Chairman, owing to a full agenda.
- 1.4 This report covers the work of the team in the period 1 April 2016 to 31 July 2016. Paragraphs 2 to 4 of the report summarise the following information:
- Complaints received and their current status;
  - Number of ongoing investigations;
  - New enforcement cases;
  - Ombudsman complaints received.
- 1.5 Paragraph 5 of this report details site monitoring visits undertaken in the first third of the financial year 1 April 2016 to 31 July 2016.
- 1.6 Paragraphs 6 to 11 of this report provide updates on a number of key ongoing Enforcement investigations.

## 2 COMPLAINTS RECEIVED

- 2.1 21 new complaints have been received between 1 April and 31 July 2016. Table 1 summarises the status of these complaints at the time of writing.

**Table 1 - Complaint Status**

Complaint Type	Number
Under investigation	6
No breach established	3
Breach established and resolved	2
Breach established. Investigation on-going.	6
Not a county matter	4
<b>Total</b>	<b>21</b>

- 2.2 Of the 21 complaints received between April and July 2016:
- 9 cases have been investigated and closed;

- 12 cases remain open and under investigation;
- 10 pre existing complaints (received before 1 April 2016) also remain under investigation.

### **3 NOTICES SERVED**

- 3.1 No new Enforcement Notices (EN), Breach of Condition Notices (BCN) or Temporary Stop Notices (TSN) have been served between April and July 2016.
- 3.2 One Planning Contravention Notice (PCN) requesting further information on a possible breach of planning control has been served (see paragraph 9), and one Notice requesting information on land ownership was served under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

### **4 OMBUDSMAN COMPLAINTS**

- 4.1 No Local Government Ombudsman complaints were received.

### **5 SITE MONITORING VISITS 1 APRIL 2016 – 31 JULY 2016**

- 5.1 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

- 5.2 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 2016 – 31 July 2016**

<b>Site Type</b>	<b>Visits</b>
Landfill	9
Quarries	7
Non chargeable sites	9
<b>Total</b>	<b>25</b>

- 5.3 Chargeable site visits have priority as they generate a small but significant income stream for the Council. The estimated income from chargeable visits for the period 1 April 2016 to 31 July 2016 is £4,412.00.

- 5.4 The Enforcement and Monitoring team is now fully staffed and undertaking regular visits to both chargeable and non chargeable waste and landfill sites to monitor compliance with conditions.

## **6 ENFORCEMENT CASES**

- 6.1 There are currently 5 active enforcement cases where formal enforcement action has been taken and investigation and monitoring is on-going. A summary of each case is set out in Appendix 1.
- 6.2 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 formal enforcement action.
- 6.3 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.

## **7 WILBRAHAM LANDFILL**

- 7.1 Great Wilbraham quarry is an active chalk quarry which has planning permission to be restored by landfilling with inert waste. The Waste Planning Authority (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.
- 7.2 The WPA conducted a criminal investigation into the offence of failing to comply with the Notice and in June 2014 HML and one of the company directors, Daniel Meads, were summonsed to appear before Cambridge Magistrates' Court. The case was adjourned until 17 July 2014 when 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 was scheduled at Cambridge Crown Court for 3 October 2014 and then adjourned until 10 November 2014 to allow the defendant's further time to consider their basis of plea.
- 7.3 At the Crown Court hearing on 10 November 2014, HML and Daniel Meads pleaded guilty to failing to comply with the notice. Sentencing was adjourned a number of times. However, on 27 May 2016 HML and Daniel Meads were each fined £1,500.00 and were given 12 months to pay the full Council costs of £23,969.00.
- 7.4 The defendants advised the court that they would undertake the remaining work necessary to fully comply with the notice within 3 to 4 months.
- 7.5 Officers have been visiting the site regularly to check progress and are working with the Environment Agency (EA) to ensure a co-ordinated approach.

## **8 LAND ADJACENT TO ROYSTON RECYCLING CENTRE**

- 8.1 In February 2015 the Environment Agency (EA) advised that approximately 20,000 bales of refuse derived fuel (RDF) waste had been deposited on the above land. A multi-agency approach produced an emergency plan which took account of the sites proximity to the Cambridgeshire and Hertfordshire county border, the fire risk associated with the stored waste and the possible implications that the amount and type of waste had on the presence of an aquifer.
- 8.2 In March and October 2015 the EA issued notices under section 59 of the Environmental Protection Act 1990 requiring the operators, Winters Haulage Limited (WHL), to remove all the RDF waste. The RDF waste was removed from the site by 16 October 2015.
- 8.3 A topographic survey completed on behalf of the landowners, Anglian Water Land Holdings Limited (AW) 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. A condition survey, commissioned by AW, took place in November 2015 to establish the type of waste deposited and any likely contamination of the land.
- 8.4 Consultants for the landowner and for the occupier have drilled boreholes and undertaken preparatory modelling work which will inform the standard of clean up required by the EA to minimise the risk to groundwater. The EA does not currently have a start date for remediation work on site or an estimated timeframe for its completion. However, the EA has advised that aside from the remediation, their investigation into potential environmental offences at the site is progressing and drawing towards a conclusion.
- 8.5 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.

## **9 LAND KNOWN AS 'ASGARD', LITTLE DOWNHAM**

- 9.1 On 13 July 2015 the County Council received a complaint alleging that the excavation of clay and the importation of waste materials were taking place on this parcel of land. Officers visited the site and confirmed that clay was being extracted from the land and then spread to raise the land levels and that waste materials were being imported onto the land to infill the excavations.
- 9.2 A topographical survey was commissioned to assess the land levels and officers have liaised with the EA and the District Authority to ensure a co-ordinated approach.
- 9.4 The District Council confirmed that planning consents exist for this site and that they do not intend to pursue allegations that an engineering operation to raise the level of the land has taken place.
- 9.5 In April 2016 officers served a Planning Contravention Notice on the landowner to gather further information on the quantity, source and composition of the waste imported onto the land. The information provided by the landowners in their

response to the Notice was that the importation of the waste was covered by the EA waste exemption and their permitted development rights under part 6 of the General Permitted Development Order.

- 9.6 The EA has confirmed that there are exemptions in place for the importation of waste onto the land in question.
- 9.7 Officers met with the EA Enforcement Team leader on 13 July 2016 to discuss the extent of the exemptions and the details on the waste transfer notes provided as part of the PCN responses.
- 9.8 The complainant and the local Member have been informed that the importation of waste onto the land has now ceased.
- 9.9 Officers are now reviewing the amount and type of waste imported onto the land, alongside the EA exemption for the importation of waste, the information provided by the waste operator, the permitted development rights for agriculture and the existing District planning permissions to determine whether they consider that a change of use of the land that would require planning permission has taken place.

## **10 BLOCK FEN**

- 10.1 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 have progressed up to the Tarmac quarry access.
- 10.2 In February 2016 a meeting took place with the mineral and waste operators at Block Fen to discuss the upgrade of the second half of Block Fen Drove. A proposed scheme for the second half of the Drove upgrade was presented by agents on behalf of Mick George Ltd (MGL) at this meeting. The scheme was to follow on from the works already undertaken by AI on the first section and it relied 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.
- 10.3 Since February's meeting, officers have been assessing the highway scheme submitted by MGL on behalf of the operators, and held a meeting with the Highway Authority to discuss initial thoughts. As a result of this meeting officers provided initial feedback on the proposed scheme but stated that a formal Section 278 (S278) agreement needs to be sought from the Highway Authority. On the basis of this advice MGL has confirmed that the scheme is ready to submit to the Highway Authority as a formal S278 agreement application. However, as the application needs to be accompanied by 50% of the application fee (which equates to £14,025 of the full £28,050 fee) MGL has asked that the Council considers waiving this whilst sign up from the other operators is obtained – especially as MGL has paid for the technical work to date with no other input from the other operators. Officers have clarified that it is not possible to waive the fee and have instead sent an e-mail to all the operators asking for the fee to be split



four ways. This commitment has been sought by officers ahead of the next meeting currently planned for mid-September 2016. When this meeting takes place it will be attended by both the Chairman and Vice Chair of Planning Committee and Members will therefore be updated on the progress of these discussions in due course.

## **11 LAND AT WARBOYS AIRFIELD INDUSTRIAL ESTATE**

- 11.1 The land at Warboys Airfield Industrial Estate has planning permission for the storage and processing of waste electrical and electronic equipment (WEEE) with a condition restricting the location and amount of waste stored outside the buildings. However, following a visit by officers in January 2015 we were informed that the waste operator had been put into administration and several thousand tonnes of cathode ray tube (CRT) waste needed to be removed from the land, raising concerns that the CRT waste could be abandoned.
- 11.2 The landowner took over responsibility for the removal of the waste but the rate had been unacceptably slow and so a BCN was served on 2 October 2015 requiring removal of all of the remaining waste by 1 November 2015.
- 11.3 The notice was not complied with. However, the EA advised that the removal of waste from the site had been hampered by the rate that the CRT waste could be taken by the specialist permitted waste site.
- 11.4 Officers have visited the site following discussions with the EA in March, May, June, July and August 2016 to monitor progress with the removal of the outstanding waste and have noted that significant progress has been made. Officers are also liaising with Huntingdonshire District Council regarding the use of some of the units on site from waste storage and processing to District planning uses.
- 11.5 Officers will continue to monitor the site and update members on progress towards full compliance with the BCN.

## APPENDIX 1 - ENFORCEMENT CASES WHERE ACTION HAS BEEN TAKEN AND MONITORING IS ONGOING

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

Description of Alleged Breach	Location	Notice Issued	Comments
<p><b>1. RED</b></p> <p>Failure to comply with condition 6 of planning permission F/02017/08/CM and E/03008/08/CM.</p> <p><b><u>Condition 6</u></b></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.</p> <p>A BCN was served on the site operator for failing to implement the approved scheme to improve the public highway</p> <p>At the July 2014 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>Officers are working with the operators to move the implementation of the scheme forward.</p> <p>See Paragraph 10 in the main body of the report for a further update.</p>
<p><b>2. RED</b></p> <p>Failure to comply with condition 9 of planning permission F/02013/07/CW.</p> <p><b><u>Condition 9</u></b></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. A BCN was served 16 December 2013 requiring the submission of a scheme for the phased improvement of Block Fen Drove, from its junction with the A142 to its junction with the private haul road, within 30 days.</p> <p>In April 2014 the operator submitted a scheme which was incomplete and was refused. A revised scheme was submitted in November 2014 and was accepted in part but it did not relate to all of the relevant parts of Block Fen Drove. A scheme that addressed the remaining part of Block Fen Drove was therefore requested at the time.</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.			See Paragraph 10 in the main body of the report for a further update on the draft Section 278 road agreement produced by the operator.
<p><b>3. RED</b></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 conditions 4 (approved drawings) and 5 (phasing); and discharge of Conditions 10 (restoration) and 13 (wheel cleaning)</p> <p><b><u>Condition 5</u></b></p> <p>Temporary stockpiles shall not exceed 2 metres in height.</p>	Wilbraham Quarry Mill Road Great Wilbraham	BCN 02/06/11	<p>Officers visited the site in May 2011 and noted that the heights of the stockpiles of waste deposited on the landfill site were well in excess of the maximum permitted height of 2 metres. The height of the deposited waste was several metres above the height of the surrounding land and was therefore visually intrusive and hindering the restoration of the landfill site.</p> <p>The landowner was given until 1 June 2011 to reduce the height of the stockpiles, this deadline was not met and the WPA served a BCN with the compliance date of 30 September 2011.</p> <p>At the time of writing, the landowner remains in breach of condition 5. However, the successful prosecution for failing to comply with the EN (see paragraph 7) supersedes this notice in addressing this issue.</p>
<p><b>4. AMBER</b></p> <p>Failure to comply with condition 8 of planning permission F/2019/02/CW</p> <p><b><u>Condition 8 – Environmental Protection</u></b></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>	Land off Bridge Lane Wimblington March	BCN 13/02/2015	<p>A BCN was served on each of the two operators (operating under one planning permission) in response to complaints alleging that waste was being stored outside contrary to condition 8. The notices required that the storage of waste outside ceased by 27 March 2015.</p> <p>Both operators have now submitted applications to address the issue of outside storage of waste and these applications are currently being considered by the WPA and are likely to be presented to Planning Committee in October 2016 as one planning application.</p>

Description of Alleged Breach	Location	Notice Issued	Comments
<p><b>5. GREEN</b></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><b><u>Condition 12</u></b></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.</p>	<p>Wilbraham Quarry Mill Road Great Wilbraham</p>	<p>BCN 02/06/11</p>	<p>Officers visited the site in 2011 and noted that the wheel wash had not been installed in accordance with the planning condition.</p> <p>The landowner was given until 1 June 2011 to submit a scheme, this deadline was not met and so the WPA served a BCN. At the time of writing the landowner remains in breach of this condition. However, the steps for compliance with the EN issued on 1 May 2012 include a requirement to keep Mill Road free of mud and debris.</p> <p>During recent visits to the site, officers have not witnessed any vehicles leaving the site and noted that there was no mud or debris on the road.</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
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 19/08/15	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.
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.
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.	First Drove Little Downham Ely	EN 17/01/12	An EN for unauthorised change of use was served on 17 January 2012. The EN was upheld but varied at appeal. The amended notice required the removal all the waste from land to the level of the adjoining field and to return the land to its former condition.  Topographical surveys of the land confirmed that the level of the land had not been reduced and the EN had not been complied with. However, Counsel advised that the case did not meet the public interest test for a prosecution. Therefore, although the enforcement case remains open and subject to review, no further action is proposed at this time.
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.



**Summary of Decisions Made Under Delegated Powers**

*To:* **Planning Committee**

*Date:* **01 September 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**

<b><i>Officer contact:</i></b>
Name: Tracy Rockall Post: Planning Co-ordinator E-mail: <a href="mailto:tracy.rockall@cambridgeshire.gov.uk">tracy.rockall@cambridgeshire.gov.uk</a> Tel: 01223 699852

## 1.0 INTRODUCTION

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

## 2.0 SUMMARY OF DECISIONS

- 2.1 12 applications have been granted planning permission under delegated powers during the period between 12 July 2016 to 22 August 2016 as set out below:

1. **H/5012/15/CW** - Section 73 planning application to develop land without complying with condition 2 of planning permission H/05030/09/CW (Engineering operations to extend landfill void comprising reworking of fill material; placement of non-hazardous waste; measures to safeguard Warboys Claypit SSSI; and site restoration) to extend the duration of the development by 2 years until 31-12-2018 with no waste deposited after 31-12-2017.

Warboys Landfill Site, Puddock Hill, Warboys, Cambridgeshire, PE28 2TX

Decision granted on 12/07/16

For further information please contact Helen Wass on 01223 715522

2. **H/5000/16/CC** - Erection of two form entry (420 place) Primary school and nursery building (56 place) with associated infrastructure including new vehicular and pedestrian access, car and cycle parking, means of enclosure, play areas, landscaping and engineering works.

Land to the North West Bearcroft Farm, Bearcroft Lane, Godmanchester

Decision granted 15/07/16

For further information please contact Mary Collins on 01223 743840

3. **S/0129/16/CC** - Erection of extension to village College from 5 Form Entry (750 pupils) to a 7 Form Entry (1050 pupils), provision of new performance hall, new music block, construction of new artificial surface pitch with lighting columns, associated landscaping, car and cycle parking, engineering works and infrastructure.

Cambourne Village College, Sheepfold Lane, Cambourne, Cambridgeshire, CB23 6FR

Decision granted 04/08/16

For further information please contact Mary Collins on 01223 743840



4. **S/0131/16/CC** - The erection of 7-bay (21m x 8.7 approx) mobile classroom building and access paving on existing Bellbird Primary School site for a temporary period until the 31st August 2020 and the installation of one additional cycle shelter.

The Bellbird Primary School, Link Road, Sawston, CAMBRIDGE, CB22 3GB

Decision granted 25/07/16

For further information please contact Elizabeth Verdegem on 01223 703569

5. **H/5004/16/CW** - Section 73 application to develop land without complying with condition 4 (details of the flue and fuel tank) of planning permission H/5001/15/CW for Temporary change of use of building 4002 to an advanced biofuel demonstration centre.

Building 4002, Alconbury Airfield, Ermine Street, LITTLE STUKELEY, PE28 4WX

Decision granted 18/07/16

For further information please contact Elizabeth Verdegem on 01223 703569

6. **H/5005/16/CC** - The erection of 1 x 7 bay mobile classroom (21m x 9.6m) and 1 x 7 bay mobile classroom (21m x 8.7m) for a temporary period until 31st August 2018.

Godmanchester Primary School, Park Lane, Godmanchester, HUNTINGDON, PE29 2AG

Decision granted 29/07/16

For further information please contact Mary Collins on 01223 743840

7. **E/3002/16/CC** - The erection of a 7-bay (21m x 8.7m) mobile classroom for a temporary period until August 2021 with the installation of two new scooter pods.

Bottisham Primary School, Beechwood Avenue, Bottisham, CAMBRIDGE, CB25 9BE

Decision granted 15/07/16

For further information please contact Rochelle Duncan on 01223 743814

8. **S/0132/16/CC** - Section 73 planning application to develop land without complying with conditions 2 and 4 (to enable implementation of the landscaping scheme and resolve conflicting plans) of planning permission S/0572/08/CC for a Replacement primary school with integral early years (nursery) facilities, children's centre and community rooms.

The Bellbird Primary School, Link Road, Sawston, CAMBRIDGE, CB22 3GB

Decision granted 25/07/16

For further information please contact Elizabeth Verdegem on 01223 703569

9. **F/2006/16/CC** - S73 application to retain 1x7-bay modular building until 31 August 2019 without complying with Condition 2 of F/2000/14/CC.

Clarkson Infants School, Trafford Road, WISBECH, PE13 2ES

Decision granted 26/07/16

For further information please contact Stanley Gono on 01223 699227

10. **E/3003/16/CC** - Change of use of part of rear garden of former dwelling to car park for a temporary period of 5 years to provide parking spaces for use in association with Weatheralls Primary School, laying hard core surface and erection of 2 no. 6 metre high double headed columns for passive infrared sensor lighting following demolition of workshop (part retrospective).

Jalna, 18, Pratt Street, SOHAM, CB7 5BH

Decision granted 18/08/16

For further information please contact Mary Collins on 01223 743840

11. **S/0194/16/CC** - Section 73 application to retain 1 x 5 bay modular building until 31 August 2018 without complying with condition 1 of S/00753/11/CC.

Melbourn Cp School, Mortlock Street, Melbourn, ROYSTON, SG8 6DB

Decision granted 09/08/16

For further information please contact Stanley Gono on 01223 699227

12. **E/3004/16/CC** - Extension of car park, erection of 8 no. 6 metre high double headed lighting columns and extension of access road

The Weatheralls Primary School, Pratt Street, Soham, ELY, CB7 5BH

Decision granted 18/08/16

For further information please contact Mary Collins on 01223 743840

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