

PLANNING COMMITTEE



Thursday, 03 October 2019

Democratic and Members' Services
Fiona McMillan
Monitoring Officer

10:00

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

2 Declarations of Interest

Guidance for Councillors on declaring interests is available at:

<http://tinyurl.com/ccc-conduct-code>

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PLANNING APPLICATIONS

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ITEMS FOR INFORMATION

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The Planning Committee comprises the following members:

Councillor David Connor (Chairman) Councillor Ian Gardener (Vice-Chairman)

Councillor Barbara Ashwood Councillor Lynda Harford Councillor Peter Hudson Councillor Bill Hunt Councillor Sebastian Kindersley and Councillor Joan Whitehead

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

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<https://tinyurl.com/CommitteeProcedure>

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PLANNING COMMITTEE: MINUTES

Date: Thursday 18th July 2019

Time: 10.00am – 11.53am

Place: Kreis Viersen, Shire Hall, Cambridge

Present: Councillors B Ashwood, D Connor (Chairman), I Gardener (Vice-Chairman), L Harford, P Hudson, B Hunt and S Kindersley.

Officers: Kirsty Carmichael – Development Management Officer, Hannah Edwards – LGSS Law, Hilary Ellis – Principal Officer Sustainable Drainage, Emma Fitch – Joint Interim Assistant Director, Environment and Commercial, Dr Jon Finney – Principal Highways Development Management Engineer, Iain Green – Senior Public Health Manager Environment and Planning, Lesley McFarlane - SCDC Development Officer (Health Specialist), Tam Parry – Principal Engineer Transport Assessment, Hannah Seymour-Shove – Graduate Transport Officer, Daniel Snowdon – Democratic Services Officer

88. APOLOGIES AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Whitehead.

Councillor Ashwood declared a non-statutory disclosable interest under the Code of Conduct in Minute No.90, as she was Chair of the School Advisory Board for Trumpington Park Primary School which was part of Cambridge Primary Education Trust. Councillor Ashwood assured the Committee that she had not discussed the application with the Trust and remained open-minded about the application.

89. MINUTES – 16TH MAY 2019

The minutes of the Planning Committee meeting held on 16th May 2019 were agreed as a correct record and signed by the Chairman.

90. ERECTION OF A 2FE (420 PLACE) PRIMARY SCHOOL AND SINGLE STOREY 52 PLACE PRE-SCHOOL NURSERY WITH ASSOCIATED VEHICLE AND PEDESTRIAN ACCESS, CAR AND CYCLE PARKING, VEHICULAR DROP OFF AREA WITH LANDSCAPING AND PLAYING FIELDS, A PEDESTRIAN CROSSING, NEW FOOTPATH, WIDENING OF THE EXISTING FOOTPATH AND ANCILLARY WORKS

AT: LAND AT BUXHALL FARM, GLEBE WAY, HISTON, CAMBRIDGE, CB24 9XP

LPA REF: S/0101/18/CC

FOR: CAMBRIDGESHIRE COUNTY COUNCIL

The Committee considered a report that sought planning permission for the erection of a 2 form entry (FE) primary school and single storey 52 place pre-school nursery with associated vehicle and pedestrian access, car and cycle parking, vehicular drop off area with landscaping and playing fields, a pedestrian crossing, new footpath, widening of the existing footpath and ancillary works. Members confirmed that they had received the amendment sheet already circulated which took account of an amended plan reference ahead of the case officer's presentation.

In presenting the report the Development Management Officer drew the attention of Members to paragraphs 143 - 145 of the National Planning Policy Framework (NPPF) that stated inappropriate development was, by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Members were also directed to paragraph 94 of the NPPF which states that great weight should be given to the need to create, expand or alter schools. A map showing the location of the site within the Green Belt was shown. On balance, the recommendation of officers was that very special circumstances were demonstrated and therefore planning permission should be granted subject to the conditions set out in the officer report.

Members noted that 29 representations had been received and a map was shown that illustrated the locations of representations made in relation to the proposed site. Reference to the earlier Member site visit and the locations visited were also shown on a map with corresponding photographs.

Various plans, drawings and views of the proposed development were presented to the Committee and key features such as football pitches, teacher and visitor parking, the drop-off point and proposed planting were highlighted. A further highway infrastructure plan was shown that illustrated the proposed improvements to the highway that would be undertaken. Members noted the elevations shown of the proposed school, the proposed construction materials and the design that took inspiration from the large agricultural type buildings found in the wider countryside landscape. Illustrative visuals showing the proposed scale and mass of the development in the wider context were also displayed. The site would also require raising in order that the level was suitable for the construction and drainage requirements, which was also highlighted to Members.

In conclusion the presenting officer drew attention to the recommendation contained in the report and made reference to the recommendation of approval of the application being 'finely balanced' subject to the conditions set out at paragraph 10.1 of the report. In drawing this conclusion, the presenting officer explained that it was for members to strike the balance between harm to the green belt and the applicant's case for need, in their role as the decision maker.

Before concluding her presentation the presenting officer introduced the specialists that were attending the committee in relation to highways / transport, air quality / health, and drainage matters, so that questions could be answered by the relevant statutory consultees in the event Members required clarification on any information contained within the report or which may be raised by the speakers.

In response to Member questions officers clarified the requirement for new public buildings to be nearly zero carbon from 1 January 2019. The proposed development was designed to achieve a Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'Very Good' with proposed planning conditions seeking specific energy and water credits to ensure the design was acceptable in line with current Council policy. It was acknowledged that it was possible that because the design was somewhat advanced it may not be caught by the new nearly zero carbon requirements, as there had been no guidance received from government yet regarding the requirements. However, the applicant team had already been made aware of these requirements and had already been discussing these with the Council's Energy Team. In any event they would need to satisfy building regulations to be able to occupy the building.

The Chairman informed the Committee that owing to the number of speakers he would exercise his discretion and allow 6 minutes per section that would be shared between those speakers registered.

Speaking in support of the application on behalf of the applicant, Mr David Fletcher informed the Committee of the process that had been undertaken since 2016, including pre-application discussions with both County and District Planning Officers, that resulted in Buxhall Farm being chosen as the most appropriate site following the submission of a robust report that identified there were no suitable sites that were not located on the Green Belt.

Attention was drawn by Mr Fletcher to an objection to the application relating to air quality. An assessment was commissioned by the applicant that gathered samples along Glebe Way to look at the impact upon children at the school. The report found that there were no issues relating to air quality. Detailed discussions had also taken place with the Highway Authority and Camcycle.

The Chairman invited head teacher Jonathan Newman, to address the Committee in support of the application. Mr Newman provided the context to the application, highlighting the decision to increase the number of forms of intake four years ago. That decision necessitated the need for a split site and mobile classrooms in order to accommodate the additional children. It was currently very difficult to manage the school across two sites. Mr Newman concluded by drawing attention to NHS population forecast data that consistently inadequately forecast population growth for the area and was leading to pressures in the system.

In order that clarity for the Committee could be provided regarding demography and pupil forecasts the Chairman invited Clare Buckingham, Strategic Policy and Place Planning Manager and Alan Fitz, 0-19 Place Planning and Sufficiency Officer to respond to Member questions.

In response to Member questions:

- Confirmed in response to Member concerns about need for the school (and potential over provision) having to outweigh the harm to the Green Belt when considered against the wider strategic assessment for this area, that provision of school places had been assessed in the area. Orchard Park School was

close to capacity along with Cottenham Primary School which although had capacity there were significant housing developments planned that could require future expansion of the school. There was a small surplus of spaces at Milton Primary School and similarly at Oakington Primary School. The demographic trend for the area was upwards which was contrary to more rural areas of Cambridgeshire. Officers were confident that there were sufficient pupil numbers to fill four forms of entry.

- Informed the Committee that normally when a new school was opened it was done so in a phased manner in order to mitigate the impact upon surrounding schools. It was regrettable that the Cambridge University Primary school had not been opened in such a phased approach as there had been significant impact upon neighbouring schools. Members noted that the construction of the planned Darwin Green Primary School was being timed to coincide with the wider housing development in order that there was demand when the school opened.
- Explained in response to Member concerns about the figures in Table 1 showing the need was lower than the 2FE proposed and therefore empty classrooms would result or children coming from out of catchment, that the Council had a good and long standing relationship with the trust and worked with them across the county and there was a clear understanding of the strategic role of school planning and assessing impact on other schools. It was confirmed that there would be a period of time where not all facilities at the new school would be utilised. Ideally the construction of the school would be phased however, it was not possible to do so owing to the disruption it would cause to children's education.
- Informed Members there would be capacity for 60 children per year which would be phased as local demand dictated. It was essential that capacity was able to meet the demand of future developments in the area.
- Explained that there was a large growth in young families moving to the area which reflects the pattern of schools within Cambridge City losing pupils. The birth rate data used by the NHS did not reflect the movement of population. There was insufficient space at the current junior school site to support the predicted numbers of children in the mid 2020's.
- In response to questions about the figures in Table 1 including out of catchment children, the Head Teacher acknowledged that the school currently had about 10% of children from out of catchment.

Speaking against the application:

Mr Tom McKeown informed Members that he was a local resident whose daughter would likely attend the proposed school and he was a trustee for Camcycle, who represented 1,300 members in Cambridge and the surrounding area who worked

for better and safer cycling. Mr McKeown highlighted in particular issues relating to the non-motorised access to the school site.

Commenting further Mr McKeown, informed members that the motor-vehicle entrance cut across the Cottenham cycleway. Although measures had been undertaken to mitigate the impact through reprioritisation and a raised table, a path would continue along the main road without priority crossing of the school entrance. Retaining the route would lead to confusion of road users due to unclear priorities.

Mr McKeown turned his attention to the proposed signalised crossing of the B1049 toward the south of the school. The plans before the Committee showed that it was a cramped space with too little room for families to make their way out of the school gate and wait for the crossing or make progress riding along the cycleway, which contravened South Cambs Local Plan Policy T1/2. The space would be further restricted by the addition of traffic poles and guard rails. There was ample space shown on the school plans to significantly widen the area to both reduce conflict around the crossing and creating an inviting public space at the school gate.

In conclusion Mr McKeown, drew attention to the Cottenham Road junction north of the school that remained wide and fast. It was not an appropriate place for the uncontrolled proposed crossing. The junction should be realigned as a T-junction and narrowed to reduce turning speeds. As such, the application should be rejected and the applicant should come back with plans for sustainable transport.

In response to a Member question Mr McKeown, confirmed the current well-used cycleway could become potentially dangerous if planning permission for the school be granted. There was a conflict with the school entrance and where it interacted with the toucan crossing.

The Chairman invited Mr Malcolm Creek, to address the Committee. Mr Creek drew attention to the road on which he lived, Garden Walk, which was un-adopted and suffered from drainage issues due to the high water table. Residents of Garden Walk had undertaken their own improvements to drainage however, the development would impact upon resident's gardens. Increased risk of flooding would cause significant issues for septic tanks and Mr Creek questioned why foul water drainage for Garden Walk had not been included in the scheme.

The Council's Sustainable Drainage Principal Officer informed the Committee that the assessment carried out by Anglian Water had determined that flooding was unlikely and that the Council was satisfied with the surface water drainage strategy. The school was designed in a manner that allowed water to drain at the north of the site. The drainage system was designed to cope with a one in 100 year weather event plus climate change, which allowed for events over a number of days or torrential downpours, so that the worst scenario was taken into account. The Lead Local Flood Authority's assessment had taken into account the drainage infrastructure proposed and the raising of the land heights and it was confirmed that this was for the whole site and not just the buildings.

Mr Warren Eagling, was invited by the Chairman to speak on the planning application. Mr Eagling began by praising the school and its leadership. However, he acknowledged the questions being asked by members of the Committee in

relation to need and he expressed his own concern regarding the perceived demand for the school, where he did not believe that the sacrifice of Green Belt was justified.

Mr Eagling, endorsed the comments of the previous speaker Mr Creek regarding Garden Walk and expressed dissatisfaction with the flood tests undertaken.

In conclusion Mr Eagling, expressed concern regarding the level of proposed car parking provision which would result in people parking along Cottenham Road which was busy and fast and would result in accidents.

In response to a Member question Mr Eagling confirmed that he agreed with the views of Mr McKeown and that there were points of conflict along the route between different modes of transport.

Councillor David Jenkins, local Member for Histon and Impington addressed the Committee in support of the application. Councillor Jenkins, emphasised to the Committee that the current limits of the school had been reached and a solution was required. The demography of the area had changed and it was now the case that young families were moving to the area in significant numbers which was an experience shared by all necklace villages surrounding Cambridge. Councillor Jenkins referred to the forthcoming Neighbourhood Plan and referred to page 89 that recognised the value of the school in providing opportunity for children to be close to nature and understand where food comes from. Councillor Jenkins drew attention to the Green Belt and emphasised that the circumstances were suitably exceptional for a small portion of the Green Belt to be utilised for the school.

In closing Councillor Jenkins, questioned the location of the proposed crossing and requested that it be reassessed. Officers advised that the final scheme had not yet been finalised and officers would contact Councillor Jenkins in order to discuss the design further as part of the Section 278 highway works.

During debate of the application:

- A Member commented that the fundamental issue of pupil numbers was intrinsically related to whether there were sufficiently compelling circumstances on which to agree the use of Green Belt. Officers had demonstrated that there was indeed a special need for the building of the school and the requirements of the NPPF had been satisfied. Attention was drawn to the demand for school places that required the Council to deliver 45 new schools over 15 years. If the school was not built then children's education and progress would not be as good as it should be and would therefore be supporting the application.
- In questioning whether Green Belt should be sacrificed for such a relatively small number of children, a Member commented that it was a very finely balanced decision and expressed reservations regarding potential over provision of school places.
- A Member expressed concern regarding over capacity of school places and questioned whether the circumstances were sufficiently exceptional or

compelling to justify building on the Green Belt. Attention was drawn to a recent motion at Council regarding clean air and questioned whether the location of the proposed school on an extremely busy road was appropriate. The member noted that Cambourne Village College was expanded when needed and questioned why the same approach could not be taken here.

- Councillor Kindersley declared a non-statutory disclosable interest under the Code of Conduct as a member of Cam Academy Trust.
- In response to the expansion of Cambourne Village College a Member, highlighted and expressed concern for the level of disruption to children's education that expansion of a school caused.
- A Member noted the comments of Members and those of the speakers and Local Member. Concern was expressed regarding traffic, parking and drainage. Having reflected on the arguments the balance did not appear to have been tipped either in favour or refusal of the application. There was further work that could be undertaken regarding demand in particular.

It was proposed by Councillor Hunt, seconded by Councillor Hudson to defer the planning application for the following reasons:

1. Information required to secure retention of amenity and safety of Garden Walk.
2. Further work required regarding the safety of the cycleway and pupils exiting the school.
3. Clarity to be provided regarding vehicles crossing at the north of the site.
4. Further information required to satisfy that the drainage to Garden Walk was protected; and
5. Further evidence that justified need for the school.

In debating the proposal:

- A Member questioned what could be achieved by deferring the decision on the application. The decision was subject to call in by the Secretary of State for the Ministry of Housing, Communities and Local Government (MHCLG) and therefore a decision should be reached by the Committee.
- Attention was drawn to the officers present that had provided professional advice during the meeting and within the officer report that had on balance recommended that planning permission be granted. There was work to be undertaken regarding highways but it would not affect the application.
- A Member confirmed they would have supported a deferral had such clear information regarding pupil numbers not been provided.

- It was highlighted that it was a very finely balanced decision and sought further information regarding the current infant school site, including whether it was able to be used as a 1FE all through primary school.

The Chairman invited Clare Buckingham, Strategic Policy and Place Planning Manager to return and answer further Member questions. She informed the Committee that the current infant school site was not appropriate for expansion to a 1 form entry. The building was very old and would require significant updating in order for successful delivery of modern education. The current pupil numbers are now at the point they were forecast to be in 2023 and there would be no space at the infant school. Ms Buckingham confirmed that if the junior school site was used as a 3FE all through school and the primary school site was used as a 1FE all through school whilst there would be a sufficient number of places for pupils, such an approach would not be appropriate as it would not be able to comply with the Key Stage 2 requirements relating to playing fields/outdoor space.

Following the clarification provided by Clare Buckingham and advice from the committee's legal adviser the proposal was amended Councillor Hunt, seconded by Councillor Hudson to defer the planning application for the following reasons:

1. Information required to secure retention of amenity and safety of Garden Walk.
2. Further work required regarding the safety of the cycle-way and pupils exiting the school.
3. Clarity to be provided regarding vehicles crossing at the north of the site.
4. Further information required to satisfy that the drainage to Garden Walk was protected;

On the being put to the vote, the proposal for a deferral was lost [3 votes in favour, 4 votes against and 0 abstentions]

It was proposed by Councillor Kindersley and seconded by Councillor Harford that planning permission be granted.

On being put to the vote it was resolved [6 votes in favour, 1 against and 0 abstentions] to grant planning permission subject to the conditions set out in Appendix A to these minutes.

Officers informed the Committee that the matter would now be referred to the Secretary of State for Housing, Communities and Local Government for a decision on whether they would exercise their right for a call-in, or whether the Council could issue its decision.

91. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWERS

The Committee considered a summary of decisions made under delegated powers.

It was resolved unanimously to note report.

Chairman

**RETROSPECTIVE APPLICATION FOR THE ERECTION OF DOUBLE STOREY
REPLACEMENT OFFICE BUILDING WITH EXTERNAL ACCESS STAIRCASE**

AT: BARRINGTON QUARRY, HASLINGFIELD ROAD, BARRINGTON, CB22 7RQ

APPLICANT: CEMEX UK OPERATIONS LTD

APPLICATION NO: S/0106/18/CW

To: **Planning Committee**

Date: **03 October 2019**

From: **Joint Interim Assistant Director, Environment and
Commercial**

Electoral division(s): **Gamlingay**

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

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

<i>Officer contact:</i>	
Name:	Rachel Jones
Post:	Development Management Officer
Email:	Rachels.jones@cambridgeshire.gov.uk
Tel:	01223 706774

1.0 INTRODUCTION/BACKGROUND

- 1.1 In August 2011 planning permission reference S/01080/10/CW (the 2011 permission) was granted by Cambridgeshire County Council (CCC) for the importation by rail of inert and non-hazardous restoration material to partially infill an existing void at Barrington Quarry to provide for the restoration of the western part of the former Barrington Quarry to a combination of agriculture and nature conservation. The permission also allowed the refurbishment of the Barrington Light Railway (BLR). The development was to be completed within 5 years and the planning permission expired on 31 December 2018.
- 1.2 In October 2018 CCC resolved to grant planning permission reference S/0204/16/CW for the importation by rail and deposit of inert waste to restore the former quarry (the 2019 permission). The decision notice was issued on 27 June 2019 following the amendment of the application area to allow condition to apply to the whole of the BLR. The 2019 permission includes most of the 43 hectare area that was included in the 2011 permission but omits the water body known as North Pit and the land around it which amounts to about 7.7 hectares.
- 1.3 In October 2016 South Cambridgeshire District Council (SCDC) granted outline planning permission reference S/2365/14/OL for the demolition of the cement plant and buildings at Barrington Quarry and the redevelopment of the cement works site to provide up to 220 residential units and associated works including a cycle and pedestrian link alongside the BLR to Foxton Station. The permission relates to the construction of residential development on both sides of the railway line within the former cement works area. An Application for the approval of reserved matters was submitted to SCDC on 10 September 2018 under reference S/3485/18/RM. An appeal has been made to the Planning Inspectorate against non-determination of this application and an informal hearing is due to take place on 26 November 2019. In addition a duplicate application reference S/1427/19/RM was submitted to SCDC on 10 April 2019 and is currently under consideration.
- 1.4 In February 2019 planning permission reference S/0107/18/CW was granted by CCC to permit the development of land without complying with condition 2 of planning permission S/01080/10/CW granted in August 2011 (see paragraph 1.1 above) to allow restoration of land bordering North Pit to continue for a further 12 months until 31 December 2019.

2.0 THE SITE AND SURROUNDINGS

- 2.1 The village of Barrington is 10 kilometres (6.21 miles) southwest of Cambridge between the A603 and the A10. The eastern edge of the village forms part of the outer boundary of the Cambridge Green Belt. The village is within the East Anglian Chalk Countryside Character

Area. The quarry is located to the north of the village. The quarry site is large with the area that was covered by the planning permissions for mineral extraction being 135 hectares (334 acres). The former cement works is situated at the south east of the site but the northernmost quarry faces are closer to the villages of Harlton and Haslingfield than Barrington. The cement works and quarry void are surrounded by agricultural land. There are public footpaths along the northern and western perimeters of the quarry.

- 2.2 Access to the site is from the C class Haslingfield Road. The village of Barrington is served by C class roads from the A603 at Orwell and the A10 at Shepreth and Foxton. The quarry and cement works have been served by the BLR, which has linked the site to the main line at Foxton since 1927. For part of its 2 kilometre (1.24 mile) length the BLR is bordered by the houses on Bendyshe Way, Heslerton Way and Glebe Road. There are level crossings at Haslingfield Road, Glebe Road and Foxton Road and a viaduct carries the railway over the river Rhee which is the boundary between the parishes of Barrington and Foxton.
- 2.3 The closest existing residential properties to the proposed office compound area are located at Wilsmere Down Farm approximately 250 metres (approximately 273 yards) to the west. The houses on Haslingfield Road north of the church are approximately 850 metres (approximately 930 yards) from the southernmost elevation of the proposed office building.
- 2.4 The northern part of the quarry and adjacent land to the west and east is designated as the Barrington Chalk SSSI. At its closest it lies directly adjacent to the northern side of the boundary of the existing leachate area in which the office building is to be located. The northernmost part of the Barrington Conservation Area is around the church and Barrington hall some 850 metres (930 yards) from the proposed restoration area. There are 8 listed buildings in this part of the conservation area including Barrington Hall, the church and the war memorial. The closest scheduled monuments are in Haslingfield, north of Harlton and between Foxton and Harston.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 Planning permission S/02365/14/OL was granted by South Cambridgeshire District Council on 27 October 2016 for the erection of 220 residential units on the part of the site which contained the disused cement plant and offices. An element of this development is the demolition of the former administration block for the cement works which had been repurposed as a site office for the restoration of the wider quarry.
- 3.2 Given the imminent proposed demolition of the current office facility the applicant erected a replacement facility on the site and is now seeking

retrospective planning permission for the siting of this replacement facility which comprises a two storey modular building located within the existing leachate management compound within the site. The unit comprises 2 modular buildings each 12.2 metres in length and 3 metres wide, which measure approximately 5 metres in height. The units are painted grey. The units are located within the existing leachate management compound and are not visible from anywhere outside of the quarry site.

4.0 PLANNING HISTORY

- 4.1 The principal historical permissions are set out below. There are many others for ancillary buildings etc.

1948	Winning and working of chalk marls and clay	
SC/50/104	The working of minerals	
SC/57/36	Excavation of chalk marls for the purposes of cement manufacture	
SC/55/25	Erection of new kiln and chimney	
SC/57/174	Erection of 1756 foot replacement chimney	
SC/62/118	Extension of cement works	
S/0245/75	Disposal of domestic refuse and restoration to amenity use	Granted 27 November 1975 but not implemented
S/0696/87	Landfilling with controlled waste and restoration to agricultural use	Granted 02 December 1987 but not implemented
S/00445/92	New conditions on 1948 permission	Granted 17 September 1993
S/01240/97	New conditions on 1950 and 1957 permission	Granted 06 November 1997
S/01080/10/CW	Importation by rail of suitable restoration material over a period of 5 years to partially fill an existing quarry void to provide for the restoration of the western and north western areas and all associated works including railway refurbishment and the retention and continued use of existing weighbridge, office and workshop	Granted 05 August 2011.
S/2365/14/AOL	Demolition of all existing buildings and structures and redevelopment to provide up to	Outline permission granted by

	220 residential units, formal and informal open space including allotments, car parking for Barrington Primary School, new pedestrian and cycle links to Barrington Village and Foxton Station, and associated works.	SCDC on 27 October 2016. The reserved matters are currently being considered by SCDC.
S/0204/16/CW	Importation by rail and deposit of inert restoration material to restore former clay and chalk quarry.	Granted 27 June 2019

5.0 CONSULTATION RESPONSES (SUMMARISED) AND PUBLICITY:-

- 5.1 South Cambridgeshire District Council Planning Department has objected to the application. In the opinion of the District Council due to the nature of these structures they would recommend that these buildings are time limited to the end of the remediation works or 2 years whichever is sooner (temporary) and that no permanent permission is given. The adjacent site was [at the time of writing] currently the subject of a reserved matters application which was due to be determined in February 2019.
- 5.2 Barrington Parish Council – No objection.
- 5.3 Foxton Parish Council – No comments to make
- 5.4 Environment Agency – No response received. A chase up request for comments was sent on 27 February 2019 but no response was received.
- 5.5 Natural England – No objection based on the plans submitted, NE considers that the proposed development will not have significant adverse impacts on statutorily protected species or landscapes.
- 5.6 Bendyshe Residents Association – No comments received.

6.0 REPRESENTATIONS (SUMMARISED):-

- 6.1 No letters of representation have been received in respect of this application.

7.0 PLANNING POLICY

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance

with the development plan, unless material considerations indicate otherwise. The relevant development plan policies are set out in paragraphs 7.5 to 7.6 below.

7.2 The National Planning Policy Framework (NPPF) Feb 2019 sets out the Government's planning policies and how it expects them to be applied. It is a material consideration in planning decisions and at its heart is a presumption in favour of sustainable development (Paragraph 11). It states that for decision-taking this means:

- *Approving development proposals that accord with an up to date development plan without delay; or*
- *Where there are no relevant development plan policies, or the policies which are most relevant for determining the application area out of date, granting permission unless:*
 - i) *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii) *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.*

7.3 Paragraph 38 requires local planning authorities to approach decisions on proposed development in a positive and creative way and that they should work pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

7.4 Planning Practice Guidance (PPG) is also a material planning consideration.

7.5 Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011) (M&WCS)

CS2: Strategic Vision and Objectives for Sustainable Waste Management Development;

CS33: Protection of Landscape Character;

CS34: Protecting Surrounding Areas; and

CS41: Ancillary Development.

7.6 South Cambridgeshire Local Plan (adopted September 2018) (the SCLP)

NH/2: Protecting and Enhancing Landscape Character;

HQ/1: Design Principles; and

SC/10: Noise Pollution

Emerging planning policy

- 7.7 Cambridgeshire County Council and Peterborough City Council are in the process of reviewing their Joint Minerals and Waste Development Plan. The current Core Strategy Development Plan Document (DPD) was adopted in 2011 and the Site Specific Proposals DPD was adopted in 2012. These two plans are being reviewed and a single Joint Minerals and Waste Local Plan (MWLP) covering the two Authority areas is being produced. The consultation on the further draft Cambridgeshire and Peterborough Minerals and Waste Plan ran from 15 March to 09 May 2019. All comments received will be considered by the councils, and, where appropriate, incorporated into the Proposed Submission Local Plan, which is due to be published for consultation in November/December 2019. It is not expected that the process will be completed until late 2020.

8.0 PLANNING CONSIDERATIONS

Principle of Development

- 8.1 This is an established quarry which has an extensive history for cement production. The restoration of the site is ongoing and planning permission has recently been granted under reference S/0204/16/CW for the importation of inert restoration material to restore former clay and chalk quarry to complete this with an end date of 31 December 2035. In order to manage the importation of material by rail and the restoration works on the site it is imperative that the site operator has a suitably located site office. The approval of outline planning permission for the erection of 220 residential dwellings which encompasses the site of the existing site office has necessitated the provision of an alternative facility by the Operator. It is therefore considered that the principle of the development has been established for the siting and retention of this ancillary modular site office building within the existing leachate compound for the duration of the restoration works.

Effect on neighbouring SSSI

- 8.2 Natural England has no objection to the proposal and considers that the proposed development would have no significant adverse impact on statutorily protected species or landscapes. It is therefore considered that the erection of the proposed office building within the existing leachate compound will not damage or destroy the interest features for which the neighbouring Barrington Chalk Pit SSSI has been notified. It is considered that the proposed development will not adversely affect the SSSI and that the proposal would therefore comply with MWCS policies CS2 and CS34.

Visual Impact

- 8.3 The siting of the proposed office building is necessitated by the imminent demolition of the former cement plant offices as part of the site clearance works in advance of the erection of 220 residential units approved by SCDC under planning permission ref S/2365/14/OL for which a reserved matters application has now been submitted for consideration to SCDC. The two storey office building has been sited within the existing leachate compound which is not visible from any point outside of the site and surrounded by existing plant related to the existing site operations. It is considered that the proposed development is required as ancillary development that would comply with MWCS policies CS33 and CS41, and SCLP policy NH/2.
- 8.4 The proposal is for a modular building painted light grey (RAL9010). This is entirely in keeping with other existing plant, machinery and other structures already located in this part of the Cement plant site. The building cannot be seen from beyond the immediate application site and will have no adverse impact on the character or appearance of the local area and therefore its design and visual appearance is considered to comply with the requirements of MWCS policies CS2, CS33 and CS34 and SCLP policies NH/2 and HQ/1.

Noise Disturbance

- 8.5 The proposed office building would be utilised during the existing site operation hours. It is not considered that the siting of an administrative office block within the existing leachate compound would have any adverse impact on the occupants of Wilsmere Down Farm in terms of noise disturbance. Planning permission reference S/0204/16/CW which was granted consent on 27 June 2019 specifies the permitted hours of operation for the unloading of trains, transport of waste to the receptor areas, land levelling, soiling and initial cultivation as being between 0600 and 2200 Monday to Friday and between 0600 and 1300 on Saturdays with no working on Sundays or public or bank holidays. The applicant has requested that the same working hours be conditioned for the use of site office associated with those works and an appropriate hours of operation condition reflecting the existing consented hours is proposed (see draft condition 3). It is considered that due to the siting of the offices within the site, well screened from any neighbouring developments that no loss of amenity will result for any neighbouring occupiers as a result of the proposed hours of use. The proposed siting of the offices in this location would therefore comply with MWCS policy CS34 in this respect.

Duration of Development

- 8.6 It is acknowledged that the applicant has erected this new modular 2 storey building to serve as the site offices for the duration of the importation and deposit of inert restoration material to restore the

former clay and chalk quarry for which planning permission has been granted under reference S/0204/16/CW on 27 June 2019. The end date on this permission is conditioned to 31 December 2035. South Cambridgeshire District Council has objected to this application on the basis that as the proposed building is of a modular construction and considered temporary, that therefore temporary planning consent should be granted for a period of 2 years and that an application to retain the building for a further period should be submitted on the expiration of each consent for such time as is necessary.

- 8.7 Whilst it is acknowledged that the proposed office building is of modular form, the building itself is new, and has an anticipated useful life well in excess of 16 years. The building is not visible from outside of the leachate compound area and has been painted to match the existing plant and machinery located in this part of the site. It is not therefore considered that the appearance of this building, if retained on site in its current form until the expiration of planning permission S/0204/16/CW on 31 December 2035 to provide the necessary office accommodation for the implementation of the approved restoration works, will detract from the character or appearance of the site.
- 8.8 The office building is not therefore visible from any part of the neighbouring Conservation Area and is not therefore considered to have any impact on the character of the Conservation Area, nor is the office building due to its location considered to have any impact on the setting or appearance of any of the nearby grade II listed buildings. Both section 66 and section 77 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 193 of the NPPF have been considered in this respect and subsequently discounted due to the siting of the building, the distance from the Conservation Area and the listed buildings in question and due to the fact to the building is screened by existing features and buildings on the site.
- 8.9 SCDC planning officers were asked to provide further detail on why a temporary timescale to match the restoration of the site was inappropriate in their view, but no evidence was provided. Guidance and case law was also sought to establish if a temporary permission would need to be for a shorter time period. However, no case law was found to exclude the Council looking to tie the life of this structure to the restoration timescale for the site under planning permission S/0204/16/CW. In particular it is noted that section 70(1) of the Town and Country Planning Act 1990 provides that *'where an application made to a local planning authority for planning permission..... they may grant planning permission, either unconditionally or subject to such conditions as they think fit ...'* This section of the Act is supplemented by section 72(1)(b) which provides: *'Without prejudice to the generality of section 70(1), conditions may be imposed on the grant of planning permission under that section for requiring the removal of any building or works authorised by the permission, or the discontinuance of any use of the land so authorised, at the end of a specified period, and the*

carrying out of any works required for the reinstatement of land at the end of that period.'

- 8.10 It is recognised that whilst these provisions are widely drafted, the power to impose conditions is not limitless, and that the conditions must still meet the tests set out in the NPPF paragraph 55, being that they must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. In this instance, it is considered that the retention of a site office for the duration of the ongoing restoration works to Barrington Quarry which is time limited to the completion of those restoration works, at which time it would be removed from the site and the site office area restored meets all of the requirements of these tests.
- 8.11 It is therefore considered that should members be minded to grant consent for this development conditions should be added including requiring the removal of the office building and the restoration of the site no later than 31 December 2035 or at such time as the importation and deposit of inert restoration material to restore the former clay and chalk quarry is completed, whichever is the sooner, in compliance with the end date attached to planning permission S/0204/16/CW and for the submission of a restoration plan for the site office area to avoid the office building remaining on the site in perpetuity after the completion of the approved restoration works and to ensure that the site office area is fully restored.

9.0 CONCLUSION

- 9.1 For the reasons set out in this report it is considered that the siting of a two storey modular office building for the duration of the approved importation and deposit of inert restoration material to restore the former clay and chalk quarry to 31 December 2035 is considered acceptable and that subject to the recommended conditions, the proposal is compliant with national and local planning policy and guidance and should be supported.

10.0 RECOMMENDATION

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

Approved plans and documents

1. The retrospective development hereby permitted shall not proceed except in accordance with the details set out in the submitted application dated 06 November 2018 and the following approved plans

and documents (received 20 November 2018 unless otherwise stated), except as otherwise required by any of the following conditions set out in this planning permission:

- Drawing number 18_C041_BARR_001 – Site Location Plan
- Drawing number 18_C041_BARR_002 – Site Plan
- Drawing number 18_C041_BARR_003 – Site Cabins

Reason: To define the site and to protect the character and appearance of the locality in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).

Duration of permission

2. This permission shall be for a limited period only expiring on 31 December 2035 or on the completion to the satisfaction of the Waste Planning Authority of the importation and deposit of inert restoration material to restore the former clay and chalk quarry approved under planning permission reference S/0204/16/CW whichever is the sooner. On or before this date, the development carried out in pursuance of this permission shall be demolished/removed from the site and the land restored to its former condition in accordance with a scheme which shall have been previously submitted to and been approved in writing by the Local Planning Authority.

Reason: The use is not considered suitable as a permanent form of development and to protect the amenities of adjacent land users in accordance with policies CS2, CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011) and policy NH/2 of the South Cambridgeshire District Local Plan (2018).

Hours of operation

3. The site office building hereby approved shall not be occupied for use except between the hours of 0600 and 2200 hours Monday to Friday and between 0600 and 1300 on Saturdays. There shall be no Sunday or bank or public holiday working.

Reason: To protect the amenities of adjacent land users in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011) and policy SC/10 of the South Cambridgeshire Local Plan (2018).

Lighting

4. No additional external lighting shall be erected or installed unless full details have been submitted to and approved in writing by the Waste Planning Authority. The external lighting shall be erected or installed and maintained in accordance with the approved details.

Reason: *To protect the amenities of nearby residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

Compliance with paragraph 38 of the National Planning Policy Framework (February 2019)

The Waste Planning Authority has worked proactively with the applicant to ensure that the proposed development is acceptable in planning terms. All land use planning matters have been given full consideration relating to the retention of a two storey site office with external access staircase. Consultation took place with statutory consultees and other consultees, including local residents, which have been taken into account in the decision making process.

Source Documents	Location
<p>Link to the National Planning Policy Framework (July 2018) https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>Link to the Cambridgeshire and Peterborough Minerals and Waste Core Strategy: https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/adopted-minerals-and-waste-plan/</p> <p>Link to the South Cambridgeshire Local Plan 2018 https://www.scambs.gov.uk/media/12740/south-cambridgeshire-adopted-local-plan-270918_sml.pdf</p>	

Haslingfield

Proposed New Cabin Location

Barrington

North

Legend

-  Company Controlled Land
-  Application Area

Site Location Plan

18_C041_BARR_001

Shaun Denny_CAW

September 2018

1 : 10 000 @ A3

Ordnance Survey Reference - **TL 3950**

Survey Reference - **None**

0 200 400 600

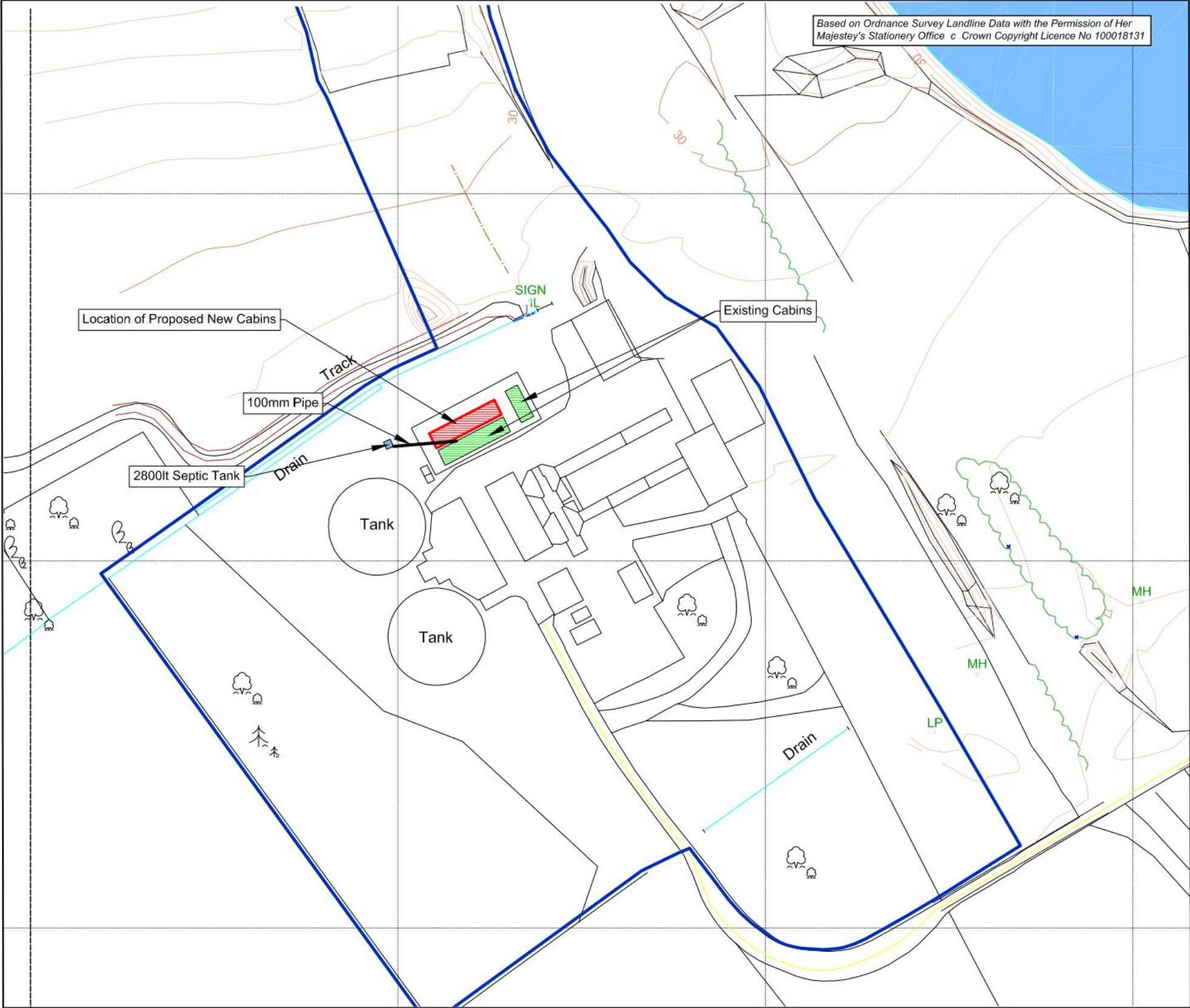


Department of National Reserves & Development
CEMEX UK Operations Limited
Wolverhampton Road, Oldbury,
Warley, West Midlands. B69 4RJ.

Location of Compound



Fenced Compound Area



Site Plan

18_C041_BARR_002

Shaun Denny_CAW

September 2018

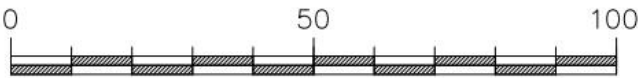
1 : 1 250 @ A3

Ordnance Survey Reference - TL 3950

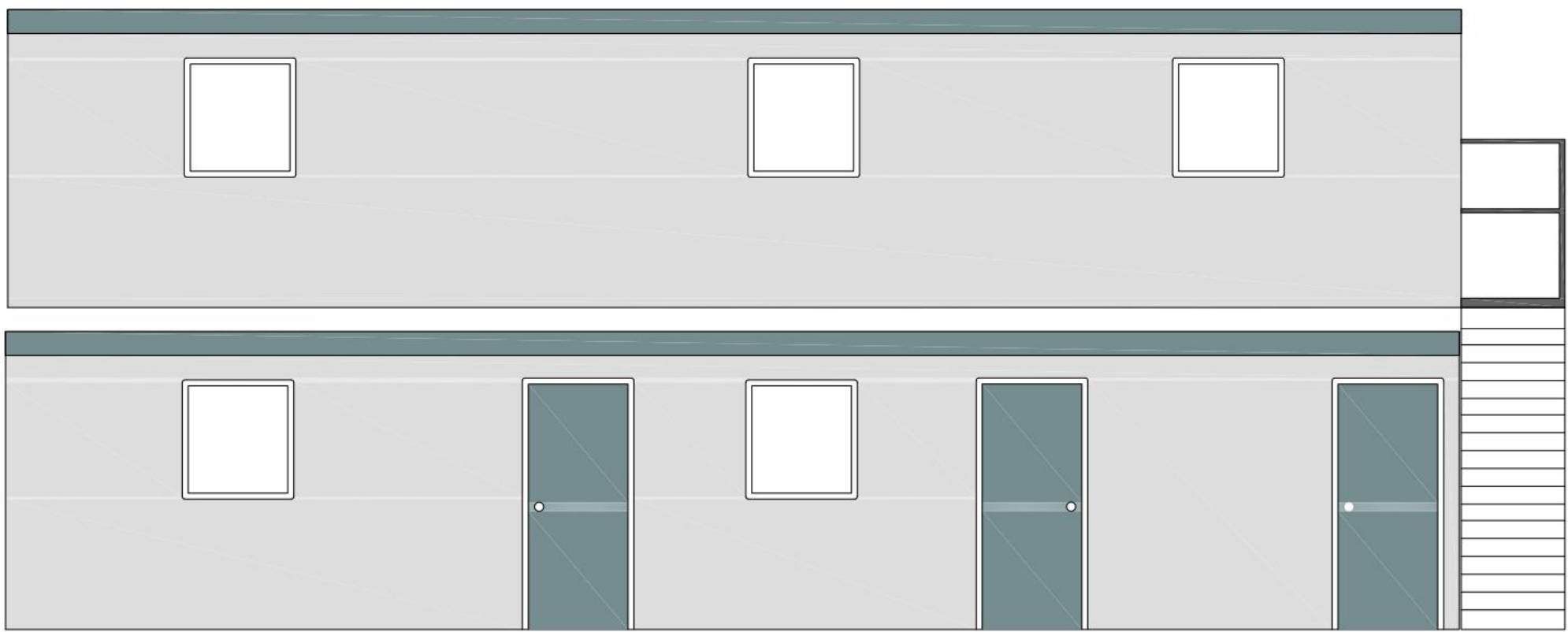
Survey Reference - None

Legend

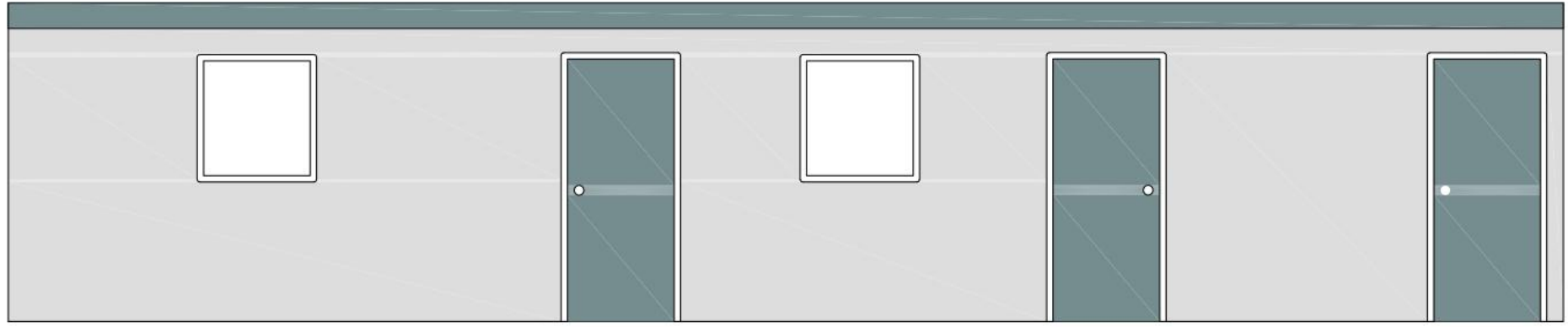
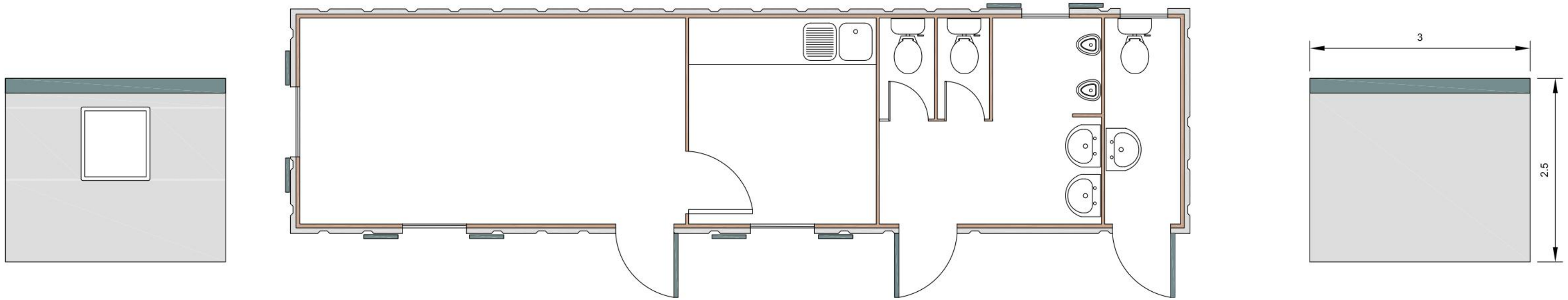
- Company Controlled Land
- Application Area



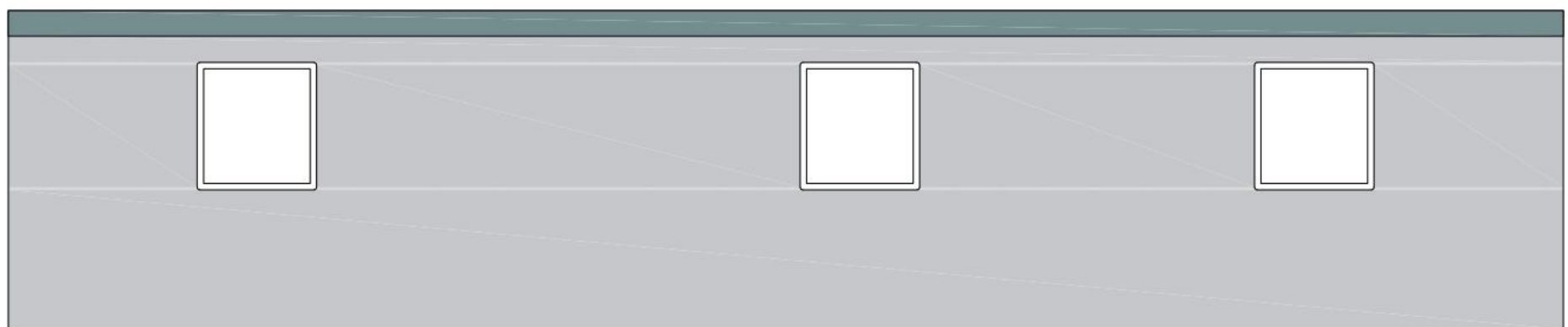
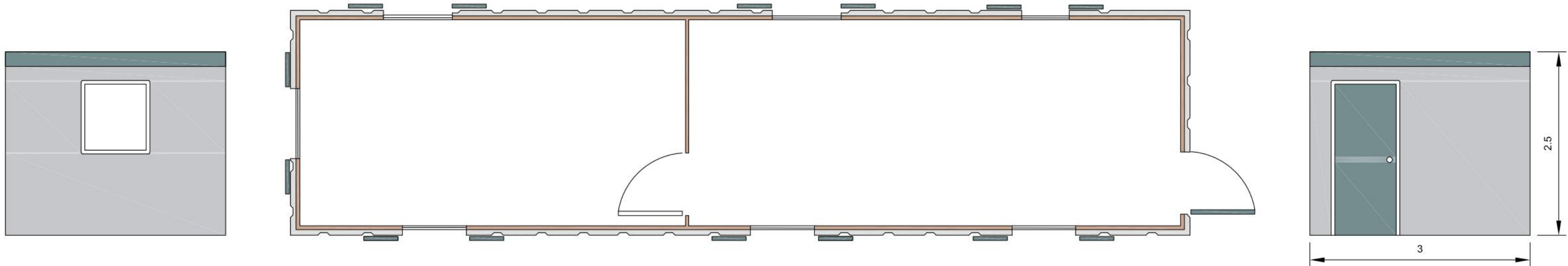
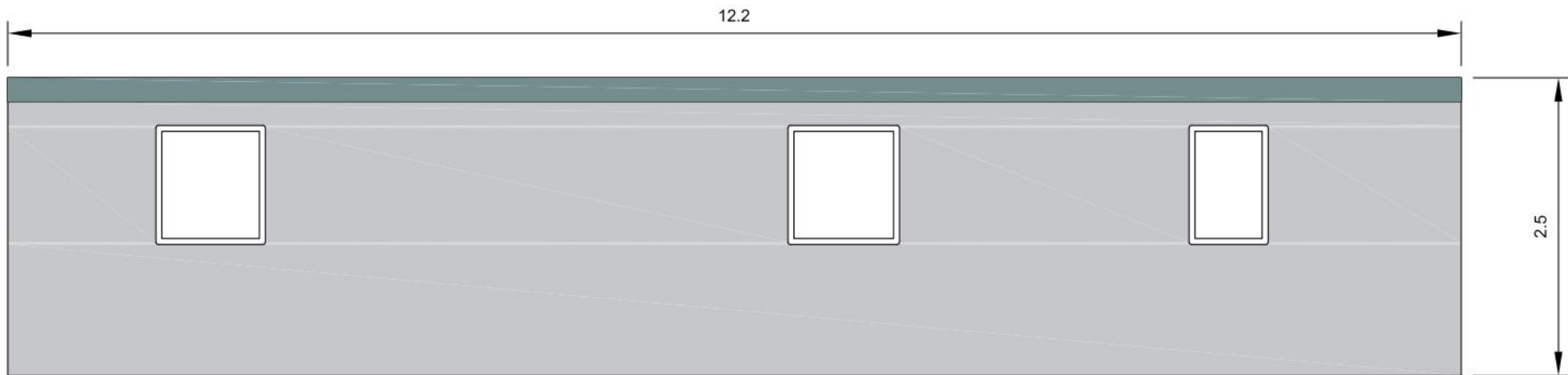
Department of National Reserves & Development
CEMEX UK Operations Limited
Wolverhampton Road, Oldbury,
Warley, West Midlands. B69 4RJ.



Double Storey Replacement Offices



Welfare Cabin (Lower Unit)



Double Office Cabin (Upper Unit)

Site Cabins

18_C041_BARR_003

Shaun Denny_CAW

October 2018

1 : 50 @ A1

Ordnance Survey Reference - ...

Survey Reference - None



Department of National Reserves &
Development
CEMEX UK Operations Limited
Wolverhampton Road, Oldbury,
Worley, West Midlands. B69 4RJ.

ENFORCEMENT UPDATE REPORT 2019

To: **Planning Committee**

Date: **3 October 2019**

From: **Joint Interim Assistant Director, Environment & Commercial**

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

Purpose: **To consider the following report**

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

Officer contact:

Name:	Deborah Jeakins / Sandra Bucci
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Email:	Deborah.jeakins@cambridgeshire.gov.uk / Sandra.Bucci@cambridgeshire.gov.uk
Tel:	01223 715544 / 01223 706758

1 INTRODUCTION

- 1.1 The purpose of this report is to brief the Planning Committee members on the planning enforcement and monitoring work undertaken by the County Planning, Minerals and Waste team within the Environment and Commercial service.
- 1.2 The Enforcement update report is usually prepared and presented to members of this Committee on a quarterly basis. However, the last full report was presented in May 2019, which was outside of the normal quarterly reporting schedule owing to there being no agenda items for the March and April meetings. The next update report would have been due for presentation in July but was deferred until this meeting with the agreement of the Chair. Therefore, this report covers the work of the team between 1 May and 31 August 2019 and to return to the quarterly reporting schedule, the next report would be due for presentation in December.
- 1.3 The Enforcement and Monitoring team consists of the Principal Enforcement and Monitoring Officer, a Monitoring and Control Officer and a Senior Compliance Officer whose time is shared with the Flood Risk and Biodiversity team.
- 1.4 Paragraphs 2 to 5 of the report summarise the current complaints under investigation; number of formal Notices served; Enforcement Appeals; and Ombudsman complaints received.
- 1.5 Paragraph 6 of this report details: the site monitoring visits undertaken between 1 May 2019 and 31 August 2019, including those that are chargeable, those that are non chargeable and those that were undertaken to investigate complaints.
- 1.6 Paragraphs 7 to 12 of the report provide updates on a number of key ongoing Enforcement Investigations.

2 COMPLAINTS RECEIVED

- 2.1 This section of the report would normally cover the number of complaints received by the team within the four month reporting period of May to August 2019. However, in July the County Planning and Enforcement teams implemented a new planning database and associated complaint recording system and the transfer of data between the two systems meant that there was a six week period when officers were working between the old and new systems. Therefore, it is not possible to provide accurate figures for the number of complaints received in the period until the issues with the transfer of data have been resolved.
- 2.2 The Enforcement and Monitoring team have 16 active complaints under investigation.

3 NOTICES SERVED

- 3.1 No new Enforcement Notices (EN), Breach of Condition Notices (BCNs) or Planning Contravention Notices (PCN) have been served in this period.

4 APPEALS

- 4.1 No enforcement appeals have been dealt with between 1 May 2019 and 31 August 2019.

5 OMBUDSMAN COMPLAINTS

- 5.1 No Local Government Ombudsman complaints were received during the period 1 May 2019 and 31 August 2019.

6 SITE MONITORING VISITS 1 MAY – 31 AUGUST 2019

- 6.1 The Authority carries out proactive monitoring visits to check compliance with the conditions set out in the grant of planning permissions for quarries and landfill sites. The Authority levies fees for these visits, which are set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended). The national fees for conducting the visits are currently:

- Active sites £397
- Inactive or dormant sites £132

- 6.2 The amount of chargeable monitoring visits scheduled to be conducted within each financial year is agreed in advance and all operators are notified of the proposed number of visits.
- 6.3 Other sites that are the subject of waste planning approvals, such as waste transfer stations, waste recycling sites and scrap yards are also visited by officers in order to assess compliance with the conditions set out in the grant of planning permission. However, the cost of these visits is borne by the Authority.
- 6.4 A summary of the number and type of chargeable monitoring visits, non-chargeable monitoring visits and complaint site visits carried out during the monitoring period is set out in Table 2 below.

Table 2 – Site visits by type 1 May to 31 August 2019

Site Type	Visits
Landfill	11
Quarries	21
Non chargeable sites	6
Complaint site visits	6
Total	44

- 6.5 Chargeable site visits have priority as they generate a small but significant income stream for the Council.
- 6.6 The total income generated by the scheduled chargeable monitoring visits in the 2019 to 2020 financial year is £27,122.00. However, this is dependent on a number

of mineral planning permissions that have been approved being implemented within the period.

7 ENFORCEMENT CASES

- 7.1 There are currently 2 active enforcement cases where formal enforcement action has been taken and monitoring is on-going. A summary of each case is set out in Appendix 1.
- 7.2 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.

8 MILL ROAD, FEN DRAYTON

- 8.1 On 21 November 2018 a Planning Contravention Notice was served on the owner of the above land in respect of unauthorised waste storage and processing land planning uses at the site. The Council had refused to grant two previous applications for a Certificate of Lawful Development for use of the land for the processing of inert waste. Although an appeal had been lodged with the Planning Inspectorate (PINS) in relation to the refusal of the second Certificate application it was withdrawn by the appellant before the planned Public Inquiry could go ahead.
- 8.2 On 11 December 2018 a new Certificate application was submitted for storage of inert building site waste and occasional processing incidental thereto. Noting that the agent for the applicant had already been advised that the Council was not aware of any material change(s) in circumstances that might be likely to lead to the grant of a Certificate, the Certificate application was refused on 18 April 2019.
- 8.3 Following a visit to the site to assess the current land planning uses in May 2019, officers drafted a report seeking authorisation for the service of an enforcement notice (Notice) for material change of use. However, further research on the planning history of the site is required from South Cambridgeshire District Council before the report can be finalised and this has delayed the intended action. Once the Notice is served, it is likely that an appeal will be submitted to PINS and the landowner may wish to submit an appeal against the refusal of the Certificate at the same time to allow the appeals to be determined at the same time.

9 FIELD 6184 / BLACK BANK, LITTLE DOWNHAM

- 9.1 An Enforcement Notice was served in relation to the unauthorised importation of waste on to land at First Drove in 2012, as detailed in Appendix 1 below. Although the Notice was not fully complied with, legal advice was that without evidence of the original land levels, a prosecution for failure to comply with the Notice was not likely to be successful. The land owner ceased the importation of waste on to that piece of land. However, in 2015 concerns were raised that the importation of waste had now transferred onto land at Black Bank, Little Downham which is within the same agricultural unit and ownership as First Drove.

- 9.2 The Council sought advice from Counsel on how to address the ongoing unauthorised importation of waste on to the agricultural unit and then submitted an application to the High Court for a prohibitory injunction which would make it a criminal offence to import any further waste material onto any part of the agricultural unit. However, at the hearing that took place at the Royal Courts of Justice in July 2018, the landowners and tenant farmer agreed to a High Court Order so that the Judge did not have to rule on the injunction.
- 9.3 The terms of the Order are that the defendants must not import any waste onto the land or undertake any engineering operations (such as the creation of bunds) without fresh planning permission or the written consent of the County Council. The landowner must notify the Council if they wish to import waste or undertake engineering operations on the land and detail the anticipated volume of waste required. Once notified, the Council has six weeks to agree or object to the proposed importation and if the Council fails to respond then the works can take place without being in breach of the Order. However, if the Council refuses consent and the landowner wants to dispute this then he will need to apply to the County Court for them to rule on whether the waste is legitimately required for permitted development works on the land. A confirmed breach of the order could result in contempt of court proceedings.
- 9.4 On 19 September 2019, officers were made aware that the landowner has submitted a prior notification with East Cambridgeshire District Council (ECDC) of his intention to erect an agricultural building on the same piece of land at First Drove to which the extant enforcement notice relates. Although there are no current reports of waste being brought onto this land, officers have contacted ECDC for more information and arranged to meet with Senior Management to review the situation and discuss possible actions.

10 BLOCK FEN

- 10.1 The upgrading of Block Fen Drove to make it suitable to accommodate all the mineral and waste traffic associated with sites in the area has been an ongoing issue for a number of years. Appendix 1 details formal enforcement action that had been taken previously to try to resolve this issue.
- 10.2 A formal Section 278 (S278) agreement from the Highway Authority was required for the works to improve the highway and the application for the agreement needed to be accompanied by 50% of the application fee. In September 2016 the sharing of the costs for the scheme was agreed and all the operators sent in their share of the formal S278 agreement application fee.
- 10.3 In May 2018 planning permission reference F/2000/17/CW was approved for the continuation of landfill and a number of other waste uses at the Witcham Meadlands quarry within Block Fen, operated by Mick George Limited. The S278 designs for the improvements were at an advanced stage and, as a consequence, a pre commencement condition was imposed on the permission relating to the Highway improvements. The condition requires that no development shall take place until the improvements have been made to Block Fen Drove. The new permission was implemented without compliance with the pre commencement condition because of delays with the finalisation of the S278 agreement.

- 10.4 On 17 September 2019 the operator advised that the S278 agreement is due to be completed shortly and once signed an application will be made to book road space and works will proceed as soon as that is authorised (which is expected to be 6-8 weeks after signing).

11 SAXON PIT, PETERBOROUGH ROAD, WHITTLESEY

- 11.1 In January 2018 the Environment Agency (EA) received a number of odour complaints associated with inadequate waste acceptance procedures taking place at Saxon Pit as part of filling the excavation void which is covered by a County Council waste planning permission. Investigations undertaken by the EA revealed a large scale problem regarding the acceptance and depositing of nonconforming waste material covering a large area down to an approximate depth of 2 metres.
- 11.2 All work on site has stopped whilst the operator designs and submits a remediation strategy which the EA approves. As a result, the stabilisation project was not completed by November 2018 as originally intended and the previous planning permission expired. A S73A planning application has been submitted to extend permission for the importation of waste to buttress the southern face of the former quarry but it only seeks to continue using the existing approved waste types and not the proposed new material which is being considered by the EA.
- 11.3 The EA served an Enforcement Notice requiring the removal of the non conforming waste from phase 1 of the development but withdrew it in order to gather more evidence on the medium and long term stability of the pit face. The EA has also confirmed that the deposit of non conforming waste has taken place across a further five phases of the development and there are compaction and stability issues within these areas.
- 11.4 The Council are aware that the operator has imported some waste soils onto the site whilst no planning permissions are in force and may need to serve a planning contravention notice to gather evidence of that breach. Officers are also mindful that if the current County Waste planning application is approved, the operator will continue to bring waste material onto the site for use in the stabilisation and restoration, but the extent of the non conforming waste is such that it has not stabilised the pit face, and therefore it is likely that it will need to be removed.
- 11.5 Officers from County Planning will continue to work closely with the EA to ensure that enforcement officers are aware of the current situation and whether this would affect the determination of the S73A planning application or subsequent enforcement investigations. In addition, the EA and CCC officers are concerned about the stability of the pit and water ingress from Kings Dyke which has the potential to affect a Network Rail train line which passes along the boundary to the site.

12 EAST ANGLIAN RESOURCES (EARL) WOOD WASTE, WHITTLESEY

- 12.1 In December 2018 planning approval was granted for the continued use of the EARL wood waste yard at Whittlesey, subject to conditions. The planning condition requiring a permanent secure division between the wood waste yard and the adjoining land which EARL refer to as a separate 'haulage yard' has not yet been

discharged. The condition was imposed to address allegations that HGVs were moving between the adjacent haulage yard and the EARL site and leaving the wood waste site overnight, contrary to a condition on a previous planning permission which applied to the site.

- 12.2 Although no suitable barrier scheme has been agreed yet, officers consider that a scheme which has recently been submitted to comply with the planning condition only needs minor revisions to make it acceptable.
- 12.3 Once a barrier design has been approved and implemented, officers will undertake out of hours monitoring of the site to investigate ongoing allegations of overnight HGV movements.

APPENDIX 1 – ENFORCEMENT CASES WHERE NOTICES HAVE BEEN SERVED AND MONITORING IS ONGOING

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

Description of Alleged Breach	Location	Notice Issued	Comments
<p>1. GREEN Failure to comply with condition 6 of planning permission F/02017/08/CM and E/03008/08/CM.</p> <p><u>Condition 6</u> 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 Council 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>	Mepal Quarry Block Fen Drove Mepal	BCN 06/01/14	<p>A BCN was served on the site operator for failing to implement the approved scheme to improve the public highway</p> <p>See section 10 on Block Fen in the main body of the report for a further update.</p>
<p>3. GREEN Without planning permission, the change of use of the land from agricultural land to a mixed use comprising of agricultural and the importation and disposal of waste material and raising the level of part of the land by the depositing of waste materials.</p>	First Drove Little Downham Ely	EN 17/01/12	<p>An EN for unauthorised change of use was served in 2012 and upheld but varied at appeal. The amended notice required the removal all the waste from land to the level of the adjoining field. Topographical surveys of the land confirmed that the EN had not been fully complied with. Counsel advice received in 2017 in respect of the larger agricultural unit led to the High Court action detailed in section 9 above.</p>

Summary of Decisions Made Under Delegated Powers

To: **Planning Committee**

Date: **3 October 2019**

From: **Joint Interim Assistant Director, Environment & Commercial**

Electoral division(s): **All**

Purpose: **To consider the above**

Recommendation: **The committee is invited to note the report**

<i>Officer contact:</i>	
Name:	Deborah Jeakins
Post:	Principal Enforcement & Monitoring Officer
E-mail:	Deborah.jeakins@cambridgeshire.gov.uk
Tel:	01223 715544

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 Scheme of Delegation set out in Part 3D of the Council's Constitution describes the extent and nature of the authority delegated to the Executive Director: Place and Economy to undertake functions on behalf of Cambridgeshire County Council. The delegations are made either by the Full Council or one of its committees. The Executive Director, considered it necessary and expedient, to authorise the Head of Strategic Planning (now the Joint Interim Assistant Director Environment & Commercial) to undertake functions on his behalf. These authorisations are included within a written schedule of authorisation published on the Council's website which is available at the following link for Place and Economy:
<https://www.cambridgeshire.gov.uk/council/council-structure/council-s-constitution/>.

2.0 SUMMARY OF DECISIONS

- 2.1 Seven applications have been granted planning permission under delegated powers during the period between 01/07/19 and 23/09/19 as set out below:

1. S/0065/19/CM – Visitor car park and access road improvements.

Location – Land at Needingworth Quarry, off B1050 Shelford Road, Willingham

Decision granted 03/07/19

For further information please contact Helen Wass 01223 715522

2. S/0069/19/CC - Section 73A planning application for the retention of one 7 bay mobile classroom (8.4m x 21m) and access ramp for a temporary period until 31 August 2020 (previously permitted as part of application reference S/00006/15/CC).

Location - Histon and Impington Junior School, The Green, Histon, CB24 9JA

Decision granted 23/07/19

For further information please contact Kirsty Carmichael 01223 703216

3. H/5022/18/CW – Section 73 planning application to develop land without complying with condition 2 of planning permission H/5012/15/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 allow a further 12 months until 31 December 2019 to complete restoration.

Location - Warboys Landfill Site, Puddock Hill, WARBOYS, PE28 2TX

Decision granted 05/08/19

For further information please contact Helen Wass 01223 715522

- 4. H/5017/18/CC** – Section 73A Planning Application to develop land to create a 3FE (630 pupil) Infant and Junior School including extensions (following partial demolition of infant school), a new two storey block with covered walkways, a 60 place pre-school building, and associated works including the relocation of play area extensions to hard play areas, relocation of trim trail, provision of additional cycle and scooter parking spaces and alterations to access and removal of drop off to form a single access, with reconfiguration of car park without compliance with Conditions 6 (Landscaping Scheme), 9 (Surface Water Maintenance), 13 (Parking and Manoeuvring Provision), 18 (Travel Plans and additional Cycle and Scooter Parking) and 23 (BREEAM) of Planning Permission H/5010/16/CC.

Location - Sawtry Junior And Infant School, Middlefield Road, Sawtry, PE28 5SH

Decision granted 13/08/19

For further information please contact Jack Millar 01223 703851

- 5. F/2003/19/CC** – Redevelopment of the existing school comprising; demolition of an existing classroom block, internal reconfiguration and refurbishment work and part two storey and part single storey extension to the existing secondary school to comprise: Phase 1; pre-school facility for 52 children aged 0-4, 1 form entry (210) pupil primary school classrooms and facilities for pupils aged 4-11, 1 form entry (150) pupil secondary school classrooms and facilities for pupils aged 11-18 and associated external works comprising landscaping, sports pitches, improved access, car, cycle and scooter parking, landscaping and ancillary works. Phase 2; single storey extension to Phase 1 primary school to provide additional capacity for a further 1 form of entry (210) pupil classrooms and facilities with associated landscaping, with change of use of existing agricultural land to new sports pitches and ancillary works, creating a 2 form entry 420 pupil primary school

Location – Cromwell Community College Wenny Road, Chatteris, PE16 6UU

Decision granted 05/09/19

For further information please contact Kirsty Carmichael 01223 703216

- 6. H/5005/19/CC** - Erection of two-storey Cambridgeshire County Council Civic Hub (4,219sq.m GEA), comprising office space with an ancillary multi-function meeting area (to include Full Council Member Meetings), support space, a staff break-out area, with provision of vehicular and cycle parking, and associated landscaping to site.

Location - Cambridgeshire County Council Civic Hub, Ermine Street, Alconbury Weald, PE28 4WX

Decision granted 12/09/19

For further information please contact Jonny Rankin 01223 507174

- 7. C/5001/19/CC** - Erection of extension to form new staff room and alterations to early year's outdoor area to include new surfacing and rain canopy.

Location - Castle School, Courtney Way, Cambridge, CB4 2EE

Decision granted 13/09/19

For further information please contact Tracy Ranger 01223 699852

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