

22/00158/FUM

FP McCann Ltd
Wisbech Road
Littleport
Ely
Cambridgeshire
CB6 1RA

Retention and expansion of casting beds and construction of production building (Use Class B2 General Industrial)

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R73ICGGGL2500>





22/00158/FUM

FP McCann Ltd
Wisbech Road
Littleport



East Cambridgeshire
District Council

Date: 23/09/2022
Scale: 1:3,500



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MAIN CASE

Reference No: 22/00158/FUM

Proposal: Retention and expansion of casting beds and construction of production building (Use Class B2 General Industrial)

Site Address: FP McCann Ltd Wisbech Road Littleport Ely Cambridgeshire CB6 1RA

Applicant: FP McCann Ltd

Case Officer: Richard Fitzjohn Planning Contractor

Parish: Littleport

Ward: Littleport
Ward Councillor/s: Christine Ambrose-Smith
David Ambrose-Smith
Jo Webber

Date Received: 10 February 2022 **Expiry Date:** 12 May 2022
Report Number X77

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application, subject to the recommended conditions below:

- 1 Approved Plans
- 2 Construction Traffic Management Plan
- 3 Surface water drainage
- 4 Specified materials
- 5 Plasma cutter only
- 6 Hours of operation
- 7 Construction times
- 8 No lights
- 9 BREEAM
- 10 Biodiversity improvements
- 11 Class B2 Use restriction

1.2 The conditions can be read in full on the attached APPENDIX 1.

2.0 SUMMARY OF APPLICATION

2.1 This application seeks planning permission, part-retrospectively, for the retention and expansion of concrete casting beds and the construction of a production building comprising a Class B2 (General Industrial) use. The concrete casting beds are used to for the production of concrete beams of varying sizes, generally for the purposes of being sold by the applicant to the businesses within the construction sector.

2.2 At the time of the application being submitted, two casting beds had already been constructed within the application site. The application sought permission for the retention of those two casting beds and expansion to create four additional casting beds, totalling six casting beds. The additional four casting beds have since been constructed and therefore all six of the proposed casting beds have already been constructed on the site. The casting beds are already being used by the applicant for the manufacturing of concrete beams, which comprises a Class B2 use. Therefore, the casting beds and B2 use are the elements of the application which are seeking planning permission retrospectively. Each individual casting bed measures approximately 1.67 metres (5.48 feet) in width and 75 metres (246.06 feet) in length. At present, the daily process relating to the casting beds begins at 7am and involves:

- Pre-cast concrete beams of varying lengths being lifted up from the casting beds by forklift.
- Cutting of steel wires which run through the concrete by circular saw, which catches on the edge of the concrete beams.
- Concrete beams being moved to storage areas by forklift.
- Cleaning out of the casting beds using hand tools.
- Laying of steel wires down the length of the casting bed which are then tensioned.
- Pouring of concrete into casting beds, divided into varying lengths by rubber spacers, and left to set overnight so that the above process can be repeated.

It should be noted that the applicant states the proposal would facilitate the use of a plasma cutter to cut through the steel wires, rather than the existing circular saw. The above process would otherwise remain the same.

2.3 The application also seeks planning permission for a production building, which would cover and enclose the casting beds. The proposed production building has not been erected. The proposed production building would have a footprint measuring approximately 90.4 metres (296.59 feet) x 27.5 metres (90.22 feet) and a height of 11 metres (36.1 feet) at the ridge and 8 metres (26.25 feet) at the eaves. The lower sections of the external walls would be finished with precast concrete panels to a height of 2.3 metres (7.55 feet). The upper sections of the external walls, and the roof, would be finished in grey box profile steel cladding. The application states that the proposed building is required to facilitate use of the plasma cutter as it cannot be used in wet conditions.

2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

2.5 As required by the Council's Constitution, this planning application is to be determined by the Planning Committee as it is a full planning application for a major employment use.

3.0 PLANNING HISTORY

3.1

95/00711/FUL	Change of Use from Agricultural storage Building to General Storage and light industrial.	Approved	15.04.1996
99/00641/FUL	Erection of detached workshop building	Approved	11.10.2002
99/00943/FUL	Gantry crane run and covered precasting area	Approved	22.12.1999
13/01060/FUM	Change of use from agriculture to open storage yard/hardstanding in connection with adjoining concrete products manufacturing premises (Class B2)	Approved	03.03.2014
14/01320/FUM	Change of use from agriculture to open storage yard and construction of a hard standing in connection with adjoining concrete products manufacturing premises, including the culverting of a drainage ditch with the installation of concrete pipes and headwall structures. (PART RETROSPECTIVE)	Approved	01.04.2015
16/01121/FUM	Change of Use of agricultural land to industrial (class B2) use and erection of a concrete manufacturing facility, with associated engineering and accommodation works and extension to an existing building and travelling crane rails.	Appeal allowed	02.02.2017

21/01338/FUL Amendments to approved Approved 03.02.2022
steel fabrication workshop
extension, to include
retention of the extension to
the building

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is part of a wider commercial premises, operated by the applicant in connection with the existing concrete products manufacturing business. The commercial premises has different established uses for different parts of the premises. The existing established planning use of the application site is for open storage relating to the manufacturing of concrete products.

4.2 The application site is located outside of the established development framework for Littleport and forms part of a wider allocation site for B1/B2/B8 employment uses (allocated by Policy LIT 4 of the East Cambridgeshire Local Plan 2015). The application site is located within Flood Zones 2 and 3.

5.0 RESPONSES FROM CONSULTEES

5.1 Consultee responses are summarised below. The full responses are available on the Council's web site.

5.2 **Littleport Parish Council**

Defer decision to ECDC Planning Officer. Littleport Parish Council does not have the technical expertise to consider the application.

5.3 **Ward Councillors**

No comments received.

5.4 **Consultee For Other Wards In Parish**

No comments received.

5.5 **Environmental Health**

Environmental Health notes the neighbour response which discusses noise from the activity of cutting of pre-stressed wires with angle grinders. The neighbour response advises that "the noise impact results from cutting both concrete and the pre-stressing reinforcement". The neighbour response goes on to say that "Another method for cutting the concrete would therefore have to be used even if plasma devices are used for the wires". Environmental Health have witnessed the cutting of the pre-stressed wires but understands that the case officer has confirmed that the cutting of concrete currently does take place.

Section 5.2 of the applicant's noise assessment states that - "It is understood that alternative cutting methods [for the cables] may be used as a backup in the unlikely

event of a breakdown with the plasma cutter". Environmental Health are uncomfortable with this as it has not been modelled in the noise assessment and therefore recommends a condition which stipulates that only the equipment modelled in the noise assessment dated 8th April 2022 shall be used, in order to protect the residential amenity of neighbouring properties.

Acoustic Associates have provided a review of the applicant's noise assessment (dated April 2022). Section 3.5 in the Conclusions of the report states that "Taking all of the above into account, the conclusion of the Hoare Lea report is that there will be a "Low" impact from operations at the nearest residents and this is likely to be correct."

Section 4.1 outlines recommendations, namely -

"It is good practice for FP McCann management to keep roller shutter doors closed during operations. If this is not possible then the maximum number of doors should be kept closed as possible. If doors must be open then they should generally not open more than ingress requires e.g. 3 metres for a fork lift truck."

If a suitable condition can be worded to require closed shutter doors during operations, then requests that this is explored; however the noise assessment has demonstrated that acceptable levels can still be achieved with the doors open.

Environmental Health have nothing to add to the Acoustic Associates report.

5.6 **Lead Local Flood Authority (LLFA)**

The LLFA have looked at the drainage system approved by planning permission ref: 14/01320/FUM. The fall of land is generally to the east already, with the capture swale intercepting flows on the eastern boundary. The proposed levels retain this general fall to the east, directing flows to the capture swale. Whilst the building may intercept some of the flows, the surface water will still shed across the surface, finding the lowest point of the site, which is to the east and into the capture swale. As the capture swale extends across the whole eastern boundary, the flows would not bypass this system

The LLFA reviewed the following documents:

- Planning and Design and Access Statement, FP McCann, Dated: January 2022
- Enclosure of Existing Outdoor Beam Casting Facility, FP McCann, Ref: 2022/LIT/TB/PD-02 Rev 0, Dated: 31 January 2022

Based on these, the LLFA have no objection in principle to the proposed development. The above documents demonstrate that the proposals are for the proposed structure to be constructed on existing impermeable area and will not be changing the drained area to the existing infrastructure on site. Therefore, there does not appear to be any change or impact on the surface water drainage scheme already installed on the site.

The LLFA request a condition is appended to any grant of planning permission requiring the surface water drainage scheme to be constructed in full accordance

with drawing no. 2022/LIT/TB/PD-02 Rev 0, dated 31 January 2022, in order to prevent an increased risk of flooding and protect water quality.

Also request an informative is appended to any grant of planning permission in respect of surface water and ground water pollution control.

5.7 **Design Out Crime Officers**

No comment or objection at this time.

5.8 **Cambridgeshire Fire And Rescue Service**

Request a Section 106 Agreement or a planning condition is appended to any grant of planning permission requiring adequate provision of fire hydrants.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required.

5.9 **Local Highways Authority**

The site has an existing access onto Wisbech Road but this access is not to current standards. However, the proposed enclosure is unlikely to result in a material intensification of use or otherwise have any material impact upon the public highway. Therefore, does not object to this application. State that any intensification of use of the site will be negligible in the context of the current usage.

The main impacts of the works will be during construction and therefore recommends that the applicant be asked to provide a Construction Traffic Management Plan which, amongst other measures, will manage the timings of construction vehicles/deliveries to minimise any impacts upon Wisbech Road.

5.10 **Natural England**

Has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England recommends that the Local Planning Authority refers to Natural England's Standing Advice in order to assess impacts on protected species, or that it seeks advice from other specialist ecology or environmental advisers.

Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which the Local Planning Authority can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the Local Planning Authority to determine whether or not this application is consistent with national and local policies on the natural environment.

Recommends referring to Natural England's Site of Special Scientific Interest Impact Risk Zones prior to consultation with Natural England.

5.11 **Environment Agency**

No objections to the proposed development.

With regard to the second part of the Exception Test, the Local Planning Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access such buildings to rescue and evacuate those people. In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, the Environment Agency expect the Local Planning Authority to formally consider the emergency planning and rescue implications of new development in making their decisions. Recommend that the Local Planning Authority's Emergency Planner is consulted on the above issues.

Provides advice to the applicant regarding the Environment Agency flood warning system and how to register for that service. Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. The Environment Agency are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and the Local Planning Authority's Emergency Planners when producing a flood evacuation plan.

5.12 **The Ely Group Of Internal Drainage Board (IDB)**

This application is for a building to be erected within an existing storage area and therefore the amount of impermeable surface is stated as not changing. Thus, it is suggested in the application that the drainage conditions are unchanged and are as identified in the original application for the area in question (application ref 14/01320/FUM). Other conditions other than erection of the proposed building within the application area not changing.

However, it is noted that the plan showing the proposals with the application includes a drain extending from a building to the south-east of the red line area, and connecting into the attenuation system for that area. It is assumed this is a new connection to be formed as part of the proposed works.

The IDB have looked at the application ref: 14/1320/FUM and note that the drainage proposals for that application do not include for any discharge for the area to the

south-east, and the building to the south east is also not shown on the information provided.

Therefore, it would appear that the discharge to the existing attenuation facility for the land edged red will be exceeded, and the storage provided will potentially be inadequate. This comment would apply whether this drain exists currently or not and is to be added as noted above.

The application appears to extend beyond the land edged red as a consequence, which will be a matter for the LPA.

As a consequence, the approved discharge to the Board's Main Drain network has the potential to be exceeded.

5.13 **Minerals And Waste Development Control Team**

No Comments Received

5.14 **Anglian Water Services Ltd**

No Comments Received

5.15 **Cambridgeshire Archaeology**

Although the presence of archaeological remains have been identified during nearby investigations, for example 200m to the south-west where investigations revealed prehistoric activity (MCB17512), recent development in the form of the construction of a hard standing covering the proposed area will have reduced the archaeological potential of the site. Therefore I confirm that we do not consider it likely that the proposed development will have a significant effect on important archaeological remains and we do not consider archaeological investigation to be necessary in connection with this proposed development.

5.16 **CCC Growth & Development**

No Comments Received

5.17 **Royal Society for the Protection of Bird**

No Comments Received

5.18 **Wildfowl & Wetlands Trust**

No Comments Received

5.19 A site notice was displayed near the site on 21 March 2022 and a press advert was published in the Cambridge Evening News on 19 May 2022.

5.20 **Neighbours** – 102 neighbouring properties were notified and responses have been received from occupiers of 2 nearby properties. The material planning

considerations, raised within the responses received, are summarised below. A full copy of the responses are available on the Council's website.

- Concerns regarding errors in the application regarding the existing use of the site, the application site red line, the description of the proposed development, and the type of planning application submitted.
- Concerns regarding noise pollution, and the accuracy and credibility of the noise assessment.
- Concerns regarding the retrospective nature of the application and the failure of the Council to take enforcement action.
- Concerns regarding the piecemeal nature of development of the commercial premises.
- Concerns that cumulative impacts from the commercial premises have not been considered, including within the noise assessment and Screening Opinion.
- Concerns regarding dust pollution.
- Concerns that the whole red line area of the application site would be permitted as a Class B2 Use.
- Concerns regarding significant intensification of materials delivery and use; loading of lorries; traffic movement within, and to and from, the site; increase concrete batching operations.
- Concerns that the proposed building will divert surface water drainage routes across the site.
- Concerns that plasma cutters cannot cut through concrete and, therefore, existing operations such as cutting through concrete with angle grinders or other noise equipment would still be required.
- As the proposed working hours are different to the permitted working hours for the existing site (approved by planning permission 14/01320/FUM), queries whether approval of the current application would require a separate application to be submitted to vary the permitted working hours for planning permission 14/01320/FUM.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
LIT 4	Employment allocation, land north of Wisbech Road
EMP 1	Retention of existing employment sites and allocations

EMP 2	Extensions to existing businesses in the countryside
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide

Natural Environment SPD

Climate Change SPD

Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

Flood and Water

Developer Contributions and Planning Obligations

6.3 National Planning Policy Framework 2021

2 Achieving sustainable development

3 Plan-making

4 Decision-making

6 Building a strong competitive economy

8 Promoting healthy and safe communities

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed places

14 Meeting the challenge of climate change, flooding and coastal change

15 Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 A full Environmental Impact Assessment Screening Opinion has been undertaken which concluded that an Environmental Statement is not required.

7.2 The main planning considerations relevant to the determination of this application relate to:

- Principle of development
- Residential amenity and noise
- Visual amenity
- Flood risk and drainage
- Highway safety
- Biodiversity
- Energy and water

7.3 **Principle of development**

7.4 The application site is located within the countryside and forms part of an existing business which is operated by the applicant. The application site has an established B8 (Storage) use and is allocated within the Local Plan for B1/B2/B8 employment uses.

7.5 Policy EMP 1

7.6 Policy EMP 1 of the Local Plan seeks to retain land currently used for employment purposes (B1, B2 and B8 uses), and seeks to retain employment allocations for their designated B1/B2/B8 uses.

7.7 As the proposed development would result in part of the application site changing from a B8 (Storage) use to a B2 (General Industrial) use, the existing and allocated employment use of the land would be retained in accordance with Policy EMP 1 of the Local Plan.

7.8 Policy EMP 2

7.9 Policy EMP 2 states that proposals to expand existing businesses in the countryside will be permitted where:

- The proposal does not harm the character and appearance of any existing buildings or the locality.
- The proposal is in scale with the location, and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated.
- The extension is for the purpose of the existing business; and
- Any intensification of use will not detract from residential amenity.

7.10 The proposal is for the purpose of the existing business operating from the site.

7.11 It is considered that the proposal is in scale with the location, and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated as:- it is contained within the boundaries of an already established and allocated employment site and would not encroach into undeveloped countryside; it is located near to existing and approved commercial buildings including some of greater scale; it would not result in any significant increase in the amount of employees or visitors travelling to the site; and it would not result in a requirement for any specialist vehicles to travel to the site.

7.12 It is concluded within other sections of this report that the proposal would not harm the character and appearance of existing buildings, the locality and residential amenity.

- 7.13 It is therefore considered that the proposed development complies with policy EMP 2 of the Local Plan.
- 7.14 Policy LIT 4
- 7.15 Policy LIT 4 of the Local Plan states that development proposals will be expected to:
- Provide safe vehicular access for the majority of the site from Wisbech Road via the existing junction, which serves Thurlow Nunn Standen. This will require improvements to the junction.
 - Provide safe vehicular access to the land to the rear of the concrete products factory on Wisbech Road via the existing factory site.
 - Provide adequate on-site car and cycle parking for employees and visitors.
 - Have particular regard to the scale, height, design and massing of buildings and landscaping, in order to minimise visual impact on the surrounding countryside and minimise amenity impact upon nearby residential properties.
 - Provide landscaping along the boundaries with nearby residential properties and adjoining agricultural land.
 - Demonstrate that the flood risk on the site can be adequately mitigated.
 - Demonstrate there is adequate capacity in the sewage treatment works and the foul sewerage network; and
 - Comply with other policies of the Local Plan.
- 7.16 Vehicular access arrangements to serve the majority of the LIT 4 allocation site, via the existing junction which serves Thurlow Nunn Standen, were approved as part of planning permission 16/01121/FUM.
- 7.17 The current application relates to the land to the rear of the concrete products factory and does not propose any changes to the existing vehicular access serving the applicants' premises. The Local Highway Authority does not object to the application and, although the existing access is not to current standards, the proposal would not result in a material intensification of use or otherwise have any material impact upon the public highway.
- 7.18 The application form indicates that the proposal would not result in an increase in the amount of employees. As the proposal is unlikely to result in an increase in the number of employees and visitors, it is considered that the existing car and cycle parking provision is acceptable. It should also be noted that additional parking for the wider commercial premises has been approved by planning permission 16/01121/FUM.
- 7.19 It is concluded within other sections of this report that particular regard has been given to the scale, height, design and massing of buildings and landscaping, in

order to minimise visual impact on the surrounding countryside and minimise the amenity impact upon nearby residential properties.

- 7.20 There is sufficient existing landscaping along the boundaries with nearby residential properties and adjoining agricultural land, which helps to minimise the visual impacts of the proposed development. Additional landscaping along these boundaries is therefore not considered necessary for this planning application.
- 7.21 It is concluded within other sections of this report that the flood risk and drainage impacts of the proposal are acceptable.
- 7.22 Consideration has been given to all relevant Local Plan policies and it is considered that the proposal complies with them.
- 7.23 **Residential Amenity and noise**
- 7.24 Policy ENV 2 of the Local Plan requires all new development proposals to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers.
- 7.25 Policy ENV 9 of the Local Plan requires all development proposals to minimise and, where possible, reduce pollution, including noise pollution. Policy ENV 9 states that proposals will be refused where, individually or cumulatively, there are unacceptable pollution impacts arising from development.
- 7.26 Paragraph 174 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.
- 7.27 Paragraph 185 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 7.28 Paragraph 188 of the NPPF states the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
- 7.29 The site is part of the existing concrete product manufacturing premises, which contributes to the existing sound environment within the area. In addition to the

noise from existing premises and other nearby industries, vehicular traffic on nearby roads also makes a significant contribution to background noise levels.

- 7.30 The established use of the application site is for open storage which falls within a Class B8 Use. The existing casting bay operations are currently being carried out on the application site without planning permission being obtained for the casting bays or the Class B2 Use which the operations fall within. The proposal seeks to retain the casting bays and erect a production building over them with a Class B2 Use.
- 7.31 In assessing this planning application, consideration must be given to the fact that the whole application site is allocated within the Local Plan for B1/B2/B8 uses. It should be noted that since 21st April 2021, a Class B1 Use is now included within a Class E Use. Of the allocated uses for the site, only a Class E Use is defined as that which can be carried out in any residential area without detriment to amenity from noise. Class B2 and B8 uses are uses which have the potential to cause detriment to the amenity of a residential area from noise.
- 7.32 In relation to this planning application, a number of noise concerns have been raised by the occupiers of two nearby residential properties on Little Marefen Drove and Marefen Drove. In addition to the noise concerns raised regarding the proposed development, these noise concerns also relate to existing operations on the site.
- 7.33 The application is supported by a noise assessment which assesses the significant noise-generating activities which are likely to be carried out within the proposed production building. Concerns have been raised by neighbours regarding the accuracy and credibility of the noise assessment. However, the noise assessment has been prepared by a professional acoustics engineer commissioned by the applicant. It has been reviewed by an acoustics consultant commissioned by the Council and by the Council's Environmental Health department who consider the noise assessment to be acceptable. The acoustics consultant commissioned by the Council has reviewed previous noise assessments relating to other planning applications at the wider FP McCann premises, and their review of the current noise assessment states that it is supported by surveys carried out for previous applications. The acoustics consultant commissioned by the Council considers that the applicants' noise assessment has used appropriate noise standards (BS 8233:2014 and BS4142:2014) for the basis of noise assessment.
- 7.34 The cutting process required to remove the concrete beams from the casting bay is to cut through the steel wires at either end of each concrete beam. At present, circular saws are used for this process. The applicant states that the proposed production building would facilitate the use of a plasma cutter to be used for the casting bay operations, rather than the existing circular saws which are used. Section 5.2 of the noise assessment states that alternative cutting methods [for the cables] may be used as a backup in the unlikely event of a breakdown with the plasma cutter. However, the submitted noise assessment only assesses the use of a plasma cutter for cutting within the site and therefore it has not been demonstrated within the application that alternative cutting methods would be acceptable in terms of noise impacts. The applicant has therefore agreed in writing to a condition being appended to any grant of planning permission that would restrict any cutting within the application site to the use of a plasma cutter, as this is

stated by the applicant as being the preferred method of cutting and is the equipment which has been modelled within the noise assessment.

- 7.35 It should be noted that the case officer has witnessed a circular saw also being used to cut through concrete beams, within the application site but away from the casting beds, for the purposes of resizing concrete beams to create bespoke lengths. The above condition would also prevent this process from happening within the application site, however it should be noted there are large areas within the wider commercial premises where cutting of concrete using circular saws is a permitted activity in planning terms, should the applicant need to cut through concrete using a circular saw. These areas include the main area of current Class B2 operations to the south of the application site and also the land which has planning permission for a Class B2 Use to the west of the application site, although it should be noted that the latter has planning conditions that restrict noise levels being emitted from that site and noise from both sites would be restricted by statutory nuisance legislation outside of the planning system.
- 7.36 The noise assessment does not assess any noise-generating activities outside of the proposed production building; however the applicant has also agreed in writing to a condition being appended to any grant of planning permission that would restrict the proposed Class B2 Use to within the building and not the external areas of the application site.
- 7.37 The noise assessment uses archived measurements from a plasma cutter, which is of a similar size and within a building, to estimate the likely noise generation from the use of a plasma cutter to cut steel wires within the proposed production building. The applicants' noise assessment also references previous noise assessments carried out on the wider FP McCann premises, as part of which noise monitoring was undertaken at the nearest residential dwellings. The applicants' noise assessment considers the measurement data obtained from that noise monitoring to be representative of the overall noise climate that currently occurs at the nearest residential property and this view is accepted by the acoustics consultant commissioned by the Council. The applicants' noise assessment also includes attended monitoring of activities relating to two of the casting beds in operation, prior to the other four casting beds being constructed. However, the noise assessment calculates a worst-case noise scenario based on all activities happening at the same time and within 6 casting beds in operation.
- 7.38 The applicants' noise assessment concludes that assessment of activity noise levels for the proposed development indicates that daytime and night time BS 8233 internal criteria would readily be achieved at the nearest residential property when windows are open. In addition, the noise assessment concludes that assessment of activity noise levels in accordance with BS 4142 indicates that the noise impact of the proposed development would achieve a condition of 'low impact' during proposed operational hours without the requirement for additional mitigation works. Finally, the noise assessment concludes that overall noise levels are deemed particularly low in relation to the general ambient noise level in the local vicinity and so noise from the site would be unlikely to give rise to noise disturbance.
- 7.39 The review of the applicant's noise assessment, carried out by the acoustics consultant commissioned by the Council, concludes that the source levels

estimated for the casting operations by Hoare Lea are likely to be reasonable overall for the purposes of the assessment; the background noise levels assumed by the Hoare Lea report at the nearest receptors are reasonable; the worst-case internal noise level of the enclosure is likely to be under-estimated; and the amount of sound energy propagated from the enclosure to the nearest residents is likely to be over-estimated. Taking all of the above into account, the review of the applicant's noise assessment, carried out by the acoustics consultant commissioned by the Council, states that the conclusion of the applicants' noise assessment is likely to be correct.

- 7.40 Concerns have been raised by neighbours that the noise assessment has assessed the noise impacts of the plasma cutter on the basis of it operating for 15 minutes per casting bed. However, the case officer and Environment Health officer have both witnessed the existing process of the steel wires within the casting beds being cut with circular saws and can validate that this process took approximately 15-20 minutes per casting bed. As the noise assessment has predicted 15 minutes per bed on the basis of a plasma cutter being used, which is likely to provide a quicker cutting process than a circular saw, it is considered that the proposed operating time for the plasma cutter is realistic.
- 7.41 Concerns have been raised by neighbours that forklift operations outside of the building are not included within the noise assessment. However, the attended monitoring carried out as part of the noise assessment includes measurements of noise levels generated by forklift trucks within the site.
- 7.42 The Council's Environmental Health department recommends a condition that restricts any cutting within the application site to the use of a plasma cutter, in order to protect the residential amenity of neighbouring properties. The Council's Environmental Health department also requests if a condition requiring closed shutter doors during operations can be explored, though they recognise that the noise assessment has demonstrated that acceptable noise levels can be achieved with shutter doors open. This is also a recommendation of the acoustics consultant commissioned by the Council. However, as the applicants' noise assessment has demonstrated that acceptable noise levels can be achieved with shutter doors open, it is considered that a condition requiring closed shutter doors would not be necessary and therefore would not meet the relevant tests for a planning condition.
- 7.43 With consideration given to the assessment of noise impacts within the applicants' noise assessment, the review carried out by the noise consultant commissioned by the Council, and the recommendations provided by all noise professionals in relation to this application, it is considered that the noise impacts of the proposed development would be within acceptable limits and would not cause any significant noise impacts to any residential properties, in accordance with policies ENV 2 and ENV 9 of the Local Plan.
- 7.44 The proposed building and casting beds would be located a significant distance from any site boundaries that adjoin neighbouring properties and, as such, would not give rise to any other harmful residential amenity impacts, in accordance with policy ENV 2 of the Local Plan.

7.45 **Visual Amenity**

7.46 The application site is part of an allocated employment site for B1/B2/B8 development. The existing established use of the site is as an open storage yard connected with the concrete products manufacturing business. At present, the site comprises a large area of impermeable concrete hardstanding with a large amount of precast concrete products stored on it. Therefore, although the site is located within the countryside, it is not rural and undeveloped countryside and is not of any significant landscape value.

7.47 As the concrete casting beds are lower in height than the concrete products that can be stored on the site, and as they would be enclosed by the proposed building, they do not result in any visual harm to the character and appearance of the area.

7.48 Similarly to the General Industrial building approved by planning permission ref: 16/01121/FUM, which is yet to be erected, the proposed building would be large and of a modern utilitarian design. The proposed design, scale, colour and materials of the building would give the appearance of a substantial industrial building, which would not be uncommon for a site allocated for B1/B2/B8 commercial development.

7.49 Due to the surrounding landscape being relatively flat, long distance views of the proposed building would be limited by intervening development and landscaping. Although the proposed building would have a greater level of visual prominence from short-medium distance views, it would be viewed within the context of a backdrop of existing buildings including other large industrial buildings.

7.50 With consideration given to the allocation of the site for commercial development, the character and appearance of the existing site and surrounding area, the visual sensitivity of the site from public views, and the scale and design of the proposed building, it is considered that proposed development would not harm the character and appearance of the area, in accordance with policies ENV 1, ENV 2, EMP 2 and LIT 4 of the Local Plan.

7.51 **Flood risk and drainage**

7.52 The application site is located within Flood Zone 3a, which is defined within National Planning Practice Guidance for Flood risk and coastal change (PPG) as having a 'high probability' of flooding. Annex 3 of PPG classifies the vulnerability of General Industrial development as 'less vulnerable'. Table 2 of PPG makes it clear that 'less vulnerable' development is compatible with Flood Zone 3a.

7.53 Paragraph 166 of the NPPF states that, where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. As the application is for the development of a site which has been allocated for employment use within the Local Plan, the sequential test for flood risk does not need to be applied again as part of the planning application process.

7.54 Paragraph 166 of the NPPF also states that the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan making stage, or if more recent information about existing or

potential flood risk should be taken into account. In addition, the Environment Agency's consultation response to this planning application makes recommendations to the Local Planning Authority in respect of satisfying the exception test for flood risk. However, Table 2 of PPG makes it clear that the flood risk exception test is not required for 'less vulnerable' development in Flood Zone 3a.

- 7.55 Policies ENV 8 and LIT 4 of the Local Plan, and paragraph 167 of the NPPF, require development proposals to appropriately consider flood risk impact and ensure that they do not result in any increase in flooding or safety risks to people. The proposed development is located on a large area of existing impermeable concrete hardstanding which forms the ground surfacing material for the majority of the application site. The ground levels would retain the existing general fall to the east, directing flows into the existing capture swale along the eastern boundary. The Lead Local Flood Authority states that, whilst the proposed building would intercept some of the flows, surface water would still dispose into the existing capture swale. The IDB originally noted that the proposed site plan showed a drain extending from a building to the south-east of the red line area, and connecting into the attenuation system for that area. It has since been established that the drain referred to in the IDB's original comments is an existing piped drain with its outfall location being outside of the eastern boundary of the application site and not into the existing capture swale within the application site. A revised proposed site plan has since been submitted which removes the detail of the piped drain as it does not have any material drainage impacts in respect of this planning application. The IDB has confirmed that the revised plan has satisfactorily addressed their original concerns. The application is supported by flood risk information which demonstrates that the proposed development would not result in any material change to the existing drainage situation and would not increase flooding or safety risks to people. The LLFA states that the submitted documents demonstrate the proposal will not be changing the drained area to the existing infrastructure on site, and therefore there does not appear to be any change or impact on the surface water drainage scheme already installed on the site. As such, it is considered that an appropriate level of flood risk information has been submitted with the application, which demonstrates that the proposed development would not result in any increase in flooding or safety risks to people, in accordance with policy ENV 8 of the Local Plan and the NPPF.
- 7.56 Policy LIT 4 of the Local Plan also requires development proposals on the site to demonstrate that there is adequate capacity in the sewage treatment works and the foul sewerage network. The application does not propose any new foul sewage arrangements or new facilities that would require them. There are existing welfare facilities outside of the application site but within the wider commercial premises. The application states that the existing welfare facilities will be used. Anglian Water has reviewed the application and has no comments to make due to there being no connection to Anglian Water sewers.
- 7.57 The application has been reviewed by the Environment Agency, the Lead Local Flood Authority, the Internal Drainage Board and Anglian Water. No objections have been raised by any of these statutory consultees.

7.58 **Highway safety**

There is an existing vehicular access to the site to the north side of Wisbech Road which would serve the proposed development. The Local Highway Authority has commented that the existing access is not to current standards. However, this is an existing situation and the proposed development is unlikely to result in any material intensification of use of the vehicular access or have any significant material impact upon the public highway.

7.59 The Local Highway Authority considers that the main highway impacts of the proposed development would result from construction vehicles during the temporary construction period. The Local Highway Authority recommends that a Construction Traffic Management Plan which, amongst other measures, would manage the timings of construction vehicles / deliveries to minimise any impacts upon Wisbech Road, is requested. On the basis of this being requested the Local Highway Authority, it is considered reasonable and necessary to append a condition to any grant of planning permission requiring a Construction Traffic Management Plan to be submitted to, and agreed by, the Local Planning Authority.

7.60 It is therefore considered that the proposed development would not have any significant impacts upon the safety and convenience of the access, the efficiency of deliveries or the capacity of the highway network, in accordance with policy COM 7 of the Local Plan.

7.61 **Biodiversity**

7.62 The appeal site is located around four kilometres from the Ouse Washes. This is a Natura 2000 site with combined European nature conservation designations as a Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. Due to the location and existing use of the site, the scale of the proposal, and the results of previous Habitats Regulations Assessments undertaken in relation to the site and wider commercial premises, a Habitats Regulations Assessment is not required for the proposed development.

7.63 Policy ENV 7 of the Local Plan states that all development proposals will be required to:

- Protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.
- Provide appropriate mitigation measures, reinstatement or replacement of features and/or compensatory work that will enhance or recreate habitats on or off site where harm to environmental features and habitat is unavoidable; and
- Maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals.

7.64 Policy SPD.NE6 of the Natural Environment SPD provides guidance which is consistent with the requirements of policy ENV 7 of the Local Plan. It expects

development proposals to avoid or minimise biodiversity impacts and provide significant biodiversity net gains.

7.65 With consideration given to the established use of the site, its physical characteristics (most notably its existing concrete hardstanding), and the location of the proposed development within the centre of the site, it is considered that the proposed development would not result in any harm to the biodiversity or geological value of the site or environmental features. The established use of the site and its physical characteristics also significantly limit the opportunities for the provision of biodiversity improvements. With consideration given to this, and the scale and nature of the proposal, the provision of 4 bird nesting boxes on the proposed production building would provide an adequate contribution to biodiversity net gain.

7.66 It is therefore considered that the proposed development would not result in any harmful biodiversity or geological impacts and would contribute to biodiversity net gain, in accordance with policy ENV 7 of the Local Plan.

7.67 **Energy and water**

7.68 Policy ENV 4 of the Local Plan states that all proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. It also requires non-domestic developments of 1000m² or more to meet BREEAM Very Good standard or equivalent.

7.69 The proposed production building is for the purposes of accommodating an industrial process within it and the Design and Access Statement states that the building will not be heated, will not contain welfare facilities and will not have any external lighting. The production building would be constructed of concrete panel and metal cladding, which have a considerable lifespan and are recyclable, and would be internally insulated. The Design and Access Statement states that the concrete panels are manufactured on site and, where possible, other construction materials and components will be manufactured or fabricated on site. The Design and Access Statement states that the proposed building would have a very low demand for power and the existing electricity supply on site would be used to power small appliances, including low-energy LED internal lighting. In respect of the activities to be carried out as part of the proposed B2 use, the Design and Access Statement states that they would result in minimal waste and would reduce carbon usage within the construction sector. The Design and Access Statement demonstrates how the proposed development aims to maximise energy efficiency and use low carbon energy sources on site.

7.70 The proposed development does not demonstrate that it meets a BREEAM Very Good standard or equivalent, which is required by policy ENV 4 of the Local Plan. Therefore, it is recommended that a condition be applied to any grant of planning permission requiring the development to meet an appropriate BREEAM standard or equivalent, in accordance with policy CC1 of the Climate Change SPD.

7.71 Other Material Matters

7.72 Cambridgeshire Fire and Rescue has requested a condition or planning obligation to secure the provision of fire hydrants. However, as the proposed development is within the confines of the existing commercial site, it is considered that this request would not meet the relevant tests of a planning condition or planning obligation.

7.73 A condition is recommended to restrict the proposed Class B2 Use to within the production building only, specifically exclude any land outside of the production building from the change of use, and to restrict any future changes of use from taking place without the consent of the Local Planning Authority. This condition meets the relevant tests of a planning condition and is considered necessary in order for the proposed development to accord with policies LIT 4, ENV 2 and ENV 9 of the Local Plan.

7.74 The part-retrospective nature of the application is not a matter which can be considered as part of the determination of the application.

7.75 The Council has not taken enforcement action, regarding the existing activities on the site, due to the current application being considered. The absence of enforcement action to date is not a matter which can be considered as part of the determination of the application.

7.76 It is acknowledged that different developments relating to different areas of the overall commercial premises have been subject to separate planning applications. This in itself would not be a reasonable reason to refuse planning permission. Cumulative impacts of the proposed development, existing development and approved development within the wider commercial premises have been considered as part of the Environmental Impact Assessment Screening Opinion and it has been concluded that they would not result in any significant adverse impacts.

7.77 The Environment Agency and Council's Environmental Health department have not raised any concerns regarding dust pollution. The operation of the cement product manufacturing would be subject to the Environmental Permitting (England & Wales) Regulations 2016 (EPR). Air quality issues, such as dust emissions, from the proposed operations would be matters appropriately dealt with through the EPR. Therefore, it is considered that the proposed development accords with policy ENV 9 of the Local Plan as there are no planning reasons for the proposed development to be considered unacceptable in respect of air quality impacts.

7.78 A condition is recommended to restrict the operational hours of the development subject to this application, which relates to the proposed production building. This condition is considered necessary to protect the residential amenity of nearby residential properties. The condition would not require a change to the permitted operational hours for the external area of the site, which would retain its storage use permitted by planning permission 14/01320/FUM.

7.79 Planning Balance

7.80 The principle of development; and the impacts of the proposal in respect of residential amenity and noise, visual amenity, flood risk and drainage, highway

safety, biodiversity, and energy and water; are considered acceptable. On balance, it is considered that the proposal broadly accords with the relevant planning policies and there would be no significant adverse impacts that would weigh against the proposal. The application is therefore recommended for approval.

8.0 COSTS

8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

8.4 In this case members' attention is particularly drawn to the following points:

- The application site is allocated within the Local Plan for Class B1/B2/B8 uses and the proposal is for a Class B2 use.
- The application is accompanied by an Acoustics Report, prepared by a professional acoustics engineer, which concludes that the noise impacts of the proposed development would be acceptable. An acoustic consultant, commissioned by the Council, has reviewed by the applicants' Acoustics Report and agrees that the noise impacts of the proposed development would be acceptable. The Council's Environmental Health department has reviewed the Acoustics Report and agrees that the noise impacts of the proposed development would be acceptable.
- There are no outstanding objections from statutory or technical consultees.

9.0 APPENDICES

9.1 APPENDIX 1 – Recommended 22/00158/FUM Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00158/FUM 95/00711/FUL 99/00641/FUL 99/00943/FUL 13/01060/FUM 14/01320/FUM 16/01121/FUM 21/01338/FUL	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Planning contractor 01353 665555 Richard.Fitzjohn@eastcambes.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambes.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 22/00158/FUM Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
2022/LIT/TB/PD-01	0	10th February 2022
2022/LIT/TB/PD-03	0	10th February 2022
2022/LIT/TB/PD-02	A	15th August 2022
Acoustics Report	Rev 2	11th April 2022

- 1 Reason: To define the scope and extent of this permission.
- 2 Prior to commencement of development, a Construction Traffic Management Plan shall be submitted to, and agreed in writing by, the Local Planning Authority.

The principle areas of concern that should be addressed are:

- (i) Movements and control of construction delivery and muck away lorries.
- (ii) Parking arrangements for construction and contractor vehicles.
- (iii) Control of dust, mud and debris, in relationship to the functioning of the adopted public highway.

- 2 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 3 Prior to first use of the production building, the surface water drainage scheme shall be constructed in full accordance with drawing no. 2022/LIT/TB/PD-02 Rev A, received by the Local Planning Authority on 15th August 2022.
- 3 Reason: To prevent the increased risk of flooding, to protect water quality and to prevent unacceptable pollution, in accordance with policies ENV2, ENV8 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 4 The materials to be used in the construction of the external surfaces of the development shall be either:
 - a. As detailed on the application form; or,
 - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

All works shall be carried out in accordance with the approved details.

- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 Following construction of the production building hereby approved, any cutting processes carried out within the site shall only take place within the production building and via use of a plasma cutter, as modelled in the Acoustics Report Revision 2 received by the Local Planning Authority on 11th April 2022.

- 5 Reason: To prevent an unacceptable level of noise pollution and safeguard the residential amenity of neighbouring occupiers, in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 6 Operation of development hereby permitted, including of plant and machinery, shall take place only between 0700 - 1900, and deliveries 0700 - 1700, Monday to Saturday and not at all on Sundays, Bank Holidays or Public Holidays.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0800 to 1800 each day Monday - Friday, 0800 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application, without the prior written consent of the Local Planning Authority.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority. A certificate, following post construction review, shall be issued by a BRE Licensed Assessor to the Local Planning Authority, indicating that the relevant BREEAM standard has been achieved or its equivalent within six months of first occupation of the site for written agreement by the Local Planning Authority.
- 9 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to the first use of the hereby approved production building, 4 bird nesting boxes shall be installed on the building in accordance with drawing no. 2022/LIT/TB/PD-03 Rev 0. The bird nesting boxes shall thereafter be retained on the production building in perpetuity.
- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 11 The Class B2 Use, hereby permitted, only relates to the use within the production building and does not relate to any land outside of the production building. The production building shall be used for purposes within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and, notwithstanding the provisions of

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), shall not be used for any other purpose whatsoever without the express written consent of the Local Planning Authority.

- 11 Reason: The application has been assessed as acceptable and complying with policies LIT 4, ENV 2 and ENV 9 of the East Cambridgeshire Local Plan 2015 on this basis.