
MAIN CASE

Proposal: Change of use from Tyre Granulation Plant to outside storage of rubber granules

Location: Murfitts Transport Road Haulage 195 Wisbech Road Littleport Ely Cambridgeshire CB6 1RB

Applicant: Mr M Murfitt

Agent: David Shaw

Reference No: 10/00898/FUL

Case Officer: Lucie Turnell

Parish: Littleport
Ward: Littleport West
Ward Councillor/s: Councillor Neil Morrison
Councillor Christine Ambrose-Smith

Date Received: 12 November 2010 Expiry Date: 7 January 2011

[K251]

1.0 EXECUTIVE SUMMARY

1.1 Permission is sought to change the use of the site to the storage of rubber crumb for a temporary period of 3 years, following a large scale fire of the site in 2009. The site lies to the west of the A10 roundabout on Wisbech Road, an area characterised by its employment uses, including some heavy industrial activity. The proposed use sits comfortably within this land use designation and is considered to be an appropriate use of the site. The continued use of the site by Murfitts Industries has led to concern from local residents regarding the potential fire hazard of the operation. There has been significant dialogue between the Planning Authority, Environment Agency and Fire Service to draft a suitable package of measures to ensure the site's safety. Many requirements will be dealt with under separate legislation beyond Planning but the provision of fire hydrants and a pollution protection plan should be a condition of consent. For these reasons the application is recommended for **APPROVAL**.

2.0 THE APPLICATION

2.1 The application proposes a change of use of the site to allow the outside storage of rubber crumb for a temporary period of 3 years. The previous use of tyre granulation has now been relocated to an alternative site in Suffolk. It is proposed to store some of the rubber crumb product in 1 tonne and half tonne bags to a maximum of 2000 tonnes across the site. The maximum storage height of the bags will not exceed 2m.

3.0 **THE APPLICANT'S CASE**

3.1 The applicant has submitted a Planning Statement in support of the application, which can be viewed via Public Access. The applicant raises the following points in support of the proposal: -

- There is no machinery on site except for fork lift trucks – other than their movement there will be no other noise generation;
- Traffic generation will be less than 20 vehicles per day, considerably less than that previously generated;
- Prior to 2002 the site was used as a transport depot with 24 hour working;
- The site is allocated for employment use – the proposed B8 use is therefore acceptable.

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 Murfitts Industries lies approx 450m from the A10 roundabout on the south side of Wisbech Road. The application site extends to approximately 1.1 hectares with 2.5 hectares of adjacent land within the same ownership. E-Space North lies immediately east on the same side of Wisbech Road, with a mix of industrial and residential development to the north, south and west. A fire on the site in 2009 resulted in the buildings being burnt down. These have not been replaced and the site has been used for storage purposes since.

5.0 **PLANNING HISTORY**

5.1

01/01060/CCA	Development of tyre granulation plant	Approved	04.04.2002
02/03014/CCA	Covered storage extension to existing unit	Approved	26.09.2002
92/00295/FUL	New Warehouse (2310m ²)	Approved	08.09.1992

6.0 **REPLIES TO CONSULTATIONS**

6.1 Cambs Fire service – With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for emergency water supplies, which may be way of Section 106 agreement or a planning condition.

We also insist on guidance set out in the MWH End of Life Tyre Management: Storage Options, Section 8, page 21, table 8., 'Comparison of Best Practice For The Design Of Stockpile Facilities', column two headed 'IAFC, STMC and NFPA Guidelines'. This includes the water supply requirements for fire fighting '23:63 L/s for 6 hrs if tyres > 1400m³/ and 126L/s if storage area > 1400m³. Please follow link to document below.

<http://www.mfe.govt.nz/publications/waste/end-of-life-tyre-management-jul04/end-of-life-tyre-management.pdf>

Although the above refers to non UK standards, the Environment Agency End of Life Vehicle Directive states 'The local fire service will have its own requirements for the storage of tyres and should be consulted by the operator'. (http://www.environment-agency.gov.uk/static/documents/Leisure/elvguidance_v1_2_591023.pdf)

We also insist on a fire risk assessment of the site, agreed with the Fire Authority, resulting in a fire prevention and suppression management plan for the site, which includes the thermal monitoring of stored shredded tyres that have a metal content.

Where a Section 106 agreement or a planning condition has been secured, the cost of emergency water supplies will be recovered from the developer.

Access facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5, Section 16.

- 6.2 Environmental Health – No further account for land contamination assessment or remediation is required. No condition regarding local air quality management is necessary
- 6.3 Environment Agency – No objection subject to the following condition: -
The development hereby permitted shall not be commenced until such time as a scheme to prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 6.4 Internal Drainage Board – No comment from a drainage point of view.
- 6.5 Neighbours – Mrs Y Bartram of 178 Wisbech Road; Mr & Mrs Gilbert of Red Barn Farm; Mrs Storey & Mr Lythell of Benope Wisbech Road; Mr & Mrs Pindar of 190 Wisbech Road; Mr & Mrs Smith of Silver Birches, Wisbech Road;
- Pollution issues
 - Product is a fire risk – measures to ensure prevention?
 - Concerns following previous fire
 - Security
 - Adequate fire breaks
 - How inflammable are the storage bags?
 - Quantity to be restricted to an acceptable level
 - There should be stringent site monitoring
 - Hours of delivery should not extend beyond 5pm
 - Risk of arson
- 6.6 Parish Council – Unanimous decision that the application be refused for the following reasons:-
- Inappropriate due to its proximity to residential dwellings;
 - No night security; no signage on gates; no fire breaks + fear of combustion. East Cambridgeshire District Council should be asked to consider an enforcement order to eliminate future risk to health etc by removing the product from the site as soon as possible.

- 6.7 Ward Councillor – Cllr Morrison – Object on the following grounds; -
- Contrary to policy EC1
 - Council should no longer support the use of this site for employment purposes as the proposal would have a detrimental affect on the immediate environment
 - Owners have a history of contamination adjacent land due to lax operating and management regimes
 - Application fails to demonstrate how it intends to protect against further loss – pollution control, thereby contrary to policy EN8
 - Should the planning committee be minded to approve the application it should be subject to the following conditions; -
 - 1) Hours restricted to 07:00-18:00 Monday to Friday
 - 2) Any audible warning devices etc should be of an approved type to minimise noise pollution.

7.0 **THE PLANNING POLICY CONTEXT**

7.1 **East Cambridgeshire Core Strategy 2009**

CS1 Spatial Strategy
CS4 Employment
CS11 Littleport
EC1 Retention of employment sites
EN2 Design

7.2 **Regional Spatial Strategy – East of England Plan**

E2 Provision of Land for Employment
ENV7 Quality in the Built Environment

7.3 **National Planning Policy**

PPS4 Planning for Sustainable Economic Growth

8.0 **PLANNING COMMENTS**

- 8.1 The application proposes a change of use from a tyre granulation plant to the storage of rubber crumb. This will be limited to 2000 tonnes and the height restricted to no more than 2m. This change of use has already been implemented and the site is operating in line with the proposals.
- 8.2 The site lies on land that was allocated for Employment/Business use in the East Cambridgeshire District Local Plan 2000. The site appears to have been in business/industrial use for many years with a tyre granulation plant being approved by the County Council in 2002 under references E/1060/01/CW & 01/01060/CCA. A fire on the site in 2009 destroyed the buildings and has prevented that use continuing.
- 8.3 Core Strategy policy CS4 advises that a key part of the employment strategy is to retain current B1/B2/B8 land and premises. The Site Allocations Options Paper makes no reference to redefining existing sites in Littleport and as such, this site

continues to be deemed appropriate for employment use. The proposed use complies with this land use.

- 8.4 The fire in 2009 had obvious impacts on the surrounding residential properties and agricultural units, and the application has prompted a significant level of concern regarding its potential as a fire hazard. Whilst these concerns are genuine and acknowledged as such, the planning decision must be based on the merits of the proposal rather than the previous history of the site. However, steps to ensure that the site operates without increased risk can be taken. If approved, as recommended, it should be subject to a condition to ensure that a scheme to prevent pollution is submitted and approved, following consultation with the relevant bodies (Environment Agency/ Fire Service). A scheme should show designated areas where the product will be stored and consequently the firebreaks. The Environment Agency raises no objection providing this condition is attached.
- 8.5 The impact of the proposed use of the site on residential amenity would be reduced given that the proposed use is for storage. With the exception of forklift trucks to load and unload there would be no other machinery on site and no other source of noise generation. This impact can be minimised further through a condition to restrict hours of operation to 07:00-18:00 Monday to Friday, in line with the recommendations of the ward councillor.
- 8.6 The site lies on part of Wisbech Road that is either allocated for, or in use for, employment purposes. This ranges from business centres such as E-Space North to the east and industrial sites including Thurlow Nunn Standen on the opposite side of Wisbech Road. In terms of its immediate surroundings the proposed use is wholly appropriate and complies with the site's ongoing designation as employment land. Residential properties and agricultural units are relatively close and were significantly affected by the fire in 2009, leading to obvious concerns about this proposal. These concerns are shared by the Environment Agency and the Fire Service but can be alleviated by a condition to ensure the implementation of adequate measures to prevent pollution and make the site secure. For these reasons the site is recommended for approval with the appropriate conditions as detailed below.

9.0 **RECOMMENDATION**

- 9.1 The application should be approved subject to the following conditions; -
- 1 This permission is for a limited period only, expiring 3 years from the date of this decision. After this date, the site shall be reinstated in accordance with a scheme to be submitted and agreed in writing by the Local Planning Authority prior to the expiration of this permission.
 - 1 REASON: To comply with the requirements of the applicant's proposal.
 - 2 No machinery shall be operated or deliveries shall take place outside the hours of 07:00-18:00 Monday to Friday.
 - 2 REASON: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.

- 3 Within 28 days of the permission hereby granted a scheme to prevent pollution shall be submitted to, and approved in writing by, the Local Planning Authority. The Pollution Prevention Scheme should include a plan showing designated areas where the product will be stored and the necessary firebreaks. The scheme shall be implemented as approved within a further 28 days or a time to be agreed.
- 3 REASON: To prevent the increased risk of pollution to the water environment
- 4 Within 28 days a scheme for the provision of fire hydrants, or a satisfactory alternative, shall be submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details within a further 28 days or a time to be agreed.
- 4 REASON: To ensure proper infrastructure for the site in the interests of public safety and in accordance with policy CS7

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
Planning Statement submitted with the application	Lucie Turnell Room No. 011 The Grange Ely	Lucie Turnell Team Leader Development Control 01353 665555 lucie.turnell@eastcambs.gov.uk