



Planning Committee Date	12 th July 2023
Report to	South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/05065/FUL
Site	The Avenue Business Park, Brockley Road, Elsworth
Ward / Parish	Elsworth
Proposal	Creation of a mixed-use food hub with additional parking
Applicant	Davison and Co.
Presenting Officer	Tom Gray
Reason Reported to Committee	Called-in by Cllr Howell Called-in by Elsworth Parish Council Application raises special planning policy or other considerations
Member Site Visit Date	12th June 2023
Key Issues	1. Principle of retail use in the countryside, impact upon the community shop and re-use of existing rural buildings 2. Design, scale, layout and landscaping 3. Highway safety impacts 4. Residential amenity impacts
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks planning consent for a mixed-use food hub with additional parking. The proposal would convert an existing office building and would provide locally sourced food, a café and offer educational classes.
- 1.2 Although the proposal would result in the loss of office accommodation, the proposed retail use would create approximately 20 jobs and provide an element of employment.
- 1.3 The proposed development would make use of existing vacant rural buildings. Whilst the food hub would inevitably attract customers from a wide catchment area via private car, given the small footprints of the retail units, the increase in the amount of traffic movements on a daily basis would be minimal compared to the existing office use of the site and offer customers opportunities for linked retail trips. Other lawful uses of the site include research and development of products and processes, and some industrial processes, these uses have no restriction on hours of use and therefore could be open at weekends and during unsociable hours without requiring planning consent.
- 1.4 Whilst there is an existing community shop within the village, this predominately sells convenience goods. The proposed development would sell artisan goods and therefore the proposed development would complement rather than detract from, or compete with, this facility.
- 1.5 No external alterations to the buildings are proposed, and soft landscaping will ensure that the additional car parking proposed would have negligible visual impact upon the local area.
- 1.6 The impact upon protected trees and biodiversity are considered to be acceptable, whilst the additional car parking area would comprise permeable materials, ensuring that any surface water flood risk is not exacerbated.
- 1.7 The proposal would attract less additional trips during peak weekday hours compared to the existing office use. The Local Highways Authority has no objections to the proposed development. Appropriate provision of car and cycle parking is proposed, whilst a pedestrian link would encourage walking to the site for Elsworth residents. The additional daily traffic movements are considered to be minimal compared to the existing office use, and opening hours, deliveries and external lighting can be controlled via condition.
- 1.8 Therefore, on balance, it is considered that the social and economic benefits of the scheme would outweigh any potential impacts upon the community shop. Members are therefore recommended to approve the application subject to conditions.

2.0 Site Description and Context

Outside the Development Framework	X	Tree Preservation Order	X
Conservation Area	X	Flood Zone 1	X
Surface Water Flooding	X		

*X indicates relevance

- 2.1 The application site comprises nine office units (formerly class B1(a), now class (E(g)(i)), which have recently become vacant. The other lawful uses of these units are research and development of products and processes; and some industrial process, formerly classes B1(b) and B1(c) and which fall within the new use class order (2020) of classes E(g)(ii) and E(g)(iii) respectively. These units therefore have planning consent for the entirety of use class E(g). The site is accessed off Brockley Road which connects with Cambourne to the south, Papworth Everard to the west along with villages including Boxworth, Connington, Knapwell and Hilton situated nearby.
- 2.2 The application site is located within the Elsworth Conservation Area and situated approximately 70 metres from the Elsworth Development Framework boundary to the north; Elsworth is designated as a Group Village within the South Cambridgeshire Local Plan. The access road is bounded by statutory protected trees (TPOs) on both sides and the site is subject to low (1 in 1000 risk), medium (1 in 100 risk) and high (1 in 30 risk) surface water flooding.
- 2.3 Commercial offices are located to the north of the application site, of which planning consent was granted for extension to units 17-18 under application 22/03801/FUL. Elsewhere to the north and east are residential dwellings and to the west and south is open agricultural land. Several ponds are located nearby to the application site in addition to areas of woodland and grassland.

3.0 The Proposal

- 3.1 The applicant proposes the creation of a mixed-use food hub with additional parking. The site will offer predominantly local food products from local businesses. The site is surrounded by existing agricultural land which is under the ownership of the applicant and some of this land will be used to produce goods for the food hub.
- 3.2 Units 2&3 would comprise a café which will use produce from the on-site bakery, butchers and coffee roaster, whilst also sourcing eggs and

vegetables from the locality. The café will also offer educational opportunities to the local primary school and residents.

- 3.3 Initially, Unit 4 was to comprise a microbrewery which would use local apples and malt, and also offer brewing courses, however, this unit is now intended to form part of the café and cookery school (Units 2-3). Unit 6, a deli and fishmonger would sell local produce including preserves from the local surroundings. Unit 7, a bakery which specialises in sourdough would use locally supplied flour, wheat and grain and would also run educational courses.
- 3.4 Unit 8 would comprise a butchers, a new franchise from a Cambridge City based butchers. The butchers would use local meat wherever possible, and the aim is to rear livestock on the site in the long term.
- 3.5 Unit 9 would produce pasta and biscotti using locally sourced ingredients. Unit 10 would produce hand-crafted cakes and offer cake-making classes, using local ingredients.
- 3.6 The applicant is currently looking for another occupier for Unit 11.
- 3.7 The overall aim of the proposal would be to create a community-centred food hub, using local businesses and produce, with the objective of educating the local community and providing sustainably sourced food from the local area and on-site.
- 3.8 The application has been amended since its original submission with the additional access connecting to Rogues Lane to the north removed from the proposal due to the limited visibility for cars exiting onto this road and due to the adverse impact upon the recreational enjoyment of this public right way. The car parking has also been reduced in size to minimise the visual impact upon the character and appearance of the Conservation Area.
- 3.9 The application has been amended to address representations and further consultations have been carried out as appropriate.

4.0 Relevant Site History

Reference	Description	Outcome
22/03801/FUL	Erection of office extension to Units 17-18 Avenue Business Park and associated external works	Permitted
S/2408/17/FL	Proposed new building to provide for three small business units with car and cycle parking and	Permitted

associated works

S/0176/02/F	Variation of Condition 3 of Planning Permission S/0868/99/F to Allow Class B1 (B) Use (Research and Development)	Permitted
S/2292/01/F	Variation of Condition 2 of Planning Permission S/0868/99/F to Allow Class B1 (B) Use (Research and Development)	Permitted
S/0868/99/F	Extension and Conversion of Farm Building and Erection of New Buildings for Offices Together with Associated Parking	Permitted
S/2032/99/F	Car Park (Renewal of Period Consent S/0828/97/F)	Permitted
S/0910/99/F	Change of Use of Agricultural Buildings to Offices	Refused
S/1313/98/F	Change of use of agricultural buildings to offices	Refused
S/0828/97/F	Two car park	Permitted
S/1040/94/F	Conversion and addition to farm buildings to form rural business centre	Permitted

- 4.1 Planning consent S/1040/94/F for the conversion and addition of farm buildings to form a rural business centre was granted subject to conditions, one of which precluded their use other than those included within class B1 (now Class E(g)). This condition was attached to protect amenities of adjoining residents and to safeguard the character of the area.
- 4.2 Irrespective of this previous planning consent restricting the use of the units, the applicant seeks planning consent for use of the site for a mixture of retail (Class E(a)), industrial process (Class E(g(iii))) and non-institutional education (Class F1(a)) and sui generis use.
- 4.3 Third party comments concerning the two units that are occupied are noted. The cakery (Unit 10) runs teaching classes and sells cakes online, whilst the bakery (Unit 7) sells baked goods online for collection. These

units require the applied for planning consent to ensure that these operate lawfully.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.2 South Cambridgeshire Local Plan 2018

S/1 – Vision

S/2 – Objectives of the Local Plan

S/3 – Presumption in Favour of Sustainable Development

S/5 – Provision of New Jobs and Homes

S/7 – Development Frameworks

S/10 – Group Villages

CC/6 – Construction Methods

CC/7 – Water Quality

CC/8 – Sustainable Drainage Systems

CC/9 – Managing Flood Risk

HQ/1 – Design Principles

NH/2 – Protecting and Enhancing Landscape Character

NH/3 – Protecting Agricultural Land

NH/4 – Biodiversity

NH/14 – Heritage Assets
E/17 – Conversion or Replacement of Rural Buildings for Employment
E/18 – Farm Diversification
E/21 – Retail Hierarchy
E/22 – Applications for New Retail Development
E/23 – Retailing in the Countryside
SC/3 – Protection of Village Services and Facilities
SC/4 – Meeting Community Needs
SC/6 – Indoor Community Facilities
SC/9 – Lighting Proposals
SC/10 – Noise Pollution
SC/11 – Contaminated Land
SC/12 – Air Quality
TI/2 – Planning for Sustainable Travel
TI/3 – Parking Provision
TI/8 – Infrastructure and New Developments
TI/9 – Education facilities

5.3 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022
Sustainable Design and Construction SPD – Adopted January 2020
Cambridgeshire Flood and Water SPD – Adopted November 2016

- 5.4 The following SPDs were adopted to provide guidance to support previously adopted Development Plan Documents that have now been superseded by the South Cambridgeshire Local Plan 2018. These documents are still material considerations when making planning decisions, with the weight in decision making to be determined on a case-by-case basis:

Development affecting Conservation Areas SPD – Adopted 2009
District Design Guide SPD – Adopted March 2010
Trees and Development Sites SPD – Adopted January 2009

6.0 Consultations

6.1 Parish Council – No recommendation. Request planning committee

- Accept that the food park would not add to the flooding problems experienced in Elsworth. Suggest further measures to be conditioned on any approval.
- Revised figures reinforce the concern felt about traffic.
- Not clear why the idea of putting the access to the site elsewhere has been abandoned.
- Late openings for events raises concern about disturbance to residents of neighbouring properties and amount of parking

provision, in which an event may attract substantially more attendees. Requirement for more overspill parking.

6.2 Previous comments (4th April 2023):

- Access: No reason is given for the removal of access onto Rogues Lane. This was created in order to reduce the amount of traffic from the west/north-west.
- Traffic and pedestrian safety: Implications for pedestrian access to the business park from Smith Street. Volume of traffic would increase and use of car parking for children attending the school. Footpath along Smith Street is 50m away.
- Car parking: No reason for the reduction in car parking.
- Retail impact assessment: Catchment area within the retail impact assessment seems artificially constrained.
- No evidence of enhancing the offering of the community shop
- Employment: Number of employment opportunities arising from the change of use is likely to be less than people previously employed in the office units 6-11.
- No response from the Council's Drainage Engineer as yet.
- In the event that planning consent be granted, requests conditions and S106 agreements in particular pedestrian access and safety for crossing of Smith Street and Highways should be asked to identify how access here can be improved.

6.3 Previous comments (26th January 2023): Response from LHA is unsatisfactory and is concerning.

6.4 Previous comments (29th December 2022): Object and request referral to Planning Committee.

- Validation requirements: Question validity of application without floor plans/elevations.
- Flood risk: No flood risk assessment submitted. Not clear where the catchment pond flows when full. Flooding down Brockley Road towards Smith Street could be exacerbated.
- Access and traffic: Transport statement does not mention second access and is contrary to T1/2. Lack of footways is of a concern. Must attract a significant number of visitors from outside the village to remain viable and would rely on private car travel (E/17(5)). Consequential environmental impact. Potential car parking on nearby streets.
- Neither a business plan nor a retail impact assessment. Food park will pose an existential threat to the Community Shop (E/23). If it were to fail, the village would be left without any shop facility at all.
- Light and noise pollution in evenings and weekends.
- Employment: Not clear how many employment opportunities would be created. Prior to the termination of leases, the business park used to provide many more jobs than it currently does and therefore could be a net reduction of jobs on site (S/2).

- If approval is granted, to lessen any adverse impacts on the village, consideration should be given to mitigating these by planning conditions and possibly S106 agreements. EHO comments are relevant.

6.5 County Highways Development Management – No Objection

6.6 No objection to the revised transport figures.

6.7 Previous comments following amended plans: No objection subject to provision of a footway and informative. Welcomes removal of 2nd access point.

6.8 Previous comments: Vast majority of all modes will be within peak hours. Outside of these times, the traffic flows will be lower and therefore the impact will be lower. Transport statement infers that the impact will not be severe in highway safety terms.

6.9 No objection. No significant adverse effect upon the public highway should result from this proposal. Submitted transport statement states that it is anticipated to attract 7 fewer vehicular trips in AM peak hour and 6 fewer vehicular trips in PM peak hours compared to the existing office land use.

6.10 Would seek a footway link from the existing footway on the opposite side of the road to connect the site to the development and enable pedestrians to access the site. Uncontrolled pedestrian crossing and a 2m footway link to be installed.

6.11 Definitive Maps Officer – No objection.

6.12 No objection to amended plans.

6.13 Previous comments: Objection. Additional vehicles would have a detrimental effect on the public right of way in terms of the public's enjoyment of the public right of way and would restrict and limit its use. Would not comply with Policy TI/2.

6.14 Sustainable Drainage Officer – No Objection

6.15 Flood risk assessment is still confusing and contradictory. However, no comments due to no external alterations to the buildings, the car park being grass and change of levels.

6.16 Previous comments: Clarification sought. Follow FRA guidance.

6.17 Previous comments: Surface water flood risk issues require more detailed analysis. A Flood risk assessment (FRA) is required.

6.18 Conservation Officer – No Objection

6.19 No harm to any heritage assets.

6.20 Ecology Officer – Object / No Objection

6.21 Preliminary Ecological Appraisal submitted. No further surveys required. Satisfied that biodiversity net gain can be conditioned. Recommend conditions including compliance with appraisal, ecological enhancement measures and biodiversity net gain.

6.22 Previous comments: Insufficient ecological information to determine the application.

6.23 Tree Officer – No Objection

6.24 No further comments.

6.25 Environmental Health – No Objection

6.26 Recommend construction hours and Construction Environmental Management Plan (CEMP) conditions. Informatives.

7.0 Third Party Representations

7.1 Representations from 31 addresses have been received (24 in objection, 8 in support).

7.2 Those in objection have raised the following issues:

On amended plans received 19th May 2023:

Principle

- No justification for location in the countryside or conservation area.
- Grossly overstates the economic and social benefits of the development whilst suppressing serious and lasting adverse impacts on the environment, character and amenities of the village.
- Not sustainable due to further pressure on other areas for employment use
- Not good use of land given that we need office space for small businesses
- Unjustified loss of employment land. Applicant terminated the office leases and these offices were fully occupied for the last 20 years
- Need for retail offer contemplated is unconvincing
- Whilst adjacent to farmland, the farm cultivates cereal crops and shifting production will take years. No written commitment from the local farmer to support the change of use or a business plan showing how the farm will remain viable
- Economic situation is changing spending habits.
- How is development sustainable and net zero?
- Validity of commercial enterprise?

- Does not comply with the sustainability or planning policy principles

Retail impact

- Retail Impact Assessment is short on detail. and old data used. No footfall analysis nor household shopping survey
- No evidence of employment opportunities.
- Serious damage to village amenity.
- Existing community shop caters for most of our needs.
- Other small independent outlets sited locally e.g. Bourn and Hilton.
- No discussion held with Village Shop committee
- No consideration of impacts on village shop – a not for profit operation
- Community shop used to sell artisan goods but there was insufficient demand. Would be entirely dependent on attracting customers from outside the community

Traffic and pedestrian safety:

- All traffic coming from the Hilton and Boxworth directions would have to pass through the village to gain access.
- Visibility is dangerous for pedestrians crossing Smith Street. No footpath extending to site and therefore dangerous for school children
- Smith Street is a rambling route, and popular with cyclists also
- Brockley Road is not suitable for increased traffic and heavy delivery vehicles.
- Local residents likely to drive due to distance and lack of pedestrian access.
- Vehicles frequently mount kerb
- Less safe for school children and pedestrians - school already attracts 50-60 cars parked along Broad End / Smith Street
- Impact on road network and safety of other road users
- 30,000 additional car movements per year and impacts on centre of village, and residents
- Village roads are narrow, limited visibility, drains collapsing, surface is degrading and no central car park
- 212 journeys per day with them weighted particularly at the weekends.
- Additional 20 arrivals and departures per days from the expansion of the new office building to the rear

Flood risk/drainage

- Inadequate existing drainage.
- Real risk of flooding problems and FRA does not address practical problems of the site, no details on surface water run off.
- Very obvious errors within the FRA. Appendices missing.

Pollution/amenity

- Traffic fumes from increased vehicle movements.

- Attract a lot of visitors to the village via car causing noise and pollution.

Other Matters

- Late information concerning opening hours, vehicle trips generated and special events. Interested parties and residents not given the opportunity to comment as no formal reconsultation carried out.
- A retail park open 7 days a week raises serious questions about the level of disruption to residents and road safety.
- Lack of event information and where will the visitors' vehicles park and effect on nearby homes
- Will Highways be asked to properly consider the implications on road safety?
- Planning policy disregarded.
- Attract a lot of visitors to the village via car causing noise and pollution.
- Cumulative impact of additional road users generated from this development and the Black Cat / Caxton Gibbert A428 Development
- Development has already started.
- Information incomplete, contradictory and inconsistent
- Fails to properly consider issues and dismisses residents and Parish Council submissions
- Net increase in 2 jobs compared to prior use in inadequate

On original submission:

Principle

- Would not increase employment compared to office use (S/2).
- No discussion as to carbon footprint of these business nor any mitigation of their environmental impacts. Planting of trees would not mitigate this. Sustainability claims should be scrutinised.
- Not demonstrated that there is further retail need in the village (S/7)
- No business case submitted (E/13).
- Suggestions for local employment are unfounded.
- No conclusions can be reached in terms of whether the majority of goods will be produced on the farm (E/23).
- 'Greenwashing'.
- The development is not sustainable

Retail impact

- No retail impact assessment (E/22). Risk of loss to the village shop. If business park fails then unlikely to see the community shop reinstated. Supplying shop from food park is unrealistic.
- No factual information on the village shop to make an assessment.
- Community shop is a community asset.
- Food prices would be reliant on the independent businesses themselves.

- Not for profit community shop so the smallest negative impact would likely send the shop in very quick decline, resulting in nowhere to shop for essentials.

Traffic and pedestrian safety

- Proposed change of use and construction of a new road would be a danger to road users and in breach of a prior planning condition.
- No independent review of applicant's transport statement.
- Alternative locations adjacent to sustainable forms of transport not investigated.
- Implications for children's safety when crossing Smith Street.
- Rogues Lane is a blind bend and dangerous.
- Proposed surfacing of footpath No.73/3 would ruin quiet walking route and development would impact safety of walkers due to increase volume of traffic.
- Additional 272 car movements through Elsworth each day.
- Noise and pollution from traffic spiling quiet enjoyment of walkers.
- Proposed development would impact on safety of walkers by increased volumes of traffic through the village, access to the site via Smith Street with no walk way and on a blind bend.
- Highways have rubber stamped developers highways safety assessment and not carried out their own.
- New access to Smith Street/ Rogues Lane would be a danger to road users, school children and pedestrians.
- Brockley Road is narrow and unsuitable for additional traffic, with a very narrow footpath on only one side.

Visual impact

- Overspill of parking would do irredeemable visual harm.
- Development would be at the expense of the historic environment.
- Proposed poly tunnel behind the business park ruins view in the conservation area
- Removal of large section of hedgerow to the east front of the business park.

Flood risk/drainage

- Increased risk of flooding due to impermeable surfaces.
- Flooding causing a nuisance to neighbouring properties. Drainage within the site is inadequate.
- Concerns over capacity of the ditch and culvert, along with holding pond.

Pollution/amenity

- Vehicle traffic would result in serious damage to village amenity.
- Opening hours are not clear and would have many visitors arriving and leaving during all hours of the day.
- Significant adverse impact from new visitors upon the village and its residents.

- External lighting is already very bright and intrusive to neighbouring properties.
- Noise and disturbance from the café.
- Would negate any positive ecological impact through car travel.
- Elevated pollution from traffic fumes affecting entire village.

Biodiversity impact

- No consideration of external lighting required and impacts upon wildlife.
- Barn owls nest nearby – would be disturbed by the development.
- Removal of hedgerow is not sustainable.

Other Matters

- Restriction on equestrian access onto land which is a lawful right of access.
- Structural damage to listed properties.
- Concerns over existing rights of access to Rogues Lane
- The proposal would be in breach of existing planning conditions which sought to protect amenity of adjoining residents.

7.3 Those in support have given the following reasons:

On amended plans:

- Flow of traffic would likely be from the Cambourne direction.
- Village is in desperate need of more life and facilities.
- Will help to bring the rural life back to the village.

On the original submission:

- Will enhance what the village has lost over the passage of time. Over the last 40 years, Elsworth has lost two shops (including a butcher), its post office, an abattoir, a farm and several public houses. Lost its rural character and its connections with food production. Would bring a bit of life back to the village.
- Local produce, locally grown, craft and skill need an outlet that in keeping with its industry but also in keeping with the location.
- Believe that it can work with local businesses including the village shop.
- Fresh and freshly made goods might compete with supermarkets.
- Elsworth residents currently have to go further afield to obtain fresh produce. Important to have amenities nearby.
- Community shop is not well served for the type of produce available at the food hub.
- Traffic comments appear to have been inflated. Floor space does not compare to other sites.
- Will provide local employment, a social centre and a local shop for local produce. Will offer high quality local produce and provide a great education to our local school children.
- Would have a symbiotic relationship with the village shop.

- Will support the local community without having to drive.
- Similar ventures in other villages have thrived – and have not caused negative impact on road networks, homes, flora or fauna.
- Will provide a community hub where villagers can sit, with a cuppa tea and good quality foods to purchase and chat.
- The park is highly accessible without causing negative impact on village, its properties and wildlife there in.
- It will reduce car journeys to other shops as it can be reached by foot, more likely to use the community shop plus the food park and less likely to drive to supermarkets.

8.0 Member Representations

- 8.1 Cllr Howell (Local Ward Member) has requested determination by full Planning Committee if Officers are minded to grant permission.
- 8.2 Cllr McDonald (Lead Member for Economic Development and Infrastructure) supports the application.
- 8.3 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

9.0 Assessment

Principle of Development

- 9.1 Policy S/2 of the Local Plan states that the vision for the Local Plan will be secured through the achievement of 6 key objectives, including amongst other criteria in (a) supporting economic growth (including the rural economy); (e) to ensure that all new development provides or has access to a range of services and facilities that support healthy lifestyles for everyone, including shops etc; and (f) to maximise potential for journeys to be undertaken by sustainable modes of transport including walking, cycling, bus and train.
- 9.2 Policy S/3 of the Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).
- 9.3 Policy S/7 of the Local Plan states that outside development frameworks, only allocations within Neighbourhood Plans that have come into force and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted.

- 9.4 Policy E/14 (1) states that the change of use of existing employment sites to non-employment uses within or on the edge of development frameworks will be resisted unless certain criteria are met.
- 9.5 In this instance, the existing site is neither within nor on the edge/adjacent to the Elsworth development framework and therefore this part of Policy E/14 is not relevant in this instance.
- 9.6 Policy E/14 (2) states that redevelopment proposals which propose the loss of all employment uses will need to be accompanied by clear viability or other evidence as to why it is not possible to deliver an element of employment development as part of the scheme.
- 9.7 Third party comments are noted and whilst the proposal would result in a loss of existing office accommodation, the proposed retail use would retain an element of employment. The applicant has confirmed that before the current units became vacant, most units had a maximum of two people per unit i.e. approximately 18 employees. Given that an element of employment (at least 20 jobs created) would remain, there is no objection in policy terms for the change from office to retail use and therefore is compliant with Policy E/14 of the Local Plan 2018.

Re-use of the existing buildings

- 9.8 The proposed development is for a change of use office buildings for a mixed use comprising retail and educational use (sui generis).
- 9.9 Policy E/17 states that the use or adaptation of buildings in the countryside for employment use will be permitted provided the following apply:
(1) a. The buildings are structurally sound, not makeshift in nature and are of permanent, substantial construction;
b. The buildings are capable of re-use without materially changing their existing character or impact upon the surrounding countryside;
c. The form, bulk and general design of the buildings are in keeping with their surroundings.
- 9.10 Supporting text paragraph 8.61 states that the NPPF requires that Local Plans support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.
- 9.11 Third party comments regarding the location of development are noted. In this instance, the existing buildings are of permanent construction, until recently being used as office accommodation. The floor plans and elevations of each unit would remain unaltered. Given the nature of the development, it is considered that the proposed development would meet the requirements of criterion (1) a-c of Policy E/17 of the Local Plan 2018.
- 9.12 Policy E/17 continues by stating that (4) incidental uses such as car parking and storage should be accommodated within the group of

buildings, or on well related land where landscaping can reduce the visual impact of the new site. Car parking will be discussed in section 'Cycle and car parking provision' of this report.

- 9.13 Finally, E/17 states that (5) employment generated must be in scale with the rural location. Developments resulting in significant numbers of employees or visitors must only be located near to larger settlements or accessible by public transport, cycling, or walking. Proposals which would have a significant adverse impact in terms of the amount or nature of traffic generated will be refused.
- 9.14 The agent has confirmed that potentially 20 new jobs would be created as a result of the proposed development, compared to approximately 18 employees when the offices were occupied prior to them becoming vacant. Third party comments concerning numbers employed previously on site are acknowledged. It is envisaged that the number of people employed within the retail units would be significantly less than those currently employed in the business park. However, it is considered that the proposed employment generated is in the scale within the rural location.
- 9.15 The submitted transport statement calculates that there would be fewer total trips generated at peak times of the day (8am-9am and 5pm-6pm). Although given the nature of retail use it is expected that there would be a general increase in the number of people travelling to/from the site over the course of the day which would total approximately 53 arrivals per day, there would be an increase in only 16 per day over the current office use of the site Monday to Friday. It is acknowledged that traffic movements would increase at weekends, however, there are no conditions on the previous planning consent (S/1040/94/F) to restrict the hours of use and therefore potentially the lawful uses of the units (office use, research and development or industrial processes) could be in operation during weekends and during unsociable hours during the week. On this basis, it is considered that the nature of development is small scale, would be in-keeping with the size of Elsworth and would not detract from the amenity or character of the local area.
- 9.16 It is acknowledged that the proposed development is located outside the development framework and in close proximity to the group village of Elsworth which contains few services and facilities, including a community shop and primary school. In addition, the site is currently poorly connected to Elsworth village centre which includes a lane connecting Smith Street to the north and the access road connecting Brockley Road to the south. Both these routes have no pedestrian footpath until the other side of Smith Street and until after 50 metres along Brockley Road. The Local Highway Authority comments are acknowledged and if this application is granted planning consent, it is recommended that a 2 metre footpath and an uncontrolled pedestrian crossing to connect with the existing footway. Subject to this Grampian condition, to encourage walking to the site, it is considered that the proposal would meet the criterion within Policy E/17 of the Local Plan 2018.

- 9.17 An assessment in terms of the nature and amount of traffic generated will be discussed in a later section of this report, however on the basis of minimal increase in traffic movements over the course of the day compared to the existing office use, it is considered that the proposal would not have a significant adverse impact on the area in terms of the amount and nature of traffic generated as a result of this proposal in accordance with Policy E/17 of the Local Plan 2018.

Retail development in the countryside

- 9.18 Policy E/22 states that for (2) proposals involving additional retail floorspace in excess of 250m² (gross) outside of rural centre village centres should be accompanied by a retail impact assessment. (4) Where impact assessments indicate significant adverse impacts on an existing town or village centre, development will be refused.
- 9.19 Supporting text paragraph 8.71 states that the Council will, wherever possible, support provision of new shops and facilities of an appropriate scale to the village. Wherever possible retail uses will be encouraged to locate in close proximity to each other in order to allow for easier access and provide for greater convenience, thereby strengthening existing provision.
- 9.20 Policy E/23 states that planning permission for the sale of goods in the countryside will not be granted except for:
- a. Sales from farms and nurseries of produce and/or craft goods, where the majority of goods are produced on the farm or in the locality; or
 - b. Exceptionally, the sale of convenience goods, ancillary to other uses, where proposals, either individually or cumulatively, do not have a significant adverse impact on the viability of surrounding village shops, or the vitality of Rural Centres or other village centres.

Where permission is granted, conditions may be imposed on the types of goods that may be sold.

- 9.21 Supporting text paragraph 8.75 states that sporadic development for retail uses in the countryside could result in unsustainable patterns of development, and could harm the vitality and viability of village centres.
- 9.22 Paragraph 84 of the National Planning Policy Framework (NPPF) 2021 states that planning policies and decisions should enable (amongst others): the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings; and the retention and development of accessible local services and community facilities, such as local shops, meeting

places, sports venues, open space, cultural buildings, public houses and places of worship.

- 9.23 Paragraph 85 of the NPPF 2021 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 9.24 The proposed development would comprise a change of use of 438 sq metres floor space and is therefore accompanied by a retail impact assessment.
- 9.25 As set out within the Retail Impact Assessment, the proposed development would provide services to the community of Elsworth including a butchers, bakery and deli. The site is within the catchment of several other villages including Hilton, Connington, Boxworth, Knapwell, Caxton, Bourn, Dry Drayton, Eltisley, Hardwick, Caldecote, Papworth Everard and Cambourne.
- 9.26 The applicant's retail impact assessment is noted. Whilst Officers consider that Papworth Everard and Cambourne have good retail provision, it is noted that the provision of a café and artisan retail units is likely to attract customers from within these areas in addition to villages surrounding Elsworth.
- 9.27 The proposal would comprise shops selling artisan goods such as coffee, beer, bread and cakes. No convenience goods would be sold. Third party comments regarding the impact on the existing village shop are noted. Further information has been provided as part of the application within the 'Elsworth' document and it is understood that shops will source goods as much as possible from the locality initially with the prospect of sourcing goods from the applicant's farm holding and other land to rear livestock and grow vegetables in the future. A condition is also recommended to ensure that the type of goods sold are compatible with the rural location and in accordance with Policy E/23 of the South Cambridgeshire Local Plan 2018.
- 9.28 In addition to the retail business, the retail units would provide educational classes on food production. A café would also be provided which aims to be an additional meeting place for the village. Third party comments concerning Policy E/18 (Farm Diversification) are acknowledged, however, given the existing use of the site is as office use and other farmland is a separate planning unit, this policy is not engaged. Nevertheless, it is

intended that the proposed businesses would, over time, develop a link with the applicant's agricultural holding by using goods sourced from this holding to sell in the retail units. Although the scale of development would comprise a floor space of approximately 438 sq metres, this would be split between 7 retail units all offering different goods which would enable customers to obtain via linked trips. It is therefore considered that the scale of development is acceptable in this location.

- 9.29 Whilst third party comments regarding the need for retail in this location are noted, on the evidence submitted as part of the application, it is considered that the proposed development would meet the requirements of criterion (a) of Policy E/23. As noted above conditions are recommended to be attached to ensure that the type of food goods for sale are agreed and another that ensures the units remain small and do not become amalgamated into larger units to ensure that the scale of development is appropriate to the size of the village. It is anticipated that in time and with the potential diversification of the surrounding land within the applicants' control, food goods could be sourced from adjacent farmland.
- 9.30 The submitted retail impact assessment concludes by following a sequential approach that there are no other locations suitable for the proposed development. Given that the units would serve the community of Elsworth, the area of search was confined to this village itself. Given the nature of the use and its long-term ambition to source food from farmland in close proximity to the application site, this was another requirement of this site search. Other criteria used included the presence of existing buildings that could be converted, car parking, ground floor access and availability. Given that the proposal would utilise existing buildings and make sustainable use of surrounding land for food production in the longer term, taking the development plan policies into account, it is agreed that there are no alternative available sites in the Elsworth area that would be more appropriate for the proposed development.
- 9.31 The proposed development would be located close to the development framework of Elsworth. Whilst serving the residents within this village by catering for localised shopping needs, it is recognised that the proposed development would attract trips from the wider catchment area including from surrounding villages. Whilst this is the case and the location of the site would attract visitors from elsewhere via car, the proposed development would support linked trips for a range of locally sourced goods.
- 9.32 The submitted retail impact assessment includes a retail impact test. This test details that the current retail facility within the village, a community shop, stocks convenience goods such as newspapers, milk, beer, wine, cakes, frozen meat and ready meals, as well as tinned produce and is used by locals as an emergency restock.
- 9.33 The applicant has advised that they will provide the community shop with fresh produce to improve its viability and states that the proposed

development would have no adverse impact on this community shop. However, this is outside of the realms of planning considerations and whilst if this is agreed as the case, it would be unreasonable and unenforceable to require this is secured via condition.

- 9.34 In addition, comments from the Elsworth Community Shop Committee have been received which questions how in reality this could be undertaken given that the occupiers of the units would be responsible for pricing and not the applicant themselves.
- 9.35 The type of goods sold as stated within submitted retail impact assessment are noted. It is recognised that the community shop sells predominantly essentials as opposed to the artisan food goods proposed at the food park, however, it is noted from the Officer site visit that there is a small degree of overlap in goods sold including local cakes, bread and meat which could be impacted.
- 9.36 The community shop is a designated community asset which under Policy SC/3 of the Local Plan 2018 is afforded protection. The shop is operated as a 'not for profit' facility which ensures that goods are sold at the lowest possible prices and therefore is more sensitive to any impacts. This means that any negative impact on the profitability of the community shop could make this facility potentially unviable.
- 9.37 Third party comments regarding the lack of detailed retail impact assessment are noted. Whilst there is a risk that the proposed development could affect the viability of the community shop in the future, on the evidence of the goods sold, these would be very different enterprises and it is considered that the community shop would continue to sell essential items for local residents and therefore the proposal would complement rather than detract from this facility.
- 9.38 Whilst the impact upon other independent shops in other villages have not been assessed, taking into account the distance of these facilities and small scale nature of the proposed development, it is not considered that it would detract from these alternative facilities.
- 9.39 Therefore, on this basis, it is considered that the proposed development would not have a significant adverse impact upon the existing village centre, in accordance with Policy E/22 of the Local Plan 2018.

Design, Layout, Scale and Landscaping

- 9.40 The application falls within the Elsworth Conservation Area. The application site is a considerable distance from Listed Buildings to the north and east.

- 9.41 Policy HQ/1 'Design Principles' provides a comprehensive list of criteria by which development proposals must adhere to, requiring that all new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its local and wider context.
- 9.42 Policy NH/14 of the South Cambridgeshire Local Plan (2018) requires development affecting heritage assets to sustain or enhance the character and distinctiveness of those assets.
- 9.43 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, Listed Buildings. Section 72 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 9.44 Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significant of a heritage asset should require clear and convincing justification.
- 9.45 The proposal would not consist of any external alterations to the existing buildings and thus retain the character and appearance of these units. Given that this is the case, following a formal consultation with the Council's Conservation Officer, the proposal would not result in harm to character and appearance of the Conservation Area nor the setting and significance of Listed Buildings and is compliant with policies HQ/1 and NH/14 of the Local Plan 2018, and the provisions of the Planning (LBCA) Act 1990, and the NPPF 2021.
- 9.46 The application proposes new parking for 24 cars to the south of the units. Whilst this parking arrangement is situated on undeveloped land and third party comments are noted relating to the visual harm from the additional car parking, its construction would comprise a grid system to minimise its countryside impact and work around existing tree constraints. In addition, hedging and additional trees would provide a good level of screening that will mitigate the visual impacts of the proposed scheme. Further details of planting/soft landscaping could be conditioned on any planning consent granted. Therefore, it is considered that the proposal is in accordance with policies HQ/1 (h), NH/14 and E/17 of the Local Plan 2018.

Trees

- 9.47 Although several trees bound the access road within the site, no trees would be removed as a result of the proposed development, nor would there be any impact from the proposed parking area upon these existing

trees. There is no objection from the Council's Trees Officer. Therefore, the proposal is in accordance with Policy NH/4 of the Local Plan 2018.

Biodiversity

- 9.48 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) require development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with policy NH/14 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 9.49 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal which sets out that any residual risk of harm or disturbance to protected and priority species can be mitigated. Following a formal consultation with the Council's Ecology Officer, it is considered that no further surveys are required, and the proposed development is acceptable subject to compliance with the ecological measures recommended in the submitted report and a scheme of ecology enhancement prior to development above slab level. These conditions are recommended to be attached if planning consent is granted in accordance with Policy NH/4 of the Local Plan and the Biodiversity SPD 2022.
- 9.50 Whilst no biodiversity net gain plan has been submitted as part of the application, the report states that native hedgerows and two new ponds would be created on the site. On this basis, following a formal consultation with the Council's Ecology Officer, it is considered that biodiversity net gain within the site is achievable and further details can be conditioned on any planning consent granted in accordance with Policy NH/4 of the Local Plan and the Biodiversity SPD 2022.
- 9.51 Officers are satisfied that the proposed development complies with policy NH/14, the Biodiversity SPD 2022, the requirements of the Environment Act 2021 and 06/2005 Circular advice.
- 9.52 In terms of potential lighting impacts on protected species, it is considered that details of external lighting could be conditioned on any planning consent granted in accordance with Policy NH//14 to ensure that protected species are not adversely impacted.

Water Management and Flood Risk

- 9.53 Policies CC/7, CC/8 and CC/9 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.

- 9.54 The site is in Flood Zone 1 and is therefore considered at low risk of fluvial flooding. However, the site is located within an area of low to high surface water flood risk.
- 9.55 The applicants have submitted a Flood Risk Assessment (FRA) which states that there would be no increase in impermeable areas as a result of the proposed development. Whilst third party comments concerning existing drainage and flood issues on the site and concerns with errors and missing information within the submitted FRA are noted, further advice has been obtained from the Council's Drainage Officer and given that the proposal involves no external changes to the existing buildings and the car parking area would comprise a permeable grassed area, it is not considered that the proposed development would increase the risk of surface water drainage issues on the site nor elsewhere in accordance with Local Plan policies CC/7, CC/8 and CC/9 and NPPF advice.

Highway Safety and Transport Impacts

- 9.56 Policy HQ/1 states that proposals must provide safe and convenient access for all users and abilities to public buildings and spaces, including those with limited mobility or those with impairment such as sight or hearing.
- 9.57 Policy TI/2 requires developers to demonstrate adequate provision will be made to mitigate the likely impacts of the proposed development and, for larger developments, to demonstrate they have maximised opportunities for sustainable travel, and provided a Transport Assessment and Travel Plan.
- 9.58 Paragraph 111 of the NPPF 2021 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.59 During the course of the application, the proposed development has been amended to remove the access to Rogues Lane. There are no objections to the amendment from the Definitive Mapping Officer and third party comments concerning this have been addressed.
- 9.60 The application is supported by a Transport Statement which demonstrates that there would be less additional trips to the proposed development (-7 arrivals and -6 departures) compared to the existing use in the peak AM and PM hours of the day.
- 9.61 These vehicular trips from outside the village would predominately be via private car given the limited public bus service available. Third party comments concerning the environmental impact of the reliance on private car are noted, however, given the location of the food hub close to residential properties within village, it is considered that the food hub would be within walking distance to the majority of residential properties

within Elsworth and therefore would provide good access to locals via sustainable forms of travel.

- 9.62 Whilst third party comments concerning the increase in traffic movements during the remainder of the day, weekends and evenings are noted, this is an amenity consideration which is discussed in a subsequent section of this report. Third party comments concerning heavy delivery vehicles and the direction of traffic from nearby villages are noted, however, given the small-scale nature of development, transport movements are not considered to be substantial and given the type of products and size of units, lighter vehicles could be used to be compatible with the local roads.
- 9.63 Pedestrian visibility along Smith Street particularly for school children attending the food hub are acknowledged, however, subject to improvements to pedestrian linkages with the food hub, it is considered that this could be mitigated via this alternative route. Notwithstanding this, any potential school trips would have to be subject to appropriate risk assessments which are outside of this planning assessment.
- 9.64 Third party comments are noted, however, in terms of traffic movements from a highway safety perspective, following a formal consultation with the Local Highway Authority, given that there would be less trip generation at peak times, there would be no adverse impacts upon the transport network.
- 9.65 Third party concerns have been raised with regards the cumulative impact of additional road users generated from this development and the Black Cat/Caxton Gibbet development. The proposed food hub comprises a minor development that in highway terms would not generate significant volumes of traffic. The Black Cat/A428 development has been subject to a development consent order by the Secretary of State for Transport which granted consent subject to traffic mitigation measures. Taking this into consideration, the proposed development is not considered to result in significantly adverse highway safety or traffic generation to warrant refusal of the scheme.
- 9.66 Third party comments concerning the increase in floorspace (409 sq metres) by virtue of the extension to the office buildings to the rear permitted under 22/03801/FUL are noted. This would generate an estimated additional increase in 19 movements per day at peak times. Whilst it is noted that traffic would continue to pass through the application site from Brockley Road to the offices towards the rear, given that these traffic movements would be at peak times of the day, it is not considered that the uses would result in direct conflict between users nor give rise to significant adverse highways safety impacts.
- 9.67 Third party comments concerning the lack of independent review of this transport statement data are acknowledged, however, the trip rates are based on previous consents and surveys and therefore provides a good evidence basis in which the Local Highways Authority has no objection.

Therefore, subject to improvements to pedestrian connectivity as recommended to promote walking from within the village itself which could be attached on any planning consent granted, the proposal is in accordance with the objectives of policy TI/2 of the Local Plan 2018 and is compliant with NPPF advice.

Cycle and Car Parking Provision

- 9.68 Policies HQ/1 and TI/3 set out that car and cycle parking provision should be provided through a design-led approach in accordance with the indicative standards set out in Figure 11 of the Local Plan. Cycle parking should be provided to at least the minimum standards.

Cycle Parking

- 9.69 According to the Transport Statement, the proposal plans to accommodate a total of 14 cycle spaces (7 additional Sheffield hoops).
- 9.70 TI/3 requires 1 space per 25 sq metres floor space for retail (food) premises and 1 space per 10 sq metres floor space for cafes. It is noted that within this policy's indicative figures, no figure is suggested for community educational use and therefore it is agreed that 1 space per 25 sq metres is appropriate. Therefore, a total of 21 cycle spaces are required.
- 9.71 In this instance, no details have been provided for the location of these Sheffield stands, however, it is considered that there is sufficient space within the site adjacent to the existing buildings to accommodate cycle provision and details for 21 cycle spaces can be conditioned on any planning consent granted in accordance with Policy TI/3 of the Local Plan 2018. This is to encourage both employees and customers within or close to village to use more sustainable forms of travel.

Car Parking

- 9.72 TI/3 requires 1 car parking space per 14 sq (approximately 23 spaces) metres floor space for retail (food) premises and 1 space per 5 sq metres (approximately 14 spaces) floor space for cafes. It is noted that within this policy's indicative figures, no figure is suggested for community educational use and therefore it is agreed that 1 space per 10 sq metres (approximately 7 spaces) is appropriate. An indicative car parking figure of 44 spaces is therefore required.
- 9.73 Following amended plans showing a reduction in overall car parking, the application proposes to retain 20 car spaces (including 4 EV charging spaces and blue badge space) within existing hardstanding. The area of additional car parking within the grassed area would comprise an additional 24 spaces (including 2 blue badge spaces) to the south. The total car parking provision within the food hub would therefore be 44

spaces and it is considered that this would be appropriate in this instance in accordance with Policy TI/3 of the Local Plan 2018.

- 9.74 In terms of special events opening hours, these would be specifically for the café and not other units within the food park. In comparing the level of parking to other farm and artisan shops within the area, for example Gog Magog Farm Shop and Ben's retail shops (near Ely), the parking for 44 vehicles is sufficient for customers and employees, taking into account the small scale nature of the development. It is envisaged that the café would extend their opening hours to allow for evening events when the other units would have closed as of 18:00 and therefore no additional parking would be required to cater for these events. The amount of parking required also meets the indicative car parking figures within Policy TI/3.
- 9.75 The number of EV charging points for the proposed development is compatible with Policy TI/3 of the Local Plan which encourages innovative solutions including car charging points.
- 9.76 Subject to conditions, the proposal is considered to accord with policies HQ/1 and TI/3 of the Local Plan 2018..

Amenity

- 9.77 Policy HQ/1 (n), sets out that proposals must protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development which would create unacceptable impacts such as noise, vibration, odour, emissions and dust.

Neighbouring Properties

- 9.78 Given the nature of the proposed development, there is not considered to be any significant adverse impact upon neighbouring residential amenity on account of overbearing, overlooking or loss of light impacts.
- 9.79 Third party comments concerning noise, disturbance and pollution / fumes to nearby amenities and within the village itself are acknowledged. Whilst there is no formal objection from the Council's Environmental Health Officer regarding the development, it is noted that the proposal will undoubtedly lead to more vehicular traffic entering and leaving the village.
- 9.80 However, based on the data obtained within the transport statement, the addition of approximately 53 arrivals and 53 departures per day (totalling 106 per day) would be spread across the day and early evening and would have minimal impact upon the amenity of the village, particularly as there would only be a minimal increase in traffic movements compared to the existing use during the week, noting that there would be increased traffic movements during weekends. Moreover, due to the road access and parking being located a reasonable distance from the nearest residential dwelling, it is unlikely that the proposed vehicle movements would result in

significantly adverse noise and disturbance upon this neighbour's amenity nor unacceptable air pollution. Subject to conditioning opening/delivery hours including for special events, external amplified music and external lighting via condition, it is considered that the proposed development would have minimal impact upon residential amenities and the immediate surroundings accordance with policies S/9 and HQ/1 of the Local Plan 2018.

Construction and Environmental Health Impacts

- 9.81 The Council's Environmental Health Team have assessed the application and recommended that the application be approved subject to construction hours and construction management plan conditions in addition to informatives. Given that the only external works would be to the car parking area which will require minimal works, it is not considered necessary or reasonable that these conditions be attached to any planning consent granted in accordance with Policy CC/6 of the Local Plan 2018.
- 9.82 The recommended informative regarding noise and dust complaints in addition to food business informative could be attached to any consent granted.

Summary

- 9.83 The proposal adequately respects the amenity of its neighbours. Subject to conditions, the proposal is compliant with Policy HQ/1 of the Local Plan 2018. The associated construction and environmental impacts would be acceptable in accordance with Policy CC/6 of the Local Plan 2018.

Third Party Representations

- 9.84 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

Third Party Comment	Officer Response
Damage to listed properties	Given the nature of development, it is unlikely that damage through traffic generation upon heritage assets would occur.
Covenants/existing rights of access	A planning permission would not override covenants and private rights of access. These are civil matters between different landowners and not a material planning consideration.
Information to interested parties and lack of consultation on amendments	Clarification was sought from the agent regarding daily traffic movements. Clarification of opening hours/special events can be agreed via condition and this has been discussed with the agent and in line with usually recommended opening hours of

	something of this nature. It is not considered that the additional information provided by the agent warrants a formal re-consultation to interested parties.
Compliance with planning policy	This report has assessed the application in detail against planning policy and provides a balanced assessment. Policy S/10 refers to dwellings within group villages and therefore is not directly relevant. Policy E/13 refers to B1, B2 and B8 use classes and therefore is not relevant to the use of the site proposed.
Proposed Polytunnel	No polytunnel is proposed to be erected within this application submission. Any structure of this nature will likely require planning consent in its own right.
Removal of large section of hedgerow	No hedgerow is proposed to be removed. There are no objections from the Council's Trees Officer.
Development has already started	The bakery and cakery are already in operation. Although the bakery operates a click and collect service at present and the cakery is used to host teaching classes and sells online, these are not permitted within the conditions imposed on previous consent S/1040/94/F. Refusal of this application may be subject to enforcement action.
New proposal would breach conditions placed on previous permissions	Each planning application is determined on its own merits. It has been recommended that subject to planning consent being granted, this be subject to several conditions restricting its use and opening hours.
Validity of commercial enterprise	The applicant envisages that the scheme will be successful and has several operators on board. Notwithstanding this, the success or otherwise of a commercial venture is not a material planning consideration.

Other Matters

- 9.85 Waste collection will continue to utilise the existing access road as per the existing arrangement, and will be made via private commercial collection.
- 9.86 Third party comments in support of the application are noted. Local Member comments received are also acknowledged.

Planning Balance

- 9.87 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise

(section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).

- 9.88 The proposed development would result in retail, educational and community use that would be situated within the countryside. The proposed development would offer locally sourced food and employment to small businesses which would boost the rural economy in accordance with the Paragraph 85 of the NPPF 2021.
- 9.89 The proposed change of use would allow the conversion and adaptation of a vacant building within the countryside in accordance with Policy E/17 of the Local Plan 2018.
- 9.90 Artisan type retail is supported in accordance with Policy E/23 and the submitted retail impact assessment states that the proposed development would not have a negative impact upon the nearby community asset of the community shop. Taking into account the difference in food types on offer, it is unlikely that the proposed development would have significantly harm the vitality and viability of the community shop and therefore of the local centre, in accordance with Policy E/22.
- 9.91 In terms of sustainable development as outlined within Paragraph 8 of the NPPF 2021, the proposed development would offer less employment opportunities than its existing use as office accommodation but would nevertheless help build a strong rural economy through some retail employment. Other lawful uses within this use class (E(g) that could operate on site include research and development of products and services and industrial processes could potentially offer less employment opportunities depending on the tenants which would occupy these units. Therefore, it is considered that the proposal would have a beneficial economic impact through employment in addition to social impact through the creation of educational classes and a café social hub.
- 9.92 Whilst the proposal would inevitably attract customers from outside the village which would predominantly make use of private car the proposed development would build a strong, vibrant community by providing accessible facilities including shops, café and community education for the village's residents. In addition, the proposal would make effective use of redundant buildings, improve biodiversity within the site and source food locally, helping the Council move towards a low carbon economy.
- 9.93 On balance, whilst there are factors that weigh against the development including the potential long term impact on the community shop, it is considered that the economic and social benefits of proposed development would outweigh any of the identified harms.
- 9.94 Therefore, on balance, the proposal is in accordance with local and national policies and guidance.

9.95 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

9.96 Recommendation

9.97 **Approve** subject to:

The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

9.98 Planning Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

- 3) The units, hereby approved, shall be limited to use classes falling within retail (Class E(a)), sale of food and drink (Class E(b)), industrial processes (Class E(g(iii))) and non-institutional education (Class F1(a)) and shall be used for no other purpose (including any other purposes in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: The application has been assessed on its individual merits and the use of the premises for any other purpose may result in harm which would require re-examination of its impact in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

- 4) The individual units, hereby approved, with the exception of units 2, 3 and 4 shall not be amalgamated into larger sized units than is indicated within these approved drawings reference PPS22-3858-

ULP1 Rev E without expressed planning consent from the local planning authority.

Reason: To ensure that the use remains small scale in keeping with its rural location in accordance with policies E/17 and E/23 of the South Cambridgeshire Local Plan 2018.

- 5) Unless otherwise agreed in writing with the Local Planning Authority, the type of goods sold by the retail units hereby permitted shall be limited to those outlined within the Elsworth food supply statement submitted (received 20th March 2023). No convenience goods shall be sold within the units hereby permitted.

Reason: To ensure that the type of goods sold are compatible with the rural location in accordance with Policy E/23 of the South Cambridgeshire Local Plan 2018.

- 6) Within 6 months of the date of this decision notice, details of a 2-metre wide pedestrian footway link from the application site's entrance to the existing footway fronting No.29 Brockley Road in addition to a pedestrian dropped kerb to facilitate pedestrians crossing Brockley Road shall be submitted to and agreed in writing with the Local Planning Authority. The footway and dropped kerb shall be installed in accordance with the approved plans and within a suitable timeframe agreed in writing with the Local Planning Authority.

Reason: To promote sustainable transport methods and ensure satisfactory access to the site in accordance with policies E/17 and TI/2 of the South Cambridgeshire Local Plan 2018.

- 7) All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Skilled Ecology, March 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance ecological interests in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- 8) Within 3 months of the date of this decision notice, a Biodiversity Net Gain (BNG) Plan shall be submitted to and approved in writing by the local planning authority. The BNG Plan shall target how a net gain in biodiversity will be achieved through a combination of on-site and / or off-site mitigation. The BNG Plan shall include:
i) A hierarchical approach to BNG focussing first on maximising on-site BNG, second delivering off-site BNG at a site(s) of strategic biodiversity importance, and third delivering off-site BNG locally to the application site;

- ii) Full details of the respective on and off-site BNG requirements and proposals resulting from the loss of habitats on the development site utilising the latest appropriate DEFRA metric;
- iii) Identification of the existing habitats and their condition on-site and within receptor site(s);
- iv) Habitat enhancement and creation proposals on the application site and /or receptor site(s) utilising the latest appropriate DEFRA metric;
- v) An implementation, management and monitoring plan (including identified responsible bodies) for a period of 30 years for on and off-site proposals as appropriate.

The BNG Plan shall be implemented in full and subsequently managed and monitored in accordance with the approved details. Monitoring data as appropriate to criterion v) shall be submitted to the local planning authority in accordance with the latest DEFRA guidance and the approved monitoring period / intervals.

Reason: To provide ecological enhancements in accordance with the NPPF 2021 para 174, South Cambridgeshire Local Plan 2018 policy NH/4 and the Greater Cambridge Shared Planning Biodiversity SPD 2022.

- 9) Within 3 months of the date of this decision notice, a scheme of ecology enhancement shall be supplied to the local planning authority for its written approval. The scheme must include details of bat and bird box installation, hedgehog connectivity, and other enhancements as applicable and in line with the Greater Cambridge Biodiversity Supplementary Planning Document (2022). The approved scheme shall be fully implemented within an agreed timescale unless otherwise agreed in writing

Reason: To conserve and enhance ecological interests in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- 10) No new external lighting shall be provided or installed other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried as approved and shall be retained as such.

Reason: To minimise the effects of light pollution on the surrounding area and to protect biodiversity interests in accordance with Policies SC/9 and NH/4 of the South Cambridgeshire Local Plan 2018.

- 11) Within 3 months of the date of this decision notice, details of facilities for the secure parking of 21 cycles for use in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the type

and layout. The facilities shall be provided within 6 months of the development hereby approved and in accordance with the approved details and shall be retained as such.

Reason: To ensure appropriate provision for the secure storage of bicycles in accordance with Policy TI/3 of the South Cambridgeshire Local Plan 2018.

- 12) The electric vehicle charge points and associated infrastructure as detailed in and as shown on drawing PPS22-3858-ULP1 Rev E shall be fully installed and operational within 3 months of this decision notice unless otherwise agreed in writing with the local planning authority and shall be retained thereafter.

Reason: In the interests of encouraging more sustainable modes and forms of transport in accordance with the National Planning Policy Framework (NPPF 2021) paragraphs 107, 112, 174 and 186, policy TI/3 of the South Cambridgeshire Local Plan and the Greater Cambridge Sustainable Design and Construction SPD 2021.

- 13) The opening hours of the units hereby permitted shall take place only between the hours of 09:00-18:00 each day Monday to Saturday and 10:00-16:00 on Sundays, Bank Holidays and Public Holidays. The café use only (Unit 2/3/4) shall operate between the hours of 08:00-18:00 each day Monday to Saturday and 10:00-16:00 on Sundays, Bank Holidays and Public Holidays with the exception of special events (up to 12 per calendar year) where said event shall only take place between the hours of 08:00-22:00 on any day.

Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

- 14) Deliveries to the site shall take place only between the hours of 07:00-19:00 Monday to Saturday and 07:00-17:00 on Sundays, Bank Holidays and Public Holidays.

Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

- 15) There shall be no external playing of any amplified music, voice or sound outside the units, hereby approved, without expressed planning consent from the local planning authority.

Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

- 16) Within 3 months of the date of this decision notice, details of a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

All soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

Informatives

- 1) In the event that the Planning Authority is so minded as to grant permission to the proposal please add an informative to the effect that the granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.
- 2) The granting of permission and or any permitted development rights for any Air Source Heat Pump (ASHP) does not indemnify any action that may be required under the Environmental Protection Act 1990 for statutory noise nuisance. Should substantiated noise complaints be received in the future regarding the operation and running of an air source heat pump and it is considered a statutory noise nuisance at neighbouring premises a noise abatement notice will be served. It is likely that noise insulation/attenuation measures such as an acoustic enclosure and/or barrier would need to be installed to the unit in order to reduce noise emissions to an acceptable level. To avoid noise complaints, it is recommended that operating sound from the ASHP does not increase the existing background noise levels by more than 3dB (BS 4142 Rating Level - to effectively match the existing background noise level) at the boundary of the development site and should be free from tonal or

other noticeable acoustic features. In addition, equipment such as air source heat pumps utilising fans and compressors are liable to emit more noise as the units suffer from natural aging, wear and tear. It is therefore important that the equipment is maintained/serviced satisfactory and any defects remedied to ensure that the noise levels do not increase over time.

- 3) The applicant should contact the Commercial and Licensing Team, South Cambridgeshire District Council, for advice concerning the proposed premises design/layout, Food and Occupational Safety/Welfare Regulations/requirements and Food Premises Registration, Commercial.Envhealth@scambs.gov.uk prior to development coming into operation.
- 4) The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environment Planning Team.

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Plan 2018
- South Cambridgeshire Local Development Framework SPDs