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| Planning Committee Date | 08 November 2023 |
| Report to | South Cambridgeshire District Council Planning Committee |
| Lead Officer | Joint Director of Planning and Economic Development |
| Reference | 23/02823/FUL |
| Site | Magog Court, Hinton Way, Great Shelford, Cambridgeshire, CB22 3AD |
| Ward / Parish | Great Shelford |
| Proposal | Change of use of 0.91ha of agricultural land including Barn 4 to drive thru phlebotomy (blood) testing unit (Use Class Ee), remodelled access, vehicle circulation space, parking, footpath link, dropped kerbs, landscaping and associated infrastructure at Magog Court. |
| Applicant | Cambridge University Hospitals NHS Foundation Trust |
| Presenting Officer | Michael Sexton |
| Reason Reported to Committee | Councillor Call-in |
| Member Site Visit Date | 1 st November 2023 |
| Key Issues | <ol style="list-style-type: none">1. Principle of Development2. Design / Visual Amenity3. Landscape Impact4. Biodiversity5. Highway Network |
| Recommendation | APPROVE , subject to conditions |

1.0 Executive Summary

- 1.1 The application seeks planning permission for the change of use of 0.91ha of agricultural land including Barn 4, Magog Court, to a drive through phlebotomy (blood) testing unit (Use Class Ee), remodelled access, vehicle circulation space, parking, footpath link, dropped kerbs, landscaping and associated infrastructure.
- 1.2 During the Covid-19 pandemic, phlebotomy was moved off the Addenbrookes site to provide space for social distancing and to reduce the potential risk of infection. The current phlebotomy site is located at Newmarket Road Park and Ride and operates as a drive through facility. Due to the expiration of a licence agreement, there is a need to relocate the facility.
- 1.3 The application site is in the Green Belt and comprises a partially constructed agricultural building, permitted under prior approval application reference 22/02935/PRIOR, associated handstanding, vehicular access and open land.
- 1.4 The re-use of a building within the Green Belt, provided that the building is of permanent and substantial construction and that development preserves the openness and purposes of Green Belt land, is supported by criterion (d) of paragraph 150 of the National Planning Policy Framework (NPPF).
- 1.5 The building is of permanent and substantial construction and the agricultural use has been implemented. No extensions or significant alterations to the scale and general appearance of the building are proposed as part of the development. Officers are satisfied that the proposed change of use would represent appropriate development, as set out in the NPPF.
- 1.6 The proposed change of use has been found acceptable in respect of design, retaining the general agricultural form and scale of the building. Landscape and biodiversity enhancements are proposed, providing an on-site net gain in biodiversity. Drainage can be adequately managed within the site boundaries and the development has been found to not result in harm to the highway network or highway safety.
- 1.7 There are no technical objections to the proposed change of use.
- 1.8 Officers have made a technical alteration to the description of development to include the change of use of the land surrounding the barn as well as the barn building itself. The use of the building as a phlebotomy drive through testing unit and hours of operation can be secured by restrictive planning conditions.
- 1.9 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider

stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

- 1.10 Taking all factors into consideration, Officers recommend that the Planning Committee approve the application subject to the conditions and informatives as set out in the report, the final wording of which is be delegated to officers.

2.0 Site Description and Context

- 2.1 The application site comprises approximately 0.91 hectares of agricultural land and is located outside of the development framework boundary of Great Shelford, in the Green Belt and countryside. The site comprises a partially constructed agricultural building, associated hardstanding, vehicular access, and open land.
- 2.2 The building, permitted under prior approval reference 22/02935/PRIOR, is approximately 48 metres in length, 18 metres in width and has a pitched roof with a ridge height of approximately 9.5 metres and an eaves height of 7 metres. The structure / frame of the building is complete, and a roof has been installed, but the elevational treatments to the building have not yet been completed.
- 2.3 To the north of the site is Magog Court, which contains a mix of commercial buildings, two residential properties, including Thatched Cottage (a Grade II Listed Building), and agricultural buildings. To the south and east are open arable fields. The site is bound to the west by Hinton Way, beyond which are agricultural fields.
- 2.4 The site lies in flood zone 1 (low risk), with some areas of the site identified as being at risk from surface water flooding.

3.0 The Proposal

- 3.1 The application seeks planning permission for the change of use of 0.91ha of agricultural land including Barn 4 to a drive through phlebotomy (blood) testing unit (Use Class Ee), remodelled access, vehicle circulation space, parking, footpath link, dropped kerbs, landscaping and associated infrastructure at Magog Court.
- 3.2 During the Covid-19 pandemic, phlebotomy was moved off the Addenbrookes site to provide space for social distancing and to reduce the potential risk of infection. The relocation also enabled floor space in the hospital site to be put to better use in the treatment of patients.
- 3.3 The current phlebotomy site is located at Newmarket Road Park and Ride and operates as a drive through facility. On average, the number of patients being tested is around 300 per day. Due to the expiration of a licence agreement, there is a need to relocate the facility.

- 3.4 The applicant, Cambridge University Hospitals NHS Foundation Trust, is seeking the continued operation of the drive-through phlebotomy facility in an offsite location to enable critical service continuity for patients.
- 3.5 The application details that the continued provision of an off-site drive through testing centre provides a range of benefits. These include greater numbers being tested, reduced infection risk and social distancing, freeing up of valuable space on the campus for providing for patient care, and reduced travel and parking demand on the hospital campus.
- 3.6 Officers have made a technical alteration to the description of development to include the change of use of the land surrounding the barn as well as the barn building itself. This technical change it is felt has not prejudiced any consultees, however, is more of a clarification.

4.0 Relevant Site History

| Reference | Description | Decision |
|------------------------|---|----------------------------------|
| Application Site | | |
| 22/02935/PRIOR | Erection of a steel portal frame agricultural building | Prior Approval Given (20-Jul-22) |
| 20/02288/PRI06A | Prior approval for the erection of a steel portal frame agricultural building | Prior Approval Given (08-Jun-20) |
| Magog Court (adjacent) | | |
| 22/03547/S73 | S73 variation of condition 3 (Occupation) of planning permission S/2834/19/FL (Introduction of rear ground floor extension along with first floor Mezzanine and associated works) amendment to the wording of the condition to "for a period of 10 Years from the date of the first occupation of each of the extensions, they shall only be used and occupied by Fortius Ltd". | Approved (21-Oct-22) |
| S/2834/19/FL | Introduction of rear ground floor extension along with first floor Mezzanine and associated works | Approved (30-Jan-20) |
| S/2997/18/FL | Erection of porch and associated works at existing B1-B8 flexible use business premises | Approved (18-Jan-19) |
| S/1997/15/PM | Prior Notification for the Change of use of up to 500 sqm of agricultural floorspace to B1 (Business) use or B8 (Storage or Distribution) | Prior Approval Given (28-Sep-15) |

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| S/2602/13/PA | Prior Notification for agricultural store | Have No Objection To (03-Jan-14) |
| S/2071/10 | Agricultural Building | Permission Not Required (13-Dec-10) |

5.0 Policy

5.1 National

National Planning Policy Framework 2023
National Planning Practice Guidance
National Design Guide 2021
Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design
Circular 11/95 (Conditions, Annex A)
Conservation of Habitats and Species Regulations 2017
Environment Act 2021
ODPM Circular 06/2005 – Protected Species
Equalities Act 2010

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/4 – Cambridge Green Belt
S/5 – Provision of New Jobs and Homes
S/7 – Development Frameworks
CC/1 – Mitigation and Adaptation to Climate Change
CC/3 – Renewable and Low Carbon Energy in New Developments
CC/4 – Water Efficiency
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/8 – Mitigating the Impact of Development in and adjoining the Green Belt
NH/14 – Heritage Assets
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

5.3 Cambridge Southern Fringe Area Action Plan (2008)

Policy CSF/5 – Countryside Enhancement Strategy

5.4 Neighbourhood Plan

None

5.5 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

5.6 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:

Landscape in New Developments SPD – Adopted March 2010

District Design Guide SPD – Adopted March 2010

Listed Buildings SPD – Adopted July 2009

6.0 Consultations

6.1 Full redacted versions of the comments summarised below can be found on the Council's website.

6.2 Great Shelford Parish Council – Support

6.3 No further comments provided.

6.4 Stapleford Parish Council – Object

6.5 Initial comment - 18 August 2023

- Question, given the previous granted application was for the erection of an agricultural barn, how this application for a change of use can be submitted within a year of the permission being granted? Works have not been completed.
- The Access and Design Statement provides many reasons why the application is of benefit to the NHS Trust, and why the Planning Authority should grant permission.
- If the application were submitted for permitted development it would be contrary to Class R, failing the 10 year rule for agricultural use.
- Drive-through facility is contrary to SCDC climate change policy.
- The use would significantly increase vehicle traffic in the area.

- Application states it is sustainable due to proximity of bus stops, proposal is for a drive-through with no mention of how pedestrians cross Babraham roundabout.
- The welfare of staff needs to be accommodated.
- Green Belt: original application was for agricultural, protection of the Green Belt should be a major consideration, should review the site with a potential view to the eyesore of the current building being removed as seems not required for its stated purpose.
- Landscape: the building would not be on site except for the fact that agricultural buildings have permitted development, if not used for stated purpose (agriculture), the building may now be considered to negatively impact the landscape and Green Belt.
- Design: extremely large building is not designed for the proposed use; if submitted as a new build very unlikely the design would receive support.

6.6 01 September 2023 (revised comments in line with further information)

- Stapleford Parish Council has been advised that this application is to be assessed as a new build application in the Green Belt.
- Application would enable a very large agricultural style building to be built (remain) in the Green Belt, which the Parish Council consider dominant and intrusive in the natural landscape and rural hinterland, damaging to the setting of Cambridge and nearby villages.
- Local householders have responded in large numbers objecting to the application.
- Agricultural barn has not completed any of the landscaping conditions, meaning the current building is fully exposed and dominant in the landscaping. Any 'new' building would likewise be dominant and intrusive in the landscape and Green Belt.
- The site is deemed to be urbanisation of the rural landscape in the Green Belt, which should be protected.
- Note benefits to the NHS Trust.
- Increased private vehicle movements are contrary to SCDC Climate Change policy.
- Significant increase in vehicle traffic in the area, additional pollution in the rural area within the Green Belt.
- Recommend a full highway safety audit be completed.
- No mention of photovoltaic arrays.
- No mention of water management or SUDs.
- Landscape & Green Belt harm; existing landscape conditions have not been implemented, area is included and covered by the Countryside Enhancement Strategy in the Cambridge Southern Fringe Area Action Plan.
- Fully support CPPF with regard to landscape impact, urban sprawl into the Green Belt and introduction of inappropriate built form and industry into the Green Belt.
- Newmarket Road Park and Ride is being used as a phlebotomy units, Babraham Park and Ride could likewise be used.
- Object to the site being used for any purpose other than agriculture.

- Press Greater Cambridge Planning to review the current permission for an agricultural barn and If permission is refused, that the site including the existing barn, concrete base and access road be removed as it is clear the original agricultural application is no longer required.
- If permission is granted for what is essentially new build, would strongly press for mature landscaping to be conditioned, enforced and maintained for at least 10 years.
- A green roof and wall system should also be conditioned along with SUDS and water management, renewable energy, pedestrian access routes.
- Permitted development rights should be removed to ensure there can be no 'creeping development' on this and the associated Magog Court can be possible.

6.7 Access Officer – Comments

6.8 There must be a flat threshold entrance, a wheelchair accessible toilet and toilet doors must open outwards and/or have quick release bolts.

6.9 Ecology Officer – No objection

6.10 Recommend conditions to secure works in accordance with the submitted Ecological Assessment, a scheme of ecology enhancement, a lighting design strategy for biodiversity and a biodiversity net gain plan.

6.11 Environmental Health – No objection

6.12 Recommend conditions restricting hours of works and piling and informatives relating to air source heat pumps, disturbance to neighbours and statutory nuisance action.

6.13 Local Highways Authority – No objection

6.14 Recommend conditions for vehicular access construction, 6 metre radius kerbs, width of vehicular access, access falls and levels, access material, gates, a traffic management plan, the need for a Section 278 agreement, and an informative relating to works to or within the public highway.

6.15 Transport Assessment Team (Cambridgeshire County Council) –No objection.

6.16 The facility does not open during network peak hours and therefore it is unlikely there would be a significant impact on the local network during these times.

6.17 Trees Officer – No objection.

6.18 No Arboricultural objections, trees on or adjacent to the site have no legal protection.

7.0 Third Party Representations

7.1 Cambridge Past, Present and Future - Objection

- Inappropriate use in the Green Belt, detrimental impact on the landscape.
- Planning Statement explained the farms need for additional storage for cereals. However, the building has only been partially constructed; works commenced about 10 months ago and remain unfinished, with the grain walls never having been built; this time includes on period of harvest.
- CPPF have investigated the planning history of Magog Court; the vagaries of the permitted development and prior approval system have been used for purposes for which they were not intended to gain development which wouldn't normally be allowed in the Green Belt.
- Concerned that should this development be allowed, this will lead to a subsequent application for a replacement agricultural barn.
- The building has only been allowed to be built for agricultural purposes because it had permitted development rights; any other development would have been considered against Green Belt and Development Framework policies.
- Question:
 - o Is the current building is of a substantial construction to meet NPPF paragraph 150(d)?
 - o Is the development correctly identified as change of use as the use as an agricultural barn has never been implemented?
 - o Is this a brownfield site?
- Consider the application should be determined as if it were a new build and not a change of use.
- Site lies within an area where there is a presumption against development, beyond any development framework, in the Green Belt and in the area covered by the Countryside Enhancement Strategy in the Cambridge Southern Fringe Area Action Plan.
- Proposal is contrary to Policy S/7.
- Proposal will result in a building in the Green Belt which will be conspicuous and unsightly in the landscape; contribute to the sprawl of Cambridge southwards (along with future expansion of the Cambridge Biomedical Campus), not maintain or enhance the quality of Cambridge's setting, contribute to the coalescence between edge of Cambridge and Great Shelford.
- Alternatives sites have been considered; object that a location outside Green Belt was not included as a site requirement, each site requirement weighted equally but we suggest some are more important than others (greater weighting should be given to sites outside Green Belt).

7.2 22 representations in objection have been received. These raise the following issues:

Biodiversity

- Impact of pollution on wildlife and the environment.

Green Belt:

- Hinton Way residents have difficulties with planning permission for home improvements / extensions yet this conversion can be considered.
- Located on an area of land entitled to be protected from development.
- Loss of Green Belt land.
- Only in a Green Belt location as landowner has built an agricultural use building then applied for a change of use.

Landscape / Visual Impact

- Negative visual impact on the surrounding Green Belt area.
- While a farm building is inoffensive and in keeping with the area, the proposed structure with regular traffic movements will be an eyesore.

Planning Process

- As there is no agricultural purpose for Barn 4, argue its prior approval has not been justified and it should be removed.
- Barn was never used for its purpose and remained empty, no feed, fertilizer or vehicles.
- Building construction not completed.
- Manipulation of the planning process in an effort to obtain consent for the proposal; if no prior approval it would be much more difficult to justify finding exceptional circumstances.
- Never any intention of agricultural use.
- Over recent years, Arnold Farm has morphed into Magog Court expanding into adjoining Green Belt field with 'agricultural buildings later converted.
- Partial construction of a barn in the Green Belt without requiring planning permission, built, not used, then justify planning approval on basis of existing building.
- Pattern of behaviour repeated in which agricultural buildings are constructed then repurposed for business use.
- The sequential test which selected this site was submitted in November 2022, before the structure was completed.
- Would set a precedent for approval of further units.

Sustainability

- Contrary to zero carbon strategy.

Transport Network / Highway Safety

- Access to the site is unsuitable.
- Approved Eddeva Park development off Babraham Road (230 homes) will add further stress to the highway.
- Delays to emergency vehicles.
- Hinton Way is a busy road with inadequate footpaths.
- Increased pollution and noise to properties along Hinton Way.
- Increased traffic on existing narrow road and area of congestion.
- Negative cumulative impact with guided busway on Hinton Way.

- Position of site at exist of the roundabout makes it safe and dangerous.
- Reduced road safety and increased traffic accidents.

Other Matters

- Concerned Hinton Way over time will become an Industrial Estate with grain stores being converted to business premises over time.
- Concerned that letter of 28/07/23 from the Technical Support Officer to the applicants agent states that 'at present the decision whether or not to grant permission for this proposal will be made by Officers'; important that the decision on the application is not made by someone who is not aware of all the circumstances or by someone who may have previously formed a view.
- Factual error in the analysis which states that the Hinton Way site is 200 metres from the nearest bus stop; it is 300 metres, outside the criteria of being less than 250 metres away.
- Have been advised that there are two further proposals for this facility both of which are located on the Addenbrookes site; if this is deemed not possible then why does the facility need to be relocated from its present site on Newmarket Road.
- Neighbours not consulted.
- No weighting of importance applied to 12 features listed as being requirements for the site.
- Only accessible by driving.
- Proposal at odds with other developments planning in the area; residential care facility together with landscaped area of woodland.
- Proposal is at odds with East West railway road being confirmed through Shelford and the construction of Cambridge South.
- Suitable sites available on the Addenbrookes site.
- To remain at Newmarket Road site, or relocate to Addenbrookes site would be more appropriate.
- Two adjacent structures have not been used for agriculture, only covid testing; appear to have been designed specifically for a drive through business.

7.3 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.

8.0 Member Representations

8.1 Cllr Peter Fane; refers the application to Planning Committee (Green Belt).

9.0 Local Groups / Petition

9.1 None.

10.0 Assessment

Planning Background

Approved Development (Prior Approval)

- 10.1 The application site contains a partially constructed agricultural building, permitted under prior approval reference 22/02935/PRIOR pursuant to the regulations set out within Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 10.2 The description of the prior approval application was “Erection of a steel portal frame agricultural building”.
- 10.3 The Planning Statement submitted in support of the 2022 prior approval application set out in paragraph 3.1 that the proposal was to erect a new portal frame farm building to be used as a general purpose agricultural store for harvested crops and / or bales and, when empty, for agricultural machinery. In line with the requirements of the permitted development rights these were deemed as reasonably necessary for the purposes of agriculture within that unit.
- 10.4 The permitted agricultural building is approximately 48 metres in length, 18 metres in width and has a pitched roof with a ridge height of approximately 9.5 metres and an eaves height of 7 metres. For context, the prior approval requirements in respect of the permitted scale of a building are the ground area of the structure not exceeding 1,000 sqm and not exceeding 12 metres in height (when not within 3 kilometres of the perimeter of an aerodrome).
- 10.5 Works have commenced on site in accordance with the approved plans, implementing the prior approval permission within the required time period (5 years from the date on which approval was given). The structure / frame of the building is complete, and a roof has been installed. Areas of hardstanding provide a base in and around the structure, including a vehicular access route to the main access on Hinton Way. Works to the elevations to enclose the structure have not yet been carried out.

Commencement of Use

- 10.6 As noted in paragraph 10.3 above, the prior approval application was made for a farm building to be used as a general purpose agricultural store for harvested crops and / or bales and, when empty, for agricultural machinery.
- 10.7 Photographs showing agricultural machinery parked / stored within the agricultural building have been provided to the Local Planning Authority, indicating that the building has been used for at least one of the purposes referenced within the original prior approval application.
- 10.8 Therefore, based on the information available, although the elevations of the barn have not been completed, its use as an agricultural building has been implemented through the storage of agricultural machinery.

Whether the Works Carried Out Constitute a Building

- 10.9 Section 55(1) of the Town and Country Planning Act 1990 (TCPA) sets out that “development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.
- 10.10 Section 55(1A) of the TCPA sets out that for the purposes of the act “building operations” includes the demolition of buildings, rebuilding, structural alterations of or additions to a building, and other operations normally undertaken by a person carrying on business as a builder.
- 10.11 Section 57(1) of the TCPA sets out that planning permission is required for the “carrying out of any development on land” pursuant to, with the definition of “development” including the carrying out of “building operations”.
- 10.12 Case Law has demonstrated that to determine whether something constitutes building operations, it must be determined whether there is a building, and whether the erection of said building is a building operation (Skerrits of Nottingham Limited v The Secretary of State for the Environment, Transport and the Regions, 2000).
- 10.13 Under Section 336 of TCPA (interpretation) a “building” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. “Building operations” includes rebuilding operations, structural alterations of or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder.
- 10.14 Given the wide-ranging definition of a “building” within the TCPA, including “any structure or erection” case law has sought to provide clarification on the general definition of a building.
- 10.15 In ‘Cardiff Rating Authority and Cardiff Assessment Committee v Guest Keen and Baldwin’s Iron and Steel Co. Ltd (1949)’, three criteria were identified for a building:
- size (with a building usually something that is constructed on site, rather than being brought on site already made);
 - permanence; and
 - physical attachment to the ground.
- 10.16 Planning appeals have provided a further understanding of what is capable of being a “building” in planning terms.
- 10.17 In 2019, an appeal against an enforcement notice issued by Warrington Borough Council considered whether the construction of a cricket practice cage in a rear garden constituted unauthorised operational development (appeal reference APP/M0655/C/18/3206121).

- 10.18 The Inspector noted that, although the netting may be capable of being removed with relative ease, there was no suggestion that it was intended to move the six posts from their position and that the posts were buried in the ground; the substantive part of the cricket practise facility was physically attached to the ground. The Inspector determined the breach of planning control amounted to the erection of a structure and therefore a building as defined in Section 336 of the TCPA.
- 10.19 A further appeal decision in 2019 reached a similar conclusion in respect of a portable shelter for practice tee on a Green Belt site in an appeal against a refusal to grant planning permission by Leeds City Council (appeal reference APP/N4720/W/18/3216727).
- 10.20 Although the shelter was portable, the Inspector detailed in their report that in respect of Section 336 of the TCPA, the proposed shelter fixed to the ground had a degree of permanency and would be a structure or erection and therefore could reasonably be regarded as a building for planning purposes.
- 10.21 In terms of the application site, the works that have been carried out on the permitted agricultural building are the steel frame structure, which has foundations beneath ground level, and the installation of the roof, which are in accordance with the approved plans. While the sides of the agricultural building have not been completed, the works undertaken on site are significant in size, are permanent, and has physical attachment to the ground, with reference to the criteria set out in paragraph 10.15 above.
- 10.22 The existing structure therefore constitutes a building in planning terms.

Principle of Development

Green Belt

- 10.23 The site is located outside of the development framework boundary of Great Shelford, in the Green Belt and countryside.
- 10.24 Policy S/4 of the South Cambridgeshire Local Plan (2018) sets out that a Green Belt will be maintained around Cambridge that will define the extent of the urban area. New development in the Green Belt will only be approved in accordance with Green Belt policy in the National Planning Policy Framework (2023) (NPPF).
- 10.25 Chapter 13 of the NPPF deals with protecting Green Belt land.
- 10.26 Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

- 10.27 Paragraph 138 of the NPPF sets out that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.28 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.29 Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 10.30 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - i. not have a greater impact on the openness of the Green Belt than the existing development; or
 - ii. not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 10.31 Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its

openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

- 10.32 The existing site contains a partially constructed agricultural building. As set out above, officers are satisfied that the structure within the site constitutes a building in planning terms and that its use as an agricultural building has commenced, in line with the 2022 prior approval decision and associated approved plans.
- 10.33 The application seeks planning permission for the change of use of Barn 4 and 0.91ha of land to a drive through phlebotomy testing unit (Use Class Ee).
- 10.34 The re-use of a building within the Green Belt, provided that the building is of permanent and substantial construction and that development preserves the openness and purposes of Green Belt land, is supported by criterion (d) of paragraph 150 of the NPPF.
- 10.35 The building is of permanent and substantial construction. No extensions or significant alterations to the scale and general appearance of the building are proposed as part of the development. The resulting structure would be akin to the prior approval development and appear as an agricultural building in the Green Belt. No further conflict to the openness of the Green Belt or the purposes of including land within it are identified.
- 10.36 The proposed change of use is therefore considered to represent appropriate development as set out by paragraph 150(d) of the NPPF.
- 10.37 The description of development also refers to a remodelled access, vehicle circulation space, parking, footpath link, dropped kerbs, landscaping and associated infrastructure, including the change of use of land within the red line boundary, as noted in the revised description of development.
- 10.38 Paragraph 150(b) of the NPPF allows for engineering operations provided they preserve its openness and do not conflict with the purposes of including land within it. Given the presence of an existing access from the public highway, vehicular access to the agricultural building and the extent of existing hardstanding in and around the structure, no conflict is identified.

10.39 The proposal therefore constitutes appropriate development in the Green Belt, falling within exceptions cited under paragraph 150 of the NPPF.

Very Special Circumstances

10.40 The NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF is also clear that, when considering any application, planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

10.41 When very special circumstances are required, the onus is on the applicant to demonstrate why permission should be granted, and the NPPF sets out that that 'very special circumstances' will not exist unless the harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (paragraph 148).

10.42 Although the submitted Design, Access, Planning and Cultural Significance Statement concludes that the proposal is appropriate development under paragraph 150(d) of the NPPF, it also sets out that very special circumstances required under paragraph 147 of the NPPF also exist.

10.43 The very special circumstances presented in the Statement are:

- Need for phlebotomy testing
- Efficiencies made during the pandemic to the phlebotomy testing service by drive through facility
- Backlog in medical treatment caused by the pandemic
- Need to maintain capacity of the hospital for patient care
- Need to be in reasonable proximity to the hospital and testing laboratories
- Clinicians at CUH and GPs report clinical benefits due to ease of access
- Venous access is easier whilst patients are sitting in a warm car
- Greater numbers being tested
- Reduction in possible infection risk
- Freeing up of valuable space on the hospital campus to enable an increase in the space available for patient care
- Helps to maintain social distancing both at the testing centre and on the hospital campus
- Reduces the amount of people having to travel to the hospital campus
- Reduce demands on campus car parking

10.44 The very special circumstances presented in the Statement are noted. However, for the reasons set out above, the proposal is considered appropriate development and therefore paragraphs 147 and 148 of the NPPF are not engaged.

Alternative Sites Assessment

- 10.45 The application is supported by Sequential Testing document (No.6 Developments, November 2022). The document identifies possible locations for the provision of the phlebotomy centre and assesses those sites against identified site requirements and associated ideal situations.
- 10.46 Criteria key to the testing of sites include distance from Addenbrookes campus (0-2 miles), proximity to an A-Road (less than 200 metres), brownfield or greenfield, flood space (approx. 1,000sqm), existing building (yes), availability (yes) and flood zone (flood zone 1).
- 10.47 A total of 19 sites were analysed through the sequential test, including sites that are located outside of the Green Belt. Of the 19 sites identified, eight were found to meet at least eight of the 12 required criteria specified by the applicant and taken through a secondary analysis process, from which three passed and were taken to a tertiary analysis. These three sites were Site 8 (Unit 3, Cambridge South Business Park), Site 9 (Barn 4, Magog Court), and Site 12 (Block 10, Bourn Quarter).
- 10.48 In summary, the test identified that although Sites 8 and 12 had the benefit of being existing buildings on brownfield land, Site 8 was too remote to fulfil the requirement of an efficient and accessible facility, while Site 12, although located with good access to a main road and public transport, was approximately 11 miles from the campus.
- 10.49 Site 9 was found to meet all the requirements specified by the applicant, aside from being a brownfield site outside of the Green Belt but presented the opportunity to reuse an existing agricultural building to deliver an efficient, drive-through testing facility.
- 10.50 Officers acknowledge the findings of the Alternative Site Assessment and raise no strong objection to its contents.

Loss of Agricultural Land

- 10.51 Policy NH/3(1) of the Local Plan states that planning permission will not be granted for development which would lead to the irreversible loss of Grades 1, 2 or 3a agricultural land unless (a) Land is allocated for development in the Local Plan or (b) sustainability considerations and the need for the development are sufficient to override the need to protect the agricultural value of the land.
- 10.52 The application site is approximately 0.91 hectares in size, a small area in the context of agricultural land and a very small percentage of the overall agricultural holding. Furthermore, it would be feasible to return the building and the immediately surrounding the building to agricultural use.
- 10.53 The proposal is therefore not considered to result in significant conflict with Policy NH/3 of the Local Plan.

Conclusion

- 10.54 The proposed change of use would constitute appropriate development in the Green Belt, as set out by paragraph 150 of the NPPF. The proposal would not need to demonstrate very special circumstances.
- 10.55 The proposed change of use would comply with Policy S/4 of the Local Plan and relevant NPPF guidance.

Design/ Visual Amenity

- 10.56 The proposed change of use would retain the agricultural character, scale, and appearance of the barn under which prior approval was granted in 2022. The proposed elevations supporting the application are directly comparable to those submitted to and approved with the prior approval application.
- 10.57 The building would remain approximately 48 metres in length, 18 metres in width, featuring a pitched roof with a ridge height of approximately 9.5 metres and an eaves height of 7 metres.
- 10.58 The walls of the permitted agricultural building were to be constructed with a steel portal frame, with pre-cast concrete grain walls to 3000mm and box profile plastisol coated steel over to the eaves. The proposed development seeks to match those currently approved, which are considered appropriate and compatible with the rural setting of the site.
- 10.59 The only notable design changes to the agricultural building are the introduction of further doors into the side elevations of the building to accommodate the proposed end use.
- 10.60 As consented, two large roller shutter doors approximately 6 metres by 6 metres in size would be present, one at each end of the building. The proposed development seeks to introduce a further 12 roller shutter doors, six on each side elevation of the building, to alter the use of the building to a phlebotomy drive through facility. These are more modest in scale, each being approximately 3 metres by 3 metres in size.
- 10.61 Given their location and scale, together with the limited and transient views from the public realm, the introduction of the roller shutter doors on the side elevations of the building are not considered to significantly compromise the agricultural characteristics of the building. Where the building is visible from wider viewpoints, the general appearance would read as that of a typical agricultural building, akin to that permitted through the prior approval permission.
- 10.62 The proposed change of use would provide a larger area of hardstanding around the building, to allow vehicles to move around the site and through the six-bay arrangement. A small area of staff parking, comprising five parking spaces, and an area for motorcycle and cycle parking is to be provided adjacent to the western elevation of the building. The hardstanding

and associated parking are considered to have a very limited impact on the visual amenity of the area and only readily visible by users of the site.

- 10.63 To enable the use of the building as a phlebotomy testing unit, several pre-fabricated cabins will be placed within the building. However, as these would be enclosed within the building these aspects of the proposal have no impact on the design qualities of the building or visual amenity of the area.
- 10.64 Additional landscaping is proposed which would further mitigate the impact of the development and integrate it with its rural surroundings, considered in more detail below.
- 10.65 Overall, the proposed development is considered to provide a form of development that retains its key agricultural characteristics, compatible with its location, and one would not result in significant harm to the visual amenity of the area.
- 10.66 The proposal would accord with Policy HQ/1 of the Local Plan.

Landscape & Trees

- 10.67 The application site contains limited amounts of existing planting by way of trees and hedgerows. The western boundary of the site, adjacent to Hinton Way, comprises hedgerow and some trees, while some limited hedgerows are present to the northern and southern boundaries of the site, with further planting beyond the eastern boundary.
- 10.68 The application is supported by an Arboricultural Survey (David Jarvis Associated, February 2023) and associated Tree Survey Plan.
- 10.69 No trees or hedgerows are to be removed to accommodate the proposed development.
- 10.70 Additional planting is proposed to the southern, western and eastern boundaries of the site, seeking to assist the new use to assimilate into the wider landscape. This is illustrated on the submitted Landscape Proposals plan and is considered a positive response to the proposal and to enhancing soft landscaping in the immediate area. A Landscape Management and Maintenance Plan (David Jarvis Associated, April 2023) has also been submitted in support of the application.
- 10.71 Officers consider it reasonable and necessary to impose a condition to secure landscape works to be carried out, and maintained, in accordance with the information submitted (**Condition 10 – Hard and Soft Landscaping (implementation), Condition 11 – Landscape Maintenance**).
- 10.72 Officers note that no additional landscaping was proposed or secured as part of the prior approval permission in 2022. In this regard, the proposed

development represents a betterment to landscaping arrangements associated to the approved agricultural building.

- 10.73 Subject to conditions, the proposal would accord with Policies NH/2, NH/4, and NH/8 of the Local Plan.

Biodiversity

- 10.74 The National Planning Policy Framework (2023) and the Greater Cambridge Planning 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/4 of the Local Plan 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.
- 10.75 The application is supported by an Ecological Assessment (Derek Finnie Associates, March 2023), a Landscape Management and Maintenance Plan (David Jarvis Associates, April 2023) and, as amended, a Biodiversity Metric 4.0.
- 10.76 The Assessment details that an extended Phase 1 Habitat survey, in conjunction with a desk top data search, was undertaken to assess the ecological value of the site. The Site was assessed to have negligible ecological value and the proposed scheme would lead to a negligible ecological impact. The proposed landscape strategy would see the creation of areas of species rich grassland and new hedgerows, delivering significant improvements to the biodiversity value of the site.
- 10.77 The Biodiversity Metric provides full details for habitat, hedgerow and watercourse units for the on-site baseline, on-site post-intervention, and on-site net change. The headline results table sets out a net increase of 1.24 habitat units (67.37%) and a net increase 0.51 hedgerow units (43.96%), with no change in watercourse units (remaining at zero). The proposal would therefore deliver an on-site biodiversity net gain exceeding relevant planning policy requirements.
- 10.78 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection. Conditions to secure works in accordance with the submitted Ecological Assessment, a scheme of ecology enhancement, a lighting design strategy for biodiversity and a biodiversity net gain plan have been recommended.
- 10.79 Officers consider the conditions reasonable and necessary to ensure compliance with relevant planning policy (**Condition 4 – Biodiversity Net Gain, Condition 5 – Ecological Enhancement, Condition 6 – Lighting Design Strategy, Condition 9 – Ecology Compliance**).

- 10.80 Subject to the recommended conditions, the proposal would accord with Policy NH/4 of the Local Plan.

Highway Network, Highway Safety and Parking

- 10.81 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.
- 10.82 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, if deemed necessary.
- 10.83 Paragraph 111 of the NPPF 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.

Highway Network

- 10.84 The application is supported by a Transport Assessment (SLR, April 2023).
- 10.85 The application has been subject to formal consultation with the Transport Assessment Team, who raise no objection to the proposed development, nor request for any mitigation measures to be undertaken on the local highway network, beyond those required to facilitate access to the site.
- 10.86 The comments of the Transport Assessment Team note that the manual classified counts undertaken at the A1307 Hinton Way roundabout do not sufficiently cover the AM and PM network peak hours and therefore do not conform with Cambridgeshire County Council's (CCC) Transport Assessment Requirements. However, it is noted that the facility does not open during the network peak hours and therefore it is unlikely that there would be a significant impact on the local network during these times.
- 10.87 The response confirms that, as a worst case, if 50% the earlier appointments 9:30-10:00 arrived early and did pass through the roundabout, during the network peak, the volumes doing so (potentially maximum 25 vehicles using Table 5.1) would not be sufficient to require any junction testing or capacity analysis with reference to CCC's requirements. The same applies for the later appointments (16:00-16:30).
- 10.88 The number of staff trips would be limited, noting that the proposed change of use indicates only six full time employees. The predicted number of staff trips is such that they would not bring the development traffic total that would give rise to significant concerns or require any testing of the adjacent network or junctions.

- 10.89 Given the comments of the Transport Assessment Team, officers are satisfied that the proposal would not result in significant harm to the highway network. However, a key component of the analysis is that the site would not be open during AM and PM network peaks, seeking to operate between 0930 and 1630 Monday to Friday (excluding bank holidays), as is the case with the current location.
- 10.90 Officers consider it reasonable and necessary to impose a condition restricting the hours of operation to 0930 and 1630 Monday to Friday only **(Condition 18 – Hours of Operation)**.
- 10.91 Subject to the recommended condition, the proposal would comply with paragraph 111 of the NPPF and Policies HQ/1 and TI/2 of the Local Plan.

Highway Safety

- 10.92 The site will be accessed by the existing single point of vehicular access onto the Magog Court access road. Priority for traffic entering the wider site will remain into the main Magog Court Business Park, with traffic destined for the application site required to turn right into the site when clear of the public highway (Hinton Way).
- 10.93 The access comprises a 5.5metre-wide road which allows two-way working for vehicular traffic heading into and out of the site. The application proposes the construction of a new dedicated shared footway/cycleway for pedestrians and cyclists, ensuring those movements are separate to vehicular traffic.
- 10.94 The application has been subject to formal consultation with the Local Highways Authority, who raise no objection to the proposed development, subject to conditions and informatives. The existing access provides suitable vehicular visibility splays for safe use.
- 10.95 Officers consider it reasonable and necessary to impose a condition requiring the provision of the proposed footway/cycleway prior to the first use of the site, in the interests of highway safety. The final detailing of the footway/cycleway would be secured and constructed under a Section 278 Agreement of the Highway Act 1980, in consultation with the County Council's Highway Team **(Condition 7 – Footway/Cycleway)**.
- 10.96 Conditions have also been recommended for vehicular access construction, 6 metre radius kerbs, width of vehicular access, access falls and levels, access material, gates and a traffic management plan. These conditions are also considered reasonable and necessary to ensure the development does not result in significant harm to highway safety and the safe and effective operation of the highway **(Condition 3 – Traffic Management Plan, Condition 8 – Access Construction, Condition 12 – Access Falls, Levels and Materials, Condition 13 – Access Width, Condition 14 – Gates, Condition 15 – Radius Kerbs)**. An informative relating to works to or within the public highway is also considered appropriate.

10.97 Subject to the recommended conditions, the proposal would comply with paragraph 111 of the NPPF and Policies HQ/1 and TI/2 of the Local Plan.

Parking Provision

10.98 Car parking, motorcycle and bicycle parking is provided to the west of the existing building to ensure that the facility remains accessible to all ranges of mobility and all modes of transport; however, it is not envisaged that users of the facility would routinely park on the site given the setup of a drive through facility.

10.99 A bus stop is located to the north of the site on Babraham Road, where the number 13 bus between Cambridge and Haverhill operates a 30-minute service. The bus stop is approximately 300 metres walking distance from the site, so would provide an alternative means of access by public transport.

10.100 The development would provide five car parking spaces, six bicycle spaces and five motorcycle spaces. The proposed development does not fit directly with the parking figures set out in figure 11 under Policy TI/3 of the Local Plan, where indicative car parking provision for hospitals is set at 1 space per four staff while provision for health centres and clinics is set at 1 space per two staff.

10.101 The development would see six full time employees on site; therefore, the proposed parking provision is considered acceptable in this instance.

10.102 The proposal is considered to accord with the aims and objectives of Policy TI/3 of the Local Plan.

Sustainability

10.103 Policy CC/3 of the Local Plan sets out that proposals for new dwellings and new non-residential buildings of 1,000m² or more will be required to reduce carbon emissions by a minimum of 10% (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) through the use of on-site renewable energy and low carbon technologies.

10.104 The proposed development seeks the change of use of an existing building and one which is less than 1,000 square metres in footprint; therefore Policy CC/3 is not engaged.

10.105 However, officers acknowledge the Sustainability Statement provided within the Design, Access, Planning and Cultural Significance Statement. This sets out sustainability measures that will be incorporated into the development, including the use of LED lighting, use of a building management system, an all-electric approach to heating (no gas fired

heating), mechanical ventilation with heat recovery and metering and sub metering to monitor energy consumption. These approaches are supported.

- 10.106 Policy CC/4 of the Local Plan sets out that proposals for non-residential development must be accompanied by a water conservation strategy, which demonstrates a minimum water efficiency standard equivalent to the BREEAM standard for 2 credits for water use levels unless demonstrated not practicable.
- 10.107 In this instance, the proposal would not be able to demonstrate a minimum water efficiency standard equivalent to the BREEAM standard for 2 credits for water use by virtue of its end use and NHS control measures.
- 10.108 As detailed in the Supporting Statement, water usage has been based on meeting NHS infection control requirements. Clinical handwash basins are provided only as necessary and toilet provision for staff based on standard modular unit arrangements. Taps and toilets have been specified to comply with the Cambridge University Hospitals Trust protocols and align with infection control requirements.
- 10.109 Officers are satisfied that sufficient information has been submitted to demonstrate that the requirements of Policy CC/4 are not practicable in this instance.
- 10.110 Given the nature of development and proposed end use, the proposal is not considered to conflict with Policies CC/3 and CC/4 of the Local Plan.

Drainage and Flood Risk

- 10.111 The site is located in flood zone 1 (low risk) with some areas of the site identified as being at risk from surface water flooding.
- 10.112 The proposed end use is identified as a 'less vulnerable' use (health service) and is acceptable in Flood Zone 1, as set out in Table 2 of the Flood Risk and Coastal Change Chapter of the Planning Practice Guidance.
- 10.113 The application is supported by a Flood Risk Assessment and Drainage Strategy (WSP, June 2023).
- 10.114 The Assessment details that finished site levels will be engineered to prevent ponding and direct flows away from buildings during exceedance events. The accumulation of standing water would therefore not occur and therefore not pose a risk to the development. The site is located within Flood Zone 1; therefore, compensatory flood storage is not required.
- 10.115 In terms of surface water drainage, the Drainage Strategy sets out that it is proposed to replace the existing permeable gravel surfacing with permeable asphalt with no increase in the permeable area. Shallow depressions will also be located at low points to capture any surface water flowing from the

porous asphalt during exceedance rainfall events to prevent flooding on site.

- 10.116 The foul water strategy is to drain the site via a private foul water sewer network to a package pumping station. From here, the foul water will be pumped via a rising main to an existing foul water manhole located in the Magog Court Business Centre to the north of the site, from which the foul water connects to a pumping station owned and maintained by Anglian Water. A pre-planning report from Anglian Water is appended to the Drainage Strategy, which confirms adequate capacity.
- 10.117 Given the location of the site in flood zone 1, proposed end use and information submitted in the Flood Risk Assessment and Drainage Strategy, officers are satisfied that flood risk, surface water and foul water can be managed appropriately.
- 10.118 It is considered reasonable and necessary to impose a condition requiring development to be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy.
- 10.119 Subject to the recommended condition, officers are satisfied that the proposal would accord with Policies CC/7, CC/8 and CC/9 of the Local Plan.

Noise

- 10.120 The application is not supported by a Noise Assessment; given the proposed end use and location of the site no such assessment is required.
- 10.121 The application has been subject to formal consultation with the Council's Environmental Health Officer, who raises no objection to the proposed development.
- 10.122 Conditions relating to restricting hours of works and informatives relating to disturbance to neighbours and statutory nuisance action are considered appropriate as part of any consent (**Condition 16 – Hours of Works**).
- 10.123 Subject to the recommended conditions, the proposal is considered to accord with Policy SC/10 of the Local Plan.

Lighting

- 10.124 As noted above, in consultation with the Council's Ecology Officer, a condition requiring the submission of a lighting design strategy for biodiversity is to be attached as part of any consent.
- 10.125 Such a condition would contribute towards ensuring that the proposed development does not give rise to adverse impact on the local amenity of the area or surrounding countryside, as well as restricting the addition of any further external lighting without formal agreement.

10.126 Subject to the recommended condition, the proposal is considered to accord with Policy SC/9 of the Local Plan.

Heritage Impact

10.127 Thatched Cottage, a Grade II Listed Building, is located approximately 100 metres north / north-west of the site.

10.128 Between Thatched Cottage and the application building are two other buildings which provide intervening features, partially mitigating the impact of the building on the nearby heritage asset.

10.129 Furthermore, the general scale, design and appearance of the barn is to be retained such that it is akin to the prior approval permission, while proposed changes to access arrangements relate to works at ground level. Consequently, the proposed change of use would not infringe on qualities of the heritage asset and would therefore preserve its setting.

10.130 The proposal would accord with Policy NH/14 of the Local Plan.

Residential Amenity

10.131 The nearest residential property is approximately 90 metres to the north of the site.

10.132 Given the site location, proposed end use, scale of development and siting of the building, the change of use would not result in significant harm by way of loss of privacy, overbearing impact or loss of light to residential amenity.

10.133 Although vehicle movements to the general area would increase, vehicles would not be required to pass directly past residential properties within the Magog Court road layout. Potential noise disturbance through construction work and hours of operation can be controlled by planning condition **(Condition 16 – Hours of Works)**.

10.134 The proposal would accord with Policy HQ/1(n) of the Local Plan in respect of impact on residential amenity.

Contamination

10.135 The application is supported by a Phase I Geo-Environmental Desk Study (eps, March 2023).

10.136 The Study concludes that, based on the information obtained and reviewed, that there are currently no plausible contaminant linkages active at the site or likely to become active as a result of the proposed commercial development; no further environmental investigation work is warranted.

10.137 The proposed change of use does not seek to provide a sensitive end-use (e.g., residential). Given the proposed use of the site and the submitted Desk Study, officers are satisfied that the development would not result in significant harm by way of land contamination.

10.138 The proposal would accord with Policy SC/11 of the Local Plan.

Use

10.139 The proposed use of the site as a drive through phlebotomy (blood) testing unit for Cambridge University Hospitals NHS Foundation falls within use Class E(e): Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner). The proposed change of use has been assessed under this use class and found to be acceptable in terms of its location and compliance with relevant planning policy. However, it is considered reasonable and necessary to remove permitted development rights such that the site remains in use under Class E(e) (**Condition 17 – Building Use**). Without such a condition, it may be possible to change the use of the site to other use classes within Class E under permitted development without the need for formal planning permission.

10.140 Other potential uses, or longer hours of use, may have further impacts on the Green Belt, the visual amenity of the area or the highway network that would need to be considered through the planning process.

10.141 Subject to the recommended condition, the proposal is considered to accord with Policies S/4, NH/2, NH/8 and TI/2 of the Local Plan.

Third Party Representations

10.142 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 |
|---|--|
| Drive through facility and conflict with climate change policy | The proposed change of use does not result in the addition of vehicle movements and trips to the highway network; they would be existing trips made to the relocated facility that is currently operating at Newmarket Road Park and Ride. |
| Welfare of staff needs to be accommodated | The internal arrangements of the building and associated prefabricated cabins make appropriate provision of facilities for staff working on site |
| Agricultural barn should be removed if permission is refused as it is clear the | The refusal of the planning application would not directly necessitate the need to remove the existing agricultural building from the site, |

| | |
|---|---|
| <p>original agricultural application is no longer required</p> | <p>which benefits from a prior approval permission.</p> <p>However, under Schedule 2, Part 6, Class A of the TCPA, Conditions (A.2), the following 'condition' is set out:</p> <p>“(5) Where development consists of works for the erection, significant extension or significant alteration of a building and—</p> <ul style="list-style-type: none"> a) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and b) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased, <p>then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer”</p> |
| <p>Permitted development rights should be removed to ensure there can be no 'creeping development' on this and the associated Magog Court can be possible</p> | <p>The application cannot be used to control future development associated with Magog Court.</p> <p>Restrictions can only be applied to the development within the application boundary, as recommended in this report.</p> |
| <p>Concerned that should this development be allowed, this will lead to a subsequent application for a replacement agricultural barn</p> | <p>This concern is not within the control of the current application, or a material consideration in the determination of the application.</p> <p>A new barn could be sought under the Prior Approval process and would be subject to consideration against the relevant criteria of the GDPO.</p> |

| | |
|---|--|
| | A planning application could be made for a new barn and would be assessed against relevant planning policy. |
| Hinton Way residents have difficulties with planning permission for home improvements / extensions yet this conversion can be considered | Each application is considered on its own merits against relevant planning policy. With regard to domestic improvements / extensions, there are policies in the Local Plan that deal directly with such proposals as well as guidance within the NPPF. |
| Concerned that letter of 28/07/23 from the Technical Support Officer to the applicants agent states that 'at present the decision whether or not to grant permission for this proposal will be made by Officers' | The text on the notification letter is standard text, as most decisions are made under delegated powers, and does not preclude an application being considered by the Council's Planning Committee. |
| Have been advised that there are two further proposals for this facility both of which are located on the Addenbrookes site; if this is deemed not possible then why does the facility need to be relocated from its present site on Newmarket Road | There are no further proposals for the facility. |
| Neighbours not consulted | Public consultation was carried out in accordance with statutory guidelines where properties adjoining an application site boundary would be notified. In this instance, a site notice was also placed at the access to the site on 09 August 2023 and an advertisement placed in Cambridge Independent on 02 August 2023. |
| Proposal at odds with other developments planning in the area; residential care facility together with landscaped area of woodland. | No conflict has been identified |

| | |
|---|--|
| <p>Proposal is at odds with East West railway road being confirmed through Shelford and the construction of Cambridge South</p> | <p>No conflict has been identified</p> |
| <p>Suitable sites available on the Addenbrookes site</p> | <p>No sites have been identified as being available on the campus for the phlebotomy site, with areas used previously now under different hospital uses.</p> <p>Land within CUH's ownership, including land in phases 1, 2 and 3 along with that included in the emerging Area of Major Change, is not available to permanently accommodate the drive through phlebotomy centre within the campus.</p> <p>Furthermore, an emerging masterplan for the campus is being developed and aspires to reduce car travel and parking demand on the campus, seeking to explore opportunities to enhance connections with the strategic transport improvements.</p> <p>A drive through facility on the Addenbrookes site would bring more cars into Cambridge / the campus and conflict with the aims and objectives of the emerging vision.</p> |

Other Matters

Permitted Development

- 10.143 As set out above, the building (Barn 4) was granted prior approval (22/02935/PRIOR) under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as an agricultural barn, on 20 July 2022.
- 10.144 In terms of any potential change of use of the building under permitted development rights, Schedule 2, Part 3, Class R deals with agricultural buildings to a flexible commercial use while Class S deals with agricultural buildings to state-funded school or registered nursery. However, any potential development under Class R or Class S is not applicable to this site as construction works on the building began in 2022.
- 10.145 Within the regulations, both R.1 and S.1 set out that development is not permitted by Class R/S if (a) the building was not used solely for an agricultural use as part of an established agricultural unit - (iii) in the case of

a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R/S begins.

Planning Balance

- 10.146 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).
- 10.147 The re-use of a building within the Green Belt, provided that the building is of permanent and substantial construction and that development preserves the openness and purposes of Green Belt land, is supported by criterion (d) of paragraph 150 of the National Planning Policy Framework (NPPF).
- 10.148 The building is of permanent and substantial construction and the agricultural use has been implemented. No extensions or significant alterations to the scale and general appearance of the building are proposed as part of the development. Officers are satisfied that the proposed change of use would represent appropriate development, as set out in the NPPF.
- 10.149 The proposed change of use has been found acceptable in respect of design, retaining the general agricultural form and scale of the building. Landscape and biodiversity enhancements are proposed, providing an on-site net gain in biodiversity. Drainage can be adequately managed within the site boundaries and the development has been found to not result in harm to the highway network or highway safety.
- 10.150 There are no technical objections to the proposed change of use.
- 10.151 The use of the building as Class E(e) unit and hours of operation can be secured by restrictive planning conditions. Planning conditions can also secure appropriate detailing in respect of drainage arrangements, landscaping, and highway matters.
- 10.152 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

Recommendation

10.153 **Approve** subject to:

- The planning conditions and informatives as set out below, the final wording of which is to be delegated to officers.

11.0 Planning Conditions

1 Time Limit

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 Approved Plans

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

Plans to be listed:

21074-LSI-MAG-XX-DR-A-1170-S2-P04 (Location Plan)

21074-LSI-MAG-XX-DR-A-1172-S2-P08 (Proposed Site Plan)

21074-LSI-MAG-ZZ-DR-A-1350-S2-P04 (Proposed Elevations)

21074-LSI-MAG-GF-DR-A-1300-S2-P05 (Proposed Ground Floor Plan)

21074-LSI-MAG-R1-DR-A-1302-S2-P03 (Proposed Roof Plan)

21074-LSI-MAG-ZZ-DR-A-1370-S2-P04 (Proposed Sections)

21074-LSI-MAG-ZZ-DR-A-1355-S2-P04 (Proposed Cabin Elevations)

21074-LSI-MAG-R1-DR-A-1301-S2-P04 (Proposed Prefabricated Cabins Roof Plan)

3137-5-2-DR-0001-S5-P4 (Landscape Proposals)

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 Traffic Management Plan

No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority.

The principal areas of concern that should be addressed are:

- a) Movement and control of muck away vehicles (all loading and unloading should be undertaken where possible off the adopted public highway)
- b) Contractor parking, with all such parking to be within the curtilage of the site where possible

- c) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway where possible.)
- d) Control of dust, mud and debris, and the means to prevent mud or debris being deposited onto the adopted public highway.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that before development commences, highway safety will be maintained during the course of development.

4 Biodiversity Net Gain

No development shall commence, apart from below ground works and demolition, until a Biodiversity Net Gain (BNG) Plan has been 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 paragraph 174 of the National Planning Policy Framework 2023, Policy NH/4 of the South Cambridgeshire Local Plan 2018 and the Greater Cambridge Shared Planning Biodiversity SPD 2022.

5 Ecological Enhancement

Prior to first occupation 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.

6 Lighting Design Strategy

Prior to first use of the site as a phlebotomy (blood) testing unit, hereby permitted, a “lighting design strategy for biodiversity” including features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

7 Footway/Cycleway

Prior to first use of the development as a phlebotomy (blood) testing unit, the proposed shared footway/cycleway and the uncontrolled pedestrian crossing works as indicated on Drawing No. H002 P1 shall be constructed, as agreed under a Section 278 Agreement of the Highway Act 1980. The proposed shared footway/cycleway shall be a minimum width of 3 metres.

Reason: in the interests of highway safety and to ensure satisfactory access into the site

8 Access Construction

Prior to the first occupation of the development, hereby permitted, the existing concrete vehicular access where it joins the public highway shall be removed and the proposed site access shall be laid out and constructed in accordance with the Cambridgeshire County Council Housing Estate Road Construction Specification. under a Section 278 Agreement of the Highway Act 1980.

Reason: in the interests of highway safety and to ensure satisfactory access into the site.

9 Ecology Compliance

All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Derek Finnie Associates, 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.

10 Hard and Soft Landscaping (Implementation)

All hard and soft landscaping works shall be carried out and maintained in accordance with the details contained on the Landscape Proposals Plan (drawing number 3137-5-2 DR-0001 S5-P3, David Jarvis Associates, July 2023)

The works shall be carried out in the first planting season after first occupation or in accordance with a programme agreed in writing with the Local Planning Authority. 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.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies HQ/1, NH/2, NH/4 and NH/8 of the South Cambridgeshire Local Plan 2018.

11 Landscape Maintenance

The development shall be carried out in accordance with the details contained in the submitted Landscape Management and Maintenance Plan (David Jarvis Associates, April 2023) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies HQ/1, NH/2, NH/4 and NH/8 of the South Cambridgeshire Local Plan 2018.

12 Access Falls, Levels and Materials

The vehicular site access shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway and uses a bound material for the first 10 metres to prevent debris spreading onto the adopted public highway. Once constructed the access shall be retained as such.

Reason: In the interests of highway safety.

13 Access Width

To enable two domestic vehicles to pass wholly off of the adopted public highway the proposed vehicular access shall be a minimum width of 5 metres for a minimum distance of 10 metres as measured from the near edge of the highway boundary.

Reason: in the interests of highway safety.

14 Gates

Any gate or gates to the proposed vehicular site access shall be set back a minimum of 5 metres from the nearest edge of the adopted public highway boundary. Any access gate or gates shall be hung to open inwards.

Reason: in the interests of highway safety and for the safe and effective operation of the highway.

15 Radius Kerbs

The junction of the proposed vehicular site access with the highway carriageway shall be laid out with 6.0 metre radius kerbs.

Reason: in the interests of highway safety.

16 Hours of Works

No construction or demolition work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of the adjoining properties in accordance with Policy CC/6 of the South Cambridgeshire Local Plan 2018.

17 Building Use

Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), the premises shall be used for Class E(e) (provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)) and 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 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 Policies S/4, NH/2, NH/8 and TI/2 of the South Cambridgeshire Local Plan 2018.

18 Hours of Operation

The use, hereby permitted, shall not operate outside of the hours of 0930 to 1630 Monday to Friday with staff access between 09:00 and 17:00 Monday to Friday.

Reason: In the interests of highway safety and for the safe and effective operation of the highway network in accordance with Policy TI/2 of the South Cambridgeshire Local Plan 2018 and paragraphs 110 and 111 of the National Planning Policy Framework 2023.

12.0 Informatives

1 Access Construction

Further information on Cambridgeshire County Council's Housing Estate Road Construction Specification can be found here:

<https://www.cambridgeshire.gov.uk/asset-library/housing-estate-road-construction-specification-january-20231.pdf>

2 Disturbance

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.

3 Nuisance Action

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.

4 Section 278 Agreement

The proposed shared footway/cycleway and the uncontrolled pedestrian crossing works as indicated on Drawing No. H002 will need to be constructed under a Section 278 Agreement of the Highway Act 1980. The process for which may be found here;

<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highways-development>.

5 Works to/within the Public Highway

The granting of 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 Local Highway Authority for such works.

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
- Cambridge Southern Fringe Area Action Plan (2008)