

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1st August 2007

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1077/06/F - ICKLETON

Erection of 7 retail units and café (retrospective) and erection of 4 additional retail units; Ickleton River Barns, 111 Frogge Street, for Mr and Mrs T London.

Recommendation: Refusal

Date for Determination: 21st July 2006

This Application has been reported to the Planning Committee for determination at the request of Councillor J F Williams.

Members will visit this site on Monday 30th July 2007.

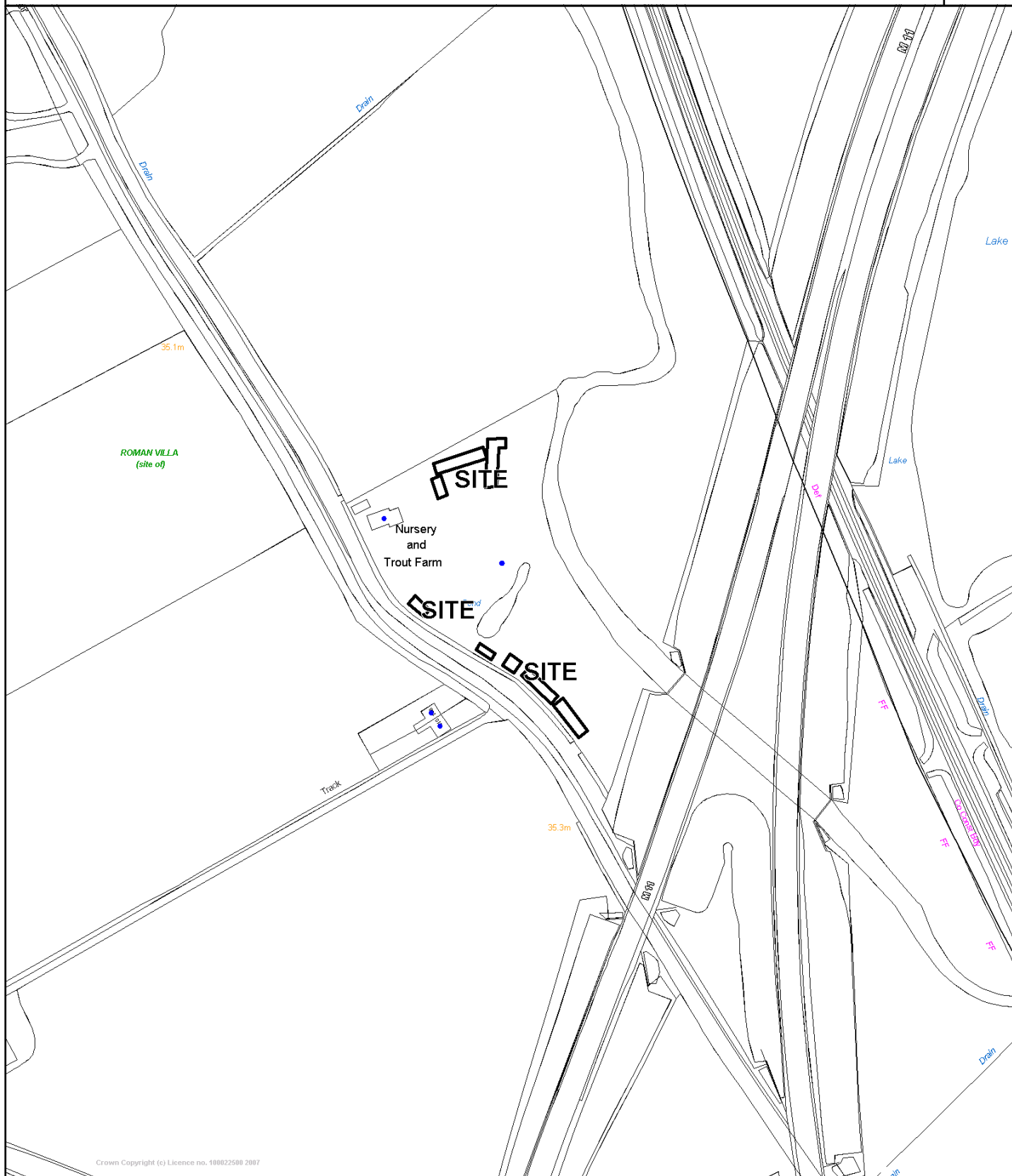
Departure Application

Site and Proposal

1. The application relates to a retail park that has been established in the countryside to the south of the village adjacent to the M11/A11 flyover. The site is bounded to the east by the River Cam, and to the west by the C284 Frogge Street. The northern boundary is marked by the applicants' dwelling. The frontage of the site is screened with trees and hedgerow. There are a number of single-storey retail units on the site, mostly clad in stained timber, including some former railway carriages. The site includes a pond, a play area and an area for car parking. The site, excluding the house and its garden, has an area of 0.91ha. This includes 228sq m of buildings. Prior to its existing use, the site was in use as a garden nursery and a trout farm.
2. Access to the site, from Frogge Street, is located at the southern end of the site, where visibility to the north is restricted by a bend in the carriageway. This access also serves a separate gas bottle storage compound south of the site. The dwelling is served by a separate access to the north of the site.
3. The full application, dated 17th May 2006, seeks retrospective planning permission for seven retail units (numbered 1, 2, 4, 9, 17, 18 and 19 on the layout plan) and a café. The applicant also seeks planning permission to erect further four retail units (numbered P1-P4 on the layout plan). The combined floor area of existing and proposed units, if implemented, would be 320sq m.
4. Part (approximately 50%) of the site lies in Flood Zone 3 (high risk), where there is a 1 in 100 year or greater risk of flooding. The application is supported by a flood risk assessment.

Planning History

5. A Certificate of Lawfulness for use of 12 units in 8 existing buildings (numbered 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 20 and 23 on the layout plan) for retail purposes within



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Scale 1/2500 Date 23/7/2007

Centre = 549811 E 243147 N

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Class A1 of the Use Classes Order 1987 was granted on 15th November 2005 (**S/1267/05/LDC**).

6. Planning permission for the gas storage compound was granted in 1998 (**S/1774/97/F**). There appears to have been no planning permissions relating to the former garden nursery or trout farming uses. Indeed planning permission was probably not required.

Planning Policy

7. Relevant policies in the consideration of this application are contained in the South Cambridgeshire Local Development Framework (LDF) Core Strategy (2007) ("Core Strategy DPD"), South Cambridgeshire Development Control Policies Development Plan Document (2007) ("DCP"), and the Cambridgeshire and Peterborough Structure Plan (2003) ("County Structure Plan").
8. County Structure Plan Policy **P1/2** (Environmental Restrictions on Development) and DCP policy **DP/7** (Development Frameworks) state that, outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which have an essential need to be located in the countryside will be permitted.
9. County Structure Plan Policy **P2/6** (Rural Economy) states that sensitive small-scale development in rural areas will be facilitated where it contributes, inter alia, to supporting new and existing businesses; to farm or rural diversification where appropriate to the rural area; to the re-use of existing buildings; towards helping to maintain or renew the vitality of rural areas.
10. Policies that encourage sustainable development that minimise the need to travel and reduce car dependency include DCP Policies **DP/1** (Sustainable Development), **TR/1** (Planning for More Sustainable Travel), Core Strategy DPD strategic objective **ST/b**, and County Structure Plan Policy **P1/1** (Approach to Development).
11. Policies that require new development to be appropriate to its location in scale and form include DCP Policy **DP/2** (Design of New Development) and Structure Plan Policy **P1/3** (Sustainable Design in Built Development).
12. Development should provide safe means of access, as indicated in DCP Policy **DP/3** (Development Criteria) and County Structure Plan Policy **P8/1** (Sustainable Transport – Links between Land Use and Transport).
13. Development should not have an unacceptable adverse impact on the countryside and landscape character, as indicated in DCP Policy **DP/3** (Development Criteria), **NE/4** (Landscape Character Areas) and County Structure Plan Policy **P7/4** (Landscape).
14. Development that would have an adverse impact on flood risk will not be considered to be acceptable - DCP Policy **DP/3** (Development Criteria) and **NE/11** (Flood Risk).
15. Objective **SF/c** (Services and Facilities) of the DCP aims to limit retail development in the countryside to goods produced in the immediate locality of any individual enterprise. The Core Strategy DPD sets out a hierarchy of retail provision for the District:

ST/9 (Retail Hierarchy)

1. A retail hierarchy of preferred centres will be taken into account in considering proposals for retail development.
 2. The hierarchy of centres in South Cambridgeshire is as follows:
 - a. Northstowe town centre;
 - b. Cambridge East district centre;
 - b. Rural Centres village centres;
 - d. Other village's village centres (Minor Rural Centres, Group Villages and Infill Villages).
 3. Any proposals for new retail provision in these centres should be in scale with their position in the hierarchy.
16. DCP Policy **SF/2** (Applications for New Retail Development) states that:
1. Other than retail developments in villages under Policy SF/4 or in Action Area Plans, planning permission for retail development will not be granted unless the applicant has successfully demonstrated that:
 - a. A sequential approach has been adopted to site selection and the availability of suitable alternative sites;
 - b. In the case of proposals in defined centres, the development would be of a scale in accordance with that centre's position in the hierarchy, or, in the case of proposals outside defined centres, the impact of a development would not have an adverse effect on the vitality and viability of other town centres, district centres and local centres identified in development plans, and on the rural economy, including village shops;
 - c. It would be conveniently accessible by a wide range of modes of transport other than the car, including good local public transport services from a wide catchment area, and effective measures would be taken to enhance such accessibility, including that for pedestrians and cyclists.
 2. In addition, in the case of proposals to develop sites in edge-of-centre or out-of-centre locations (or to extend existing stores in such locations) developers will be required to demonstrate a positive need for the additional floor area before any of the above tests are applied.
17. Policy **SF/5** (Retailing in the Countryside) of the DCP is of particular relevance to the current proposal. This states that:
1. 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.

- 2) Where permission is granted, conditions may be imposed on the types of goods that may be sold.
18. The supporting text for this Policy, at Paragraph 6.5 states that “Sporadic development for retail uses in the countryside could result in unsustainable patterns of development, and could harm the viability and viability of village centres”.

Consultations

19. **Ickleton Parish Council** - The Parish Council recommends refusal. Notwithstanding the measures indicated in the flood risk assessment, and the comments of the Environment Agency, the Parish Council remains concerned about flood risk. The Parish Council doubts the delineation of the extent of the ‘potential 1 in 100 year flood zone’ marked in the submitted flood risk assessment. Residents in the village recall flooding over nearly all the site on a number of occasions in recent years. There is a concern that some of the units are only a matter of centimetres above the flood level. For instance, one corner of Unit 20 appears to be at +33.907m, which is 10.7 centimetres above the deemed flood zone.
20. Other concerns put forward are:
 - a) effluent disposal;
 - b) some of the units are very close to the river;
 - c) the site was not identified for retail purposes in the LDF;
 - d) will there be adequate parking facilities?
 - e) will there be limitations on the opening hours;
 - f) was the usage of the site clearly defined?
21. **Uttlesford District Council** – Objection to the proposals. The Council has concerns regarding the principle of a retail use in the countryside for which there is no justification, and the proposed intensification of such a use. The site is not in a sustainable location, and is likely to give rise to car borne traffic movements despite being close to Great Chesterford railway station. The Council comments that, whilst the site is well screened by the motorway embankment, the access is poor, and it is sited in an area where the road is subject to the national speed limit. The uses would encourage vehicular traffic from visitors and delivery vehicles to visit the site from Uttlesford by travelling through Great Chesterford at a point where the two aspects of the railway crossing (over and under) have a poor relationship with each other and where additional traffic movements would have an adverse impact on highway safety.
22. **Corporate Manager (Health and Environmental Services)** – Considers there to be no significant impacts from the environmental health standpoint.
23. **Environment Agency** – On the basis of the submitted flood risk assessment, the proposal is considered to be acceptable, subject to conditions that prevent development on that part of the site within the floodplain, defined by a contour of 33.88mODN, and for details of foul drainage to be submitted.
24. **Local Highway Authority** – recommendation of refusal. Frogge Street is subject only to the national speed limit of 60mph. From a site inspection, the LHA’s representative

could not conclude that vehicles were travelling universally below this speed. Consequently, vehicle speed past the site is high. Two injury accidents have occurred in the immediate vicinity of the existing access within the past three years, although neither accident appears to be in connection with the access.

25. The LHA considers an appropriate visibility to be 4.5m x 215.0m. The available visibility, identified by the applicant, as being 4.5m x 125.0m to the west and 4.5m x 148.0m to the east, is considerably less than recommended. For this reason the LHA recommends that additional retail units over and above those allowed, should not be permitted, owing to inadequate access, with inadequate visibility and manoeuvring.
26. The access should comprise a minimum width of 6.0m to cater for the traffic likely to be generated by the commercial use of the buildings, including delivery vehicles. Junction radii of 10.5m would be appropriate. Regrading of the access to be level for a minimum distance of 10.0m from the channel line of Frogge Street would be necessary. The crossing of the highway verge would need to be to the construction specification of Cambridgeshire County Council. The LHA's representative considers these improvements to be readily achievable.
27. Discussions have taken place between the LHA and the applicant, in which the applicant has requested that the LHA introduce a lower speed limit on Frogge Street. The applicant states that since the retail units have been erected, for a year or so without complaints or accidents, and the access drive has been in use for about 25 years. The LHA has responded by stating that any possible changes to the speed limit on this road would not be linked to this planning application, and in any case the necessary review would be likely to take some considerable time.
28. **Cambridgeshire Fire and Rescue Service** – No objection subject to the imposition of a condition to require details of the provision of fire hydrants to be submitted.

Representations

29. **The Ickleton Society** – The Ickleton Society is a village society, with open subscription membership. It states that it has a commitment to good planning, protection of the environment and the village community. The Society objects to the proposal, as the site is not suitable for retail use. The Society shares the concerns of the Ickleton Parish Council, which are:
 - a. the site being on a flood plain and a flood risk assessment not being available. additional buildings and hard surfaces on the site and any measures that might be taken to protect the site from flooding could put properties in the village downstream from the site at greater risk of flooding.
 - b. effluent disposal;
 - c. close proximity of some of the units to the river;
 - d. site not identified for retail purposes on the Local Development Framework Plan;
 - e. adequacy of parking facilities;
 - f. limitations on opening hours;
 - g. the usage of the site.

Planning Comments

Scale and Location

30. The consideration of this proposal must take as a starting point the issue of a lawful Development Certificate for a significant amount of retail development on the site. The issue of this certificate was based on the length of time of the use and not on an assessment of planning merits. The current proposal represents an increase in floor area from 228sq m to 320sq m, or 40%. This is a significant intensification of the existing use including the erection of new buildings, which should be considered in the context of development plan policies. The application is part retrospective, but this should not influence the assessment of the planning merits of the case.
31. There is no support in the development plan for sporadic retail development in the countryside. This is most clearly indicated by DPD Policy SF/5 (Retailing in the Countryside). The site is not a working farm or nursery, nor is the proposal limited to the sale of locally-produced goods or convenience goods. The proposal does not comply with Policy SF/5. The retail hierarchy set out in Policy ST/9 does not acknowledge countryside locations for retail development. The site is not located in a sustainable location. It is likely to attract car-borne visitors for the most part, contrary to sustainability Policies in the development plan DCP Policies DP/1 (Sustainable Development), TR/1 (Planning for More Sustainable Travel), Core Strategy DPD strategic objective ST/b, and County Structure Plan Policy P1/1(Approach to Development).

Visual impact

32. The erection of seven new 'barns' on the site has added to the visual continuity of development along the south western boundary fronting Frogge Street (Units 1, 2, 4, 9 and café) and on the north western part of the site (Units 17, 18 and 19). The proposed additional four barns would consolidate this further, to the progressive loss of the character of the countryside and views out of the site. The uniformity of design and external materials would offset this harm to some extent, but not sufficiently, in my opinion. For these reasons, I consider that the proposal fails to comply with DCP policy DP/2 (Design of New Development) and Structure Plan Policy P1/3 (Sustainable Design in Built Development).

Highway safety

33. The concerns of the Local Highway Authority indicate that the further development of the site would lead to highway dangers, contrary to DCP Policy DP/3 (Development Criteria) and County Structure Plan Policy P8/1 (Sustainable Transport – Links between Land Use and Transport).

Flooding

34. Although the site lies in the flood plain adjacent to the River Cam, the Environment Agency has advised that sufficient mitigation is possible. For this reason, I do not consider that a refusal of the grounds of an adverse impact on flood risk is warranted.

Enforcement

35. In the event that planning permission is refused, I recommend that enforcement action be instigated against breaches of planning control on the site.

Recommendation

A. Refusal for the following reasons:

1. The proposal represents an intensification of sporadic retail development for which no evidence of an essential need to be in this countryside location has been put forward, nor evidence that the use is to be restricted to the sale of locally-produced or on-site produce. The proposal does not comply with Policies in the development plan that are intended to restrict such development in the countryside, notably Objective SF/c (Services and Facilities), and Policies DP/7 (Development Frameworks) and SF/5 (Retailing in the Countryside) of the South Cambridgeshire Development Control Policies Development Plan Document (2007), and Policy P1/2 (Environmental Restrictions on Development) of the Cambridgeshire and Peterborough Structure Plan (2003).
2. The site does not lie in a sustainable location where convenient access by public transport, walking and cycling can be achieved. The proposed development is likely to attract car-borne visitors for the most part, contrary to sustainability Policies in the development plan, notably South Cambridgeshire Development Control Policies Development Plan Document (2007) Policies DP/1 (Sustainable Development) and TR/1 (Planning for More Sustainable Travel), strategic objective ST/b of the South Cambridgeshire Local Development Framework Core Strategy (2007), and Policy P1/1 (Approach to Development) of the Cambridgeshire and Peterborough Structure Plan (2003).
3. The proposed development, part implemented, has resulted in the loss of existing and former gaps between established retail units, where views out of the site towards the countryside existed. The development would represent an undesirable visual consolidation of buildings on the site and would have an unacceptable adverse impact on the countryside and landscape character of the area, contrary to Policies DP/3 (Development Criteria) and NE/4 (Landscape Character Areas) of the South Cambridgeshire Development Control Policies Development Plan Document (2007), and Policy P7/4 (Landscape) of the Cambridgeshire and Peterborough Structure Plan (2003).
4. The proposed development, if implemented, would result in significant highway dangers because:
 - a. The existing access is inadequate and below the standard required, by reason of inadequate visibility; and
 - b. The manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway.

The proposal does not comply with Policies in the development plan which aim to safeguard highway safety in new development, notably Policy DP/3 (Development Criteria) of the South Cambridgeshire Development Control Policies Development Plan Document (2007) and Policy P8/1 (Sustainable Transport – Links between Land Use and Transport) of the Cambridgeshire and Peterborough Structure Plan (2003).

- B.** That enforcement action be instigated against the unauthorised building operations with a compliance period of 3 months.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- South Cambridgeshire Development Control Policies Development Plan Document (2007)
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files refs: S/1077/06/F, S/1267/05/LDC & S/1774/97/F.

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