SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	4th February 2009
AUTHOR/S:	Executive Director / Corporate Manager - Planning and Sustainable Communities	

S/1873/08/F – BASSINGBOURN-CUM-KNEESWORTH
Variation/Removal of Condition 6 of Planning Consent S/0544/07/F and Condition 18 of Planning Consent S/1472/04/F, Brook Orchard Farm, Brook Road for Mr N Howard

Recommendation: Delegated Approval

Date for Determination: 13th February 2009

Notes:

This Application has been reported to the Planning Committee for determination following a referral from the Chairman's Delegation meeting on Monday 12th January 2009

Site and Proposal

1. Brook Orchard Farm is located to the south of Litlington Road, Bassingbourn between the villages of Bassingbourn and Litlington. The site is served by a long access road from Litlington Road and comprises two buildings and a storage area.

2. The site is currently occupied by On-Set Location Services Ltd which provides custom-built location vehicles for use by the television and film industry.

3. To the west of the access road, at its junction with Litlington Road, is a pair of dwellings. The site is surrounded by agricultural land.

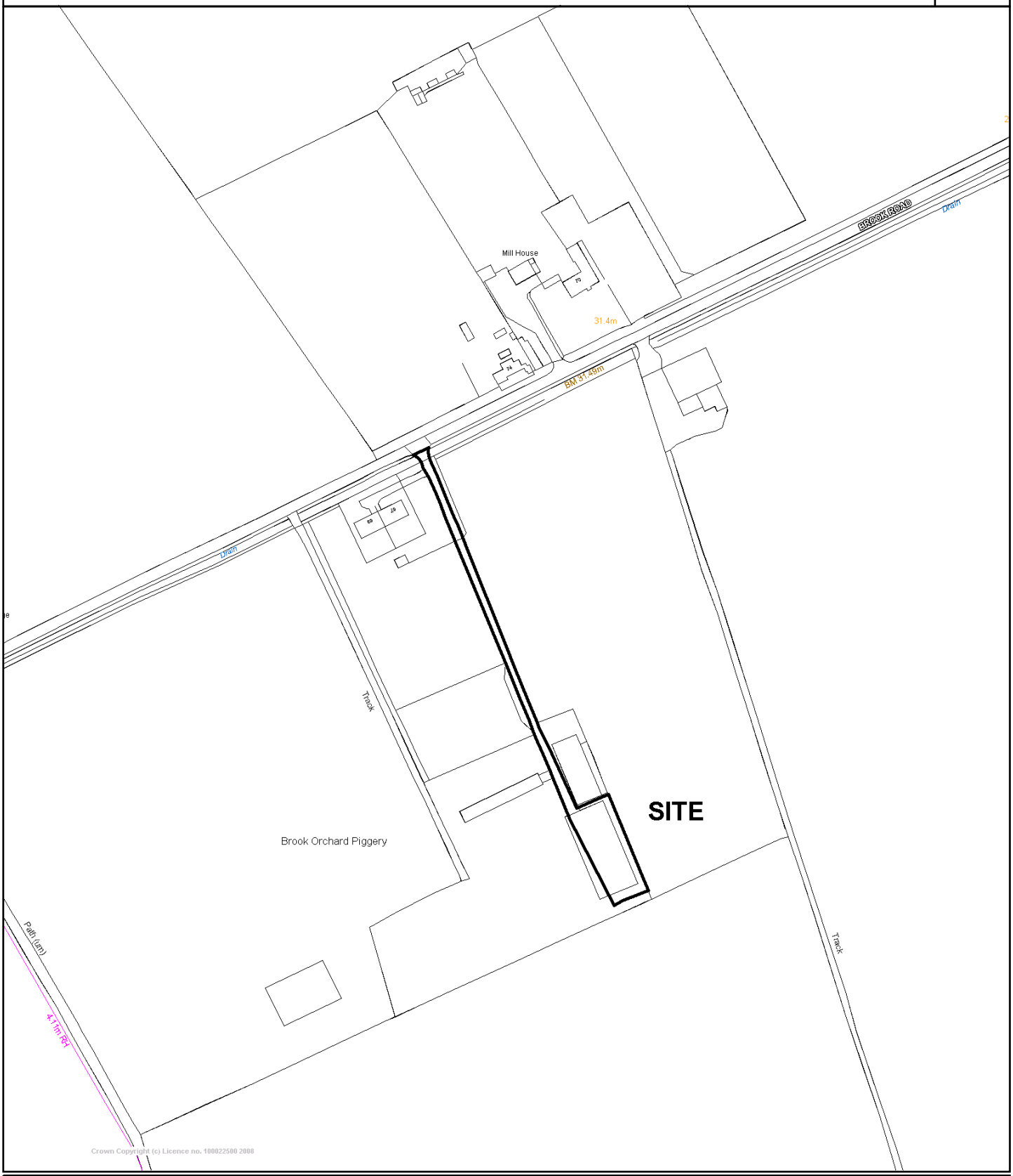
4. This full application, as amended by letter received 19 December 2008, seeks the removal/variation of Condition 6 of planning permission S/0544/07/F and Condition 18 of planning permission S/1472/04/F (See History below for details).

Planning History

5. In 2002 planning permission was granted for the conversion of a group of former agricultural buildings on the site to employment uses in Classes B1 and B8 (**Ref: S/1174/01/F**). That consent was not implemented.

6. In 2006 Members granted consent for the erection of a workshop building, change of use of existing agricultural building to ancillary offices with associated parking of vehicles and trailers (**Ref: S/1472/04/F**). Condition 18 stated "The premises, hereby permitted, shall be first occupied by On-Set Location Services Ltd and shall be used in conjunction with vehicles and trailers operated by that Company and shall not be used by any extraneous operator." The reason given for the condition was "The Local Planning Authority would not permit the use of this site/the erection of a new building in the countryside for the purposes described other than as a relocation of On-Set Location Services from its existing site in the centre of the village."

S-1873-08-F



South Cambridgeshire District Council

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7. During the course of the development permitted by the 2006 consent it was noted that the workshop building was being constructed other than in accordance with the approved drawings. A retrospective application for the revised building was approved in 2007 (**Ref: S/0544/07/F**). Condition 6 stated that "The building, hereby permitted, shall be first occupied by On-Set Location Services Ltd and shall be occupied in conjunction with the operation of the remainder of the site by that Company." The reason given for the condition was that "The Local Planning Authority would not permit the erection of a new building in the countryside other than for use by ON-Set Location Services Ltd and as an alternative to the building previously permitted on the site for that Company under planning permission S/1472/04/F."

Planning Policy

8. South Cambridgeshire Local Development Framework 2007

Policy DP/1 - Sustainable Development
Policy DP/3 - Development Criteria
Policy TR/1 - Planning for More Sustainable Travel

Consultation

9. **Bassingbourn Parish Council** recommends that the application is refused. It states that 'specific information regarding the type and sub letting planned is needed before the Parish Council can consider the application.'

A subsequent note from its Chairman points out that the traffic generated by the permitted activities of On Set Locations at Brook Orchard Farm already causes severe problems at times and there have also been a number of instances where planning requirements have not been observed. It is understood that there is a compressor engine which is allowed to run all night for no good reason. It is requested that any variation of condition is scrutinised carefully, as any additional traffic movements which could be the result of a change would impact very badly on the already inadequate road system through Bassingbourn and the neighbouring parish of Litlington.

10. **Litlington Parish Council** objects and is concerned that it was not notified of the application given that it is on the edge of its Parish and changes to the activity at the site could have a significant impact on the village.

It states that 'when consent was given for On-Set Location Services to use this site, previously used for agriculture, the conditions were applied to prevent the proliferation of the site and escalation in the difficulties for surrounding residents in the use of this rural location. At present it is considered an exception, if other companies are allowed to occupy the site it will become a haulage depot/park.

The conservation village of Litlington has narrow roads with many abutting properties and difficult junctions; it is not suited to heavy traffic. When consent was given a condition that they should not use the roads in Litlington was made; this is regularly ignored by their vehicles.

The road from Litlington to Bassingbourn, with a very narrow path, has to be used by all traffic accessing their site. This route is taken by our primary and secondary school children, and already considered a 'dangerous road'.

From the information available it would appear that the conditions already applying to the site are not being complied with and should be investigated. It also infers that any revised restrictions are also likely to be abused, it is therefore essential that the existing conditions remain in force.

11. The **Local Highway Authority** did not originally request to be consulted on this application. However in the light of the local concerns its views have been sought and will be reported to the meeting.

Representations

12. There have been 12 letters from residents of Bassingbourn objecting to the application on the following grounds:

13. If the applicant is allowed to sublet part of the site, then it is highly probable that he will choose a haulage firm as the tenant. There is a shortage of places for lorries to park in this area. Whilst lorries parked at Brook Orchard Farm would not be parked in residential streets in Bassingbourn to get to the farm the lorries will cause tremendous damage by exacerbating the traffic congestion in The Causeway, the High Street, and North End. These roads are narrow and congested as are those in Litlington, which has a one-way system. In addition there are 2 schools on Brook Road in Bassingbourn.

14. The High Street is very congested, particularly during school start and finish times, and traffic is backed up along to Brook Road, in North End and South End at the cross roads and safe crossing of the High Street has already been raised as a major issue by the Parish Council

15. The purpose of the Condition was to prevent the increase of traffic congestion in Bassingbourn and on no account should it be removed.

16. The impression is that the applicants' current business results in traffic movements largely outside busy times and therefore any change to the conditions would result in an increase in traffic rather than a replacement.

17. The road outside Brook Orchard Farm is completely straight and there is already a problem with vehicles exceeding the speed limit. An increase in traffic turning onto this stretch of road will inevitably bring about a serious accident at some stage in the future.

18. No form of storage, wholesale or retail and most certainly no transport or haulage should be allowed for traffic reasons.

19. The conditions were imposed for good reasons, which still apply.

20. The application will lead to further industrialisation of the rural environment, and there will be requests for further expansion and the erection of new buildings at a later date.

21. From a leaflet distributed locally there already appears to be an additional company operating from the site so it appears that the applicant has assumed that the application will be successful. What steps would normally be taken in these circumstances? If they have already stepped outside their original planning consent they cannot be trusted and it indicates that they have no concerns in the needs of the village but only their own development.

22. The proposal does not feature in the village plan and would be detrimental to the community.

23. The site is near the Conservation Area and forms part of the historic nature of the totality of the village.

24. One letter states that whilst being strongly committed to promoting business and light industry in the village it should have low environmental and aesthetic impact. This proposal would not comply with those criteria for the highway reasons outlined above. What will happen when the applicants business returns to normal? If this does happen the restriction should be reinstated. Alternatively the applicant could seek a change of use to small office or light industry which would have the benefit of contributing to local jobs but with minimum environmental or aesthetic impact.

Applicants Representations

25. In a letter accompanying the application it is stated that On-Set Location Services Limited provides custom-built location vehicles for use by the television and film industry. Due to the strike by the Writers Guild of America this has had a detrimental effect on the film industry and fewer films have been released for production than usual. As such there has not been the requirement for location vehicles as there has been for the past few years. In order to diversify On-Set has branched out into the television industry, however this does not have the same requirements as the film industry, and not as many vehicles are required. The inevitable outcome will be that the applicant will need to reduce his fleet of vehicles.

26. The situation that the applicant finds himself in is that the premises at Brook Orchard Farm are now larger that required, and in order to survive financially he needs to look to utilise the facilities that he has on site.

27. The letter states that the conditions were included on the consents to ensure that On-Site developed the site and used it for their own purposes and it was not sold off to another developer. The applicant has complied with these conditions and the Company has been in the premises since early 2005, and has complied with the condition since that period.

28. In a subsequent email the applicants' agent has stated that the applicant would be willing to limit the use of the site to B1 and B8 (Storage only). This accords with both the previous consents granted for the change of use and limits the B1/B8 use now implemented. Such a restriction would give the Parish Council some comfort that a coach depot/haulage yard could not be operated from the site without a planning application being submitted, and the distribution element that the applicant can operate will not be extended to those sub-letting.

29. In addition the now implemented consent also has a routeing scheme in place to prevent a right turn into the village and this will remain enforceable as the application is only for a variation of another condition on the existing permission. This should provide further comfort to the Parish Council.

30. It is suggested that the following condition is imposed. " The premises shall first be occupied by On-Set Location Services Limited and shall be used in conjunction with vehicles and trailers operated by that Company only and any additional operator shall be restricted to a B1 and B8 (Storage) use and no other purpose."

Planning Comments – Key Issues

31. The key issues for Committee to consider in the determination of this application are whether the proposed removal/variation of the specified conditions will have a materially adverse impact on neighbour amenity, highway safety and the character of the area.

32. The original planning permission for the change of use of the former agriculture buildings on this site, prior to the current applicant having an interest in the site, related to their use for Class B1 (Light Industrial) and Class B2 (General Industrial). Whilst by definition a B1 use should be appropriate to a residential area a B2 General Use could be expected to generate noise and larger vehicles. That consent was not restricted in terms of vehicle numbers, type or routeing.

33. The conditions on the existing planning consents, which the applicant is seeking to remove/vary, control first occupancy of the site and have been complied with. If the applicant chose to dispose of the whole site in my view the Local Planning Authority would not have control over a number of alternative potential uses of the site. The use of the workshop building is not restricted to Class B1.

34. The reasons specified for the conditions do not make any specific reference to highway safety or traffic movements as being a material consideration in the decision to attach them to the consent.

35. Given the nature of the current application it is not possible to quantify with any certainty the impact of any variation/removal of traffic movements to and from the site However in my view if the conditions are varied along the lines suggested by the applicants agent, restricting any additional use of the site to B1 or B8 (storage), the overall impact on traffic conditions in the adjoining villages is likely to be negligible. In coming to this view I am aware that the nature of the applicants business has previously resulted in many of the vehicles tending to be away from the site for the duration of film contracts, and that although there may be concentrated periods of activity when vehicles come on and off the site, there will have been others when activity is lower, and that the introduction of a B1 or B8 (Storage) use may change this pattern of activity. I have also taken into consideration the original planning consent for the unrestricted use of the original buildings on the site to B1 and B2 uses.

36. I will report the comments of the Local Highway Authority on this point.

37. I have discussed with the applicants' agent the possibility of making any removal/variation for a temporary period of say 2 years, in order to allow the impact of any additional user to be assessed. However for business reasons the applicant does not wish to seek a temporary permission.

38. I have not received any comments from the two dwellings immediately to the west of the existing access road. It is the occupiers of these properties that are likely to be most affected by any increase in vehicle activity to and from the site.

39. I am not aware of any complaints in respect of the breach of conditions of the existing planning consents but will ask the Enforcement Team to investigate. There is a condition, which would prohibit the use of a compressor engine on the site throughout the night. I am aware that a company called Cheyenne Imports is operating from the site. This deals in motor homes (similar to those used by On-Set) and I believe that the two companies are related.

40. I am of the view that, if any additional use of the site is limited to a B1 or B8 (storage use), any likely increase in traffic activity to and from the site is not likely to be so significant to warrant a refusal of the application for the reasons outlined above. The other planning conditions attached to the two consents would remain in force

Recommendation

41. That, subject to any comments of the Local Highways Authority, consent is granted with a condition restricting any additional uses to Class B1 and B8 (Storage) only.

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

- South Cambridgeshire Local Development Framework 2007
- Planning File Refs: S/1873/08/F; S/0544/07/F; S/1472/04/F and S/1174/01/F

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