

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 October 2013

AUTHOR/S: Planning and New Communities Director

S/0767/13/FL - COTTENHAM

Retention of commercial building for Offices Class B1(a) and Storage Class B8 use and extension to existing storage building (retrospective application) for Mr. Paul Ursell on behalf of H C Moss Ltd

Recommendation: Approval

Date for Determination: 19 August 2013

This application has been reported to the Planning Committee for determination at the request of Councillor S Edwards.

Members will visit this site on 1 October 2013

To be presented to the Committee by Ray McMurray

Site details and proposal

1. The retrospective application relates to a block of ten office/storage units which are partly completed and occupied, and partly approaching completion, and to the parking area adjacent to the building. Mezzanine levels have been inserted in several units.
2. The application site is located at the eastern side of The Maltings, a group of business units of various sizes, ages and designs, which have a number of occupiers, including the applicant company. The site is situated on the north east fringe of the village, within the development framework boundary. To the north is wooded land and further on, a ribbon of dwellings in the countryside beyond. To the south and east the site is adjoined by dwellings within the village.
3. The site is served by Millfield, a single width unadopted road with a junction at its southern end with Rooks Street. The site entrance is comprised of a widened area of the road to form visibility splays onto Millfield, in the vicinity of Nos 2, 3, 4 and 5 Millfield. Millfield does not have a pavement. The road has a number of ruptures on its surface over its length between its junction with Rooks Street and The Maltings. Millfield serves upwards of 20 dwellings at present.
4. The application has been amended 29 August 2013 to omit a proposed extension to a second existing storage building, and to provide a turning head for large vehicles adjacent to the new building. The proposal relates to a building with 527 square metres floorspace. Parking for 24 vehicles, including two vans, and covered cycle parking, is proposed.
5. The application is supported by a the following information:
 - a) Statement from the applicant. This indicates that the company has operated from the site for over 30 years to store building materials, mechanical plant and site cabins

and as a base for an independent scaffolding company. These uses generated regular movements of large HGVs. The frontage was marked by a concrete block wall with double wooded gates. Recently its construction component has ceased, and as a consequence there are no heavy goods vehicle deliveries to the site, as was previously the case.

- b) Transport Statement, amended September 2013. This states that there is no public right of way along Millfield. The report assesses the traffic that would have been generated by the development granted planning permission in 2006 and restricted to HC Moss Ltd only as a base figure, using nationally derived criteria. The retained development with no user restriction is compared with this base figure and converted to equivalent passenger car units ('PCU'). The assessment shows that the 2006 development would have generated 37.6 PCU over a 24-hour period, whereas the retained use will generate 45.9 PCU over the same period, with a higher proportion of smaller vehicles. The difference of 8.3 PCU, when assessed over the operating period of 07:00 to 19:00, amounts to one additional car arriving or departing every 86 minutes, or the equivalent of the traffic associated with 1.4 houses. The model predicts that there will be a maximum of 7.4 vehicles parked at any one time, or 30% of the car parking capacity on an average basis.
6. The applicant has proposed the following measures:
- a) Restriction of deliveries/collections by heavy goods vehicles to the new units to Monday to Friday between 08:00 and 17:00 hours; request that tenants of existing units to the rear of The Maltings restrict such deliveries to the same times.
 - b) Restriction on operating hours for 8 of the 10 new units to between 07:00 and 19:00 hours Monday to Friday and 08:00 to 12:00 on Saturdays. An exception is required at Units 15 and 16 because these units are used for the storage of a mobile food vending kiosk which is collected by van between 07:00 and 08:00 and returned between 17:00 and 19:00 most days. Upon these units becoming vacant any future tenant would be required to comply with the operating hours restriction applying to the remaining units.
 - c) Erection of signage to instruct drivers that reversing into Millfield is not permitted.
 - d) Erect signage at the entrance visibility splays to The Maltings advising owners that parking is not permitted.
 - e) Change external security lighting to activate by PIR.
 - f) Continue to carry out repairs to the road surface of Millfield between The Maltings and Rooks Street as necessary on a voluntary basis.

Planning history

7. The site has had a complex history of planning applications. The applications of most relevance to the consideration of this application are:

S/0693/12/VC Removal of limitation relating to occupation by H C Moss (Builders) Ltd only (Condition 4 of planning permission S/1867/06/F) in respect of one storage unit (retrospective application) Withdrawn 11.4.2013. Application deemed not to be valid

S/1867/06/F Erection of storage building and extension of existing storage building
Approved 14.2.2007

S/2366/00/F Storage building (retrospective application) Approved 2003

S/0921/86 Use of workshop for wine storage and beeswax packing. Approved 1986

Enforcement Notice: Storage of a tower crane to cease Issued March 1983

S/1374/82/F Storage of a tower crane Refused 1982

S/0927/82/F Warehouse and joinery workshop Refused 1982

S/0204/80/F Builders store and joiners workshop Refused 1980. Appeal dismissed following a public inquiry 1981.

S/2090/78/F Workshop and store with offices. Refused 1979

S/1834/77/F Conversion to offices Approved 1978

S/0295/76/F Use of land and buildings for the repair and storage of vehicles, storage of building materials, and offices Refused 1976

S/0890/75 Use as builders yard and offices (Applicant: H C Moss (Builders) Ltd) Refused 1975. Appeal allowed 1976 following a public inquiry.

S/0510/75 Change of use of coal yard to agricultural and commercial vehicle repair depot Approved 1975 (limited to the personal use of Mr B. A. Flitton)

S/1200/74/F Change of use to winter quarters and headquarters of Circus. Approved 1975 for a temporary period of three years.

C/0542/63 Covered area for the storage of bulk coal and washing of coal. Approved 1963

C/0011/63 Parking one caravan. Approved 1963 for a temporary period of two years.

RC/0201/60 Use for storage and packing. Approved 1960 and 1962.

RC/0059/50 Use as warehouse or repository. Approved 1959

8. In allowing the appeal in 1976 (S/0890/75), the Secretary of State declined to attach a condition restricting occupation of the site to the appellant company, H C Moss (Builders) Limited, because he did not consider that an over intensive use of the site would be created. The Inspector considered the suitability of Millfield to serve the development. He noted that there was no accident record at the junction with Rooks Street, and that *'the traffic expected to use the site ... would not cause serious difficulties on Millfield or at the junction with Rooks Street and ... the traffic flow would be much less than when the site and premises were used as a coal yard and coal packing depot.'*
9. The Secretary of State attached conditions (Conditions 3 and 4) to limit the hours of work at the premises and the hours of operation of machinery at the premises to between 07:30 and 18:00 weekdays and at no time on Saturdays, Sundays or Bank Holidays.
10. There are several refusals of planning permission where the issue of the suitability of Millfield to accept the additional traffic generated by the proposed development in each case was a reason for the rejection. The proposal in S/0204/80/F was to erect a building of 880 square metres for a store, joinery and workshop was dismissed at appeal for this reason. The Secretary of State stated: *'the width and the junctions of*

the approach roads to the appeal site would not provide adequate and safe access. The new building would have the potential to create more business which could exacerbate the existing traffic problems...' (decision letter dated 30.9.1981). The refusals of 1976, 1979 and 1982 by the Local Planning Authority put forward similar concerns.

11. Despite highway safety concerns, planning permissions for development have been granted at The Maltings in 1978, 1986, 2003 and 2007 following the 1976 planning permission on appeal.
12. The approval of 2007 (S/1867/06/F) included Condition 4:
'The premises, hereby permitted, shall not be occupied other than by H.C.Moss (Builders) Ltd'. The reason given for the condition was 'In order to assist the expansion of this local firm in accordance with approved Structure Plan and Local Plan policies and to minimise additional traffic movements which may be generated by another occupier.'
13. Condition 5 of the 2007 approval limited the use of the building to Class B8 (storage). The reasons for approval stated that the development was not considered to be significantly detrimental to the material planning considerations of traffic, parking, overdevelopment and road safety.

Planning Constraints

14. The site lies within the adopted development limit for the village, which runs along the northern boundary of The Maltings.

Planning policy

15. **National Planning Policy Framework** (2012) Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
16. **Circular 11/95 - The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development of permitted, enforceable, precise and reasonable in all other respects. The Circular advises that: 'a personal condition to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company. This condition will scarcely ever be justified in the case of a permission for the erection of a permanent building.' (Paragraph 93).
17. LDF Adopted Core Strategy Development Plan Document (2007)
ST/5 (Minor Rural Centres)
18. South Cambridgeshire Development Control Policies Development Plan Document (2007)
DP/1 (Sustainable Development)
DP/3 (Development Criteria)
DP/7 (Development Frameworks)
ET/1 (Limitations on the Occupancy of New Premises in South Cambridgeshire)
ET/4 (New Employment Development in Villages)
ET/5 (Development for the Expansion of Firms)
NE/1 (Energy Efficiency)
NE/14 (Lighting Proposals)
NE/15 (Noise Pollution)

TR/1 (Planning for More Sustainable Travel)
TR/2 (Car and Cycle Parking Standards)

19. South Cambridgeshire LDF Supplementary Planning Documents (SPD):
District Design Guide (2010).
20. South Cambridgeshire Local Plan Proposed Submission (July 2013)
S/8 Rural Centres
HQ/1 Design Principles
E/12 New Employment Development in Villages
SC/10 Lighting Proposals
SC/11 Noise Pollution
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision

Consultation by South Cambridgeshire District Council as Local Planning Authority

21. **Cottenham Parish Council** – Recommendation of refusal of the application as originally submitted on the grounds that:
 - a) it would be a significant over intensification of the site and the excessive traffic movements generated.
 - b) The mezzanine windows shown on the plans directly encroach on the privacy of neighbouring residential properties, despite the application stating that they are specifically for privacy.
 - c) The design and access statement states that the site has been extensively improved with a new entrance however the removal of gates and a wall has directly impacted on the privacy of residents.
22. Additionally the Parish Council considers there to be a number of inaccuracies in the application:
 - d) The units aren't currently being used as described in the application (the proposed storage extension states it's to an existing block of storage however the units are being rented out as business properties). The Parish Council are of the opinion that should permission be granted for this extension then a further application for change of use would follow, resulting in further traffic generation.
 - e) The opening hours mentioned in the traffic report differ from those on the application form. Indeed the businesses on the site operate 7 days a week and traffic is generated from before 7am and after 9pm at night. This causes disruption and noise which affects neighbouring residential properties.
 - f) Traffic movements on the site are considerably more than stated on the traffic report and are above Government guidelines. Emergency access is very poor, as highlighted during a large fire in the vicinity in 2006. The road is highly unsuitable for large vehicles, with very narrow access both on and to the site. There are a significant number of vans and lorries now using the site and, since this is an unadopted road with no pavement, this has significantly impacted on the safety of residents. Any increase in vehicle movements, be it either vans or cars, would drastically affect residents. Given these factors it would be fitting for a full traffic assessment to be carried out.
 - g) Section 3.1 of the design and access statement says that there is a footpath running parallel to the carriageway on both sides. This is wholly untrue.
 - h) The planning history report submitted has omitted 3 rejections for planning on this site, all based on over development.

- i) The application form states that there has been no pre-application advice however there has been constant consultation with yourself over a prolonged period.
 - j) Section 6.4 of the design and access statement states that prior to the construction of the units various businesses operated from the site but following the economic downturn only HC Moss remain and this has had an impact on the amount of traffic leaving/entering the site. This statement is wholly untrue and there are numerous businesses operating from the site.
23. The Parish Council has summarised its concerns as follows:
- k) Although it can be argued there is a need for small business units this particular location is far from ideal. The site has increased well beyond the capacity of the narrow access road and is now unsustainable. Given the over development, excessive traffic movements, loss of privacy for residents and noise/nuisance it would be completely inappropriate to grant planning permission in this instance. Conditions made to previous applications for this site have been flagrantly ignored and the applicant has shown a blatant disregard for the planning process on numerous occasions.
 - l) It strikes the Parish Council that the reasons stated for rejection of an application in Ivatt Street, Cottenham (S/1209/13/VC) relating to a commercial property would also be wholly applicable to the Millfield application. Ivatt Street is a narrow, privately owned road exactly the same as Millfield. The reasons for rejection were stated as (*relevant extracts*):
 - I. *'noise/disturbance from vehicles accessing the site and, due to the lack of on-site turning provision and narrow width of Ivatt Street, manoeuvring within Ivatt Street in close proximity neighbouring residential properties. As a result, the proposal would result in an unacceptable level of noise and disturbance to surrounding residents, contrary to Policy DP/3 of the adopted LDF, which states that planning permission will not be granted where proposed development would have an unacceptable adverse impact on residential amenity.'*
 - II. *'The application has not been supported by sufficient transport information to demonstrate that the proposed development would not prejudice the satisfactory functioning of the highway. Consequently, the proposal is contrary to Policy DP/3 of the adopted LDF, which states that planning permission will not be granted where proposed development would have an unacceptable adverse impact from traffic generated.'*
 - m) With reference to point 2 in the Ivatt Street refusal notice, the Parish Council notes that HC Moss have actually supplied a traffic assessment which states that there would be an adverse impact from traffic generated. With such a precedent in place it would therefore be desirable to see a consistency in the planning decision regarding the Millfield application.
24. **Council's Environmental Health Officer**_– no objection.
25. **Local Highway Authority**:- The LHA does not oppose the proposal, stating that: 'Given that Millfield is a private road and that the proposed removal of Condition 4 of S/1867/06/F is unlikely to significantly change the nature and or the level of vehicular movements to and from the site, no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of planning permission'.
26. 'The proposed change of use from B8 to B8 and B1 has the potential to reduce the overall number of motor vehicles entering and leaving the site. This reduction is based on a nationally used, empirically derived data set, which, while not infallible,

has been shown to provide an accurate prediction of actual outcomes. Whereas, the location of the existing yard may not in modern terms be ideal, the potential for reducing motor vehicle movements to and from the site will reduce the impact of the business on the surrounding area.

27. 'In terms of highway use, the Highway Authority welcomes the reduction in HCV movements to and from the site.
28. 'The Highway Authority requests that a condition be placed on any approval that the Planning Authority is minded to grant requiring that the on-site turning facility shown on drawing LP2 Rev D be maintained solely for that purpose and be kept free of all obstructions.'
29. **Cambridgeshire Fire and Rescue:** No objection. Recommendation for a condition to be attached to any planning permission issued for adequate provision to be made for fire hydrants.
30. **Police Architectural Liaison Officer:** No objection on the grounds of crime and disorder or community safety.
31. **Environment Agency:** No objection.

Representations by members of the public

32. Ten letters of objection have been received from Millfield, Corbett Street and Rooks Street. The grounds of objection are:

Principle of development

- a) This is an undesirable form of commercial over-development of the site.
- b) It does not make sense to say that more businesses will have a negligible effect on traffic from the site.
- c) Contrary to planning policy.
- d) Further development of the site is not suitable in a residential area.
- e) There are under-used units elsewhere in the village which would be better suited for this.

Millfield Road

- f) Millfield is a single unadopted track that is in poor condition. It is unsuitable to accept any more traffic, or heavy traffic. It is used by pedestrians, including children, the elderly and infirm.
- g) The road surface on Millfield is bumpy- HC Moss should maintain it.
- h) Parking takes place in the visibility splays
- i) Lorries visiting the site reverse into Millfield and even Rook Street
- j) Traffic entering and leaving The Maltings already travels too quickly, causing many near misses on Millfield.
- k) The junction with Rooks Street and Corbett Street has poor visibility, and is dangerous for pedestrians and playing children. Emergency vehicles would have difficulties using it.
- l) The 'No Access for HGVs' signs are not completely effective, as HGVs use the road to visit the site
- m) The Council does not let its own refuse vehicles to use Millfield but sends smaller wagons instead.
- n) Damage to the barn and fence at 67 Rooks Street.

Rooks Street and Corbett Street

- o) Rooks Street and Corbett Street are unsuitable to take an ever increasing volume of commercial traffic.
- p) On street parking on adjacent roads has increased since the 1950s making it more important that only appropriately-sized vehicles attempt to access the site.
- q) Rooks Street does not have footpaths on both sides down its entire length
- r) Large vehicles reverse in Corbett Street to access Millfield.

Site and development

- s) The business units already operate at weekends and between 7am to 7pm.
- t) Limit hours of use to 7am- 7pm.
- u) The proposal has too many parking spaces.
- v) No area for the storage and collection of waste is shown on the plans.
- w) The application form does not indicate the external materials used.
- x) No consent for foul drainage has been granted.
- y) The ground is likely to be contaminated.
- z) Removal of boundary fence on northern boundary.
- aa) No screen fencing on the south western boundary.
- bb) Removal of screen wall from the frontage.
- cc) Removal of trees on the site.
- dd) Visually damaging in the landscape.

Residential amenity

- ee) Overlooking of adjoining properties.
- ff) Noise and disturbance every day.
- gg) Existing units operate unsociable hours in the early morning and late into the evening.
- hh) External lighting stays on overnight.

Transport Statement

- ii) The Transport Statement is wrong because it assumes that planning permission for the building already exists and does not take into account the existing 17 businesses on the site. If approved there would be 28 businesses operating from The Maltings.
- jj) The use of Passenger Car Units in the Transport Statement is misleading as most additional movements will not be passenger cars.

Planning History

- kk) At least six previous applications were made retrospectively.
- ll) Refusals of planning permission are not shown on the Design and Access Statement.
- mm) An Inspector at appeal has stated that further development of the site would be unsuitable.
- nn) There is no reason for the Council to reverse its decision in 2007 to limit the occupation of these units to H C Moss Ltd.
- oo) Concern about lack of planning enforcement at the site.

33. Two residents have provided a series of photographs showing Millfield being accessed by HGVs, and alleged damage to property fronting Millfield.

34. **Cottenham Village Design Group** – No objection. The buildings, although functional, are suitable for the proposed uses and in this location are acceptable. The Design Group supports the creation of local employment opportunities but in all cases these should be designed and sites with sensitivity to the location, including design of the highways infrastructure leading to them.

Representations from the applicant and Transport Consultant

35. The applicant has stated in response to third-party representations received:
36. 'The objections to our planning application appear to relate mainly to the whole site and in particular to the existing units to the rear of the yard which can be used lawfully at weekends and evenings and not to the units which are the subject of the planning application. In particular in the existing units to the rear of the yard one business stores mobile pizza ovens and another houses an ice sculpture business both of which regularly operate weekends and evenings.
37. 'It must also be taken into account that the whole site is open and we have been advised on a number of occasions that vehicles have been seen in the yard over weekends which have no connection with any businesses that operate from the yard. In addition vehicles do park outside the new units which are the subject of the planning application without our consent.
38. 'In the context of the wider picture it must be borne in mind that the lapsed planning consent to build the units for our sole use as offices and storage would have generated movements of large and heavy vehicles delivering building materials in bulk and moving pieces of heavy plant such telescopic fork lifts, scaffolding and cement mixers. The proposed new use would generate traffic movements with mainly lighter vehicles.
39. 'It must also be borne in mind that given the fact that there has been no material adverse change in planning policy since the lapsed planning consent was granted a new identical planning application could not reasonably be refused. Therefore, in my opinion, the principle of the development and use has been established.
40. 'The crux of the issue is who should use the units, us who would generate larger vehicle usage or other businesses which generate light to medium size vehicle usage.
41. 'I am unable to identify the destinations of the vehicles photographed other than to observe that the vehicles are photographed entering or exiting Millfield which, although likely, does not prove that the destination is the Maltings. These photographs only demonstrate that Millfield is used by HGV's which is not disputed. They do not however demonstrate the number of vehicle movements in any given period or the times of deliveries'.
42. The applicant does not accept that vehicles visiting the site have caused damage to an adjacent property (see paragraph 33 above).
43. The applicant's Transport Consultant has stated:
- 'It is quite clear that most of the objectors do not understand the planning process. They are making objections to the development as a whole, wishing to treat the application as if the whole site was 'greenfield' rather than considering the planning application for units that form a small part of the development and generate little traffic, which is considered in the Transport Statement. No doubt the Planning Authority will realise this and weight the objections accordingly along with the consultation of the County Council as Highway Authority who I understand have raised no objections to the development.'

Material Planning Considerations

44. The application relates both to the building that has been erected and to the use and occupation of the building.

Retrospective building on site as operational development

45. The application is retrospective. It should be noted that planning permission for the erection of the building substantially to which the application relates was granted on 17 February 2007 with a condition that development should commence within three years (S/1867/06/F). Development was still being carried out in April 2012 at the date of the submission of planning application S/0693/12/VC, and upon further investigation planning officers considered that insufficient evidence had been provided by the applicant to show that building work had commenced prior to the required date.
46. The current application is intended to regularise the situation by seeking retrospective planning permission for the development as built. The building that has been erected accords with the 2007 planning permission in terms of height, scale and siting, but differs in other respects:
- a) Mezzanine floors have been inserted in five units.
 - b) Roller shutter doors have been replaced by windows in four units.
 - c) Rooflights have been added to all units.
 - d) Parking, turning and access to the rear (north western) part of the site layout has been revised.
 - e) Cycle parking has been included.
 - f) A proposed extension to the existing building the south has been omitted.
 - g) Walls and a gate have been removed from the frontage.
47. The Parish Council and one objector have expressed concern about overlooking from rooflights in the premises. This concern is not supported by officers as the rooflights have been erected above eye level and do not give rise to overlooking of adjoining dwellings to the south.
48. The Parish Council and some objectors have concern about the removal of the frontage wall, which has given rise to issues of amenity to occupiers of nearby dwellings. In the event that Members are minded to grant planning permission it is recommended that a condition is attached to require the reinstatement of a suitable frontage enclosure and landscaping to improve the visual amenity of the site.
49. In the event of planning approval being granted, a condition is recommended to control external lighting on the new building to minimise harm to the amenity of adjoining residents.

Use and occupation

50. The retrospective application proposes the facility to allow the occupation of each of the new units by independent businesses either as Class B1(a) offices or for Class B8 storage. All but two units have already been let to independent occupiers. This differs from the 2007 planning permission which limited occupation to the applicant company, for the reason *'to assist the expansion of this local firm and to minimise additional traffic movements which may be generated by another occupier'* (Condition 4 of S/1867/06/F).
51. The submitted Transport Statement indicates that the proposed use would be likely to generate, on average, 37 trips or 46 Passenger Car Units per day. In contrast, if

occupied by the applicant company only, the Statement indicates that the units would generate 25 trips or 38 Passenger Car Units per day. The additional element that would be generated by the occupation of the units by independent firms would amount to 8 Passenger Car Units a day.

52. In practice the vehicles associated with the proposed use are for smaller vehicles in comparison to the large vehicles association with H C Moss (Builders) Ltd storage use.
53. The Local Highway Authority has accepted these assessments.
54. It is considered that the net increase in traffic arising from the proposed independent occupation of these units would not be significantly higher than the scheme approved in 2007.

Highway Safety

55. The Parish Council and local residents have drawn attention to the shortcomings of the road network serving the site, including the limited width of Millfield. This issue has been considered in previous planning applications at the site, including two public inquiries. The most recent of these appeals, S/0204/80/F, was dismissed in September 1981 on highway safety grounds, but this was for a significantly larger joinery and workshop building which could have been expected to generate larger vehicles. It is not considered that that decision provides a precedent for the consideration of the current proposal.
56. The amended proposal is shown to be provided with 24 vehicle parking spaces including 2 spaces for vans. This exceeds the maximum parking requirement in the standard of the current LDF of 21 vehicle spaces, but not by a significant number, and is not considered to amount to a reasonable ground to refuse planning permission. It should be noted that in the emerging Local Plan Policy TI/3 maximum parking standards have been replaced by design-led indicative standards.
57. The Local Highway Authority has not objected to the current proposal. As noted above, given the limited change in trips generated by the proposal and the generally smaller size of vehicles involved, it is considered that a refusal of planning permission is not justified on the grounds of highway safety.
58. The applicant has agreed to post signage to discourage unauthorised parking by third parties in the visibility splays at the entrance in order to safeguard visibility at the entrance and to discourage reversing into Millfield.
59. The applicant has set out his intentions to continue to maintain that stretch of the road surface of Millfield in use by vehicles from The Maltings, as a voluntary measure. It is not considered practicable to impose any requirement to this end as part of any planning permission granted, as the applicant does not own this length of road nor has been shown to be fully responsible for the wear on the road's surface.

Residential Amenity

60. The hours of operation of the new units can be controlled by condition to be between 07:00 and 19:00 Mondays to Fridays, 08:00 and 12:00 Saturdays, and at no time on Sundays or Bank Holidays. The applicant has proposed an exception be made for a specific user to operate at weekends but, in order for the condition to be enforceable, it is proposed that the same operating hours restriction be applied to all new units,

should planning permission be granted. It should be noted that the no restriction on operating hours was attached by condition to the expired planning permission S/1867/06/F.

61. Concerns about traffic entering and leaving the site outside these hours have been expressed by the Parish Council and local residents. The applicant has insisted that any vehicles operating at these hours are by occupiers of the existing units at the rear of the site. This issue is being investigated separately by officers, having regard to the restrictions imposed by the Secretary of State in 1976. It is not considered to be a material consideration in the current application because this relates to different units on a different part of the site.
62. Details of external lighting on the new units and parking area can be controlled by condition in consultation with the Environmental Health service.

Other matters

63. The Parish Council has drawn attention to a recent refusal of planning permission for increased numbers of children to attend at an existing playgroup at 14 Ivatt Street, Cottenham- S/1209/13/VC. This was an application at premises located on a private drive in a backland position which was refused on the grounds of disturbance to nearby residents from noise from additional children playing and traffic accessing the site, and insufficient transport information. The circumstances of the proposals were significantly different. The lack of a Transport Assessment, the concentration of traffic movements at certain times of the day, the presence of noise from playing children, and the cramped facilities on the site are all differences compared to the current proposal, and which drew recommendations of refusal from Environmental Health and the Local Highway Authority. Applications are required to be assessed on their merits in each instance, and application S/1209/13/VC is sufficiently different in its impact as not to amount to a precedent for the consideration of the current proposal.
64. Building Regulations consent has been granted for the development. This included approval for means of surface water and foul drainage.

Conclusions

65. The site lies with the development framework of the village where there is a presumption in favour of the expansion of businesses under Policies ET/4 and ET/5.
66. The expired planning permission for the development of this part of the site (S/1867/06/F) permitted a building of the same scale and similar appearance to that which has been erected. The concerns raised by the Parish Council and local residents relating to the appearance of the development and overlooking are either not supported by officers or could be resolved by the imposition of suitable conditions on any planning permission granted. The retention of the building as built is considered to be acceptable.
67. The occupation of the building by independent operators within Classes B1(a) and B8 is predicted to give rise to a small increase in trips generated, but by generally smaller vehicles, than would have been the case had occupation been taken up solely by the HC Moss Group. This is unlikely to give rise to any significant highway safety issue and this assessment is supported by the Local Highway Authority.

68. The amenity of local residents can be safeguarded by the imposition of suitable conditions to any planning permission issued, in regard of hours of operation, external lighting, and frontage enclosure/ landscaping.

Recommendation

69. It is recommended that the Planning Committee approves the application subject to the following conditions

Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: LP1; LP2 revD; 01 revF.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
2. The occupation of the building, hereby permitted, shall cease within 3 months of any one of the following requirements not being met:
 - i) Within 3 months of the date of this decision there shall have been submitted for the written approval of the Local Planning Authority schemes for the provision of:
 - a) external landscaping and frontage enclosure of the site;
 - b) vehicular parking including disabled parking;
 - c) covered secure cycle parking;
 - d) external lighting of the building, hereby permitted, and parking area;
 - e) the provision of fire hydrants;
 - f) external signage as indicated upon Drawing LP2 revision D.
and the said schemes shall include a timetable for their implementation.
 - ii) Within 11 months of the date of this decision, the schemes referred to in part i) above shall have been approved by the Local Planning Authority or, if the Local Planning Authority fail to approve such schemes, or fail to give a decision within the prescribed period, an appeal shall have been lodged and accepted by the Secretary of State;
 - iii) In the event of an appeal being made in pursuance of requirement (ii) above, that appeal shall have been finally determined and the submitted schemes shall have been approved by the Secretary of State.
 - iv) All works comprised in the submitted schemes as approved shall have been implemented, and completed within the timetable set out in the approved schemes.
(Reason - To ensure that schemes of landscaping, frontage enclosure, vehicle and cycle parking, external lighting, fire hydrants and site traffic management are implemented in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
3. Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), the premises shall be used for Class B1 (a) offices and Class B8 storage and for no other purpose (including any other purposes in Class B1 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 - To protect the amenities of adjoining residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007).

4. Except as shown upon submitted Drawing No. 01, no internal mezzanine flooring shall be constructed within the building hereby approved unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason – To minimise traffic generation in Millfield in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007)
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed at and above first floor level in the building, hereby approved, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. No materials or equipment shall be stored on the site outside the building, hereby approved, save that waste materials may be kept in bins for removal periodically.
(Reason - In the interests of visual amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
7. The areas within the application site to be laid out for the parking, turning, loading and unloading of vehicles shall be retained thereafter as such and for no other purpose.
(Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007).
8. Details of the location and type of any power driven plant or equipment including equipment for heating, ventilation and for the control or extraction of any odour, dust or fumes from the building but excluding office equipment and vehicles and the location of the outlet from the building of such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.
(Reason - To protect the occupiers of adjoining buildings (dwellings) from the effect of odour, dust or fumes in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)
9. The hours of operation of the units, hereby approved, shall not take place other than between the hours of 0700 hours and 1900 hours on Mondays to Fridays and 0800 to 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

10. No deliveries by heavy goods vehicles shall be taken at or dispatched from the building, hereby approved, outside the hours of 08:00 and 17:00 Mondays to Fridays or at any time on Saturdays, Sundays or Bank Holidays.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

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

- National Planning Policy Framework (2012)
- Circular 11/95 - The Use of Conditions in Planning Permissions (1995)
- LDF Adopted Core Strategy Development Plan Document (2007)
- South Cambridgeshire Development Control Policies Development Plan Document (2007)
- South Cambridgeshire Local Plan Proposed Submission (July 2013)
- Planning file refs: S/0693/12/VC, S/0204/80/F, S/0890/75.

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