

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

04 December 2013

**AUTHOR/S:** Planning and New Communities Director

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**Application Number:** S/2110/13/VC

**Parish(es):** Fen Drayton

**Proposal:** Variation of Condition 2 on Planning Permission S/0718/FL to Allow Mess Room to open 7 Days a Week from 5AM to 10PM, Including Bank Holidays

**Site address:** Stubbins Marketing Limited, 18 Oak Tree Road, Fen Drayton, Cambridge, Cambridgeshire, CB24 4SS

**Applicant(s):** Mr Sammy Turone, Stubbins Marketing Limited

**Recommendation:** Approval

**Key material considerations:** Impact on amenity of nearby residents

**Committee Site Visit:** 03 December 2013

**Departure Application:** No

**Presenting Officer:** Ross Leal

**Application brought to Committee because:** Parish Council concerned about early morning and late evening disturbance and would not recommend opening earlier than 7AM

**Date by which decision due:** 02 December 2013

### Planning History

1. S/0718/13/FL – Extension and conversion of a former storage barn into staff mess room facility and erection of bike store (part retrospective) – Approved, 18 June 2013
2. Stubbins Marketing also has a lengthy wider planning history, but none of these applications are considered relevant to this application.

### Planning Policies

3. *National Planning Policy Framework*

## Paragraphs 18 to 22 – Building a strong, competitive economy

Significant weight should be placed on the need to support economic growth through the planning system. To achieve economic growth, local planning authorities should plan proactively to meet the needs of business.

## Paragraph 28 – Supporting a prosperous rural economy

Planning should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Support sustainable growth and expansion of all types of business and enterprise in rural areas.

## Paragraphs 186 and 187 – Decision taking

Decision taking should be approached in a positive manner. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

## Paragraphs 196 to 198 – Determining applications

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan,<sup>37</sup> unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

## Paragraphs 203 to 206 – Planning Conditions and obligations

Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

### 1. *Local Development Framework*

DP/3 Development Criteria  
NE/15 Noise Pollution  
ET/5 Development for the Expansion of Firms

### 2. *Draft Local Plan*

S/1 Vision  
S/2 Objectives of the Local Plan  
SC/11 Noise Pollution

### 3. *Site Specific Policies Development Plan Document, Adopted 2010*

SP/11 Fen Drayton former Land Settlement Association Estate

4. *Supplementary Planning Document*

Fen Drayton Former LSA SPD, Adopted May 2011

**Consultations**

4. Environmental Health – Considers there are no significant noise or environmental pollution impacts.
- .5. Parish Council – The Parish Council is concerned about the detrimental effect of early morning and late evening disturbance on the residents of Oaktree Road and would not recommend earlier than 7AM.

**Representations**

6. Letters of objection have been received from two nearby residents in Oaktree Road objecting on the following grounds:
  - i. The building of the mess was commenced without planning permission and works were suspended whilst a planning application was considered by the Council.
  - ii. The use of the mess was restricted being ancillary to the nursery and between 08:00 hours and 18:00 hours on weekdays and 13:00 hours on Saturdays and not at any time on Sundays or Bank Holidays unless otherwise agreed in writing with the Local Planning Authority. Permission was only recently granted and extending hours of use is not justified and should not be granted from 5AM to 10PM.
  - iii. The mess is within 20 metres of an objector's dwelling and there is already noise from workers arriving and leaving work. The mess is poorly located and should be located elsewhere where there are no residents. The premises also contain laundry amenities in addition to drink and refreshment facilities.
  - iv. The mess has large 'French' style doors facing and opening towards a nearby dwelling. Noise increase will be significant, particularly in summer months when the doors could be left open until 10PM.
  - v. Parking has occurred adjacent to the mess in the very early hours generating unacceptable noise. Increased hours would be likely to result in increased parking and noise.
  - vi. Other rooms within existing buildings could be used during the 'more unsocial hours'.
  - vii. The mess is in reasonably close proximity to dwellings in Oaktree Road and the site already creates noise impacts. The increased mess hours will increase noise impacts.
  - viii. There is no justification for the late mess hours since nursery use is restricted to daylight hours.

- ix. Alternative provision should be made elsewhere between the hours of 6PM and 8AM to ensure that impact on nearby residents is minimised.
- x. Whilst the applicant owns 17, 18 and 19 Oaktree Road and an on-site hostel, dwellings at 15, 16, 16A, 21, 22, 23 and 24 Oaktree Road are privately owned and suffer impact from noise generated at the site.

### **Planning Comments**

- 7. This application relates to an existing mess room located on the south side of Oaktree Road and to the rear of 18 Oaktree Road. The building concerned is single storey, measures 16.9m by 7.3m and has a hipped roof. The building is clad with black shiplap boarding and has a black concrete tiled roof. The entrance to the building faces towards Oaktree Road and the rear of no.18. Facilities within the building include a 97 square metre mess room with associated small kitchen area and WCs and small laundry area.
- 8. The mess room was permitted together with a cycle store to the rear of no.17 under planning permission number S/0718/13/FL. The mess room is not generally visible from the surrounding area, although parts of it can be glimpsed from places in Oaktree Road. The two dwellings closest to the mess room are owned by the applicant and accommodate nursery employees.
- 9. Condition number 2 of the current planning permission limits the use of the mess room to purposes only to be ancillary to the nursery business and limits occupation/use to be not before 08:00 hours and after 18:00 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays and Bank Holidays unless otherwise previously agreed in writing with the Local Planning Authority. The reason for this restriction was to minimise the potential for noise disturbance to adjoining residents.
- 10. This application seeks to increase the hours of use of the mess to allow use between 05:00 hours and 22:00 hours 7 days a week, including weekends and Bank Holidays. In support of the application, the agent advises that:
  - i. The two adjacent properties are under the ownership of the applicant and occupied by employees. There is also staff accommodation nearby.
  - ii. The mess room provides essential facilities for horticultural workers.
  - iii. The enterprise is a seasonal operation with staff typically working March to October, dawn to dusk, seven days a week, including Bank Holidays. The present use restriction is therefore impractical.
  - iv. The purpose of the mess room is to allow staff to prepare their own sandwiches, hot drinks, etc. It is also to allow changing from work to casual clothes and to provide a rest/eating area together with toilet facilities.
  - v. The mess room replaces existing facilities within the main glasshouse since this glasshouse is a Waitrose Demonstration Project and as such one of the requirements is that separate mess room facilities are provided.
- 11. The key issue in this application is whether the increase in mess room hours will result in detriment to residential amenity such that planning permission ought to be refused.

The building has previously been considered acceptable in terms of visual impact and highway impact under S/0718/13/FL.

12. Notwithstanding the distance of some 20m from nearby dwellings mentioned in one of the objectors letters, the mess room building is actually located approximately 65 metres from one of the objector's dwellings which is to the north-west on the other side of Oaktree Road. The mess room is approximately 170 metres from the dwelling of the other objector. This dwelling is on the same side of Oaktree Road and to the east.
13. The mess room is located well away from existing dwellings not owned by the applicant. The closest privately owned dwelling is approximately 65 metres away on the north side of Oaktree Road. Other privately owned dwellings range between distances of approximately 115 metres, 158 metres and 170 metres away. Distances have been carefully measured from both the application drawings and also the Councils mapping system.
14. The Environmental Health Officer considers there are no significant noise or environmental pollution impacts arising from the proposal. It is considered that given separation from privately owned dwellings there is most unlikely to be noise detriment for the extended mess use hours proposed. Existing activity at the site will remain as set out by the agent and the mess room is a facility to serve the existing use, it does not itself give rise to the levels and times of overall site usage. Activity in the area of the mess would of course increase during the extended hours, but it is not considered that the impact would result in unacceptable detriment given separation from privately owned dwellings.
15. The proposed increase in hours of use is considered to be consistent with Council policies relating to impact of development. It should also be added that the proposal is consistent with Council policy relating to employment and, in the emerging Local Plan, noise pollution.
16. The proposed hours are also considered to be consistent with the approach to employment as set out in the National Planning Policy Framework inasmuch as they facilitate the business use in a rural area and do not give rise to sustainability issues or unacceptable amenity impacts. The proposal is also consistent with the development plan (Council Policy).

### **Recommendation**

17. Approval subject to the following conditions –
  1. The mess room use hereby permitted shall not take place before 05:00 hours nor after 22:00 hours on any day unless otherwise previously agreed in writing with the Local Planning Authority.  
(Reason – To minimise potential disturbance to nearby residents in accordance with Policies NE/15 and DP/3 of the Adopted Local Development Framework 2007).
  2. The mess room use hereby permitted shall only be implemented and the use continued/carried out in strict accordance with the uses and layout shown on permitted drawing number DE/0873/0213/100-05 entitled Mess Room Building, Proposed Floor Plan and Section dated February 2013 and received 02 October 2013.

(Reason – To minimise potential disturbance to nearby residents in accordance with Policies NE/15 and DP/3 of the Adopted Local Development Framework 2007).

## **Background Papers**

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- National Planning Policy Framework  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007  
<http://www.scams.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013  
<http://www.scams.gov.uk/localplan>
- Site Specific Policies Development Plan Document, Adopted 2010, SP/11 Fen Drayton former Land Settlement Association Estate  
<http://www.scams.gov.uk/content/site-specific-policies-dpd>
- Fen Drayton Former LSA Supplementary Planning Document, Adopted May 2011  
<http://www.scams.gov.uk/content/fen-drayton-former-lsa-spd>

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