

Update Report

S/0767/13/FL

The Maltings, Millfield, Cottenham

Seven additional letters of support for the application have been received, four from existing occupiers of the building, one from the applicants agent and one from the applicants highway consultant. Each highlighting concerns with the report based on the officers recommendation, a copy of DeVal Bathrooms' representation was circulated to members on Friday 27 June 14:

Agent

1. The officer's report is not balanced as it does not make reference to the loss of employment and local jobs.
2. No reference to one of the tenants letter 'Deval Bathrooms' has been made in the report.
3. The application was recommended for approval in October 2013.
4. The buildings on site are of the same size, bulk and materials as those previously approved and are an improvement on the open storage.
5. The applicant has provided space within the site to manoeuvre vehicles and offered attractive boundary treatment.
6. The applicant is willing to enter into a Unilateral Undertaking to improve Millfield an unadopted road
7. The Highways Authority are considering the application from a single perspective and are not considering the benefits of the application
8. The officer report in October recommended approval subject to conditions to safeguard amenity the circumstances have not changed and this turnaround is not justified.
9. The travel plan issue could have been dealt with by condition.
10. The principal of the development is accepted para 39.

Transport Consultant

1. The officer and the residents do not seem to accept that this application is for the retention of use of 10 units of mixed use and B8 and not the whole site.
2. The existing uses are lawful established uses they therefore cannot be included in the traffic assessments for this application.
3. The officer report is factually incorrect as there are 14 businesses on site including those retained in the proposed application. There are normally 20 units on site.
4. Exception to passenger car units being used as a tool as this is misleading, the report does not claim all vehicles will be passenger cars.
5. It should be remembered that in 2006 the trips generated by the development were considered acceptable.
6. Atkins the independent consultant accepted that the passenger car units (PCU's) is similar to that in the Transport Statement and additional movements would be 15-20 a day there would be a drop in HGV movements.
7. The additional traffic count identifies that the volume of traffic in Rooks Street is in line with similar residential street and this is done with the unit's operating.
8. The representing officer makes no reference to parking in visibility splays and along Rooks Street. Residents do not have the right to park in the street and should not use that as a reason to refuse planning permission.
9. All the reasons for refusal can be dealt with by conditions.

10. There are no accidents between vehicles and pedestrians reported this is a material consideration and undermines the highway objection that is not based on any adverse safety record.
11. There is no demonstrable harm caused by the increase in traffic to Millfield as the traffic already uses it.
12. The photographs to show damage to hedgerows highlights that the hedgerow is overhanging the passing space required to be kept clear, the Enforcement Officer should be using the photographs to secure maintenance.

Businesses Occupying the Unauthorised Units

- a) Insufficient consideration has been given to the loss of employment on the site.
- b) The Enforcement Notice issued on the 14 April has pre-determined the outcome of the planning application. Therefore the application cannot be approached afresh and without any bias.
- c) No reference to the recommendation to Committee on 2 October 2013 to its recommendation for approval has been made in the report.
- d) It is unclear of the relevance of previous planning applications within the report.
- e) Parish council representations have 80 lines and include reference to objections that cannot be sustained.
- f) Previously there was no objection by the Highway Authority the 2006 permission has been implemented. The fact that the permission has not been implemented or may have lapsed can be taken into account in determining vehicle impact.
- g) The word 'requests' is significant in that the Highway Authority does not have the powers to direct the Local Planning Authority to refuse.
- h) The Local Planning Authority must determine how many of the numerous representations are valid.
- i) Car dependency should be dealt with through a condition not a reason for refusal.
- j) Deval bathrooms have made personal efforts to reduce vehicle movements and it is not unreasonable to expect other companies to do likewise.
- k) Local businesses should be supported which offer employment.

Officers Assessment

Loss of Employment

The businesses operating from the site are doing so without the benefit of planning permission. It is, therefore, not a material consideration of significant weight to this application to assess the loss of unauthorised businesses from the site, although it is the case that refusal of consent and due compliance with the Enforcement Notice will likely impact on employment connected with the currently unauthorised trading activities. In this application, members are considering the application for the proposed uses. It is unfortunate that the applicant continued to promote the traders without the appropriate planning permission being in place and this point is made within the report.

Additional Transport Comments

This is a complex site and it is recognised that there are a significant number of units operating from the site with the benefit of lawful consent; it is therefore difficult to assess the additional traffic generated from the development. However, a full assessment has been made and additional opportunities given to both sides to provide evidence and in conclusion, on balance it is now considered that the application is unacceptable for the reasons given within the report. No additional

evidence has been provided within these additional letters to amend that recommendation.

Enforcement Notice

Members are advised that the Enforcement Notice included the cessation of the unauthorised business uses and the demolition of the units. The applicant has appealed that Enforcement Notice and has opted for an informal hearing due to occur in October 2014. An assessment of the impact on the loss of employment connected with the unauthorised commercial activity will be relevant to that hearing but the Council's position is that the issue of the Enforcement Notice was expedient in the context of the planning harm being caused by the unauthorised development. The existence of the Enforcement Notice does not prejudice determination of this planning application, which committee should approach on the basis of applying planning policy unless satisfied material considerations require this to be deviated from.

Others

It is not necessary to specifically refer to an individual letter in a report, all representations received in July 13 were considered within the report of October 2013. The current report as supplemented by updates summarises all points made in objection/support and the extent to which considered whether material or not.