

South Cambridgeshire Hall  
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26 August 2008

To: Chairman – Councillor Mrs PS Corney  
Vice-Chairman – Councillor RJ Turner  
All Members of the Planning Committee - Councillors Mrs PM Bear, BR Burling,  
TD Bygott, Mrs JM Guest, Mrs SA Hatton, Mrs CA Hunt, SGM Kindersley,  
MB Loynes, CR Nightingale, Mrs DP Roberts, Mrs HM Smith and JF Williams,  
and to Councillor NIC Wright (Planning Portfolio Holder)

Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 3 SEPTEMBER 2008** at **2.00 p.m.**

Yours faithfully  
**GJ HARLOCK**  
Chief Executive

**The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.**

Members of the public and parish councils wishing to speak at this meeting must contact the Democratic Services Officer by no later than noon on Monday before the meeting.  
A [public speaking protocol](#) applies.

Planning Applications might be considered in a different order to that published below to assist in the effective management of public speaking. Any revision will appear on the website the day before the meeting.

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| <b>AGENDA</b>                              |  | <b>PAGES</b> |
|--|--|--------------|
| <b>PROCEDURAL ITEMS</b>                    |  |              |
| <b>1. Apologies</b>                        | To receive apologies for absence from committee members.   |              |
| <b>2. General Declarations of Interest</b> |  | <b>1 - 2</b> |
| <b>3. Minutes of Previous Meeting</b>      | To authorise the Chairman to sign the Minutes of the meeting held on 6 August 2008 as a correct record. The minutes can be read online by visiting <a href="http://www.scambs.gov.uk/meetings">www.scambs.gov.uk/meetings</a> and following the appropriate links. |              |

## **PLANNING APPLICATIONS AND OTHER DECISION ITEMS**

- |           |   |                |
|-----------|---|----------------|
| <b>4.</b> | <b>C/6/9/1A - Cambridgeshire Guided Busway (Arbury Park)</b>                          | <b>3 - 10</b>  |
| <b>5.</b> | <b>S/0951/08/RG3 – Cambourne (South Cambridgeshire Hall, Cambourne Business Park)</b> | <b>11 - 20</b> |
| <b>6.</b> | <b>S/0800/08/F – Bourn (The Duke of Wellington, 49 Alms Hill)</b>                     | <b>21 - 30</b> |
| <b>7.</b> | <b>S/1017/08/F – Cottenham (Unit J, Broad Lane Industrial Estate, Broad Lane)</b>     | <b>31 - 54</b> |
| <b>8.</b> | <b>S/1243/08/F – Willingham (The Oaks, Meadow Road)</b>                               | <b>55 - 62</b> |

## **INFORMATION ITEMS**

The following item is included on the agenda for information and is available in electronic format only (at [www.scambs.gov.uk/meetings](http://www.scambs.gov.uk/meetings) and in the Weekly Bulletin dated 27 August 2008). Should Members have any comments or questions regarding issues raised by the reports, they should contact the appropriate officers prior to the meeting.

- |           |  |                |
|-----------|--|----------------|
| <b>9.</b> | <b>Appeals against Planning Decisions and Enforcement Action</b> | <b>63 - 64</b> |
|-----------|--|----------------|
- Summaries of Decisions of interest attached.
- Contact officers:**  
Gareth Jones, Corporate Manager (Planning and Sustainable Communities) – Tel: 01954 713155  
John Koch, Appeals Manager (Special Projects) – Tel: 01954 713268

## **GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL**

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- **Do not** use the lifts to exit the building. If you are unable to negotiate stairs by yourself, the emergency staircase landings are provided with fire refuge areas, which afford protection for a minimum of 1.5 hours. Press the alarm button and wait for assistance from the Council fire wardens or the fire brigade.
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If someone feels unwell or needs first aid, please alert a member of staff.

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### **Toilets**

Public toilets are available on each floor of the building next to the lifts.

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Unless specifically authorised by resolution, no audio and / or visual or photographic recording in any format is allowed at any meeting of the Council, the executive (Cabinet), or any committee, sub-committee or other sub-group of the Council or the executive.

### **Banners, Placards and similar items**

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chairman may require any such item to be removed.

### **Disturbance by Public**

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

### **Smoking**

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### **Mobile Phones**

Visitors are asked to make sure that their phones and other mobile devices are set on silent / vibrate mode during meetings or are switched off altogether.

## **ADDITIONAL ADVICE FOR PUBLIC SPEAKERS**

### **Is this meeting open to the public?**

Yes. The vast majority of agenda items will be considered in public. In extremely rare situations, the law does allow Councils to consider a limited range of issues in private session without members of the Press and public being present. An example would be a planning enforcement issue in which sensitive personal matters are discussed, or options which, if publicised, could prejudice the Council's position. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them.

### **When and where is the meeting?**

Details of the location, date and time of this meeting, and members of the Committee are shown at the top of the front page of the paper agenda. Details of the contact officer can be found at the bottom of that page. Further information, including dates of future meetings, is available on the [Council's website](#).

### **Can I speak? Who else can speak?**

Yes (but only if you have already written to the Council in response to formal consultation). If you wish to speak, you must register with Democratic Services by 12 o'clock noon on the Monday immediately before the meeting. Ring the number shown at the bottom of the front page of the agenda. Speaking to a Planning Officer will **not** register you to speak; you must register with Democratic Services. There are four categories of speaker: One objector (maybe on behalf of a group), the Applicant (or their agent or a supporter), the local Parish Council and the local Councillor (s) if not members of the Committee. Occasionally, the Chairman may allow other speakers – for details, see the [Public Speaking protocol](#) on the Council's website

### **What can I say?**

You can have your say about the application or other matter but you must bear in mind that you are limited to three minutes. You should restrict yourself to material planning considerations: Councillors will **not** be able to take into account issues such as boundary and area disputes, the perceived morals or motives of a developer, the effect on the value of property (including yours), loss of a private view over adjoining land (unless there a parallel loss of an important view from public land), matters not covered by planning, highway or environmental health law, issues such as access, dropped kerbs, rights of way and personal circumstances, suspected future development, or processing of the application. Further details are available in the Council's [Protocol for speaking at Planning Committee](#) meetings. After you have spoken, Committee members may ask you to clarify matters relating to your presentation. If you are not present by the time your item is considered, the Committee will determine the application in your absence – it is not possible for officers to predict the timing of agenda items.

### **Can I give the Councillors written information or photographs relating to my application or objection?**

Yes you can, but **not** at the meeting itself. If you want to send further information to Councillors, you should give them as much time as possible to read or view it. Their [contact details](#) can be obtained through Democratic Services or via the Council's website. You must send the same information to every member of the Committee and to your local Councillors. You can e-mail the Committee at [planningcommittee@scambs.gov.uk](mailto:planningcommittee@scambs.gov.uk) (replace (at) with @). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### **How are the applications considered?**

The appropriate planning officer will introduce the item. Councillors will then hear any speakers' presentations. The order of speaking will be (1) Objector, (2) Applicant / agent / supporter (3) Parish Council (4) local Councillor(s). The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made and seconded by members of the Committee. Should the Committee propose to follow a course of action different to officer recommendation, Councillors are required to give sound planning reasons for doing so.

## **EXCLUSION OF PRESS AND PUBLIC**

The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) ..... in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) ..... of Part 1 of Schedule 12A of the Act."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

### **Notes**

- (1) Some development control matters in this Agenda where the periods of consultation and representation may not have quite expired are reported to Committee to save time in the decision making process. Decisions on these applications will only be made at the end of the consultation periods after taking into account all material representations made within the full consultation period. The final decisions may be delegated to the Corporate Manager (Planning and Sustainable Communities).
- (2) The Council considers every planning application on its merits and in the context of national, regional and local planning policy. As part of the Council's customer service standards, Councillors and officers aim to put customers first, deliver outstanding service and provide easy access to services and information. At all times, we will treat customers with respect and will be polite, patient and honest. The Council is also committed to treat everyone fairly and justly, and to promote equality. This applies to all residents and customers, planning applicants and those people against whom the Council is taking, or proposing to take, planning enforcement action. More details can be found on the Council's website under 'Council and Democracy'.

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South Cambridgeshire District Council

Planning Committee – 3 September 2008 – Declaration of Interests

Councillor .....

**Personal / Personal and Prejudicial [delete as appropriate]**

Item no: ..... App. No. .... Villiage: .....

Reason:

**Personal / Personal and Prejudicial [delete as appropriate]**

Item no: ..... App. No. .... Villiage: .....

Reason:

**Personal / Personal and Prejudicial [delete as appropriate]**

Item no: ..... App. No. .... Villiage: .....

Reason:

**Personal / Personal and Prejudicial [delete as appropriate]**

Item no: ..... App. No. .... Villiage: .....

Reason:

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**Personal / Personal and Prejudicial [delete as appropriate]**

**Item no:** ..... **App. No.** ..... **Village:** .....

**Reason:**

**Personal / Personal and Prejudicial [delete as appropriate]**

**Item no:** ..... **App. No.** ..... **Village:** .....

**Reason:**

**Personal / Personal and Prejudicial [delete as appropriate]**

**Item no:** ..... **App. No.** ..... **Village:** .....

**Reason:**

**Personal / Personal and Prejudicial [delete as appropriate]**

**Item no:** ..... **App. No.** ..... **Village:** .....

**Reason:**

Please return the completed form to [ian.senior@scambs.gov.uk](mailto:ian.senior@scambs.gov.uk) prior to the meeting, or leave it with the Democratic Services Officer in the Chamber, or leave it with the Democratic Services Section.



**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee3<sup>rd</sup> September 2008**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**C/6/9/1A****Discharge of Conditions - Cambridgeshire Guided Busway  
Design and External Appearance of Arbury Park North Bus Stop and of Pedestrian  
Routes at the Proposed Guideway Intersection at Arbury Park****Recommendation: Approval****Notes:**

**These submissions have been reported to the Planning Committee for determination because the officer recommendations of approval are contrary to objections raised by the Parish Council.**

**Background**

1. On 21<sup>st</sup> December 2005, the Secretary of State for Transport directed that planning permission be deemed to be granted for the development included in the Cambridgeshire Guided Busway Order. One of the ten conditions reads:

(Condition 3)

- (a) Work shall not begin on each of the following items of development until in each case prior written approval of their design and external appearance has been obtained from the local planning authority:
  - (i) any building or bus stop; and
  - (iv) the formation, laying out or alteration of any pedestrian, cycle or equestrian route (so far as provided for by the development).
- (b) The works shall be carried out in accordance with the approval given by the local planning authority or, if that authority gives prior written approval to any amendment or alteration, subject to such amendment or alteration.

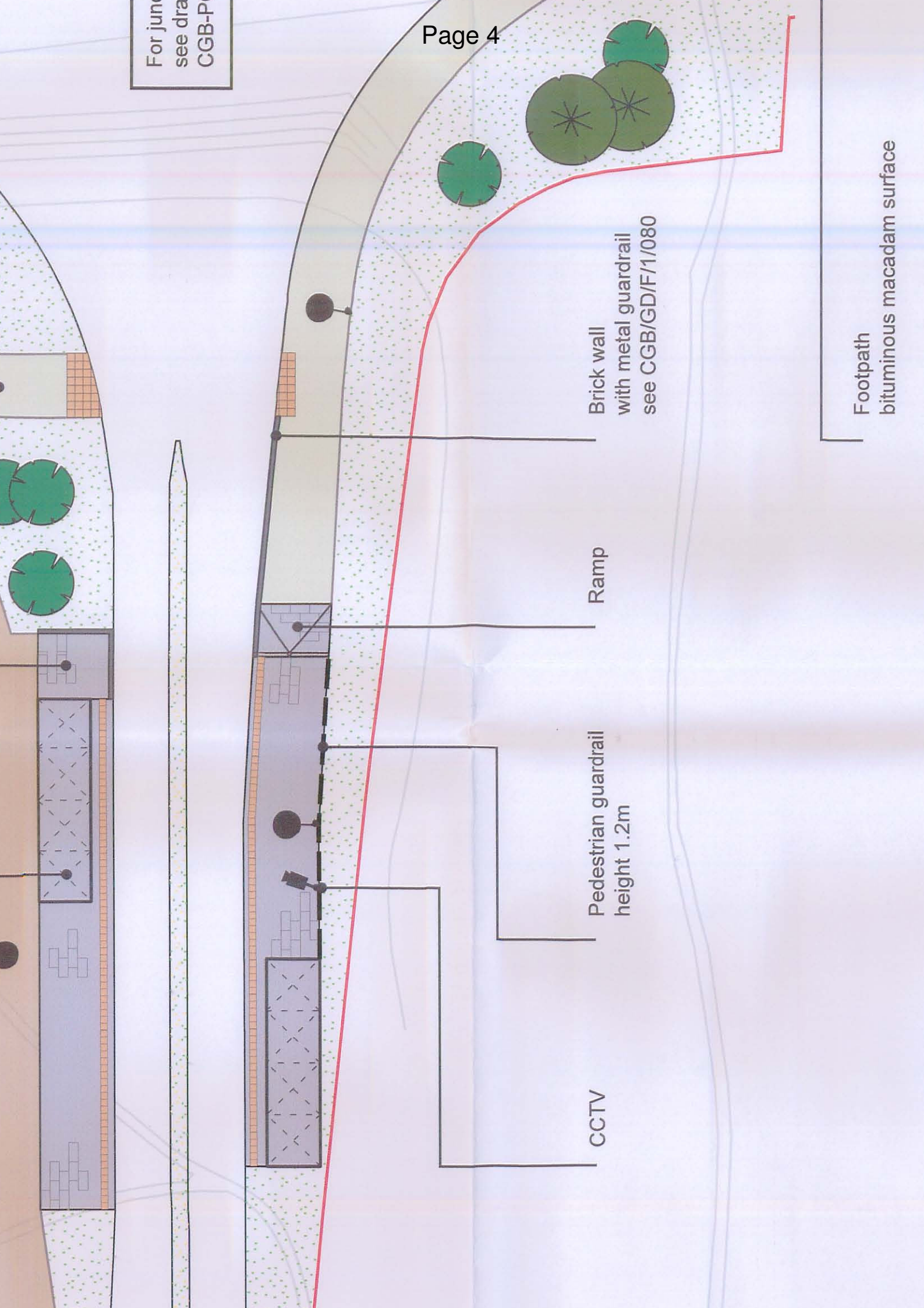
The reason for the condition is to ensure the satisfactory appearance and functioning of the development, in the interests of highway safety.

Two submissions require Committee consideration:

**A. CONDITION 3(a)(i) - ARBURY PARK NORTH BUS STOP****Site and Proposal**

2. The site is located at the eastern end of Arbury Park at the new "T" junction between the main guideway and the new Arbury Link.

For junction  
see drawing  
CGB-P



Brick wall  
with metal guardrail  
see CGB/GD/F/1/080

Ramp

Pedestrian guardrail  
height 1.2m

CCTV

Footpath  
bituminous macadam surface



81300, 00

GRAVEL

GRAVEL FOOTPATH

Uncontrolled Pedestrian Crossing

CUT LINE

3.0m

3.0m

CUT LINE

Details Submitted  
Separate Package



3. The adjoining Arbury Park development comprises land parcels J1 and J2, on which reserved matters have been approved (ref S/0007/07/RM dated 4<sup>th</sup> April 2007) for 13 flats and 12 houses as affordable housing.
4. The submission, dated 19<sup>th</sup> June 2008, proposes details of design and external appearance for a bus stop on either side of the Arbury link. Each stop comprises a 24m x 3.5m platform of block paving and a shelter 9.6m long incorporating ticket machine, seating and real time passenger information display. The shelter would be constructed of a steel frame, glass panels to rear and side elevations and a clear polycarbonate roof. A CCTV camera would be positioned on the southbound platform. The scheme incorporates planting proposals.

### **Consultations**

5. **Impington Parish Council** objects:

“The bus stop should be on the northwest corner of the junction to ensure Arbury Park residents are able to get a Guided Bus going through and down Milton Road and recommend refusal unless it can be confirmed that Arbury Park residents will be able to travel down Milton Road.”

6. In a further comment the Parish Council added:

“The positioning of the bus stop preventing service east from Arbury Park to the eastern section of the Guided Busway and service remains a concern and disappointment at a missed opportunity to encourage less car use.”

7. The **Local Highway Authority** has no objections.

8. The **Landscape Design Officer** comments:

“I am concerned about the suitability of Rosa Canina as it is rather lanky when grown solo and could send out long arching, thorny sprays. However, if it is intended that they should be pruned occasionally they would be acceptable. Presumably visibility will be an issue at the junction of the two guideway tracks and so I wonder whether the shrubs should be omitted and instead single clear stemmed trees used, which can be crown lifted over the track if necessary, retaining visibility at eye level. Areas of long wild flower rich grass with closely mown edges could be used to direct people on to the paths.”

9. No comments have been received from **Cambridge City Council, or Gallagher Estates**.

### **Representations from Applicant**

10. The bus stop layout and locations are in accordance with the scheme details presented at public inquiry and are, therefore, in accordance with the requirements of the planning permission for the scheme.
11. It is not possible to move the stop to land outside the control of the County Council. Secondly, a move would be contrary to the existing deemed planning permission and Transport and Works Act Order. The County has no powers to acquire land outside the scheme. In any event land to the north of the guideway junction is already required for the Arbury development itself on one side, and on the other an Ecological Mitigation area.

12. The maintenance track/bridleway will offer a very direct route for pedestrians and cyclists to Cambridge Regional College (CRC) and Science Park.
13. The Citi 4 bus service already serves Arbury Park, CRC and Milton Road with a 20 minute frequency.
14. The Arbury Link junction with the main guideway can cater for bus movements in all directions so it is possible for a bus stopping at the Arbury North stop to turn on to the main guideway and head for either Milton Road or St Ives, and likewise busses travelling from either St Ives or Milton Road can turn on to the Arbury Link.

### **Planning Comments**

15. The planning condition does not require the Authority's approval of siting of the bus stop. This has planning permission. The condition requires approval of "design and external appearance" in the interests of highway safety.
16. The Inspector's Report into the Guided Busway inquiry, which was held between September and December 2004, concluded that the proposed stops were appropriately located to serve the main areas of passenger demand.
17. Notwithstanding the fact that the condition only requires approval of design and external appearance, there is insufficient land to the north west of the guideway junction to provide a bus stop. On the south side of the guideway development of Parcels J1 and J2 is nearing completion. J2 largely comprises a 3 storey block of flats. A re-routed ditch to the north of the building would be approximately 4m from the guideway. On the north side is an approved Landscape and Ecology Mitigation (LEM) Area M, which comprises a 0.35 hectare triangular piece of land between the guideway and the A14 Trunk Road.
18. I have no objections to the design and external appearance of the bus stop.

### **Recommendation**

19. Subject to the comments of the Landscape Design Officer being taken into account, it is recommended that Condition 3(a)(i) be discharged in regard to the design and external appearance of the Arbury Park North Bus Stop.

### **B. CONDITION 3(a)(iv) - PEDESTRIAN ROUTES GUIDEWAY INTERSECTION AT ARBURY PARK**

#### **Site and Proposal**

20. The submission, dated 19<sup>th</sup> June 2008, proposes details of design and external appearance of pedestrian routes at the guideway intersection with the Arbury Link adjoining and north east of the Arbury Park Bus Stop.

### **Consultation**

21. **Impington Parish Council** recommends refusal as "public consultations had indicated maintenance track would be tarmacked and suitable for cycles. Plans now say unbound material".
22. The **Local Highways Authority** has no objections.

23. The **Landscape Design Officer** has commented:

"I suggest that the corners of the junctions of footpaths and the maintenance track are rounded off where people movements involve changes of direction. Inevitably they will cut the corners and wear muddy patches in these places. The path from the maintenance track leading to the crossing adjacent and north of the west platform should probably be divided into two paths recognising the separate desire lines. One should lead towards the access to the adjacent housing and the other to the crossing over the main guideway so that a triangle is formed with the maintenance track. Cyclists will be using this route and they always cut corners. The triangle could be grassed and the adjacent planting moved slightly to accommodate the paths.

I see that the landscape plan for the adjacent housing at Arbury Park shows a hedge against the north west boundary of the guided bus land, and the housing lies very close behind this. I would prefer therefore to see the footway pulled back towards the kerb to match that on the opposite side of the busway. This would leave a more satisfactory rooting area for the trees and shrubs and allow the light to be pulled further away from the dwellings. A more generous buffer of vegetation will be possible on this corner and pedestrians will feel safer at night, not having to walk between a hedge and groups of shrubs and trees.

I should still like to see the design chosen for the lights. Is it really necessary to have 8m columns at the bus stops where they are closer together? Assuming that the appropriate lighting levels would be achieved, coming down to a shorter column here would create a more pedestrian-friendly feel."

24. **Cambridge City Council** has not commented.

### **Planning Comments**

25. The applicant has accepted that the drawing is incorrect in regard to the surface material of the maintenance track. It should read "bituminous" as annotated on the Bus Stop drawing. Equally the pedestrian/cycle paths at the junction will be bituminous, 3m wide and will have uncontrolled crossings of the guideway and Arbury Link. The junction will be lit.
26. The proposed footpath on the south west side of the junction will be close to the proposed boundary planting on the Land Parcel J2. The plans contain no indication of finished levels. The applicant on Parcel J2 wishes to amend the boundary treatment but it is difficult to agree details in the absence of known finished levels. In view of comments from the Landscape Design Officer, I shall discuss further the detailed alignment of these paths.

### **Recommendation**

27. Subject to reconciling levels with boundary treatment on Land Parcel J2 and agreeing the exact alignment of the paths, it is recommended that Condition 3(a)(iv) be discharged in regard to design and external appearance of pedestrian routes at the proposed Guideway Intersection at Arbury Park.

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

- Planning File Ref: C/6/9/1A
- Documents referred to in the report including appendices on the website only and reports to previous meetings

Contact Officer: David Rush – Development Control Manager  
Telephone: (01954) 713153

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee3<sup>rd</sup> September 2008**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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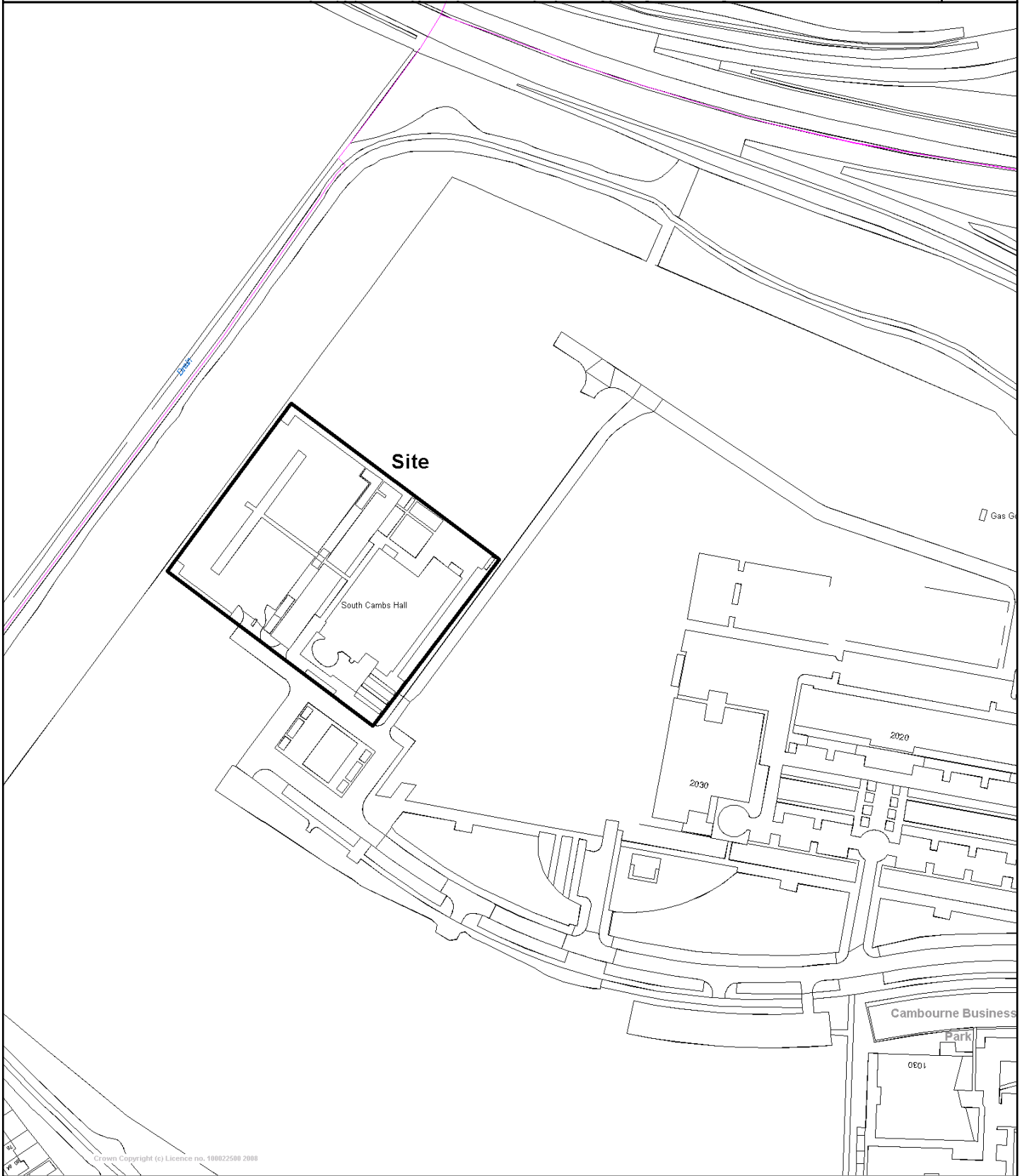
**S/0951/08/RG3 - CAMBOURNE****Construction of 21 Additional Car Parking Spaces and Associated Landscaping Works at South Cambridgeshire Hall, Cambourne Business Park, for South Cambridgeshire District Council****Recommendation: Approval****Date for Determination: 29<sup>th</sup> July 2008****Notes:**

**This Application has been reported to the Planning Committee for determination because the application is submitted by the District Council.**

**Site and Proposal**

1. The application site is land to the west and north (rear) of South Cambridgeshire Hall, the District Council headquarters office at the west end of Cambourne Business Park. To the west of the building there is a row of 7 hornbeam trees which are to be retained, and a block paved parking area which provides parking spaces for disabled people, car sharers and key staff and Members. This is separated from the main area of staff and visitor car parking by a 5 metre wide bed of shrubs and substantial trees, at each end of which are shelters for secure bicycle parking. To the rear of the building is an amenity area with a grass square, paving with picnic tables, and a gravelled walk beneath an avenue of hornbeams. There were formerly 2 smoking shelters. The north and east boundaries have mixed native species hedges for shelter, whilst the west side of the grass square is separated from the car park by low shrubs and 3 trees.
2. The proposal is to create a new area of car parking to the rear of the building by extending the block paved area through to the grass square to form 6 spaces on either side. This area would be the same type of stone surface as the main car park, or block-paved to match the adjacent surface. Five block-paved spaces would be formed around the entrance to this new area, and 4 more would be made, close to the front of the building near the meeting rooms, separated from the pedestrian and fire exit paths by bollards.
3. The works to the rear of the building involve re-landscaping the amenity area following the removal of the smoking shelters. The proposal is to retain the view of the paved garden northwards from the indoor atrium, but to provide more seating sheltered by planting along that axis. A hedge of shrubs and planter beds would screen the new parking and provide additional shelter on the west side of the amenity area. The loss of 5 trees from the north side would be compensated by additional trees closer to the building, and a further 3 to add to the avenue/glade in the northeast corner of the garden. To link this area to the grass along the east side of the building, a new lawn would be added adjacent to the avenue, with additional

S-0951-08-F



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Scale 1/2500 Date 19/8/2008

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September 2008 Planning Committee

seating facing south by the back hedge. Further tree and shrub planting in the northeast corner would turn the corner to the east side of the building, and provide more shelter for additional seating.

4. The application is accompanied by a Design and Access Statement which sets out the background to the proposal and describes the process undertaken to cater for the car parking necessary for the Council's additional public and partnership service role, whilst improving the landscaping as a setting for the building, outlook from the building, delineating the spaces in different uses, and maintaining or increasing biodiversity. The amended submission has been altered in an attempt to minimise the disruption of existing established planting. Road access is unaltered, and the volume of traffic on the Business Park is not anticipated to increase, because the car park would be only catering for traffic which already comes to the site but leaves again if no parking space is available, to park either in the temporary car park opposite the marketing suite or in the "civic square" at the front of the building.
5. Consultation with staff at an early stage of design identified that the main areas of interest are that there should be a pleasant outlook from the building, a clear separation between parking and green space, more, better-sheltered and smaller areas to sit outside, and that parking should not be over-provided thus diverting efforts from implementing Travel Plan actions on car-sharing and working from home. There were also 2 requests for cycle access at the northeast corner of the site.

#### **Planning History**

6. **S/1371/92/O** Outline permission for the settlement of Cambourne, including a business park, and subject to conditions requiring approval of a Masterplan. This comprises a number of documents, of which the Business Park Masterplan 2000 constitutes one approved part.
7. **S/6136/01/O** outline planning permission for erection of a three storey building for offices (B1 use) or Council offices for South Cambridgeshire District Council (sui generis use).
8. **S/6147/02/RM** reserved matters approval of erection of three storey building for Council offices, associated works and civic square on Plot 6010, Cambourne Business Park, approved with conditions including Condition 21- The building hereby permitted shall not be occupied until a green travel for work plan has been submitted to, and agreed in writing with the local planning authority. The plan shall be implemented in accordance with the approved details, and Condition 25 - No development shall commence until a plan has been submitted indicating the "sacrificial" car parking spaces (minimum 24 spaces) which over time, will be converted into landscaping with the implementation of the green travel for work plan detailed in condition 22. [22 of the outline permission **S/6136/01/O**, 21 of reserved matters]
9. An acceptable plan for the "sacrificial" spaces at the northwest corner of the car park was received and approved. Compliance to be achieved "over time" will be dependent on the adjustment of work journeys and where staff live following the relocation of the Council offices from Cambridge.
10. **Travel for Work Plan 2004** tailored to the circumstances of the relocation from Cambridge to Cambourne, and establishment of a public office in a new, unfinished settlement.

11. **Travel for Work Plan 2008** reworked to give more challenging targets following cessation of the staff minibus service and to facilitate use of other travel modes than solo car use. To be reported to Cabinet on 11<sup>th</sup> September.
12. **S/6103/00/F** temporary use of the Business Park overflow car park by South Cambridgeshire District Council, granted by Planning Committee 2<sup>nd</sup> April 2008 for a period of one year to 31<sup>st</sup> March 2009, subject to management measures being implemented as follows:-
  - a. Update and actively implement the SCDC Travel for Work Plan.
  - b. Promote improved public bus services and their use by staff and visitors.
  - c. Make more efficient use of the existing car parks by reserving only essential requirements such as disabled spaces, leading Members and key staff (not meeting attendees).
  - d. Increase the car parking provision on site at South Cambridgeshire Hall by around 30 additional car parking spaces, to the west and north of the building, subject to separate planning permission,
  - e. Operate the temporary car park so that it can only be used for pre-programmed events such as full Council meetings or training/conferences which are attended by members of the public.

### **Background**

13. SCDC Cabinet, meeting on 13<sup>th</sup> September 2007, considered a report on car parking provision at South Cambridgeshire Hall, prompted by the incidence of car parking on the Civic Square at the front of the building, which is contrary to the requirements of the Business Park owners, detrimental to visual amenity, and potentially inhibits the bus circulation. Cabinet resolved to:-
  - (a) authorise relevant officers to re-organise how the Council allocates / manages the existing level of provision within its parking area;
  - (b) authorise relevant officers to re-invigorate and re-launch its Travel for Work Plan and monitor the state of overspill parking for a six-month period after these two measures have been implemented (costs to be included within budgets), by:
    - (c) requesting Cambourne Business Park Limited (CBPL) to upgrade the 'no parking' signage on the Civic Square, with the possible inclusion of double yellow lines (Conservation Area grade);
    - (d) making the signage to the SCDC car park more obvious, clearer and welcoming;
    - (e) leaving the main SCDC car park barrier in the 'up' position during office hours;
    - (f) requesting any members attending meetings, seminars, training or any events other than committee and Council meetings, to contact Democratic Services in advance to confirm attendance and book a parking space;
    - (g) monitoring car parking on a regular basis for a trial period of six months;

- (h) with the agreement of CBPL, undertaking limited 'policing' of the Civic Square with notes under windscreens;
- (i) arranging staffing for monitoring and policing from within existing facilities management resources;
- (j) authorise appropriate officers to rent some additional temporary parking from CBPL, the rental, etc., costs of £12,500 to be financed from 2007/08 underspends, and to find a more permanent solution, either the re-design of land within the boundaries of South Cambridgeshire Hall for dual-use, or the purchase of a small area of land adjacent to the existing staff car park, the associated costs to be included in the capital programme; and
- (k) seek the following planning permissions:
  - (l) temporary planning permission for the overflow car park;
  - (m) development of more parking on-site, to be available in a dual-use capacity, or to use a piece of land adjacent to the staff car park for additional parking.

The current application is made pursuant to resolution (d)(ii) above, and Members will note that the other resolutions have been or are being implemented..

### **Planning Policy**

#### **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007.**

- 14. **STa-k Objectives** – arising from the Strategic Vision for South Cambridgeshire.
  - 15. **ST/4 Rural Centres** (including Cambourne) – Development and redevelopment without any limit on individual scheme size will be permitted within the village frameworks of Rural Centres, as defined in the Proposals Map, provided that adequate services, facilities and infrastructure are available or can be made available as a result of the development.
- Local Development Framework Development Control Policies 2007**
- 16. **DP/1** requires development to demonstrate that it is consistent with the principles of **sustainable development**, including making efficient use of land and minimising the need to travel and reducing car dependency.
  - 17. **DP/2** requires the **design of new development** to be of high quality, with criteria listed including (a) preserve or enhance the character of the local area, (h) provide high quality public spaces, (i) provide an inclusive environment that is created for people, that is and feels safe, and (j) include high quality landscaping compatible with the scale and character of the development and its surroundings.
  - 18. **DP/3** sets **development criteria**, including (f) safe and convenient access for all to public buildings and spaces, and to public transport, including for those with mobility impairment.
  - 19. **NE/4** development shall **respect the local character of the Landscape Character Area**.
  - 20. **NE/6** requires positive **biodiversity gain**.

21. **NE/9 water and drainage infrastructure** requires adequate surface water drainage.
22. **NE14 lighting proposals** shall be the minimum for public safety, and avoid undue impact on the surrounding countryside.
23. **TR/1** encourages **planning for more sustainable travel** through accessibility, alternative modes, and parking levels. This is supported by **TR/2** which sets **parking standards**, **TR/3** which requires **mitigation of travel impacts**, including implementation of **Travel Plans**, and **TR/4** which encourages **use of non-motorised modes**.

#### **South Cambridgeshire Local Plan 2004 saved policies**

**Cambourne 2** – Development in accordance with Cambourne Approved Masterplan and Design Guide.

24. **SE7** – Development in accordance with Cambourne Masterplan and Design Guide.

#### **Consultation**

25. **Cambourne Parish Council** – resolved that the application be deferred as there was no Travel to Work Plan or appraisal of existing provision to justify reconstruction and extension of the existing car park. The under use of available space in front of building was questioned.
26. The revised parking proposals, along with a copy of the draft implementation action plan for the new Travel for Work Plan to be considered by Cabinet in September, have subsequently been provided to the Parish Council. Any comments received from this further consultation will be reported verbally to the Committee.
27. **SCDC Ecology Officer** – advised that care should be taken within the works area to ensure that no nesting birds or protected species are present.

#### **Representations**

28. Owners of the Business Park, Development Securities plc – no objection in principle; queried what would be the impact on the remainder of the Business Park with reference to highways, surface water drainage infrastructure and car parking ratios. Also drew attention to the possibility of Great Crested Newts within 500 metres of the development.

#### **Planning Comments – Key Issues**

29. The main issues in this instance are:- the adequacy of the proposed provision of car parking in relation to the Cabinet resolution of 13<sup>th</sup> September 2007, the capacity of the site to accommodate the proposed increase, the provision of drainage and lighting for the proposal, retention of trees and landscaping, amenity within the building and the staff recreation area, and compliance with planning policies and the requirement to implement a Travel for Work Plan for the premises.
30. The Cabinet resolution in 2007 was not specific with regard to the amount of car parking required to meet the public function of the Council headquarters. During the monitoring of the Civic Square unauthorised parking (prior to provision of the temporary overflow car park), a maximum excess demand of 22 vehicles was counted. Observation of the use of the temporary car park since it came into use in May 2008 indicates that this number has rarely been exceeded. The significant peaks were the District Council Election count day, and a training course. Both of these events are of a pre-planned type for which it would be possible to make special transport arrangements. It is therefore

considered that the provision of 21 new spaces is adequate to meet the development criteria of safe and convenient access to public buildings required by Policy DP/3 (f) of the Local Development Framework Development Control Policies DPD 2007.

31. The application for additional spaces has been amended in the light of consideration of the environmental impact of the proposal, so that the number is a little less than envisaged when the temporary car park was approved. By this means the retention of significant trees adjacent to the offices has been assured, and the alterations to the area to the north of the building make better provision for a sheltered amenity area for staff. In comparison with the maximum and average figures for overflow car parking the amended proposal is now considered to be a more proportionate response to parking requirements. No change is proposed to the area which is visible from the Civic Square, other than to delineate the paved area adjacent to the front meeting rooms so that the pedestrian circulation space is kept clear of parked vehicles. The trees and shrubs which screen the building and the main car park are to be retained. The amenity area to the rear of the building would be reduced in extent, but would remain sufficiently extensive to accommodate the sport, recreation and relaxation functions which it currently fulfils. This would be facilitated by the arrangement of new planting, seating and lawn areas. It is therefore not considered necessary to create a "dual use" area for recreation and parking (one of the options considered by the Cabinet); indeed, it is preferable to ensure that any amenity area is kept free from any potential damage or contamination by motor vehicles, albeit that the stone surfacing would not preclude some recreational uses such as keep fit classes. Since the proposal keeps the development within the original site for South Cambridgeshire Hall, it is considered that it complies with Policy DP/1 (c) by making efficient use of land, and is compatible with the location in terms of scale and siting in accordance with Policy DP/2 (f) of the Local Development Framework Development Control Policies DPD 2007.
32. Surface water run-off from the additional hard-surfaced area would be very little changed. The overall increase in hard paved area would be +54 m<sup>2</sup>. No new lighting for the additional parking area is proposed, but the low level lighting bollards would be repositioned. It is thus considered that the proposal would not be contrary to the requirements of Policies NE/11 and NE/14 of the Local Development Framework Development Control Policies DPD 2007.
33. The existing trees on the west side of the building are important to the setting of the building within the Business Park and in the wider setting of Cambourne, and therefore their retention was a significant factor in the re-design of the parking proposal. At the rear of the building the thriving boundary hedges and the Cambourne structural landscaping which surrounds the main car park are the main features which contribute to the character of the area. Therefore the altered layout of trees and shrub beds is not considered to be detrimental to the setting of the building and the locality. The number of semi-mature trees would be increased overall by 4, and the planting beds by an area of 121m<sup>2</sup>. The proposal therefore complies with Policy DP/2 (b) and (j) of the Local Development Framework Development Control Policies DPD 2007.
34. The staff amenity area outside the rear of the building is an important asset, and may become increasingly well-used if reduced car use for work journeys promotes lunchtime recreation at South Cambridgeshire Hall. The area of grass to be taken up by the additional parking spaces is not the best-used part of the garden, since the picnic tables are normally placed on the paved area, and the various keep-fit activities predominantly involve exercises which require a flat paved surface. The arrangement and use of seats is currently inhibited by the overhanging hedge on the north side, and by the lack of shelter from wind in this exposed location. It is considered that the re-landscaping of the whole of the area to the north of the building offers a significant

opportunity to improve the quality of the outdoor environment for staff, and to make better use of the pleasant area to the east of the building. This complies with Policy SF/9 of the Local Development Framework Development Control Policies DPD 2007. Apart from the atrium, there are no north-facing windows on the building, which is dominated by the two fire escape staircases. Views out from the building will be unaltered on the main (east and west) window elevations to working areas. The view from the atrium would be of new planting which is intended to be tall but light to allow continued views through to the wildlife wall. The side of this view would be defined by the new planting east of the parking area. Those few work areas which currently have an aspect overlooking the grass square are at the north end of the east side of the building. This outlook would be changed to a view along the new lines of trees on the east and south sides of the parking area.

35. The Cabinet in 2007 committed the Council to re-invigorate and re-launch its Travel for Work Plan, and will receive a report on the outcomes of the redrafting process on 11<sup>th</sup> September. The target of reducing solo car journeys to the Council offices could be undermined by overprovision of car parking spaces at the premises. However, the public and community functions carried out at South Cambridgeshire Hall have been taken into account in assessing the current need for parking space, as have the impacts of relocation to a new settlement. Therefore the provision of this small amount of additional parking space should not deter the implementation of positive incentives to use alternative travel to work modes, and does not alter the longer term intention to take spaces out of use. The logical sequence for this would be to remove first those spaces furthest from the building, on the west side of the car park, which are not currently stone surfaced, so that the benefits to biodiversity from additional planting near the structural landscaping would be maximised. The programme for removal of these “sacrificial” spaces should be considered as part of the annual monitoring and review of the Travel for Work plan to enable actions to reduce on site car parking to be incorporated in the implementation action plan when appropriate, in compliance with Policies DP/3 (c) and TR/3 (5).

### **Recommendation**

36. Approve as amended 18<sup>th</sup> August 2008, subject to the following

### **Conditions**

1. Standard detailed time limit
2. Drainage details
3. Plant details
4. Lighting details

### **Informatives**

### **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - a) **South Cambridgeshire Local Plan 2004 saved policies**  
**Cambourne 2** – Development in accordance with Cambourne Approved Masterplan and Design Guide.  
  
**SE7** – Development in accordance with Cambourne Masterplan and Design Guide.



- b) **Local Development Framework Core Strategy 2007 adopted January 2007**  
ST/4 Rural Centres including Cambourne
- c) **Local Development Framework Development Control Policies 2007**  
DP/1 sustainable development  
DP/2 design of new development  
DP/3 development criteria  
SF/7 protection of existing recreation areas  
NE/4 local character  
NE/6 biodiversity  
NE/9 water and drainage infrastructure  
NE14 lighting proposals  
TR/1 planning for more sustainable travel  
TR/2 parking standards  
TR/3 mitigation of travel impacts.  
TR/4 non-motorised modes
3. The proposal recommended for approval is not considered to be significantly detrimental to the following material considerations, which have been raised during the consultation exercise: - the adequacy of the provision of car parking in relation to the Cabinet resolution of 13<sup>th</sup> September 2007, the capacity of the site to accommodate the proposed increase, the impact on parking ratios across the Business Park, the provision of drainage and lighting for the proposal, retention of trees and landscaping, amenity within the staff recreation area, and the requirement to implement a Travel for Work Plan for the premises.

**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
- Local Development Framework Development Control Policies 2007
- Planning files ref: S/1371/92/O Outline permission for new settlement of 3,300 dwellings
- S/6136/01/O outline planning permission for erection of a three storey building for offices (B1 use) or Council offices for South Cambridgeshire District Council (sui generis use).
- S/6147/02/RM reserved matters approval of erection of three storey building for Council offices, associated works and civic square on Plot 6010, Cambourne Business Park
- S/6103/00/F temporary use of the Business Park overflow car park by South Cambridgeshire District Council
- Cambourne Masterplan Revision 30
- Design Guide 1995
- Cambourne Business Park Masterplan 2000
- Travel for Work Plan 2004
- Draft Travel for Work Plan 2008

**Contact Officer:** Pam Thornton – Senior Planning Officer  
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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee 3<sup>rd</sup> September 2008

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

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**S/0800/08/F - BOURN**

**Change of Use from Public House and Restaurant to Restaurant with Takeaway at The Duke of Wellington, Alms Hill, Bourn for Mr Miah**

**Recommendation: Delegated Approval**

**Date for Determination: 1<sup>st</sup> July 2008**

**Notes:**

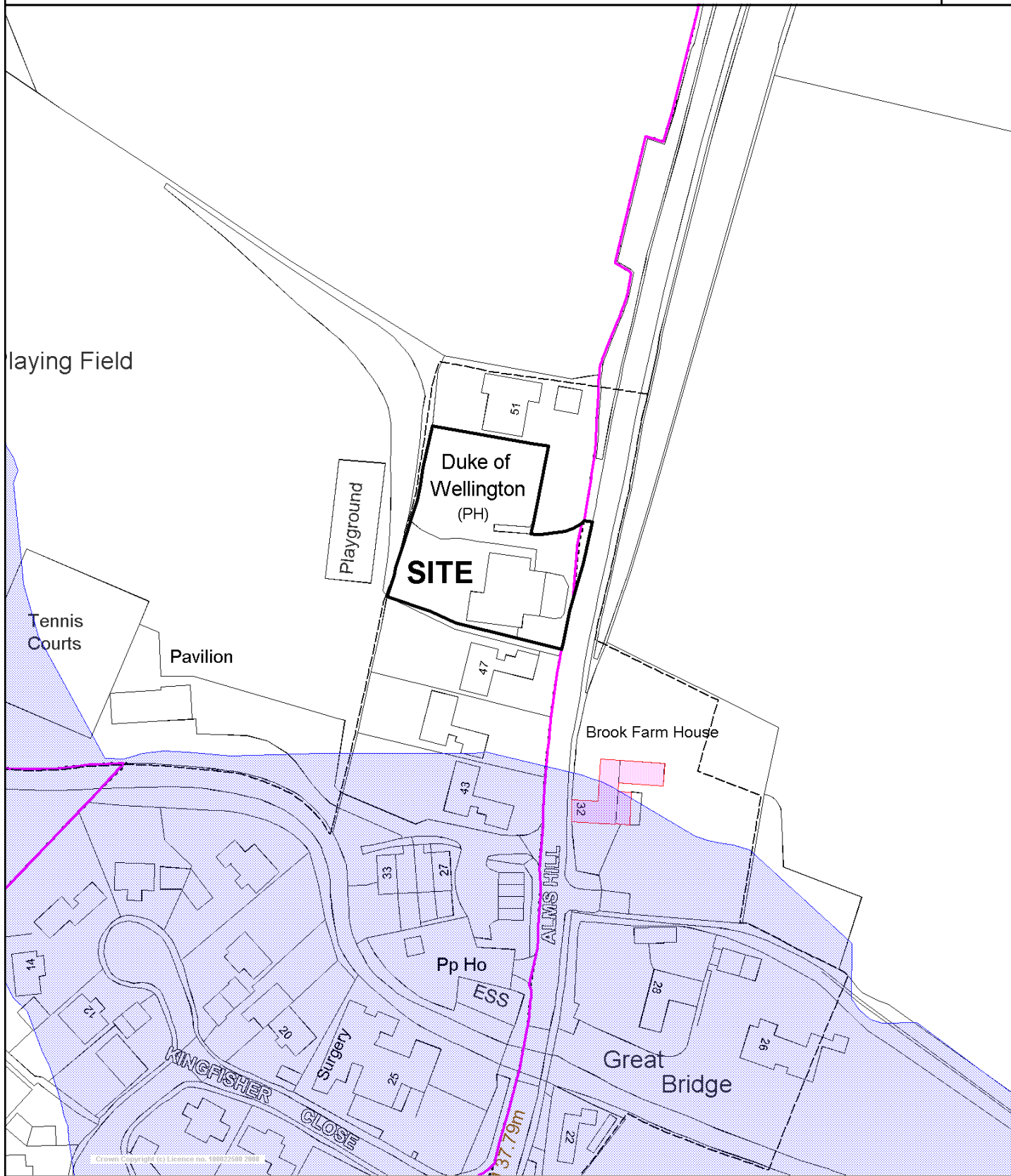
**This Application has been reported to the Planning Committee for determination as requested by the Local Member.**

**Members will visit this site on 3<sup>rd</sup> September 2008  
Adjoining Conservation Area**

**Site and Proposal**

1. The site is the Duke of Wellington Public House, located at the north end of Bourn village, within the village framework. The site is also adjacent to the Bourn Conservation Area, which runs along the front of the site. The public house sits to the south of the plot, with an access to its north leading up a driveway to the associated car park. There is currently a beer garden to the rear (west) of the pub. The building is two-storey in height, with a flat roofed single storey extension to the sides and rear. There is a further access to the south of the building, which is used for deliveries, where there is access to the cellar and kitchen.
2. Trading for the Duke of Wellington has currently ceased. The application, received 6<sup>th</sup> May 2008 proposes the change of use from public house and restaurant to restaurant with takeaway. The lounge and games room at the front of the building would be converted into more restaurant space, and a takeaway and waiting area would be located in place of the existing public bar area. No external alterations to the building are proposed.
3. To the north and south of the building are residential properties, nos. 47 and 51 Alms Hill. Both are located relatively close to the site. No. 47 has a public footpath running between it and the public house, which leads to the recreation ground to the rear. Alms Hill slopes down north to south into the village. At the point of the Duke of Wellington, the speed limit is 40mph. This reduces to 30mph by the south side of the public house. The access to the site is existing, and the car park has the capacity for 18 vehicles.

S-0800-08-F



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Scale 1/1250 Date 20/8/2008

Centre = 532500 E 256872 N

September 2008 Planning Committee

### **Planning History**

4. **S/1926/07/F** – Change of Use from Public House to Residential. The application was refused on grounds of a lack of marketing being carried out due to the loss of a community provision within the village.
5. There are various other previous applications on the site not relevant to the determination of this application.

### **Planning Policy**

6. **Policy DP/3** (Development Criteria) of the Local Development Framework Development Control Policies (LDFDCP) 2007 states all development proposals should provide, as appropriate to the nature, scale and economic viability, appropriate access from the highway network that does not compromise safety, and car parking, which should be kept to a minimum. It adds planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity and on village character.
7. **Policy SF/1** (Protection of Village Services and Facilities) of LDFDCP 2007 states planning permission will be refused for proposals which result in the loss of a village service including village pubs, where such loss would cause an unacceptable reduction in the level of community or service provision in the locality.
8. **Policy CH/5** (Conservation Areas) of the LDFDCP 2007 states planning applications for development proposals in or affecting Conservation Areas will be determined in accordance with legislative and national policy. Government Policy in PPG15 (Planning and the Historic Environment) indicates that development to be carried out in a Conservation Area must give a high priority to the objective of preserving or enhancing the character or appearance of the area.
9. **Policy NE/14** (Lighting Proposals) of the LDFDCP 2007 requires developments, which include external lighting, should ensure the proposed lighting scheme is the minimum required for reasons of public safety and security, and there is no unacceptable adverse impact upon the neighbouring or nearby properties or on the surrounding countryside.
10. **Policy NE/15** (Noise Pollution) of the LDFDCP 2007 states planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development.
11. **Policy NE16** (Emissions) of the LDFDCP 2007 requires development proposals to have regard to any emissions arising from the proposed use and seek to minimise those emissions to control any risks arising and prevent any detriment to the local amenity by locating such development appropriately.
12. **Policy TR/2** (Car and Cycle Parking Standards) of the LDFDCP 2007 requires car parking to be provided in accordance with the maximum standards set out, to reduce over-reliance on the car and to promote more sustainable forms of transport. These maximum standards are 1 car space per 5 m<sup>2</sup> of gross floor area for a restaurant, 1 space per 10 m<sup>2</sup> for pubs and bars, and takeaway parking will be judged on merit.

13. Planning Policy Guidance 24, "Planning and Noise", states at Para 20 (Annex 3):

"Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity. The disturbance that can be caused by traffic and associated car parking should not be underestimated".

### **Consultation**

14. **Bourn Parish Council** – Recommends refusal and expresses concern that this application would result in a permanent loss of an amenity in the village, which would go against the opinions expressed in the recent village survey. Also concerns over increased levels of noise, traffic and littering.
15. **Conservation Officer** – The site is just outside the Conservation Area and there is a Listed Building located opposite the site. There is no impact to either, but the proposal does not provide any enhancement to the area. Request that further consultation takes place if external alterations are proposed to the building itself. Conditions should include any extract systems required.
16. **Local Highways Authority** – Requests a condition regarding 2.0m by 2.0m visibility splays to be included within the curtilage of the site to be kept clear of obstacles exceeding 600mm high. Also requests a condition to allow manoeuvring space to be kept clear to enable vehicles to leave in forward gear. The parking area shall be retained as such, with spaces marked out on the ground and hard surfaced, with each space measuring 2.5m by 5m with a 6m reversing space. Loading and unloading areas should also be defined. Concern is expressed that there is insufficient traffic flow figures generated as a result of this application and subsequent traffic impact on the surrounding highway network in order to determine the application. Recommends informatives regarding works to the Public Highway, and the provision of a contribution for a possible Traffic Regulation Order to prevent parking on the publicly maintainable highway under a Section 106 Agreement.
17. **Environmental Health Officer** – is unaware of any existing or outstanding complaints relating to the site. He recommends a temporary consent for the takeaway element for 12 months in order to monitor the proposal. He also recommends conditions regarding details of power plant or equipment for the control of odour, delivery times and external lighting.

### **Representations**

18. Letters have been received from occupiers of 11 local properties, including nos. 47 and 51 which are the direct neighbours to the site. These residents object on the scheme. These are on the grounds of:
- (a) Out of character with the rural nature of the village and the weakening of the distinction between town and country
  - (b) Lack of need for such a business
  - (c) The presence of other food outlets in the village, including The Willow Tree, Bourn Golf Club and the Source Coffee Shop, and other takeaways in Cambourne, Eversden, Longstowe, Hardwick, Toft, Papworth and Caxton
  - (d) Increased movement of people, vehicles and congestion

- (e) Lack of parking for staff and visitors and potential for vehicles to park on the highway
- (f) Highway safety as the site is within a 40mph zone, with other accesses close by.
- (g) The potential for the access to no. 51 to be blocked by waiting vehicles
- (h) Unsocial hours of opening
- (i) Noise disturbance
- (j) Harm caused by cooking smells
- (k) Potential increases in levels of litter and waste, with greater potential for littering at the adjacent recreation ground
- (l) Impact upon the adjacent Conservation Area
- (m) The personal circumstances of the existing occupiers of the building, who would have to leave
- (n) Devaluation to local properties

### **Planning Comments – Key Issues**

19. The public house is currently a mixed use as a public house (Class A4) and a restaurant (Class A3). Members should note that planning permission is not required for the conversion of the public house element to restaurant use, as this is permitted development. Whilst this is important in some aspects of this decision making process, Members must look at the planning merits for the takeaway use only and the impacts its intensification of use would have upon the site.
20. The main issues regarding the application relate to the impact upon highway safety and parking, the impact of the proposal on the amenity of occupiers in adjacent properties, the impact upon the adjacent Conservation Area, and the other issues raised by the local objectors mentioned above.

### ***Impact upon highway safety and parking***

21. As stated, the site is at the northern end of the village. Alms Hill is a 40mph road, slowing to 30mph to the south side of the site. The access into the car park is existing and could be used for the restaurant at any time in the future without the Local Planning Authority having any planning controls. The use of the access and associated parking will increase as a result of an additional takeaway element. However, the access itself is considered acceptable. I note the comments from the Local Highways Authority regarding 2.0m by 2.0m pedestrian visibility splays. This can be added as a condition to ensure that this level of visibility is permanently achieved at the junction with Alms Hill. The delivery access is separate to the public access, and this would again remain in use for deliveries in order to access the cellar and kitchen areas.
22. The site currently has 18 available parking spaces. The area is currently gravelled, with the arrangement informal. The Council's maximum parking standards show a greater need for parking spaces for restaurant uses when compared to public houses. If built from new, a restaurant of this size would require a maximum 23 parking spaces. The applicant also states 8 members of staff would be employed on site, although some would reside in the flat above. The parking requirement is short of the maximum standards highlighted in the Local Development Framework. Again, Members should note that the restaurant could be used with this provision of parking without planning permission.

23. The Local Development Framework states maximum parking levels for takeaways will be on merit, and no figure is given as guidance. Negotiations have taken place with the applicant for additional parking. A scheme was submitted showing one additional space opposite the access to no. 51, with two further spaces where the current delivery area is. This was not accepted as an amendment as the Local Highway Authority does not wish to see the delivery access being used by the public as there is very limited turning space. It is hoped a further revision will be available for Members to see at Planning Committee. Four/Five additional spaces are proposed for staff parking on land currently used as the pub garden. This would not be available for the public to use and would not hinder the existing 18 spaces on site. The provisions should also ensure the access to no. 51 Alms Hill remains unaffected. It is therefore considered that, with the addition of further parking on site, the scheme would have enough on site parking to cater for the restaurant and takeaway.
24. The nature of takeaway uses may encourage members of the public to park on Alms Hill whilst collecting orders. This is not encouraged by the Local Highways Authority given the speed of traffic on the road. Additional parking spaces should remove the requirement for this. However, the Local Highways Authority may wish to enter into an agreement with the applicant for a contribution towards a Traffic Regulation Order to prevent parking on the publicly maintainable highway. This requirement can be added as an informative to the consent, if approved.
25. I note further comments from the Local Highways Authority on the issue. A condition can be added to ensure the manoeuvring space is maintained at the car park, which will require spaces to be physically laid out on site. I do not consider it reasonable to condition that the site be changed to a hardstanding, given the existing gravel use. This would not restrict the marking of the spaces. The delivery area will be retained as such, and a condition can ensure no public parking is allowed in this area.

***Impact of the proposal on the amenity of occupiers in adjacent properties***

26. There are two main issues raised by occupiers of the adjacent dwellings, namely increase in odours and noise as a result of the proposal. I will firstly look at the issue of odours. Again, the restaurant use could occur without planning permission. The amount of cooking will increase as a result of the intensity of use at the site. Members should therefore note that, given the shared kitchen on site, it is very difficult to comprehensively state that the takeaway element would be the cause of any increased odours rather than the permitted restaurant use. There are no internal changes proposed to the food preparation or kitchen areas, which are within a single storey wing near the boundary with No. 47.
27. I note the comments from the Environmental Health Officer regarding the issue of odours. He recommends a condition regarding details of equipment, including those used for ventilation and odour extraction. The existing equipment may be adequate, but a condition can ensure this is the case. Notwithstanding this condition, I feel the recommendation of a 12 month temporary consent is reasonable to ensure that equipment operates efficiently. A similar approach was adopted at The Swan House Inn, Fowlmere, where a 12 month temporary consent was granted for a take-away use on 31<sup>st</sup> October 2007 (S/0191/07/F).
28. The takeaway element will increase journeys to and from the site, and is likely to cause an increase in noise. The site is within the village framework, and as a result, not all trips would be using motor vehicles. Given the nature of the takeaway, it is unlikely that customers would eat outside, rather they would take the food home for consumption. I note there are concerns that food will be consumed on the adjacent



recreation ground. Again, this may be the case in small numbers, but the majority of takeaways are likely to be eaten in the home.

29. The neighbouring dwellings have experienced the noise and disturbance caused by the public house and restaurant use. The conversion to restaurant use is not likely to significantly change any noise at the site. The takeaway element will attract more visitors. However, given the waiting area is internal, impact from external noise and disturbance is not considered to significantly harm the amenity of the occupiers of neighbouring properties.
30. I note the comments from the Environmental Health Officer regarding conditions about delivery times and external lighting. Neither is currently controlled through any previous planning condition, and the application gives an opportunity to regularise these issues. Given the opening times of the public house, a condition ensuring no takeaways are collected after 11pm should not cause any significant increase in late night noise at the site. It is considered unnecessary to condition the opening times of the restaurant given the lack of previous conditions relating to the public house/restaurant. A separate licensing application has been submitted regarding these timings. A similar approach was adopted at The Swan in Fowlmere with the hot food takeaway not being open to customers other than between the hours of 11.00 to 23.00 Monday to Saturday and 11.00 to 22.30 on Sundays.

#### ***Impact upon the adjacent Conservation Area***

31. As previously noted, the Bourn Conservation Area boundary runs along the front of the site, and therefore the building lies outside this designation. I note the comments from the Conservation Officer with regard to the relationship between the two. An informative is considered appropriate to ensure the correct procedures are taken regarding any additional signage that may be required by the new business use. I note that a number of local residents note that the takeaway would urbanise the village and would be out of character. As the takeaway would be located within the existing building, there would be no change to the exterior of the building, and therefore it cannot be physically out of character with the village.

#### ***Other Issues***

32. There are local concerns about the potential increase in litter from the proposal. As previously noted, the majority of users would take their food home for consumption, and therefore litter would not be an issue. The potential for litter does increase for people visiting on foot. The applicant should therefore ensure there is adequate on site litter facilities. Details of a scheme to be implemented before the use commences could be the subject of a condition.
33. Some of the issues highlighted by the public in relation to the planning application are not material planning considerations. These include the lack of need for the takeaway, the location of other food outlets in the area, and the possible devaluation of house prices in the area. The retention of the building as a restaurant and takeaway retains a community provision in line with the requirements of Policy SF/1 of the LDFDCP 2007. The personal circumstances of the existing residents, although unfortunate, are again not a material planning consideration. The Parish Council also notes that a recent village survey would be against the loss of the public house. The amenity would be retained, although the survey itself carries no weight in the decision making process. Moreover there remains a public house and restaurant elsewhere in the village. This is a criteria of relevance in the determination of applications in accordance with Policy SF/1 of the Local Development Framework.

**Recommendation**

34. Delegated Approval subjected to a revised parking arrangement.

**Conditions**

1. The hot food takeaway use, hereby permitted, shall be for a temporary period of 1 year from the date of this decision notice at which time this use of the building shall cease and the building restored to its former use unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.  
(Reason - In order that the Local Planning Authority can properly assess the operation of the takeaway on the amenity of adjoining residents and highway safety in accordance with Policies DP/3 and NE/15 of the Local Development Framework adopted 2007.)
2. The hot food takeaway use, hereby permitted, shall not be open to customers other than between the hours of 11:00 to 23:00 Monday to Saturday and 11:00 to 22:30 Sundays. (Reason - To protect the amenity of neighbours in accordance with Policies DP/3 and NE/15 of the Local Development Framework adopted 2007.)
3. Visibility splays shall be provided on both sides of the car park access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m by 2m measured from and along respectively the highway boundary. (Reason – In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. The hot food takeaway use, hereby permitted, shall not commence until the car parking spaces shown on the approved block plan are laid out on the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be permanently retained as such. No car parking shall occur in the delivery access to the south of the building. (Reason – In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. The proposed manoeuvring area to the public car park shall be provided before the hot food takeaway use commences on the site and thereafter maintained as such. No parking shall take place in this area. (Reason – To allow vehicles to leave the site in forward gear in the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. 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 dwellings from the effect of odour, dust or fumes in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)
7. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing

by the Local Planning Authority. (Reason - To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)

8. The hot food takeaway use, hereby permitted, shall not commence until litter bins have been provided on site, in accordance with details of siting, number and design which have been submitted to and approved in writing by the Local Planning Authority. (Reason - To protect the appearance of the site and to provide for the collection of refuse in accordance with Policy DP/3 of the Local Development Framework adopted 2007.)

### **Informatives**

1. The granting of a planning permission does not constitute a permission or license to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Local Highway Authority for such works.
2. The Local Highways Authority will seek the provision of a contribution for a possible Traffic Regulation Order to prevent parking on the publicly maintainable highway under a Section 106 Agreement.
3. The applicant should be aware that changes to the signage of the building may require advertisement consent, and they should contact the Local Planning Authority regarding such works.
4. In regard to Condition 6 of this Decision Notice the applicant should have regard to Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA) January 2005.

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

- Local Development Framework Development Control Policies 2007
- Planning files S/0800/08/F, S/1926/07/F and S/0191/07/F

**Contact Officer:** Paul Derry – Senior Planning Officer  
Telephone: (01954) 713159

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee3<sup>rd</sup> September 2008**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**S/1017/08/F – COTTENHAM**  
**Retention of External Plant and Equipment**  
**Comprising of Extract Fans, Flues and Air Condensing Units.**  
**Unit J, Broad Lane Industrial Estate, Broad Lane, for The Whitfield Group**

**Recommendation: Approval**

**Date for Determination: 4<sup>th</sup> August 2008**

**Notes:**

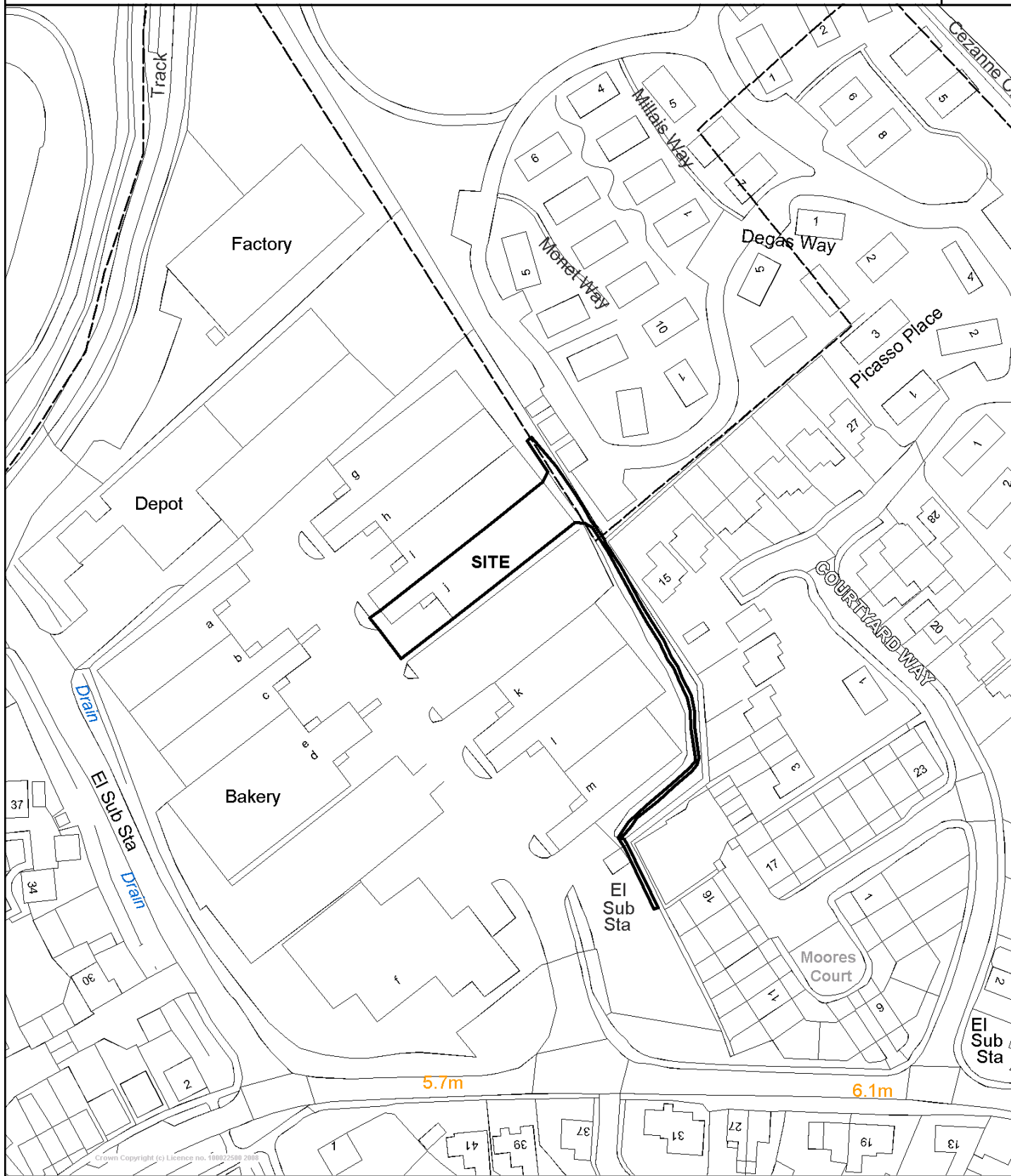
**This Application has been reported to the Planning Committee for determination because of the recommendation of Refusal by the Cottenham Parish Council.**

**Members will visit this site on Wednesday the 3<sup>rd</sup> September 2008.**

**Site and Proposal**

1. Unit J is a light industrial unit currently occupied by the firm Chemex. The unit is situated within the Broad Lane Industrial Estate within the village framework of Cottenham. The industrial estate contains many other units of a variety of uses and is accessed via Broad Lane. There are several residential areas which surround the industrial estate, with the static mobile home site, Cottenham Park to the north of Unit J and the cul-de-sac Courtyard Way to the east, both of which contain the nearest residential dwellings to the application site, which are No.15 Courtyard Way and 2 Monet Way. Chemex is a Cambridge based company involved in analysing chemicals and compounds within either water borne samples or soil samples. In doing so the firm requires both the use of fume cupboards and cooling equipment.
2. This application, submitted 27<sup>th</sup> May 2008, seeks the retention of all plant and machinery, which has been installed upon the north-east gable and south east flank elevation of Unit J. The applicant has stated that they would accept any restriction on the hours of use of this machinery in line with the existing condition (No.3 of S/1184/74/F). An amended plan was received with a letter dated 11<sup>th</sup> July 2008. This illustrated the position of the final as installed equipment.
3. This plant and machinery in question comprises of:
  - 6 extract flues, which are located upon the south-east flank elevation (Numbered 2-7 from left to right upon amended plan No.06/1165:001;
  - 3 air conditioning units located upon the flat roof at the south east elevation at the front of the building;

S/1017/08/F - Cottenham



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Planning Committee Sept 2008

- 4 air condensing units within the acoustic enclosure located upon the gable end of the north-east elevation of the building (Units 1a, b, c and d upon amended plan No.06/1165:001);
4. The design and access statement provides a schedule of equipment for the site. It indicates that the following machinery requires use outside of the current permitted hours:
- Unit 1b) – A Condensing Unit within the acoustic enclosure, which is required to run 24 hours 7 days a week;
  - Unit 1d) – Argon Cylinders within the acoustic enclosure, which is required to vent intermittently;
  - Unit 11 – Cold Store Air Conditioning unit upon flat roof at front of building, which is required to vent intermittently;
  - Units 1c) (Air Condensing Unit) and 7 (Exhaust Flue) are required to run outside of the permitted 08.00-18.00 hours on the occasion when analytical machinery runs.
5. All other machinery would otherwise run within the permitted hours of 08.00 and 18.00 hours Monday to Saturday.
6. The unit is currently restricted by condition 6 of planning application S/1184/74/F, which states, no machinery shall be used between the hours of 6pm and 8am on weekdays and shall not be used on Sundays and bank holidays. The applicants have stated that some of the machinery would require in part to be running 24 hours, 7 days a week, albeit not all at once. However, it should be made clear that this current application does not seek to formally vary or remove this condition and the applicants are happy to accept any restrictions on the hours of use that the Council deem necessary.
7. There are no conditions in place that restrict the normal working hours/occupation of Unit J. All current enforcement action has been put on hold until this current application has been determined. There is also a current public inquiry due in relation to the previously refused planning application S/1048/07/F, which at present does not have a set date.

### **Planning History**

8. Planning Application **S/1184/74/F** was approved for the change of use of Unit J from Warehousing to a Light Industrial Use. Within this consent were several attached conditions. Condition 3 required that power driven machinery shall not be used on site without the prior consent of the Local Planning Authority. Condition 6 required that power driven machinery shall not be used between the hours of 6pm and 8am on weekdays, and shall not be used on Sundays and Bank Holidays. These conditions were attached to safeguard the interests of other users of land in the vicinity.
9. Planning Application **S/1347/97/F** sought the variation of Condition 6 of planning application **S/1184/74/F** in order to extend the hours of operation for machinery to 07.00 hours to 22.00 hours. This application was refused on the grounds that the proposed extension of hours would result in increased vehicle movements and

operations resulting in increased noise, disturbance and loss of amenity to those adjoining residents when background noise levels are generally low.

10. Planning Application **S/2348/06/F** for the retrospective permission of external extractor fan attenuators and acoustic enclosures was withdrawn. This application sought to resolve the outstanding noise nuisance and outstanding external works to Unit J in an attempt to address the enforcement and abatement notice, which was served upon the applicants. This application did not contain the sufficient information to resolve the outstanding issues on the site and would have been refused. However, it was the decision of officers to negotiate the issues at hand and request a detailed application outlying all outstanding issues at the site whilst postponing enforcement action until such an application could be determined. This decision was made on the premise that approximately 80% of the attenuation required to satisfy the Local Plan Environmental Standards had already been carried out albeit retrospectively.
11. Planning Application **S/1048/07/F** for the variation of condition 6 of planning application **S/1184/74/F** for hours of operation, retrospective details of plant and machinery installed in accordance with Condition 3 of Planning Application **S/1184/74/F** and retrospective permission for external plant and machinery comprising of extract flues, fans and air conditioning units was refused. The Planning Committee made this decision on the grounds that the proposal would result in detrimental harm upon the nearby dwellings and mobile homes by virtue of the tone and continuous levels of background noise emitted from the unit. An appeal against this decision was dismissed on grounds of insufficient clear, specific and comprehensive information to justify permission being given.
12. Planning Application **S/0334/08/F** sought the retrospective consent of all external plant and machinery and the variation of Condition 6 of Planning Application **S/1184/74/F** to allow the use of 1 flue, 2 air conditioning units, 1 refrigeration condenser and 1 exhaust unit to be in operation between the hours of 18.00 and 08.00 hours weekdays and for 24 hours on Sundays and Bank holidays. Following the subsequent appeal of the refused Planning Application **S/1048/07/F** further acoustic assessments were submitted in an attempt to address some of the issues raised by the inspector upon her appeal site visit. Despite the additional information submitted, officers were of the opinion that this information did not fully address the previous reason for refusal nor did it satisfactorily address the concerns raised by the inspector upon the appeal. The application was therefore refused under delegated powers on the grounds that the noise emanating from the said machinery outside of the permitted hours would significantly increase the potential harm upon the neighbouring amenities through noise disturbance at times of the day when it is reasonable for residents to expect lower levels of background noise. This decision is currently subject of a public inquiry, of which there is no set date.

### **Planning Policy**

13. **Planning Policy Guidance Note 24** (PPG24) "Planning and Noise", outlines the considerations to be taken into account in determining applications for activities, which will generate noise. Further reference to advice from PPG24 is set out below (Paras. 27 and 28)

### **South Cambridgeshire Development Control Policies DPD adopted July 2007;**

14. **Policy DP/1 "Sustainable Development"** only permits development where it is demonstrated that it is consistent with the principles of sustainable development. The



policy lists the main considerations in assessing whether development meets this requirement.

15. **Policy DP/2 “Design of New Development”** requires all new development to be of a high quality design and indicates the specific elements to be achieved where appropriate. It also sets out the requirements for Design and Access Statements.
16. **Policy DP/3 “Development Criteria”** sets out what all new development should provide, as appropriate to its nature, scale and economic viability and clearly sets out circumstances where development will not be granted on grounds of an unacceptable adverse impact e.g. residential amenity and traffic generation.
17. **Policy DP/7 “Development Frameworks”** permits development within village frameworks provided that retention of the site in its present state does not form an essential part of the local character; it would be sensitive to the character of the location, local features of landscape, ecological or historic importance, and the amenities of neighbours; there is the necessary infrastructure capacity to support the development; and it would not result in the loss of local employment, or a local service or facility.
18. **Policy ET/5 “Development for the Expansion of Firms”** states that expansions will be permitted within village frameworks, or previously developed sites next to or very close to village frameworks. Expansion will not be permitted where it, amongst other, causes problems with noise or if it would conflict with other Policies of the Plan.
19. **Policy NE/15 “Noise Pollution”** states that planning permission will not be granted for development, which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development.

### **Consultations**

20. **Cottenham Parish Council** – Contests the need to determine this application as it is identical to Planning Application S/0334/08/F, which was refused and is currently subject of an appeal and therefore recommends Refusal on the following grounds:
  - The proposal is unacceptable in that the proposed extension of hours will result in an increase in vehicular movements and operations resulting in increased noise, disturbance and loss of amenity to those residents adjoining the site when background noise levels are generally low;
  - Several Planning Applications have been made to vary the hours of operation all of which have been refused and an appeal dismissed;
  - There does not appear to be any clear justification as to why Chemex needs to work extra hours. Indeed it has been brought to the attention of the Parish Council that Chemex is already working outside of its permitted hours. If the appeal were to be upheld and permission granted it would set a precedent for other industrial units to do the same;
  - It is reasonable to expect, on occasions, some noise may be audible during normal operating times, However the variation of the existing conditions for this

site has the potential to adversely affect the use and enjoyment of nearby residential properties. Noise nuisance is an unacceptable interference with the personal comfort or amenity of neighbours;

- Condition 3 of S/1187/74/F states that power driven machinery shall not be used on site without the prior approval of the planning authority. This machinery was installed in 2005 and has had extremely detrimental effect upon residents adjacent to the site due to the noise levels experienced during periods beyond the permitted hours of operation;
- The Parish is concerned that despite the equipment running 24 hours a day, no enforcement has been taken.
- The applicant has shown scant regard to the problems that have arisen for adjacent residents;
- The company that fitted the acoustic enclosures also employs the independent consultant who was responsible for the subsequent noise impact assessments for this site. Therefore if this is indeed true then SCDC should employ a truly independent consultant, who will test the plant with everything running simultaneously, when they come on and turn off and when the gas is started;
- The reports of loud intermittent noises which occur on a frequent basis have not been mentioned within the noise assessment;
- There is no evidence of how many units have been decibel tested, and when the tests were carried out. The testing was obviously flawed and casts serious doubt as to the reported findings;
- There is a concern over the fire exit being blocked by the acoustic enclosure;
- There is no inclusion of residual noise levels, which are required by PPG24 and BS4142;
- The tests carried out within on the night of 11<sup>th</sup> February though to 12<sup>th</sup> February 2008 are not representative of normal summer temperatures;
- Variation of conditions in application S/0334/08/F cannot be supported in the LDF 2007 Policies DP/3 and NE/15.

21. **Environmental Health Officer** – There are no objections in principle to the above-proposed application, however if the application is successful, it is recommended that the following conditions be applied to any consent granted:

- The plant and machinery, hereby approved, can be in constant operation 7 days a week, including bank holidays but the noise emitted from this machinery, shall not exceed 35db(A) within 3 metres of the façade of the nearest residential dwelling, namely 13 Courtyard Way or 2 or 3 Monet Way Cottenham. (Reason - To ensure that plant and equipment does not exceed noise levels that would be to the detriment of the amenities of local residents within the vicinity of the site.)

- Details of the location and type of any further 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 ensure that plant and equipment would not be detrimental to the amenities of local residents within the vicinity of the site.)
- Time controllers shall be applied to all plant and equipment/air conditioning units that is/are not required to operate outside the hours for which consent is sought.

### **Representations**

22. 4 Neighbour letters of objection have been received from 15 and 13 Courtyard Way, 2 Monet Way and from a resident writing from a business in Histon.

The letters raise the following issues:

- The amended plans are still incorrect, the drawings do not show the steel supports of the acoustic enclosure and the line shown outside of the extract flues does not accurately show the edge of the car park area / hand rail;
- At no time has the applicant consulted with local residents;
- It is unclear from the drawings how many condensing units are located within the acoustic enclosure;
- The information within the application form is incorrect. There is regularly a skeleton staff on site from 07.00 hours to 22.00 hours Monday – Friday and at varying times at the weekends both Saturday and Sunday as well as bank holidays. Furthermore, the various items of machinery operate 7 days a week, 24 hours a day;
- The Design and Access Statement refers to Unit 6 and not Unit J Broad Lane;
- The schedule of equipment is the same one used in the previous application and is ambiguous, misleading and does not accurately state what is actually in use during the times stated;
- There is no information in relation to the amount, how many run and the duty cycle of the condensing units within the acoustic enclosure;
- The argon cylinders result in a loud hiss that can occur at any time of the day or night on any day of the week. There is no information to when this venting occurs or its frequency;
- It is indicated that certain items of machinery only run between 08.00 and 18.00 hours in accordance with Condition 6 of S/1184/74/F. However, some staff are on site before 07.00 hours and after 22.00 hours Monday to Friday it is therefore

questionable as to whether the hours of operation of the stated items do comply with Condition 6;

- There is no mention of hours of operation on Bank Holidays, when staff often attend the site on these days;
- It is stated that Unit 7 runs on Saturdays if Chemex work, whereas in reality this unit runs 24/7 and only stops when there is a power cut. It also emits a whine. This has not been fixed despite the inspectors report;
- It is stated that Units 9 & 10 run between 08.00-18.00 hours Mon-Sat when they actually run 24/7 as and when required, one runs almost continually and the other runs approximately 50% of the time;
- Unit 11 is supposed to vent intermittently, whereas it runs 24/7 when required;
- No figures have been provided for the ambient noise level with all the machinery switched off, this information is essential to draw a comparison between the current noise level and that prior to Chemex's operations;
- The residual noise level varies with much of the noise being short lived, i.e. a passing vehicle, this cannot be appreciated from the information provided;
- The random noises are far less objectionable than the constant noise from the fume cupboard extract motors as well as the low frequency drone of the air conditioning units;
- It is reasonable to expect distant passing noise from time to time whereas it is not reasonable to expect the noise produced by the development at all times;
- The acoustic report appears to concentrate on the fume extracts rather than the air conditioning condensers, it is therefore unclear as to what precisely was running at the time the tests were taken;
- There is noise data for the worst case scenario with respect to the air conditioning units, as they were not forced into operation during the tests. (This was also mentioned within Para 20 of the inspectors report);
- The sound level readings were taken on a cool night when the temperature was close to freezing point and they therefore they do not reflect summer noise levels as an increase in the ambient temperature results in noise increases from the air condensers at the rear of the building;
- The consultant taking the readings was not independent to the applicant and also is related to the owner of the firm who installed the acoustic enclosures, therefore this could be a possible conflict of interest;
- The consultant's readings were not witnessed by the EHO within No.15 Courtyard Way, although he was present. In addition these readings were taken

with only one vent open, it is likely that two or more would be open within the summer months;

- The development is not free from thumps and clatters, neither is it free from continuous tones, as suggested it should be by the proposed conditions for application S/1048/07/F;
- Sound readings have not been taken from No.2 Monet Way, although it is calculated that the average sound level is lower than that of No.15 Courtyard Way. The thumps, and clatters from the air condensing and associated works are a greater problem within properties in Monet Way due to their construction and proximity to the machinery;
- The noise from the occasional thumps and clatters do not appear at their full levels as they are hidden within the average levels taken during the noise testing;
- Much of the noise produced by the air condensers is low frequency (i.e. 50HZ-63HZ); Graph 2 shows that the measured levels within No.15 Courtyard Way to be in excess of 40db at 50hz with night time plant running, this is above the WHO figure of 35db;
- The site plan has been marked with a thick line and it is unclear to define exact boundaries of ownership, although the land owners have been notified by certificate B, it is unclear if permission has been granted to develop part of the free holders land that does not form part of the lease;
- The acoustic enclosure blocks the access and possible escape route of occupiers of the building to the north east. Similarly the pedestrian route along the flank elevation of the building is obstructed by the flue units;
- Despite the current application not seeking to vary condition 6 of S/1184/74/F I find it difficult to believe that they will not carry on to work 24/7 as is required in order for them to create ambient testing conditions for their work;
- Materially nothing has changed since the Planning Committee visited the site in July of last year, where they witnessed the probable closest impression of the full noise potential from the site;
- All previous prosecutions have not been effective in deterring the applicant, neither have the subsequent articles in the Cambridge Evening News;
- As the noise issues have been ongoing for over 3 years, other businesses in Broad Lane have followed suit with the installation of air conditioning units, which run outside of normal working hours;
- The development is contrary to PPG24 as the development has introduced noise into a sensitive area that has enjoyed peace and quiet outside the on-line day for a considerable time;

- Will the applicant adhere to Condition 6 and the required hours for operation if this planning application were to be approved?
  - Should this application even be considered for approval when nothing has changed with respect to noise since the Planning Committee visited the site;
23. 2 letters also make reference to key points within the appeal decision for Planning Application S/1048/07/F, a copy of which is attached within annexe 1 of this report. The issues raised will be commented on within the planning considerations of this report.
24. The Cottenham Village Design Group notes that this application appears to be substantially the same as earlier applications relating to this development. Whilst the Design Group encourages the retention of small-scale commercial activities and the development of business offering employment opportunities in Cottenham it is also important that businesses respect their residential neighbours. It therefore hopes that a successful compromise can be reached whereby noise from external equipment can be attenuated to the satisfaction of local residents.

### **Planning Comments – Key Issues**

#### ***Material Considerations***

25. The main issue in the determination of this application is whether the fume extraction units, air condensing equipment and other associated plant can be operated within limits that would not seriously harm the living conditions of occupiers of the adjacent mobile home park and nearby houses. This application is being considered for determination on the grounds that it provides significant additional information, which goes further in providing answers to the questions raised by the inspector upon the previous dismissed appeal. Furthermore, it is clear that despite prosecution Chemex has continued to operate outside of the permitted conditions that apply to Unit J. Therefore, it is the opinion of officers that this development should be revisited and explored again in full with the view to bring this matter to a close once and for all.
26. The inspector who dealt with the previous dismissed appeal for this site (Reference No.APP/W0530/A/07/2053559 and SCDC planning reference No. S/1048/07/F) stated that due to the view from nearby dwellings being obstructed by the angle of vision, vegetation and fencing there was no visual objection to the appearance of the external plant and machinery. Furthermore, the plant is considered to be of character and colour that might be expected of an industrial estate. In addition the issue over means of escape from the rear of the building was confirmed as a matter for assessment under other legislation.

#### ***Planning Policy Guidance***

27. Paragraph 19 of Annex 3 (noise from industrial and commercial developments) of Planning Policy Guidance Note 24 "Planning & Noise" (PPG24) states that the likelihood of complaints about noise from industrial development can be assessed, where the Standard is appropriate, using guidance in BS 4142: 1990 (now 1997). Tonal or impulsive characteristics of the noise are likely to increase the scope for complaints and this is taken into account by the "rating level" defined in BS 4142. This "rating level" should be used when stipulating the level of noise that can be permitted. The likelihood of complaints is indicated by the difference between the noise from the new development (expressed in terms of the rating level) and the existing background

noise. The Standard states that: "A difference of around 10dB or higher indicates that complaints are likely. A difference of around 5 dB is of marginal significance." Since background noise levels vary throughout a 24 hour period it will usually be necessary to assess the acceptability of noise levels for separate periods (e.g. day and night) chosen to suit the hours of operation of the proposed development. Similar considerations apply to developments that will emit significant noise at the weekend as well as during the week.

28. Furthermore, Paragraph 15 of PPG24 states that the appropriate use of planning conditions can enable many development proposals to proceed where it would otherwise be necessary to refuse permission. Paragraph 10 states that much of the development, which is necessary for the creation of jobs and the construction and improvement of essential infrastructure, will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions.

### ***Noise Survey Results & Conclusions***

29. Noise surveys have taken place in February and July 2008. In February a nighttime noise survey was carried out outside and inside a complainant's property at Courtyard Way Cottenham and outside a mobile home at Broad Lane Mobile Home Park. In July a daytime noise survey took place at Broad Lane Mobile Home Park that took account of the noise levels from plant and equipment at Unit J. Sound pressure level measurements were taken approximately 3 metres from the fence at the visitors' car park at Broad Lane Mobile Home Park with a line of sight to the extract fans and enclosure. Measurements were also taken in front of the enclosure, with no line of sight to the extract fans in order to simulate the conditions in the garden of the property at 15 Courtyard Way Cottenham.
30. At both locations measurements were taken with all plant operating and then nearly all switched off, leaving a couple of air conditioning condensing units operating in the enclosure for some of the time. During the last measurement series the air/gas discharge noise was identifiable but the noise was not intrusive, producing a cumulative level (including residual noise not from Chemex of approximately 34dB(A)) of approximately 37dB(A), indicating that the air/gas discharge noise level was approximately 34dB(A) as well.
31. The first series of measurements indicates that the plant noise was below 40dB(A) towards Mr Taylor's dwelling, with the overall level typically varying between around 40dB(A) and 45dB(A). The third series of measurements indicates that the residual level varied between around 35dB(A) and 43dB(A). Combining these indicates that the plant noise level was around 37dB(A) to 39dB(A) at this location with all plant operating. This is consistent with the previous measurements (taken at night time in February 2008) that indicated that the plant noise level is 35dB(A) or lower at Mr Taylor's house with some but not all of the extract fans operating and slightly higher than this with all plant operating.
32. The second series of measurements indicates that the plant noise was below 37dB(A) towards Mr Taylor's dwelling, with the overall level typically varying between around 37dB(A) and 42dB(A). The third series of measurements indicates that the residual level varied between around 32dB(A) and 40dB(A). Combining these indicates that the plant noise level was around 34dB(A) to 39dB(A) at this location

with all plant operating. Taking account of the screening of the extract fans at this location indicates that the plant noise level is around 34dB(A) to 35dB(A) at this location, with all plant operating. These levels are consistent with the noise condition that is being recommended in respect of this application.

33. It is not possible to accurately measure noise from the plant because it is similar to or lower than the residual noise level, which varies so that the relative contributions of plant and residual noise cannot be accurately determined. This demonstrates that because the noise level from plant and equipment at Unit J is so low, the month when noise is measured is not relevant.
34. Nighttime readings have yet to be taken at the same location as July 25<sup>th</sup> and currently weather is precluding a meaningful nighttime noise survey. As soon as weather and availability of personnel to participate in the noise survey permit, the findings of the nighttime survey will be reported as an annexe to this report made available to Members along with a verbal explanation from the Environmental Health Officer.
35. When one considers the model conditions in Annex 4 of PPG24 relative to the conditions that have been proposed, that proposed are sufficient to ensure that the residents are properly protected against noise from the site. Many of the suggested works in the example conditions were carried out, e.g. before any specified plant and/or machinery is used on the premises, it shall be enclosed with sound insulating material and mounted in a way which will minimize transmission of structure borne sound in accordance with a scheme to be agreed with the local planning authority to abate the nuisance value of the noise from the extracts to the fume cupboards. The suggested condition seeks to achieve a higher standard of protection against noise than the suggested conditions as mention is made of BS 4142. This standard does not provide as much protection for the residents as the appellant's proposed/suggested condition. Many of the suggested conditions in PPG 24 talk about insulation of the buildings rather than the plant that is allegedly disturbing the residents.
36. The further noise assessments (Day & Night), which have been carried out, provide evidence that the condition stipulating a threshold of noise of 35db within 3m of the façade of No.15 Courtyard Way would be achievable. Table 1 below from [www.Osicus.com](http://www.Osicus.com) (Osicus is a UK independent noise assessment company) illustrates common sounds and their typical noise levels along with their effects. Within this table 30db is defined as a whisper with its effect being defined as very quiet. The next audible threshold is 50db, which is defined as comfortable and the level of an average air conditioning unit. This helps illustrate the dampening effect of the acoustic attenuation to the plant at the rear of the building. Therefore the predicted internal noise level of below 35db is considered an acceptable if not comfortable level of noise. A limit of 35 dB(A) from the site is proposed outside the nearest dwelling. Allowing for a more pessimistic correction 10dB from outside to inside a dwelling via an open window means that the resultant level inside neighbouring bedrooms will be less than 25dB(A), which is significantly quieter than the WHO and BS8233: 1999 "Sound Insulation and Noise Reduction for Buildings Code of Practice" recommended levels.
37. Table 1: [www.Osicus.com](http://www.Osicus.com) (Accessed 15/08/08)

| Common Sounds                    | Noise Levels dB) | Effect            |
|----------------------------------|------------------|-------------------|
| Jet engine (near)                | 140              |                   |
| Shotgun firing, Jet takeoff (100 | 130              | Threshold of pain |



|   |     |   |
|---|-----|---|
| - 200 ft)                                       |     |   |
| Thunderclap (near), Night club                  | 120 | Threshold of sensation  |
| Power saw, Pneumatic drill,<br>Rock music band  | 110 | Regular exposure of more than 1 min<br>risks permanent hearing loss |
| Garbage truck                                   | 100 | No more than 15 min unprotected<br>exposure recommended             |
| Subway, Motorcycle,<br>Lawnmower                | 90  | Very annoying   |
| Electric razor, Many industrial<br>workplaces   | 85  | Level at which hearing damage begins<br>(8 hours)                   |
| Average city traffic noise,<br>Garbage disposal | 80  | Annoying. Interferes with conversation                              |
| Vacuum cleaner, Hair dryer,<br>Inside a car     | 70  | Intrusive. Interferes with telephone<br>conversation                |
| Normal conversation                             | 60  |   |
| Quiet office, Air conditioner                   | 50  | Comfortable   |
| Whisper   | 30  | Very quiet  |
| Normal breathing                                | 10  | Just audible  |
|   | 0   | Threshold of normal hearing (1000 -<br>4000 Hz)                     |

38. Despite the representations made by residents there is not a large percentage of low frequency sounds from plant and equipment at Unit J. Extractor fan type 'humming' noise is not predominately low frequency. WHO & other acoustic experts refer to low frequency noise meaning a 'rumble' or 'roar' such as the pulsing from large diesel engines possibly from large HGVs or from large boats, large boilers for district heating systems or large buildings, or air handling systems providing ventilation for large buildings. This is not the case at Unit J. The most significant sound from the site is middle to high frequency sound. The confusion about low frequency noise may have been caused by information contained in a communication between Dr. Rokho Kim and Councillor Bolitho upon the previous planning application. I am not aware that Dr. Kim has ever been to Unit J. I presume Dr. Kim was responding to a query in respect of low frequency noise.
39. The noise condition that has been proposed suggests noise levels inside a property with windows open. To suggest that mobile homes should be treated differently to a bricks and mortar construction for the purposes of this application implies that mobile homes are more susceptible to ordinary sounds penetrating the fabric of their structure. In any event, the levels experienced close to the mobile homes from the plant and equipment at Unit J are quite low. There should be no difference in the noise level within a mobile home or brick dwelling when both have windows partly open for ventilation, due to external noise entering the bedroom of the two dwellings. An open window would be the weakest acoustic point in both cases so that noise

breaking in through the structure is insignificant. This explanation justifies why there is no point in testing the building fabric of a mobile home in this situation.

40. On July 25<sup>th</sup> 2008 while monitoring noise from Unit J at Broad Lane Mobile Home Park, noise from the hiss of gas cylinders was detected (approximately six times in an hour.) Although the sound of the hiss was audible and noise levels were recorded and these will be available soon, the noise of the hiss of the cylinders was suitably attenuated by the acoustic enclosures. Furthermore on July 25<sup>th</sup> when Mr Heffernan (EHO) visited the site with Richard Coleman “the acoustic consultant” to carry out noise monitoring, all doors to the acoustic enclosure were capable of being opened and closed without difficulty.
41. An indoor level of 30dB(A) means that a substantially lower level is being generated by the equipment at Unit J. If one were to stipulate an indoor figure of 30dB (A) this would equate to a very low level of noise being produced at the source. The suggested condition of 35dB at the nearest residential property will cover eventualities of all equipment running at Unit J. WHO does recommend 30dB (A) inside bedrooms ‘in order to protect vulnerable groups against sleep disturbance’. BS8233:1999 states that this represents ‘good’ conditions and 35dB (A) is ‘reasonable’. WHO also uses a figure of 15dB (A) for the difference in noise level outside a dwelling and the resultant level that enters through an open window. However, this is generally felt to be slightly optimistic and a more realistic figure is 10-15dB (A). In relation to the proposed condition that noise from the site be limited to 35dB(A) outside the nearest dwelling, even the more pessimistic correction means that the resultant level inside neighbouring bedrooms will be less than 25dB (A). This is significantly quieter than the WHO and BS8233 recommended levels (Rokho Kim refers to 30dB (A) as ‘extremely quiet’ and clarifies that this is a strict guideline to ‘protect even the most vulnerable people’.
42. Richard Coleman Junior’s involvement has been as a representative of Belair Research Limited and Acoustical Control Engineers Limited (ACE), and the purpose of his measurements has been to check that the attenuation system performed as intended. Brian Heffernan has attended as a representative of SCDC to ensure that the Local Authority agreed with the validity of the measurements and to assess the noise at the dwellings from the plant. It is worth noting that the original measurements and subsequent analysis indicated that this was not the case and ACE therefore carried out further work to improve the attenuation provided by the fan enclosures. There is no conflict of interest in this situation and as a professional Chartered Engineer and Member of the Institute of Acoustics; one of Mr Colemans responsibilities is to ensure that he does not get into a situation where a conflict of interest may arise. ACE provides acoustic engineering expertise and BRL provides acoustic consultancy expertise. Richard Coleman Senior was responsible for the original engineering and Mr Coleman Junior became involved in the post installation testing as his father was away at that time.
43. At the previous appeal the inspector was not satisfied that she had sufficient information in order to allow the appeal. On July 25<sup>th</sup> noise levels from the equipment at Unit J were recorded near to mobile homes at Broad Lane Mobile Home Park, with no equipment running (this will be the equivalent of the residual levels that the residents have mentioned); noise levels were recorded of the hiss of the cylinders, noise levels were also recorded with a variety of equipment such as all fume cupboards and no fume cupboards operating. Therefore, the full detailed information is now available for the determination of this application or any pending appeal should it be required.

44. It is felt that the numbering of plant upon the submitted plan is satisfactory in aiding the identification of all equipment for the purposes of monitoring. It is understood from the noise readings taken in both February and July that the noise levels from the site are the same throughout the year. Irrespective of the circumstances of internal or external temperature only two units (Extractor Fans 2 & 6 serving fume cupboards) are left on past 18.00 hours. This was evident from nighttime visits and has been confirmed by the Environmental Health Officer. The number of windows open would not significantly influence the readings or noise that would be subjectively appreciated indoors as an opening is simply defined as the weakest point of entry for sound.

### **Conclusion**

45. It is fully acknowledged by officers that noise nuisance can be subjective regardless of measured sound pressure levels. Furthermore, whether or not nuisance arises can often be a matter determined by the sensitivities of the listener (especially someone specifically listening out for a particular noise where they have perhaps already become sensitised to it.
46. Notwithstanding the above officers acknowledge that the applicant's use of this site has proved contentious. Undoubtedly, noise problems have occurred and these have led to justifiable complaints. Additional noise readings and a further detailed assessment have now been undertaken. The concerns raised by the appeal inspector and by third parties have now been fully addressed. Based on the advice of the Council's Environmental Health Officer, I am satisfied that the application can be approved subject to the suggested conditions.
47. Approval of the application would mean that the outstanding appeal could be withdrawn, provided that the suggested conditions cover the times that the equipment and plant is required to be run.
48. Refusal of this application would mean that the appeal would continue. However, Members should bear in mind that given the technical advice provided, your officers do not consider the previous reasons for refusal could now be defended. Evidence would therefore have to be provided either by Members themselves or by third parties. Members need to be reminded about the possible implications for an award of costs against the Council, if evidence to sustain the reasons for refusal cannot be provided.

### **Recommendation**

Approve as amended by Plan No.06/1165/001D.franked 18<sup>th</sup> July 2008.

### **Conditions**

1. No machinery shall be used between the hours of 18.00 and 08.00 hours on weekdays and shall not be used on Sundays and bank holidays with the exception of the following equipment as listed upon Plan No. 06/1165/001D:
  - Unit 1b) – A Condensing Unit within the acoustic enclosure, which is required to run 24 hours 7 days a week;
  - Unit 1d) – Argon Cylinders within the acoustic enclosure, which is required to vent intermittently;
  - Unit 11 – Cold Store Air Conditioning unit upon flat roof at front of the building, which is required to vent intermittently;

- Units 1c) (Air Condensing Unit) and 7 (Exhaust Flue) are required to run outside of the permitted 08.00-18.00 hours on the occasion when analytical machinery runs.

(Reason – To ensure that the operation of plant and equipment would not be detrimental to the amenities of local residents within the vicinity of the site.)

2. The noise level at the nearest dwelling due to plant at the site shall not exceed a level of 35dB(A). This shall be expressed as a 'free field' LAeq at a distance of 3 metres from the nearest residential facade, for an appropriate time period (to suit measurement and plant operation conditions). Depending upon measurement conditions, the measurements shall either be taken directly at the noise sensitive location or at a more acoustically suitable location and the corresponding level calculated at the noise sensitive location. Noise from the plant shall be free of any distinct continuous note (whine, hiss, screech or hum) or distinct impulse noise (bangs, clatters or thumps) at the noise sensitive location. (Reason - To ensure that the operation of plant and equipment would not be detrimental to the amenities of local residents within the vicinity of the site.)
3. Details of the location and type of any further 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 ensure that the operation of plant and equipment would not be detrimental to the amenities of local residents within the vicinity of the site.)

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

- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Reference Nos. S/1184/74/F, S/1347/97/F, S/2348/06/F, S/1048/07/F, S/0334/08/F & S/1017/08/F
- Planning Policy Guidance Note 24 “Planning and Noise” (PPG24)

**Contact Officer:** Mike Jones – Senior Planning Officer  
Telephone: (01954) 713253

**Appendix 1**

- Appeal Reference - APP/W0530/A/07/2053559
  - Planning Reference - S/1048/07/F





## Appeal Decision

Site visit made on 3 December 2007

by **Daphne Mair** BA(Econ), MPhil, MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
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Decision date:  
7 January 2008

**Appeal Ref: APP/W0530/A/07/2053559**

**Unit J, Broad Lane Industrial Estate, Cottenham, CB4 8SW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990, firstly against refusal of permission for operational development and secondly against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the change of use from warehousing to light industrial without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by Whitfield Group against the decision of South Cambridgeshire District Council.
- The application Ref S/1048/07/F, dated 18 May 2007, was refused by notice dated 17 August 2007.
- The development proposed (as given on the application form) is installation of extract fan sound attenuators and acoustic enclosure.
- The condition in dispute attaching to planning permission S/1184/74/F dated 21 January 1975 is No 6 which states that:
  - o Condition 6: Machinery shall not be used between the hours of 6 p.m. and 8 a.m. on week days and shall not be used on Sundays and Bank Holidays.
- The reason given for the condition is: To safeguard the interests of other users of land in the vicinity.

### Decision

1. I dismiss the appeal.

### Procedural Matters

2. The operational development has already occurred and I shall therefore treat this part of the application as for its retention.
3. In the first part of the heading section above I have clarified the intention of the planning application guided by the appellant's letter accompanying the application and also by the Local Planning Authority's representations. I note that the second reason for refusal refers to extending working hours to 07.00 to 20.00 and their statement says "the full application proposes" this. Those hours do not appear on the application form or in any of the documentation supplied to me as accompanying the application. The "grounds of appeal" refers to a letter of 3 July 07 "requesting an increase in normal working hours" but neither that letter nor the "acoustic control plan" (also there referred to) is with the documentation on the appeal file. I shall approach the appeal on my understanding of the appellant's purpose from the documents submitted, i.e.:
  - To vary Condition 6 of the above 1975 permission to allow occasional 24 hour working of machinery and

- To approve details of all internal and external plant and equipment installed after the date of the above 1975 planning permission including extractor fans, air conditioning condenser units, fume extract fan stacks and the acoustic enclosure, as required by condition 3 of the above permission which states: "Power driven machinery shall not be used on the site without the prior consent of the Local Planning Authority".
4. At my visit to the site it was apparent that the plan submitted with the appeal was amended before the Local Planning Authority took its decision. The latter plan was supplied to me after my site visit (no.06/1165.001A). As noted at my site visit the fume cupboard extraction stacks as implemented are not exactly as shown on either plan. I have taken the works as implemented and as recorded in photographs taken on the day of my visit and submitted the day after as being those for which permission is sought.
  5. During my visit all 6 of the fume extraction units were turned on for me but not the air conditioning units within the acoustic cabinets at the rear of the building. Conditions were windy with noise from adjacent trees affecting my subjective impressions.

#### **The Main Issue**

6. The main issue is whether the fume extraction units, air conditioning equipment and other plant can be operated within limits that would not seriously harm the living conditions of occupiers of the adjacent mobile home park and in houses nearby.

#### **Reasons**

7. There are 6 fume extractor units on the side of the building adjacent to the car park and a bank of large acoustic enclosures across much of the width of the industrial unit at its rear. I saw that the latter encloses numerous air conditioning condenser units and two large cylinders of industrial gases (argon and nitrogen). In a letter supporting the application it is stated that there is no noise generating equipment inside the building.
8. The purpose of both conditions appears to be to ensure that living conditions for nearby residents and perhaps working conditions for other occupiers of the employment area are acceptable. The housing estate and perhaps the mobile home park post date the 1975 permission for the light industrial use.
9. There is no suggestion that occupiers of other industrial units would be harmed by the development and no objection from the Local Planning Authority to the appearance of either the range of acoustic cabinets across the rear of the building or the fume extraction structures. The view of them from nearby dwellings is partly but not wholly obstructed by fencing, vegetation and angle of vision. The structures appeared to me to be of the character and colour that might be expected on an industrial estate and I find no visual objection to them. Whether, as a local resident considers, the acoustic cabinets prejudice the means of escape from the rear of the appeal building because it would now need to be across grassed and sloping ground is a matter to be assessed under other legislation. I find no planning objection to the works on these grounds and now turn to their noise implications for nearby residential occupiers.



10. Chemex which occupies Unit J provides analysis of chemicals and compounds contained within either water borne samples or soil samples. Unit J is subdivided internally and amongst other space uses has discrete laboratory rooms adjacent to the car park and extending to the rear of the building. These have their own fume cupboard extraction systems to ensure cross contamination of samples does not occur. My understanding is that the company needs to be able to run all the fume extraction units during normal working hours (08.00 to 18.00 Monday to Friday) and at least 1 of them at night, with another operating two or three nights per week. Occasionally one or two other fume extraction units may be in use at night. Air conditioning is needed outside working hours when a particular lab space requires abnormal cooling due to extreme external environmental conditions or a process machine is running, the latter not being needed for "normal" night time analysis work. The last Senior Manager to leave the premises is instructed to turn off all non essential equipment before leaving.
11. To satisfy condition 3 the "power driven machinery" should not make such noise that it would harm living conditions nearby at any hour and secondly (with regard to condition 6) to ensure that the desired occasional 24 hour working would ensure that conditions for people living in nearby Courtyard Way and Cottenham Park mobile home park allow for quiet relaxation in the evening and to enable people to get off to sleep and to avoid their being disturbed once asleep at night.
12. All elements of the development as implemented must therefore ensure acceptable levels of noise at the nearby dwellings taking account of their method of construction, the desire to sleep with windows open in warm weather and to use gardens as outdoor rooms during the evenings in summer.
13. In addition to meeting noise limits under test conditions it will be necessary to ensure that the equipment and acoustic cabinets are maintained to ensure that continues to be so. I saw that one of the doors to the acoustic enclosure of the air conditioning units and liquid gas cylinders was difficult to close. If left ajar its performance would be compromised. I have noted that the acoustic consultant in his letter of 9 May 2007 refers to one of the units producing noise with a noticeable higher frequency component indicating a need for maintenance rather than attenuation, which since has been undertaken. It may be that new conditions requiring that the former be kept always shut when not in use and that all the plant and machinery be maintained in accordance with the manufacturers' instructions would be sufficient to address these matters. The timing of the refilling of the gas vessels could also be addressed by a condition to avoid undue disturbance arising.
14. I turn now to the acoustic evidence submitted with the appeal. To apply a condition such as that proposed limiting noise from Chemex "at the nearest dwelling" to a free field level of 35dB(A) would require me to both accept that was the appropriate level and to have confidence that it could be achieved.
15. On the first, the World Health Organisation Guidelines are referred to by a neighbour and I note the e-mail from Dr Rokho Kim of WHO with its quotation from those guidelines that "where noise is continuous, the equivalent sound pressure level should not exceed 30 dB(A) indoors, if negative effects on sleep are to be avoided. When the noise is composed of a large proportion of low

frequency sounds a still lower guideline value is recommended because low frequency noise (e.g. from ventilation systems) can disturb rest and sleep even at low sound pressure levels. It should be noted that the adverse effect of noise partly depends on the nature of the source." That level would imply an outside sound level about 1m from the dwelling façade of 45dB LAeq to allow people to sleep with windows open.

16. Appendix 3 to the appeal statement indicates that the above WHO guideline figure could be achieved at "the complainant's dwelling". I have inferred that the latter is at 15 Courtyard Way. The acoustic evidence submitted (dated 9 May 2007) does not specify the equipment to which it relates but I have inferred from the reference to "all six units" that the measurements refer to operation of the six fume extraction units. That information does not describe the character of the noise. My impression was that it is continuous when in operation. The sound I heard did not seem to be of a particularly low frequency. The table of "sound pressure levels measured 3m from façade of dwelling closest to Chemex" does not specify which dwelling that is. The mobile home at 2 Monet Way appeared to me slightly closer than 15 Courtyard Way to the acoustic cupboards enclosing the air conditioning units and gas vessels.
17. I have found no specific assessment of the noise from the air conditioning units or the occasional sudden loud hiss from the industrial gas cylinders one of which occurred on my visit. Appendix 3 refers to "all plant running" but does not specify that this included the air conditioning units. I understand that those operate only when temperatures are raised to a certain level but I have not been told what that is or how frequently they operate. It may be that the acoustic cabinet structure is capable of adequately attenuating the noise from those sources but I have found no specific reference to this on the file. The e-mail from the Environmental Health Officer to the resident of 15 Courtyard Way dated 13 July 2007 does not specify that the air conditioning was running when he made his assessment that no statutory nuisance arose from the development. Even if that were so, it does not necessarily indicate the acceptability for planning purposes of the new noise sources into an area.
18. There is also no sign that specific account has been taken of the fact that several of the nearest dwellings are mobile homes where the construction materials are unlikely to have the mass and hence sound attenuation characteristics of masonry dwellings. In my view it would be necessary to test this to judge the acceptability or not of the equipment's noise characteristics.
19. Information on these matters is particularly important as the conditions when the air conditioning units come into operation outside normal working hours may well be the same "extreme external environmental conditions" (appellant's letter of 11 May 2006) as when nearby residents wish have their windows open or use their gardens into the evening. The sudden loud hiss also may or may not have been taken into account and may or may not be adequately mitigated by the cabinets. I simply do not have the clarity and detail of information to judge. The location here is away from the main road through the village. From my own observations and letters of representation it is clear that people are used to this as a quiet employment area within a quiet village. The acoustic report does not appear to me to take full account of the existing nearby noise climate. In such areas, as paragraph 18 of Planning Policy

Guidance 24 advises, new noises can be especially disruptive. Given the rural and quiet character of the locality I consider that nearby residents should be able to enjoy quiet conditions between 18.00 and 08.00 on weekdays and at all times on Sundays and Bank Holidays.

20. Bearing in mind all the above factors it appears to me that an indoor noise pressure not exceeding 30dB(A) would be the appropriate and necessary figure to achieve at the closest dwellings during the above times. Any test of that should be clear and specific that it was done with all the fume extractor units and air conditioning units and any other plant running and had taken account of any sudden hisses from gas vessels.
21. I have taken into account the substantial investment in the equipment and that 40 jobs are at stake at what is described as one of the leading contamination analysis companies in Europe. I have also noted that enforcement action has begun and a summons has been issued. Those are weighty considerations. It may well be that an acceptable noise level can be achieved. However without clarity on all the above information I cannot be confident in assessing whether noise from the fume extraction units, the air conditioning units and the gas cylinders would be controlled within an acceptable level when experienced at the nearest masonry and mobile home dwellings.
22. I have considered all the representations, the aims of Policies ET/5 and NE15 of the adopted "Development Control Policies" Development Plan Document and those of national guidance in Planning Policy Guidance 4 and 24 and Circular 11/95. In the absence of sufficiently clear, specific and comprehensive evidence on all the above matters (which otherwise may have led me to "discharge" condition 6 but impose a condition along the lines set out at Annex 4 paragraphs 16 and 17 of PPG24), I consider that Condition 6 remains reasonable and necessary and that the approval needed by Condition 3 should not be given for the external equipment and acoustic enclosure. The appeal should be dismissed.

*Daphne Mair*

INSPECTOR



**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee 3<sup>rd</sup> September 2008

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

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**S/1243/08/F - WILLINGHAM**  
**Siting of 3 Gypsy Mobile Homes (Part Retrospective)**  
**at The Oaks, Meadow Road for Mr and Mrs T Buckley**

**Recommendation: Delegated Approval for 3 Year Temporary Consent  
if Amended To Two Mobile Homes**

**Date for Determination: 12<sup>th</sup> September 2008**

**Notes:**

**The application has been reported to the Planning Committee for determination on the basis that the Parish Council recommendation of refusal does not accord with the officer recommendation.**

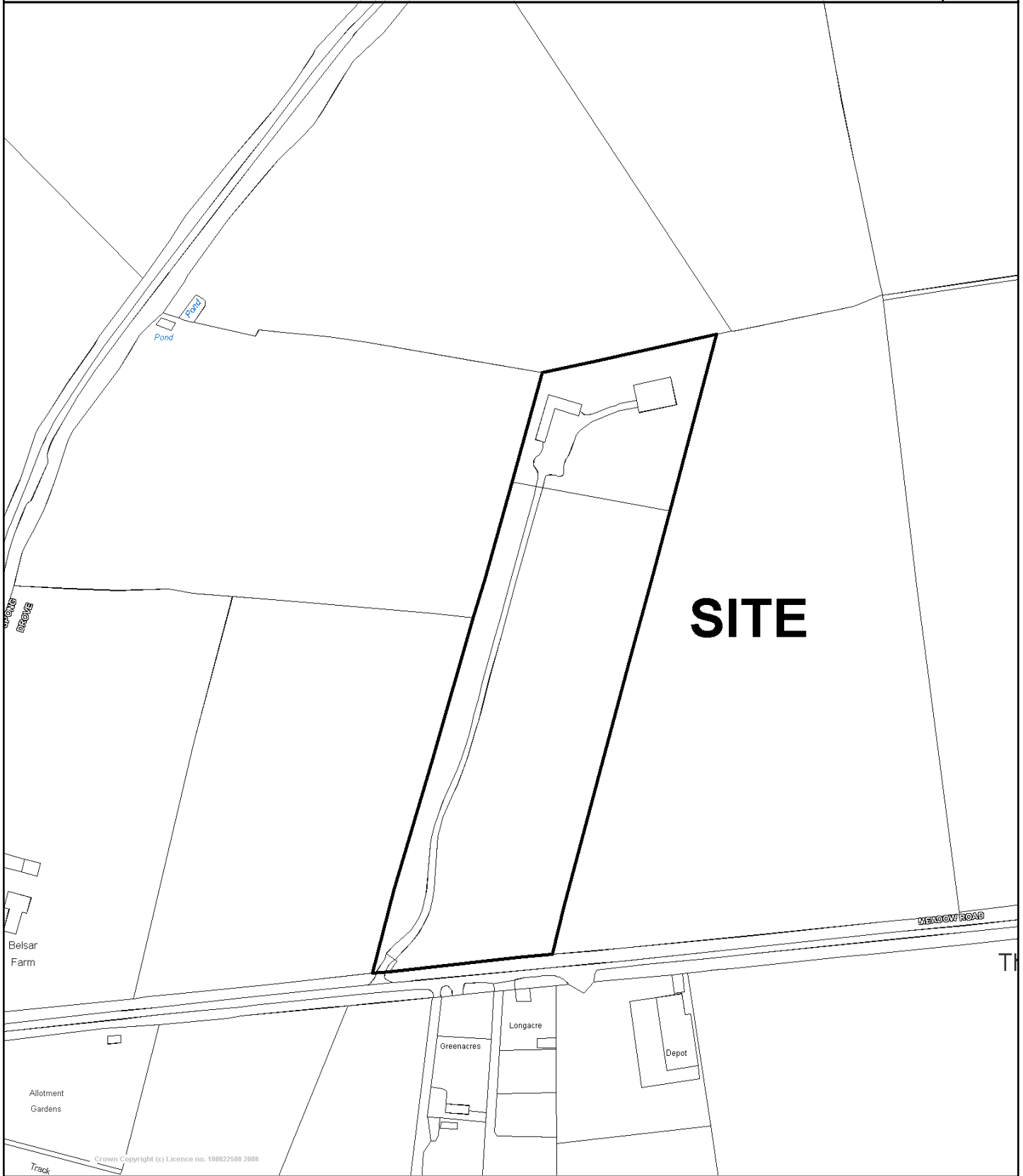
**Site and Proposal**

1. The site is a rectangular parcel of land, measuring approximately 6 ha, located on the north side of Meadow Road, outside the development framework for Willingham, as identified within the South Cambridgeshire Local Development Framework 2007. At present two touring caravans are located towards the rear of the site, along with a range of stables surrounding a "courtyard". Access is via a single lane tarmaced road from Rockmill End.
2. The site is surrounded by dense mature hedgerows, measuring in excess of 2m in height, which serve to screen the site from Meadow Lane. A gravelled driveway pierces the frontage hedgerow and extends to the structures at the rear of the site.
3. A number of further plots housing permitted mobile homes are located along the southern side of Meadow Road, similarly surrounded by mature landscape boundaries. Towards the eastern end of Meadow Road is a former Council operated traveller's site which has fallen into disrepair.
4. This full application, submitted on 18th July 2008, seeks part retrospective consent to locate three mobile homes on the site. Two of the mobile homes are the existing caravans located towards the rear of the site. A third caravan would be located towards the front of the site, within the perimeter hedgerow.

**Planning History**

5. **S/2311/02/F** – Application for the siting of a single mobile home on the site refused for the following reason:

S-1243-08-F



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Scale 1/2500 Date 18/8/2008

Centre = 541242 E 270996 N

September 2008 Planning Committee

"The siting of a mobile home on the northern side of Meadow Drove in flat fenland landscape is unacceptable because:

1. It would adversely affect the rural character and appearance of the area and could not be satisfactorily assimilated into its surroundings by an appropriate landscaping scheme. As such it would be contrary to Policy HG29 of South Cambridgeshire Local Plan No. 2 (Proposed Modifications: October 2002) Criteria 3 and 4 and Policy SP12/1 of the 1995 Cambridgeshire Structure Plan which restricts uses in the countryside to essential prescribed categories.
2. The proposal is contrary to Policy HG26 of South Cambridgeshire Local Plan No. 2 (Proposed Modifications October 2002) which seeks to resist dwellings in the countryside associated with the on-site security of horses, stabling and ancillary uses unless there is an essential functional and financial need. There is no evidence submitted or apparent of a horse related business being run from the site; the stables and other buildings appear to relate primarily to the applicant's daughter's interest in horses.
3. Notwithstanding the above, siting a mobile home on the northern side of Meadow Drove would set an unfortunate precedent in an area with a traditionally high level of gypsy occupation."

An enforcement notice for the removal of the mobile home and cessation of the residential use of the site was upheld at appeal in November 2003, although amended to allow for an extended period for compliance with its full terms. The enforcement notice remains extant.

### **Planning Policy**

6. **ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)** provides guidance on the planning aspects of finding sites for gypsies and travellers and how local authorities can ensure that members of that community are afforded the same rights and responsibilities as every other citizen. It advises that where there is an unmet need and no alternative gypsy provision, but there is a reasonable expectation that sites will become available within a given timescale to meet that need local planning authorities should consider granting a temporary permission for proposed sites. It does not say that temporary permission should only be considered where the site is already occupied.
7. Advice on the use of temporary permissions is contained in paragraphs 108-113 of the Circular 11/95, *The Use of Conditions in Planning Permissions*. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no available alternative Gypsy and Traveller site provision in an area, but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area, which will meet that need, local planning authorities should give consideration to granting a temporary permission. Such circumstances may arise, for example, in a case where a local planning authority is preparing its site allocations DPD. In such circumstances local planning authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified.
8. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site. In some cases, it may be

reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.

9. The **South Cambridgeshire Local Development Framework (LDF)** comprises a suite of Development Plan Documents (DPD) one of which, Development Control Policies, was adopted in July 2007. Policy DP/7 of the LDF states that outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted.
10. **Policy DP/1 Sustainable Development** outlines the sustainable criteria with which development proposals must comply. In particular criteria b, l, m, and p are relevant.
11. **Policy DP/3 Development Criteria** outlines the requirements that development proposals must meet. In particular criteria k, l and m are relevant.
12. Other Development Plan Documents are **Core Strategy, (Adopted January 2007)**, and **The Gypsy and Travellers Development Plan Document (GTPD)**, which has been derived from the ODPMs guidance within the above circular. This document is yet to be formally adopted but is currently at the stage of review following consultation.
13. Following the consultation carried out on issues and options in November 2006 of **The Gypsy and Traveller Development Plan Document (GTDPD)**, work is progressing on identifying potential site options. As an interim measure the Council applied for **Policy HG/23 Gypsies and Travelling Show People** to be saved under the Planning and Compulsory Purchase Act 2003, however this was not included in the schedule of policies saved by the Government Office for the East of England.
14. The GTPD specifically identifies potential sites within South Cambridgeshire for Gypsy/Traveller sites. Willingham is identified as a Minor Rural Centre in the Core Strategy document and Meadow Road is likely to be considered under the GTPD site options report. However, until such time as its adoption the relevant Policy documents are Development Control DPD policies, Government Circulars and advice.
15. The GTPD comprises advice regarding the identification and selection of appropriate sites for gypsies and travellers, including a matrix for scoring the suitability of proposed sites.
16. In addition to the above policies a number of injunctions preventing the stationing of caravans and mobile homes, without planning permission, on land in Meadow Road and land to the east of Willingham were served in November 2006, and October and December 2007. The injunction covering Mr and Mrs Buckley's plot was granted on 20<sup>th</sup> December 2007.

### **Consultation**

17. **Willingham Parish Council** – recommends refusal and comments that “Willingham already houses a disproportionate share of such homes. Approval would increase the drain on already oversubscribed facilities. Approval would also increase the drain on the already overburdened infrastructure.”
18. **Old West Internal Drainage Board** – comments awaited (members will be updated on any comments received at the committee meeting).



19. **Anglian Water** - comments awaited (members will be updated on any comments received at the committee meeting).

### **Representations**

20. No comments received at time of preparing the report (members will be updated on any comments received at the committee meeting.)

### **Equal Opportunities Implications**

21. Under the Race Relations Act 1976 and Race Relations (Amendment) Act 2000, the Council has a statutory duty to eliminate unlawful discrimination and to promote race equality and good race relations. The Race Equality Scheme, updated by the Council in July 2006 with an update of the 2005-2008 action plan, gives priority to actions relating to Travellers, as the biggest single ethnic minority in the District (around 1.0% of the District's population). The Council is committed to treating everyone fairly and justly, whatever their race or background and the scheme gives priority to actions relating to Travellers. It also incorporates recommendations from the Commission for Racial Equality's "Common Ground" report.

### **Planning Comments**

22. The reasons for the refusal of the earlier application for a mobile home on the site, pre-dated the publication of Circular 01/2006, which has materially changed the emphasis when considering such applications.
23. By virtue of the guidance set out in Circular 01/2006, therefore, I consider that the main planning issues to consider in this case are the need to provide residential accommodation on the site relative to the applicants needs, including their status as Gypsies/Travellers and the visual impact of the proposals on the countryside.

### ***Need to Provide Residential Accommodation***

24. The applicants, Mr and Mrs Buckley and their daughter, are known locally, and are understood to have lived in the area for approximately 25 years, the last 8 years of which I am lead to believe they have inhabited the current site. They were interviewed and a needs audit was undertaken in August 2008.
25. At the interview Mr Buckley stated that he and his wife earn a living through landscape gardening, dog breeding and riding lessons. In addition his daughter is a promising three-day eventer and point-to-point jockey, who travels around the country training horses. For that purpose the applicants wish also to keep two touring caravans on site.
26. In light of the definition of a gypsy/traveller, as set out in Circular 01/2006 I consider that they are in need of appropriate gypsy accommodation. The appeal inspector at the time of considering the merits of the enforcement notice, while noting that they no longer lived a nomadic lifestyle, did not dispute that the BUCKLEYS were from gypsy stock and were brought up in the Romani culture. The tests set out in the Circular state that local planning authorities are expected to give substantial weight to the unmet need of travellers locally when considering whether a temporary planning permission is justified. At the time of granting temporary permission for a site for Mr and Mrs Lee earlier this year, under reference S/2183/06/F, the Authority held that there is a shortfall of available sites in Willingham. No further provision of permanent gypsy sites has been established since the grant of this permission to alter that view.

27. Given that Mr and Mrs Buckley, and their daughter, are already in residence in Willingham on the application site, their demands on services and infrastructure are existing. As such, this aspect of the scheme would not place any increase in the demand for such facilities. Furthermore, the Authority would not normally carry out such an assessment for all new dwellings in Willingham and therefore should not undertake such an assessment in this case. The comments of Anglian Water and the Internal Drainage Board have been sought to ensure that the site is currently adequately catered for, and to establish whether conditions regarding appropriate connexions to the relevant systems are necessary. Members will be updated with any responses at the meeting.
28. I do, however, have some concerns regarding the siting of the third mobile home for a groom to relocate to the site. No evidence of need and no information has been provided as to whom this person is, for example whether they descend from gypsy stock and whether they currently reside locally or not. In the absence of information to the contrary, in order to ensure the proper planning of the area and consistency with planning policies regarding the location and need for new dwellings, I must presume that they do not benefit from the same need as the BUCKLEYS. In this regard I would suggest to members that should they consider the BUCKLEYS to be in need for a temporary consent for accommodation on the site, that an amendment be sought to remove the third mobile home from the scheme on the basis of the above. It is my understanding that the applicants have indicated a willingness to accept such an amendment prior to the application being submitted, although no formal response has been received in respect of this point at the time of preparing this report.

### ***Visual Impact***

29. The site is positioned down a country lane, with a strong boundary hedgerow that offers substantial screening to the surrounding countryside. Whilst the hedgerow appears to be deciduous, which would increase the potential for views into the site during winter months, I am of the view that the proposal will not represent an unacceptable visual impact upon the character and setting of the countryside, within which it is set. Whilst I note the comments of the appeal inspector, who commented that "the residential use is particularly intrusive because of the location in the midst of this area of open, flat fields, the site has matured in the intervening five years to offer a greater degree of screening than was afforded previously.
30. On this basis the site would score highly in relation to the proposed three tier scoring matrix within the Gypsy and Traveller DPD, which was approved in March 2007 at Full Council, to be used in the next stage of the preparation process of the GTDPD to identifying site options within the District. Circular 01/2006 advises that where there is an unmet need and no alternative gypsy site provision, but there is a reasonable expectation that sites will become available within a given timescale to meet that need local authorities should consider granting a temporary permission to allow such sites to come forward. As part of the Gypsy and Traveller DPD identification process a number of sites may come forward locally. Therefore the grant of a temporary permission on this site would allow for that process to be progressed.

### ***Other Matters***

31. Noting the imposition of the injunctions, these were used as a method of controlling the increasing number of sites in the area whereby travellers had moved onto a site and then applied for retrospective planning consent. It was felt that Willingham had reached saturation point and that further encroachment would distort attitudes of the community and prejudice the proper formulation of the Gypsy and Traveller Development Plan Document "GTDPD".

32. Since the service of the injunctions there have been no new enforcement cases of traveller sites in the Willingham area. It would appear clear, therefore, that this action has been effective in preventing the establishment of new travellers sites. The Local Planning Authority remains in a strong position to resist any further incursions. Determination of this application, subject to the proposed amendment to delete the proposed additional unit, on the basis that the existing occupants have been residing on the site previously for the last 8 years, would be consistent with the Local Planning Authority approach in granting temporary planning consent on a without prejudice basis for retrospective-planning applications of this type, as members will be aware has occurred on a number of similar sites.

**Recommendation**

33. Delegated powers to approve the application for a temporary period of three years provided that an amendment is received to reduce the number of units proposed to two, with standard conditions limiting the use to gypsy and traveller use only with a stipulation that the mobile homes be removed and the land restored; or, should the applicants be unwilling to delete the third mobile home from the scheme, refuse the application on the basis that the scheme fails to demonstrate that all of the mobile homes proposed are required to service an identified need for gypsy /traveller accommodation.

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

- South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document 2007 and Core Strategy 2007
- Planning files Ref. S/1243/08/F, S/2183/06/F, & S/2311/02/F
- Other documents: DOE Circular 11/95: The Use of Conditions in Planning Permissions, ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites) & Issues; & Options Report 1: General Approach (Report on Consultation), Gypsies and Traveller Development Plan Document.

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee 3 September 2008  
**AUTHOR/S:** Corporate Manager – Planning & Sustainable Communities

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**APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION:  
SUMMARIES OF DECISIONS OF INTEREST – FOR INFORMATION**

**Purpose**

1. To highlight recent Appeal decisions of interest forming part of the more extensive Appeals report, now only available on the Council's website and in the Weekly Bulletin.

**Summaries**

**Mr & Mrs J Kerley – Extensions and dependant relative accommodation – Thorp's Farm, Tipplers Road, Swavesey – Appeal allowed. Appellant's application for costs dismissed.**

2. This application concerned a farmhouse in open countryside. It was refused under delegated powers because of the impact of the extensions on the surrounding countryside and the resultant loss of a medium sized dwelling. This was consistent with the advice in PPS7 and Policy HG/6.
3. As part of the appeal, it became apparent that the property is subject to an agricultural occupancy condition. In such cases, Policy HG/6 permits large extensions provided that two conditions are satisfied. First, it must be shown that the resultant accommodation can be supported by the viability of the holding. Secondly, its value should not be out of reach of workers employed in agriculture, forestry or a rural enterprise.
4. The Council sought an independent agricultural appraisal in respect of the two conditions. The conclusion was that, on balance, the extension was justified on these grounds. There had been no objections to the application and the Parish Council had given its support. The appellant was duly informed that the Council would no longer object to the application given the new information that had been provided and the assessment that had been carried out. Although a new application was invited (and duly submitted) the appellant continued with his appeal.
5. The inspector agreed with the Council that the extension would materially change the impact of the dwelling on its surroundings. He also agreed with the Council that the appellants would find it difficult to obtain suitable alternative accommodation in the area, which would allow them to continue with their farming enterprise and accommodate a dependant relative. On balance, he concluded that this outweighed the identified harm. The appeal was therefore allowed subject to a condition regarding sample materials.
6. The appellant applied for an award of costs on the grounds that the Council's handling of the application had been unreasonable. The Council should have known

of the full planning history when it considered the application. In any event, such an occupancy condition should have been self-evident. If there was any doubt, the Council should have sought to clarify this at the time. It had not submitted a statement of to support its position at appeal. Had the Council done the necessary work, the appeal would have been unnecessary. A partial award of costs was justified arising from the handling of the application.

7. For the Council, it was argued that the extension was still contrary to part of the development plan. The decision was made in the light of the information available at the time. Officers had only changed their mind based on new information. Even if this information had been previously available, it would still have required further evidence. Part of this was left to the Council to procure, even though there was no onus on it to do so. As such, no award of costs was justified.
8. The inspector agreed. The Council had been justified in refusing the application based on the information available. The Council responded to the change in information as soon as it was able. It could not be criticised if the existence of the occupancy condition did not show up in its records and was later only discovered in material no longer generally available. The Council's case had been fully reasoned and well argued. There had been a material change in circumstances, which justified the Council's revised position. As such, the appellants had not been put to unreasonable expense in pursuing their appeal.