

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

12th May 2004

AUTHOR/S: Director of Development Services

S/0131/04/F – FOWLMERE REMOVAL OF CONDITION 6 OF PLANNING PERMISSION S/1910/00/F (RESTRICTED OCCUPIER CONDITION), INTERGLOW LTD, SHEPRETH ROAD FOR INTERGLOW LTD

Recommendation: Approval

Site and Proposal

1. Interglow Ltd occupies a site to the north of the village of Fowlmere. This application registered on 23rd January 2004, as amended by details received 8th April 2004, proposes the removal of Condition 6 of Planning Permission S/1910/00/F which restricted the occupation of a new building within the site in association with the approved commercial use of the remainder of the site and stated that it should not be occupied as a separate unit. The reason quoted was, "The Local Planning Authority would not grant planning permission for a new building on this site other than in association with the existing commercial use of the remainder of the site."
2. The applicant wishes to let one of the older buildings towards the front of the site which is currently unoccupied. That building has a floor gross floor area of 167 square metres on two floors. The condition on the new building to the rear currently prevent this building being let separately.
3. The site is accessed from Shepreth Road, with residential properties to either side and opposite.

Planning History

4. In 2000 planning permission was granted for the erection of a B1 office building following demolition of old site buildings – **S/1910/00/F**. This application contained a condition restricting first occupation of the new building to Interglow Ltd and the condition the subject of the current application.

Planning Policy

5. **Policy P2/6** of the County Structure Plan 2003 encourages sensitive small-scale employment development in rural areas where it contributes to, inter alia, enabling the re-use of existing buildings.
6. **Policy EM10** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") permits the change of use and conversion of rural buildings to employment use provided, amongst other criteria, that the buildings are capable of reuse without materially changing their existing character or impact on the surrounding countryside and that safe and satisfactory vehicular access can be provided together with adequate space within the site for ancillary requirements such as car parking without significant detriment to the setting of the building and the landscape within which it is located.

Consultation

7. **Fowlmere Parish Council** recommends refusal. “The committee does not support the removal of this condition. Whilst not wanting to hold back potential work in the village, the committee is concerned that this is not a 3-year plan on one building, but could potentially lead to the removal of conditions from further buildings, which would subsequently turn the site into a mini industrial estate, with a larger number of vehicles exiting onto an already dangerous, small road. As PC support for the original application was based on sound planning reasons that the buildings would only be used by the owner, the Parish Council is totally against this application.”

Representations

8. 2 letters have been received objecting to the application.
9. The occupier of Frognorton, Long Lane, opposite the site states that over the years Interglow has been allowed to develop the site based on its claims that all buildings were necessary and only required to allow the development of this small local company. Somewhat surprisingly, as there were clearly other new buildings on site already surplus to requirements, the last application for building expansion was approved in 2000. It now appears that immediately following the completion of that final building, Interglow transferred all of its operations to within it, leaving a variety of supposedly essential buildings vacant. This appears to have been premeditated to open up the site for further businesses.
10. This is of great concern, as although the site is within the countryside, there are neighbouring properties which would be seriously and detrimentally affected if this intensification of the site were allowed. The proposal would undermine the quality of life of people living nearby.
11. With regard to the extra traffic that would be generated by such a change of use there are already problems caused by the current Interglow use. Any more would be intolerable.
12. The occupier of Amberley, Long Lane, to the east of the site asks that the application be resisted and refused. The site visit made to Interglow prior to the 2000 consent showed under-utilisation of buildings already constructed following demolition of previous modest farm use structures. This gave rise to concern both to the objector and Parish Council that what was constructed was actually a future industrial area, which could and would be put up for use by others other than Interglow. This was strenuously denied by the applicant at that time who said that yet another building was required only for the known needs and expansion of the one local firm.
13. It was due to these concerns and counter claims that condition 6 was finally put into the approval with the stated reason being that the Local Planning Authority would not grant planning permission for a new building on this site other than in association with the existing commercial use of the remainder of the site.
14. When sold to Interglow some years ago residents living very close to the site, including the objector, were not unduly concerned and the activities connected with the business gave minimal levels of either works noise or traffic levels on the site, and it was an employer of at least some village or local residents.

15. There is now great concern to any change being considered for even what is described as a temporary situation. Interglow on its own admission stated that it has not used its old office for at least 18 months and it seems clear that all the concerns in 2000 were correct. Interglow would have known, being an established company where its business was going at that time. Downturns in business would have been noticed and surely monitored. Unfortunately for its neighbours it would appear now to be starting on its way to a complete new level of occupation of the site that would be highly detrimental to its area, outside the village envelope and not within the spirit of Council policies.

Applicant's Representations

16. Two letters submitted by the applicant's agent in support of the application are attached as Appendices 1 and 2.

Planning Comments – Key Issues

17. The key issue to be considered when determining this application is whether it accords with Policy EM10 of the Local Plan having regard to the history of the site, the impact on the amenity of neighbouring properties and the countryside, and highway safety.
18. In my view the history of the site is of minimal importance in determining the current application. The applicant has put forward information with the application demonstrating why the building at the front of the site is currently unoccupied. Interglow still occupy the building the subject of the 2000 application.
19. In my view it is sensible to find a new user for the unoccupied floorspace. The wording of condition 6 of the 2000 consent, which did not relate directly to this building, would currently prevent its separate occupation, although it could be occupied by Interglow.
20. Given the limited floorspace involved, 167 square metres gross floor space over two floors I do not consider that its separate use for B1 purposes would have a materially detrimental affect on the amenity of adjacent dwellings or prejudice highway safety. Adequate car parking provision exists.
21. I do not consider that this proposal would materially change the character of the site or its impact on the surrounding countryside.
22. I do not consider that a condition restricting the use to a temporary period only would be justified although this consent would be taken into account should Interglow seek additional B1 floorspace on the site in the future.

Recommendation

23. That the application be approved subject to the following conditions.
1. Standard Condition A – Time limited permission (Reason A);
 2. The variation of condition hereby permitted shall relate only to the area edged red on the amended 1:2500 location plan franked 6th April 2004. Reason – For the avoidance of doubt.)
 3. The building edged red on the amended 1:2500 location plan franked 6th April 2004 shall only be used for purposes within Class B1 of the Schedule to the Town and Country Planning (use classes) Order 1987 or any equivalent Class

in any statutory instrument revoking and re-enacting that order. {Reason 39a) & b}}

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **County Structure Plan 2003: P2/6 (Rural Economy)**
 - **South Cambridgeshire Local Plan 2004: EM10 (Employment in the Countryside)**
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity including noise disturbance
 - Highway safety
 - Visual impact on the countryside
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

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

- County Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning Application File S/0131/04/F

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