

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 6th February 2008
AUTHOR/S: Corporate Manager – Planning & Sustainable Communities

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

Whitfield Group – Installation of extract fan sound attenuators and acoustic enclosure and amendment of condition preventing the use of machinery between the hours of 6 p.m. and 8 a.m. on weekdays and at any time on Sundays and Bank Holidays – Unit J, Broad Lane Lane, Cottenham – Appeal dismissed.

2. This site is owned by Chemex Limited who carry out analysis of chemicals and compounds contained within either water borne samples or soil samples. The fume extraction and air conditioning units have already been installed and are on the side of the building facing a car park. The company wishes to amend the condition of an existing planning permission to allow occasional 24 hour working of machinery. The main issue was therefore whether the equipment/plant can be operated within limits that would not seriously harm the living conditions of occupiers of the adjacent mobile home park and houses in Courtyard Way.
3. The equipment is partly obscured by fencing, vegetation and angle of vision. Nonetheless, the inspector did not find it visually out of place on an industrial estate.
4. The conditions attached to the existing planning permission are designed to ensure that nearby residents are not unduly disturbed during the evenings and at night. In assessing the potential impacts on neighbours, the inspector made various observations. She found there were a number of inaccuracies and deficiencies in the appellant's evidence and was not therefore convinced that residents would continue to have the quiet enjoyment of their property. It might be that the various deficiencies could be overcome, but further works and tests would be necessary.
5. In deciding what was an appropriate course of action, it was necessary to have regard to 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. Enforcement action had also been taken (against which there had been no appeal) and these were weighty considerations. In the absence of "sufficiently clear, specific and comprehensive evidence" the inspector concluded the existing condition remains reasonable and permission should not be given for the external equipment and acoustic enclosure.

6. *Comment: Chemex Ltd has pleaded guilty to breaching the enforcement notice and a breach of condition notice. The company was fined a total of £1500 and costs of £300. It is understood that the company will be submitting another planning application to take account of the inspector's concerns and misgivings.*

A Rrahmani – Use of land as hand car wash – 2 Cambridge Road, Foxton – Appeals against refusal of planning permission and issue of enforcement notice allowed

7. The reasons for the Council's actions were the effect that the use of the site would have on highway safety. The local highway authority supported the District Council.
8. Cambridge Road was found to be a busy road. The site lies close to the main London railway line and two road junctions a short distance to the north and south. There have been 8 accidents along this immediate stretch of road during the last three years. Although there was dispute between the parties as to the required visibility standards, the inspector was satisfied that even the higher standard was achievable in both directions. He found no evidence that it was limited to 55 metres to the south as claimed by the local highway authority. The adjoining lay-by may cause a partial obstruction to visibility, but this was only likely to happen when the lay-by is fully occupied. The inspector was therefore satisfied there was adequate visibility for the safe operation of the site as a hand car wash.
9. While there were other factors such as the level crossing and the nearby junctions which may influence driver behaviour, there was no evidence to suggest that the use has led to an decrease in highway safety. It was accepted that the two accesses into the site are not currently labelled and this could cause confusion. Such a matter, however, could be covered by a condition.
10. Planning permission was therefore granted on the basis that a revised layout for the site including a one-way system and entry/exit signing is submitted within one month of the decision. Details should therefore have been submitted for approval on or before 2 February 2008 and thereafter implemented within three months of any approval.