

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7th May 2008

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

S/0330/08/F - ICKLETON

**Erection of 7 Retail Units and Café (Retrospective) at Ickleton River Barns,
111 Frogge Street, for Mr and Mrs T London**

Recommendation: Refusal

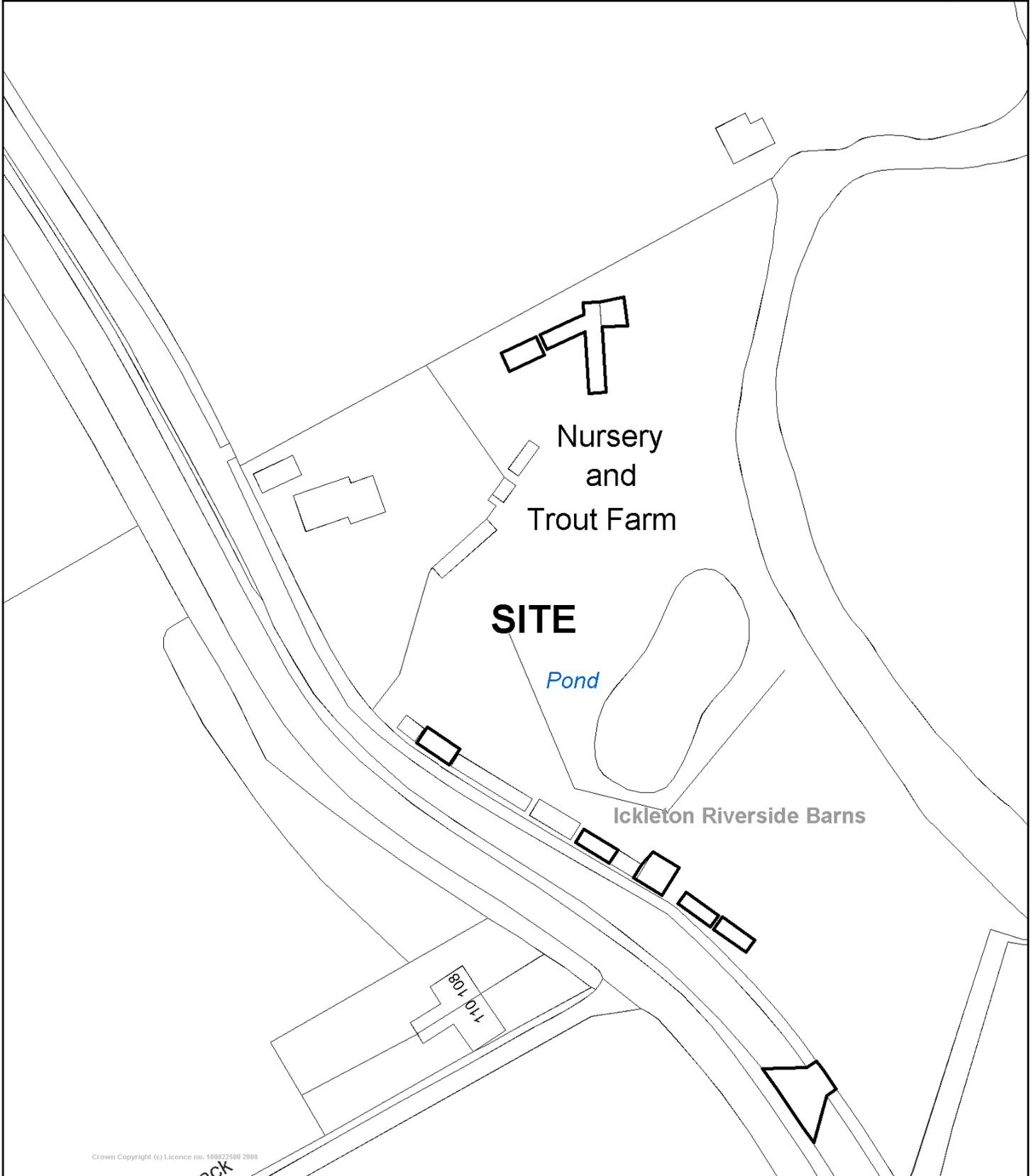
Date for Determination: 23rd April 2008

This Application has been reported to the Planning Committee for determination at the request of Councillor J F Williams.

Departure Application

Site and Proposal

1. The application relates to a retail park that has been established in the countryside to the south of the village adjacent to the M11/A11 flyover. The site is bounded to the east by the River Cam, and to the west by the C284 Frogge Street. The northern boundary is marked by the applicants' dwelling. The frontage of the site is screened with trees and hedgerow. There are a number of single-storey retail units on the site, mostly clad in stained timber, including some former railway carriages. The site includes a pond, a play area and an area for car parking. The site, excluding the house and its garden, has an area of 0.91ha. This includes 445sq m of buildings. Prior to its existing use, the site was in use as a garden nursery and a trout farm.
2. Access to the site, from Frogge Street, is located at the southern end of the site, where visibility to the north is restricted by a bend in the carriageway. This access also serves a separate gas bottle storage compound south of the site. The dwelling is served by a separate access to the north of the site.
3. The full application, dated 15th February 2008, seeks retrospective planning permission for seven retail units (numbered 1, 2, 4, 9, 17, 18 and 19 on the layout plan) and a café, amounting to 218sq m.
4. The site is provided with 40 car parking spaces and 37 cycle spaces. The applicant estimates that during a normal working day 18 employee's vehicles will be attracted by the authorised units and 11 by the unauthorised units, totalling 29 trips. The applicant has advised that visitor numbers to the site are seasonal and can fluctuate depending on these number of units in use. Recently, has been in the order of 4 or 5 cars a day during the week, and between 40 and 50 cars a day at weekends. In May 2006, on the other hand, the agent at that time advised that the site attracted between 30 and 40 visitors a day during the week and up to 100 a day at weekends. The employment level for the authorised units is 24 employees and for the unauthorised units 17 employees, totalling 41 people full-time when all units are operational. The hours of opening are 0900-1700 hours Tuesdays to Saturdays and 1000-1600 hours on Sundays.



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5. The application is supported by an Access Appraisal. This includes proposals for improvements to the existing site access with Frogge Street by increasing the width of the driveway from 4.6m to 6.0m, and providing 10m radius kerbs. The access is to be re-graded to maximum 1:10 for 10m from the existing carriageway edge. Vehicle speed surveys were undertaken on Frogge Street to ascertain appropriate visibility requirements. The visibility provided to the north west of the access is 4.5m x 120m and to the south east 4.5m x 120m, with 2.4m x 160m being achievable in this direction. The access has been designed on the basis of generic data which is suitable for retail premises in village centres, which would be subject to routinely higher traffic visits.
6. Part (approximately 50%) of the site lies in Flood Zone 3 (high risk), where there is a 1 in 100 year or greater risk of flooding. The application is supported by a flood risk assessment.

Planning History

7. Planning permission for the erection of 7 retail units and a café (retrospective) and the erection of 4 additional retail units was considered by Members at Planning Committee in August 2007 (**S/1077/06/F**). Following a site visit Members resolved to refuse the application and authorised enforcement action against the breach of Planning control which had taken place. The reasons for refusal (in summary) were:
 - a) Sporadic retail development for which there was no evidence of an essential need to be in the countryside;
 - b) The site was not in a sustainable location where convenient access by public transport could be achieved;
 - c) The erection of additional retail units resulted to harm to the countryside and landscape character area;
 - d) The proposal would result in highway dangers because of inadequate visibility and dangerous manoeuvring of vehicles in Frogge Street in the vicinity of the access.
8. A Certificate of Lawfulness for use of 12 units in 8 existing buildings (numbered 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 20 and 23 on the layout plan) for retail purposes within Class A1 of the Use Classes Order 1987 was granted on 15th November 2005 (**S/1267/05/LDC**).
9. Planning permission for the gas storage compound was granted in 1998 (**S/1774/97/F**). There appears to have been no planning permissions relating to the former garden nursery or trout farming uses. Indeed planning permission was probably not required.

Planning Policy

10. Relevant policies in the consideration of this application are contained in the South Cambridgeshire Local Development Framework (LDF) Core Strategy (2007) ("Core Strategy DPD"), South Cambridgeshire Development Control Policies Development Plan Document (2007) ("DCP"), the Cambridgeshire and Peterborough Structure Plan (2003) ("County Structure Plan"), and emerging Regional Strategy East of England Plan.
11. DCP Policy **DP/7** (Development Frameworks) states that, outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which have an essential need to be located in the countryside will be permitted.

12. Policies that encourage sustainable development that minimise the need to travel and reduce car dependency include DCP Policies **DP/1** (Sustainable Development), **TR/1** (Planning for More Sustainable Travel), Core Strategy DPD strategic objective **ST/b** and East of England Draft Policy **SS1** (Achieving Sustainable Development).
13. Policies that require new development to be appropriate to its location in scale and form include DCP Policy **DP/2** (Design of New Development) and Structure Plan Policy **P1/3** (Sustainable Design in Built Development).
14. Development should provide safe means of access, as indicated in DCP Policy **DP/3** (Development Criteria).
15. Development should not have an unacceptable adverse impact on the countryside and landscape character, as indicated in DCP Policy **DP/3** (Development Criteria), **NE/4** (Landscape Character Areas).
16. Development that would have an adverse impact on flood risk will not be considered to be acceptable - DCP Policy **DP/3** (Development Criteria) and **NE/11** (Flood Risk).
17. Objective **SF/c** (Services and Facilities) of the DCP aims to limit retail development in the countryside to goods produced in the immediate locality of any individual enterprise. The Core Strategy DPD sets out a hierarchy of retail provision for the District:

ST/9 (Retail Hierarchy)

1. A retail hierarchy of preferred centres will be taken into account in considering proposals for retail development.
 2. The hierarchy of centres in South Cambridgeshire is as follows:
 - a. Northstowe town centre;
 - b. Cambridge East district centre;
 - b. Rural Centres village centres;
 - d. Other village's village centres (Minor Rural Centres, Group Villages and Infill Villages).
 3. Any proposals for new retail provision in these centres should be in scale with their position in the hierarchy.
18. DCP Policy **SF/2** (Applications for New Retail Development) states that:
1. Other than retail developments in villages under Policy SF/4 or in Action Area Plans, planning permission for retail development will not be granted unless the applicant has successfully demonstrated that:
 - a. A sequential approach has been adopted to site selection and the availability of suitable alternative sites;
 - b. In the case of proposals in defined centres, the development would be of a scale in accordance with that centre's position in the hierarchy, or, in the case of proposals outside defined centres, the impact of a development would not have an adverse effect on the vitality and viability of other town

centres, district centres and local centres identified in development plans, and on the rural economy, including village shops;

- c. It would be conveniently accessible by a wide range of modes of transport other than the car, including good local public transport services from a wide catchment area, and effective measures would be taken to enhance such accessibility, including that for pedestrians and cyclists.
2. In addition, in the case of proposals to develop sites in edge-of-centre or out-of-centre locations (or to extend existing stores in such locations) developers will be required to demonstrate a positive need for the additional floor area before any of the above tests are applied.
19. Policy **SF/5** (Retailing in the Countryside) of the DCP is of particular relevance to the current proposal. This states that:
- 1) Planning permission for the sale of goods in the countryside will not be granted except for:
 - a. Sales from farms and nurseries of produce and / or craft goods, where the majority of goods are produced on the farm or in the locality; or
 - b. Exceptionally, the sale of convenience goods, ancillary to other uses, where proposals, either individually or cumulatively, do not have a significant adverse impact on the viability of surrounding village shops, or the vitality of rural centres or other village centres.
 - 2) Where permission is granted, conditions may be imposed on the types of goods that may be sold.
20. The supporting text for this Policy, at Paragraph 6.5 states that “Sporadic development for retail uses in the countryside could result in unsustainable patterns of development, and could harm the viability and viability of village centres”.

Consultations

21. **Ickleton Parish Council** - recommends refusal. The Parish Council is concerned at incorrect information contained within the application documents. These include a statement made to the Parish Council by the applicants to the effect that there were no employees at all; that the gas compound is still in operation and has not ceased as stated by the Agent; lack of clarity about the floor area of the unauthorised buildings; lack of definition of “food outlet”; confusion about the dimension of the radius curving required by the Highway Authority - 6m or 10m?

A second letter has been received from the Parish Council recommending that, in the event of planning permission being granted, conditions be attached to limit the use of the units to art and craft only. The Parish Council believes that unsuitable business uses have been taking place on the site, for example, car boot sales, car wash, machinery hire and others.

22. **Uttlesford District Council** – In respect of the earlier application Uttlesford District Council raised objection to the proposals. The Council had concerns regarding the principle of a retail use in the countryside for which there was no justification, and the proposed intensification of such a use. The site was not in a sustainable location, and was likely to give rise to car borne traffic movements despite being close to Great Chesterford railway station. The Council commented that, whilst the site was well

screened by the motorway embankment, the access was poor, and it was sited in an area where the road was subject to the national speed limit. The uses would encourage vehicular traffic from visitors and delivery vehicles to visit the site from Uttlesford by travelling through Great Chesterford at a point where the two aspects of the railway crossing (over and under) have a poor relationship with each other and where additional traffic movements would have an adverse impact on highway safety.

23. **Corporate Manager (Health and Environmental Services)** – Considers there to be no significant impacts from the environmental health standpoint.
24. **Environment Agency** – On the basis of the submitted flood risk assessment, the proposal is considered to be acceptable, subject to conditions that prevent development on that part of the site within the floodplain, defined by a contour of 33.88mODN, and for details of foul drainage to be submitted.
25. **Local Highway Authority** – recommends approval. The LHA states “Following detailed investigation of available visibility, and geometry of the existing access, the Highway Authority is satisfied that adequate visibility is available at the existing access point and would not object to the proposal provided that the access improvements detailed in the report are carried out. Otherwise the proposal should have no significant impact on the public highway.” The LHA makes recommendations for conditions and informatives.
26. **Cambridgeshire Fire and Rescue Service** – No objection subject to the imposition of a condition to require details of the provision of fire hydrants to be submitted.

Representations

27. The Ickleton Society – The Ickleton Society is a village society, with open subscription membership. It states that it has a commitment to good planning, protection of the environment and the village community. The Society objects to the proposal, as the site is not suitable for retail use. The Society is concerned about the application on that grounds that:
 - a) The development is in a rural area well outside of the settlement limits for Ickleton and Great Chesterford. It does not even have a tenuous connection with agriculture any longer. The units are now being occupied by retail businesses more appropriate to villages such as Sawston.
 - b) The Access Appraisal suggests that traffic movements will be limited and that the gas storage compound has gone. This information may be misleading, as the gas service business is operating and advertisements in the local papers have referred to car boot sales and a car rallying point on the site. These are not niche businesses and they may take business away from other local centres, and are likely to generate more traffic than has been estimated in the Appraisal.
 - c) Despite the access improvements, the Society believes that there would still be significant highway dangers particularly as a result of the gradient of the access, the radii at the entrance being less than suggested by the Highways and the likely underestimate of the number of vehicle movements.
 - d) Inappropriate signage cluttering the roadside which is unsightly and adds to traffic hazards.

- e) If the application was granted there may be little control over future usage of the units which could potentially generate more traffic, more highway dangers, undermine existing local services, or be even less appropriate to a rural setting.
 - f) In the event of the application being refused, the Society recommends prompt enforcement action to secure the removal of the unauthorised buildings.
28. The previous application, S/1077/06/F had 9 individual letters of support and a petition in support signed by 208 customers at the site. No such representations have been received in respect of the current application.

Planning Comments

Scale and Location

29. The consideration of this proposal must take as a starting point the issue of a lawful Development Certificate for a significant amount of retail development on the site. The issue of this certificate was based on the length of time of the use and not on an assessment of planning merits. The current proposal represents an increase in floor area from 228sq m to 445sq m, or 95%. This is a significant intensification of the authorised use, which should be considered in the context of development plan policies. The application is retrospective, but this should not influence the assessment of the planning merits of the case.
30. There is no support in the development plan for sporadic retail development in the countryside. This is most clearly indicated by DPD Policy SF/5 (Retailing in the Countryside). The site is not a working farm or nursery, nor is the proposal limited to the sale of locally-produced goods or convenience goods. The proposal does not comply with Policy SF/5. The retail hierarchy set out in Policy ST/9 does not acknowledge countryside locations for retail development.
31. The site is not located in a sustainable location. I acknowledge that a public bus service (Citi7) passes the site and stops in Ickleton on an hourly basis linking to Saffron Walden and Sawston/Cambridge. Moreover, the railway station at Great Chesterford is located 1.3 km to the south, and the site is readily accessible to cyclists. However, it is likely to attract car-borne visitors for the most part, which is indicated by the over-provision of car parking spaces on site which comfortably exceeds the standard requirement. The proposal is, in my opinion, contrary to sustainability Policies in the development plan DCP Policies DP/1 (Sustainable Development), TR/1 (Planning for More Sustainable Travel), and Core Strategy DPD strategic objective ST/b.

Visual impact

32. The erection of seven new 'barns' on the site has added to the visual continuity of development along the south western boundary fronting Frogge Street (Units 1, 2, 4, 9 and café) and on the north western part of the site (Units 17, 18 and 19). This has consolidated the development, to the progressive loss of the character of the countryside and views out of the site. The uniformity of design and external materials have offset this harm to some extent, but not sufficiently, in my opinion. For these reasons, I consider that the proposal fails to comply with DCP Policy DP/2 (Design of New Development) and Structure Plan Policy P1/3 (Sustainable Design in Built Development).

33. The proposal includes significant enlargement of the access to cater for increased traffic movements to the satisfaction of the Local Highway Authority. This will entail the loss of an area of grass verge and 3.0 m of hedgerow along the road frontage. Balanced against this is the material consideration of improvement to highway safety which would be necessary, and I acknowledge that opportunity would exist for partial replacement planting of hedgerow on the frontage. In my opinion, given the balanced nature of this aspect I do not consider that a refusal of planning permission on this ground would be warranted.

Highway safety

34. The Local Highway Authority has indicated acceptance of the proposed improvements to the access, which could only be secured as a benefit to the scheme by the granting of planning permission. Refusal of planning permission would not secure this improvement.

Enforcement

35. Members authorised Officers on 1st August 2007 to take appropriate enforcement action with a compliance period of 3 months. In the event that planning permission being approved, I recommend that no enforcement action be instigated against breaches of planning control on the site.

Recommendation

36. **Refusal** for the following reasons:

1. The proposal represents an intensification of sporadic retail development for which no evidence of an essential need to be in this countryside location has been put forward, nor evidence that the use is to be restricted to the sale of locally-produced or on-site produce. The proposal does not comply with Policies in the development plan that are intended to restrict such development in the countryside, notably Objective SF/c (Services and Facilities), and Policies DP/7 (Development Frameworks) and SF/5 (Retailing in the Countryside) of the South Cambridgeshire Development Control Policies Development Plan Document (2007).
2. The site does not lie in a sustainable location where convenient access by public transport, and walking can be achieved. The proposed development is likely to attract car-borne visitors for the most part, contrary to sustainability Policies in the development plan, notably South Cambridgeshire Development Control Policies Development Plan Document (2007) Policies DP/1 (Sustainable Development) and TR/1 (Planning for More Sustainable Travel), strategic objective ST/b of the South Cambridgeshire Local Development Framework Core Strategy (2007), and Policy P1/3 (Sustainable Design in Building) of the Cambridgeshire and Peterborough Structure Plan (2003).
3. The proposed development has resulted in the loss of existing and former gaps between established retail units, where views out of the site towards the countryside existed. The development represents an undesirable visual consolidation of buildings on the site and has had an unacceptable adverse visual impact on the appearance of the countryside and landscape character of the area, contrary to Policies DP/3 (Development Criteria) and NE/4 (Landscape Character Areas) of the South Cambridgeshire Development Control Policies Development Plan Document (2007).

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
- South Cambridgeshire Development Control Policies Development Plan Document (2007)
- Cambridgeshire and Peterborough Structure Plan 2003
- The Draft Regional Strategy East of England Plan (2007)
- Planning Files refs: S/0330/08/F, S/1077/06/F, S/1267/05/LDC and S/1774/97/F

Contact Officer: Ray McMurray – Acting Area Officer
Telephone: (01954) 713259