

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 5th August 2009
AUTHOR/S: Executive Director / Corporate Manager - Planning and
Sustainable Communities

S/0662/09/F - FULBOURN
Extension to Existing Warehouse at Fulbourn Mill, Wilbraham Road
for S & B Herba Foods Ltd
Recommendation: Approval

Date for Determination: 12th August 2009 (Major)

Notes:

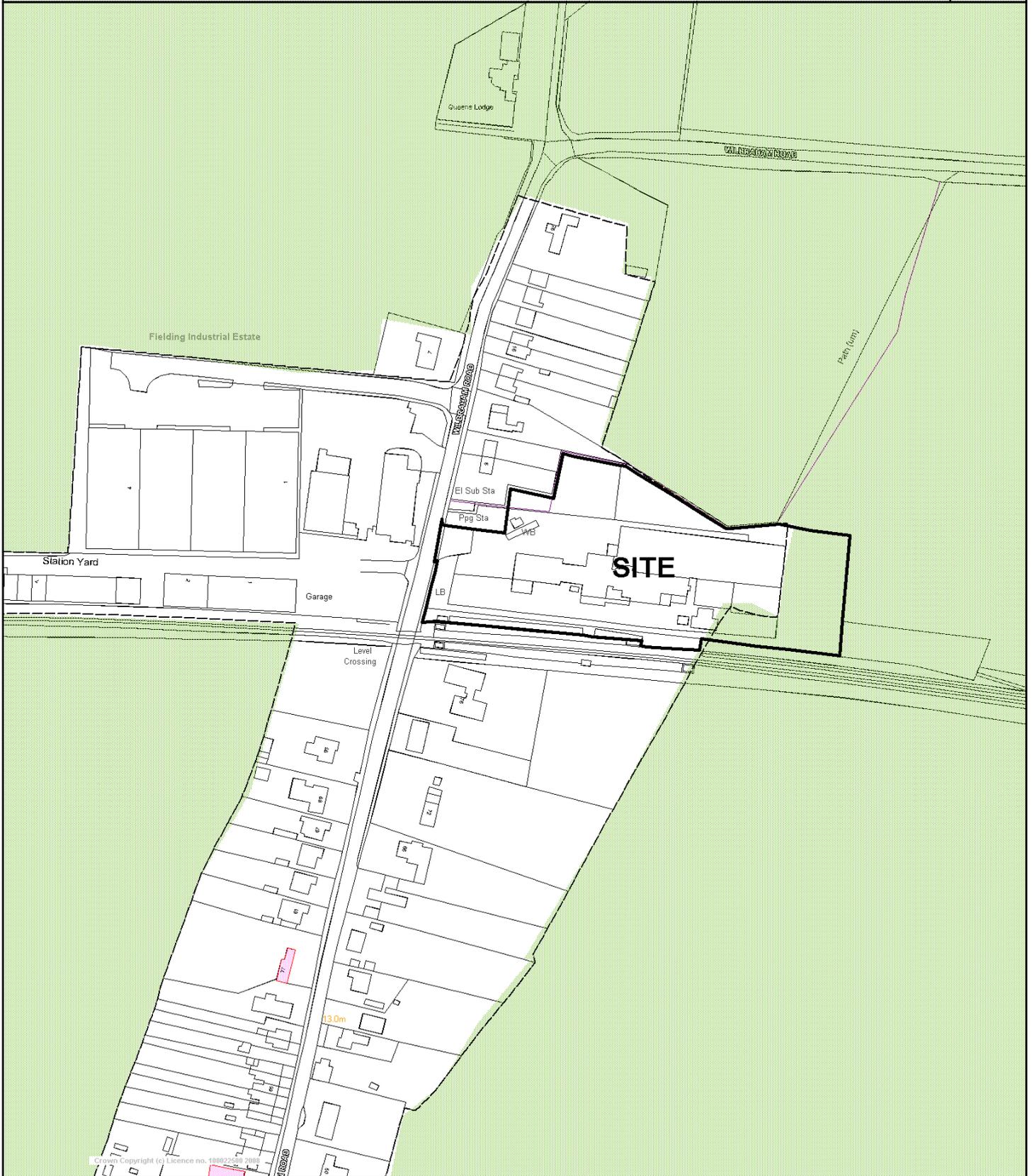
This Application has been reported to the Planning Committee for determination because it is a departure to the Local Development Framework to which objections on material planning grounds have been received.

Members will visit this site on 5th August 2009

Departure Application

Site and Proposal

1. The site, measuring 1.198 hectares, comprises a second world war grain silo and mill (B2 - General Industrial Use) with modern, metal-clad two storey height extensions providing warehousing and office space, hardstandings with former railway sidings to the south, vehicle access and weighbridge to the west, car and cycle parking to the northwest, and a lawned area to the east. The site is screened from neighbouring countryside by maturing hedges and tree to the north and eastern boundaries. A public footway crossing the arable field to the north of the site from Wilbraham Road runs adjacent to part of the northern boundary and has further mature trees to its northern edge. A bank to the southern boundary with the Cambridge-Newmarket mainline railway to the south of the site provides some screening in that direction.
2. Due to the height of the Second World War mill (approximately 27.4 metres) it is clearly visible within the landscape for many miles around.
3. The site is accessed off Wilbraham Road. A crossing to the mainline railway is situated approximately 35 metres to the south.
4. Other development in the vicinity comprises a sub station and residential properties to the north, fronting Wilbraham Road, commercial properties at the former station yard opposite the site to the west. Beyond the railway crossing to the south further linear residential development on the approach onto the village centre is found. To the north and east is arable farm land.
5. This full planning application, received on 13th May 2009, proposes the extension of the existing warehouse to provide a further 624 square metres of



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floor space. The total cumulative floorspace for the mill will be 7724 square metres. The development will extend to the east of the existing modern extensions onto a lawned area at the eastern end of the site. The extension will measure 34.7 metres (width) by 18.0 metres (depth), have an eaves height of 6.4 metres and a ridge height of 7.6 metres. It will have double gable to the eastern elevation with a central valley between.

6. It follows an identical application which was refused and subsequently dismissed at appeal. The decision was the subject of a High Court challenge, which was upheld and the decision quashed. The application has been referred back to the Planning Inspectorate, who have agreed to hold it in abeyance while this application is determined. Paragraphs 25-26, below, of the history provide further background detail.
7. The application is accompanied by a Design and Access Statement, Planning Statement, Report by the applicant in support of the proposal, Transport Statement, and two year Management and Maintenance Plan for landscaping.
8. The Planning Statement suggests that:
 - (a) The application proposals accord with national and district policy, and with the Climate Change Act.
 - (b) The previous appeal decision has been found by the High Court to be flawed in the assessment of Green belt issues. Although it was agreed to be inappropriate development, the visual impact alone would not be sufficient to justify dismissing the appeal. The approach taken previously by the Appeal Inspector to determine whether 'very special circumstances' existed individually or collectively was flawed.
 - (c) It is suggested that the circumstances put forward collectively do amount to 'very special circumstances' sufficient to outweigh the resulting harm by way of inappropriateness and any other harm.
9. The material planning considerations put forward as the case for 'very special circumstances' include:
 - (a) "The applicants are a successful company nationally and internationally and are an important local employer utilising a special type of building which is particularly suited to their processes and needs which minimises the use of energy in the production process.
 - (b) The company's existing operational base is located outside of the Green Belt on the edge of a settlement where the company's expansion and extension of its premises would normally be encouraged.
 - (c) The extension site lies inside the Green Belt but within the curtilage of the existing mill and therefore constitutes previously used land.
 - (d) Alternative sites for expansion have been explored but are constrained by policy, relationship to neighbours, space available and relationship to production facilities.
 - (e) The only viable alternative of off-site storage is restricted in terms of location by the need to comply with stringent food safety and quality

standards which require particular care to prevent the contamination of rice.

- (f) Storage off site at the nearest compliant facility at Ely would cause significant additional costs and inefficiencies, increased HGV traffic movements through the Wilbrahams and Fulbourn, and significant generation of greenhouse gases, particularly CO₂ directly contrary to Climate Change Legislation and planning policy. As set out in URS's report the use of off-site storage facilities at Ely would result in an additional 91,200 HGV Kms per annum with a consequent increase in the emission of 67.7 tonnes CO₂, equivalent to some 14,000 additional return car journeys between Fulbourn and Cambridge”.
10. A copy of the Court decision in respect of planning application S/1585/05/F can be found at Appendix 1 of the Statement.
11. The applicant's report in support of the application concludes:
- (a) S&B Herba Foods Limited is a successful and thriving business and is an important local employer which offers a diverse range of employment opportunities to people in the surrounding communities with varying skill sets.
 - (b) It uses a comprehensive and diverse range of local suppliers and services, hence contributing significantly to the local economy.
 - (c) S&B Herba foods success is founded on offering its customers good quality goods, at a competitive price, and ensuring deliveries are made as required. Changes in the rice, pea and lentil markets have resulted in the need for additional warehouse facilities.
 - (d) There is no scope within the present building or site to further increase production capacities by introducing additional milling or packing lines. As the mill is currently being operated for 24 hours per day, seven days per week it is not possible to increase production volumes by extending hours of operation.
 - (e) Market trends have led to a greater use of smaller pack sizes, which are more time and labour intensive to pack, as well as a greater requirement for customers 'own brand' products, thereby increasing the number of product lines it handles. This has complicated their milling and packing operations and requires a greater level of management input to ensure that customers' expectations are met.
 - (f) The current warehouse facilities are not sufficient to cope with the peaks in current demand, or additional space requirements dictated by weekend or evening packing shifts.
 - (g) When the warehouse is full to capacity, efficient operation of both the production process and the warehouse facility is not possible.
 - (h) Serious Health and Safety risks arise due to a lack of space.
 - (i) Various options have been considered prior to submitting this planning application for the proposed warehouse extension. The only

practical option to the business is to extend the warehouse to the rear (east) of the existing buildings.

- (j) If this application fails and semi-finished goods have to be stored off site, there will be significant implications in relation to lorry movements through surrounding villages, Carbon Di-oxide emissions.
12. In the submitted Transport Statement it is stated that if the extension is not permitted alternative storage facilities off-site will need to be sought. The nearest site meeting strict food hygiene regulations is at Ely. Using this alternative site would result in 91,200 HGV kilometres per annum with a consequent increase in CO₂ of 67.6 tonnes. It would also result in approximately three extra HGV extra trips per day through the Wilbraham villages. The proposal, it is suggested, will prevent a significant increase in emission and vehicle trips, which would be unavoidable if off-site storage facilities have to be utilised.

Planning History

13. **C/0058/73/F** - Erection of General Purpose Store. Approved 09/02/73.
14. **C/0675/73/F** - Use of Site as a Car and Lorry Parking Area. Approved 07/08/73.
15. **C/1492/73/F** - Erection of Four Grain Silos. Approved 15/03/74.
16. **S/1493/73/F** - Erection of Offices and Construction of a Weighbridge. Approved 14/02/74.
17. **S/1126/80/F** - Replacement of Existing Store. Approved 21/07/80.
18. **S/1884/86/F** - Extension for Use of Premises for Cleaning Polishing Gardening of Pulses Rice and Barley. Withdrawn 10/06/87.
19. **S/0400/87/F** - Proposed Warehouse Extension to Existing Processing Facility. Approved 07/04/87.
20. **S/0432/89/F** - Extension. Approved 05/05/89.
21. **S/1451/91/F** - Extension to Form Packaging Plant, Pallet Store and Increased Warehousing. Approved 05/02/92.
22. **S/1692/95/F** - Extension to House Rice Milling Plant. Approved 07/03/96.
23. **S/1292/97/F** - Widen Side Entrance. Approved 06/10/97.
24. **S/0334/98/F** - Extension to Office Accommodation. Approved 17/04/98.
25. **S/1585/05/F** - Proposed Extension to Existing Storage Area Integral to Mill. Refused - 05/10/05, Appeal Dismissed 28/03/2007. The application was refused on the following grounds:
1. The proposed development fails to satisfy the criteria set out in Policy GB2 of South Cambridgeshire Local Plan 2004 and is therefore defined as inappropriate development within the Green Belt. Inappropriate

development is by definition harmful to the Green Belt as such the proposal is contrary to Policy GB2 of South Cambridgeshire Local Plan 2004 which states planning permission will not be granted for inappropriate development within the Green Belt unless very special circumstances can be demonstrated.

2. The proposed development, by reason of its depth, height and massing would result in further built form attached to the end of this substantial building. This would contribute to further encroachment into the open aspect of land adjacent to the existing storage area reducing the open appearance of this part of the curtilage and would contribute to the undesirable finger of development extending into the sensitive and open Green Belt surroundings. The application is therefore contrary to Policy P9/2a of the Cambridgeshire and Peterborough Structure Plan 2003 which states the purposes of the Green Belt are to maintain and enhance the quality of the Cambridge setting and Policy GB2 of South Cambridgeshire Local Plan 2004 which aims to protect the rural character and openness of the Green Belt.
 3. The applicant has not demonstrated there are any very special circumstances which clearly override the harm to the Green Belt both by reason of inappropriateness and the harm identified above. The proposal is therefore contrary to Policy GB2 of South Cambridgeshire Local Plan 2004 which states planning permission will not be granted for inappropriate development within the Green Belt unless very special circumstances can be demonstrated.
26. As referred to at paragraphs 8 and 10 above, this decision was subsequently challenged. The decision was quashed by the Court on the basis that the Inspector had incorrectly assessed whether the material planning considerations put forward by the applicant amounted to 'very special circumstances' sufficient to clearly outweigh the harm by way of inappropriateness and other harm. The Inspector had erroneously assessed whether they were commonplace or unusual. This appeal is to be reconsidered by a different Inspector. This appeal has been held in abeyance until 6th August 2009 in order that the outcome of this planning application is known before proceeding with another Inquiry.

Planning Policy

27. **The Planning System: General Principles (2004):** Sets out the structure of the plan-led system and the guidelines for the determination of planning applications.
28. **PPS1 Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development provide the framework for planning for sustainable development and for development to be managed effectively. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.
29. Paragraph 23 states: 'the Government is committed to promoting a strong, stable, and productive economy that aims to bring jobs and prosperity for all'.

30. **Planning Policy Statement: Planning and Climate Change Supplement to Planning Policy Statement 1:** This document provides practical guidance and support on the implementation of the principles set out in PPS1.
31. One its key aims is to ‘deliver patterns of urban growth and sustainable rural developments that help secure the fullest possible use of sustainable transport for moving freight, public transport, cycling and walking: and which overall, reduce the need to travel, especially by car’ (paragraph 9).
32. Paragraph 42 states that where an application contributes to the key objectives set out in this PPS, the applicant ‘should expect expeditious and sympathetic handling of their application’.
33. In relation to safeguarding environmental performance, paragraphs 43 – 44 state:
- ‘In determining planning applications, planning authorities should also consider the likely impact of proposed development on:
- (a) existing, or other proposed, development, and its renewable or low-carbon energy supply;
 - (b) existing, or proposed, sources of renewable or low-carbon energy supply; and
 - (c) the vulnerability to climate change of existing or proposed development.
- Where proposed development would prejudice renewable or low-carbon energy supplies or lead to increased vulnerability of existing or proposed development, consideration should be given as to how the proposal could be amended to make it acceptable or, where this is not practicable, to whether planning permission should be refused’.

34. **Planning Policy Statement 7: Sustainable Development in Rural Areas (2005):** establishes the Government’s objectives for rural areas that are relevant to this Planning Policy. It includes in its aims (page 6):
- (i) To raise the quality of life and the environment in rural areas.
 - (ii) To promote more sustainable patterns of development.
 - iii) Promoting the development of the English regions by improving their economic performance so that all are able to reach their full potential.
 - (iv) To promote sustainable, diverse and adaptable agriculture sectors.

35. At paragraph 5 it states: ‘Planning authorities should support a wide range of economic activity in rural areas. It specifically refers to suitable for future economic development, particularly in those rural areas where there is a need for employment creation and economic regeneration; and the need to establish through LDDs criteria for permitting economic development in different locations, including the future expansion of business premises, to facilitate healthy and diverse economic activity in rural areas.

36. **Planning Policy Guidance 2: Green Belts:** identifies as the fundamental aims of Green Belt policy at paragraph 1.4 as: ‘to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development’.

37. It establishes a presumption against new development in Green Belts at paragraphs 3.1-3.3 and sets out appropriate uses of land and forms of development within Green Belts at paragraphs 3.4 – 3.5. Paragraph 3.2 states:

‘Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations’.
38. At paragraph 3.15 it is established that: ‘the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design’.
39. **Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms 1992** is due to be superseded by Planning Policy Statement 4, which has been consulted upon, however the principles of the existing guidance stand, in that it seeks to ‘encourage continued economic development in a way which is compatible with its stated environmental objectives’ (paragraph 1).
40. It seeks also to ensure that careful consideration is given to development adjacent to disused freight facilities which have been safeguarded and might be returned to freight use if demand increases and to maximise the potential use of transport infrastructure other than roads (paragraph 11).
41. Paragraph 13 sets out the approach to be taken in considering development proposals. It requires that ‘the planning system should operate on the basis that applications for development should be allowed, having regard to the development plan and all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance. Development control should not place unjustifiable obstacles in the way of development which is necessary to provide homes, investment and jobs, or to meet wider national or international objectives. Nevertheless planning decisions must reconcile necessary development with environmental protection and other development plan policies’.
42. Paragraphs 27 – 31 set out the approach to planning conditions, including hours of operation and occupancy.
43. **Planning Policy Guidance 13: Transport 2001**: includes objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
44. Paragraph 45 seeks to ensure that ‘any...disused transport sites and routes are not unnecessarily severed by new developments or transport infrastructure’.
45. **Circular 11/1995 - The Use of Conditions in Planning Permissions**: Advises that conditions should be necessary, relevant to planning, relevant to

the development permitted, enforceable, precise and reasonable in all other respects.

46. **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.
47. **Circular 02/2009 - The Town and Country Planning (Consultation) (England) Direction 2009:** Requires all development proposals for sites within the Green Belt, received by a planning authority on or after 20th April 2009, that amount to 'inappropriate development' with a floorspace of over 1000m² or more 'any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt' to be referred to the Secretary of State if the Local Planning Authority is not minded to refuse.
48. **East of England Plan 2008:**
 - (a) SS1 Achieving Sustainable Development
 - (b) T1 Regional Transport Strategy Objectives and Outcomes
 - (c) T2 Changing Travel Behaviour
 - (d) T10 Freight Movement
 - (e) T14 Parking
 - (f) ENV7 Quality of the Built Environment
 - (g) ENG 2 Renewable Energy Targets
 - (h) WAT1 Water Efficiency
 - (i) WM6 Waste Management in Development
 - (j) CSR1 Strategy for the Sub-Region
 - (k) CSR3 Green Belt
 - (l) CSR4 Transport Infrastructure
49. **Cambridgeshire and Peterborough Structure Plan 2003:**
 - (a) P6/1 Development Related Infrastructure
 - (b) P9/8 Infrastructure Provision
50. **South Cambridgeshire Core Strategy DPD 2007:**
 - (a) ST/1 Green Belt
 - (b) ST/4 Rural Centres
51. **South Cambridgeshire Development Control Policies DPD 2007:**
 - (a) DP/1 Sustainable Development
 - (b) DP/2 Design of New Development
 - (c) DP/3 Development Criteria
 - (d) DP/4 Infrastructure and New Developments
 - (e) DP/6 Construction Methods
 - (f) DP/7 Development Frameworks
 - (g) GB/1 Development in the Green Belt
 - (h) GB/2 Mitigating the Impact of Development in the Green Belt
 - (i) GB/3 Mitigating the Impact of Development Adjoining the Green Belt
 - (j) ET/1 Limitations on the Occupancy of New Premises in South Cambridgeshire
 - (k) ET/4 New Employment Development in Villages
 - (l) ET/5 Development for the Expansion of Firms
 - (m) SF/6 Public Art
 - (n) NE/1 Energy Efficiency

- (o) NE/4 Landscape Character Areas
- (p) NE/6 Biodiversity
- (q) NE/8 Groundwater
- (r) NE/9 Water and Drainage Infrastructure
- (s) NE/11 Flood Risk
- (t) NE/15 Noise Pollution
- (u) NE/16 Emissions
- (v) TR/1 Planning for More Sustainable Travel
- (w) TR/2 Car and Cycle Parking Standards
- (x) TR/3 Mitigating Travel Impact
- (y) TR/4 Non-motorised Modes
- (z) TR/5 Rail Freight Interchanges

52. **South Cambridgeshire Site Specific Policies DPD Submission Draft 2006:**
 (a) SP/19 Rail Freight

Consultations

53. **Fulbourn Parish Council** – Made no recommendation, commenting:
 ‘Fulbourn Parish Council is concerned that this is an application for land which is in the Green Belt and would mean further encroachment of the Green Belt which is contrary to both the Green Belt and Local Plans.

We understand that the original extension was granted when the transportation of the products was by rail. However, the sidings are no longer in use and this means that there are many large lorries traveling along Station Road and through other parts of Fulbourn Village and also through Great Wilbraham. Objections have been received by Parishioners and we draw your attention to these as we believe copies have been sent to South Cambridgeshire District Council.

Fulbourn Parish Council understands a site visit has been requested to ascertain the impact of this application on the Green Belt and the problems relating to heavy lorries and the Council fully supports such a visit’.

54. **Great Wilbraham Parish Council** – Recommended approval, commenting:

‘At their meeting on 15th June 2009 Great Wilbraham Parish Council agreed to recommend **approval** of this proposal, however request that S&B Herba Foods Ltd have a transport manager to improve the movement and timing of lorries through the village to alleviate safety concerns. They would also like the number of lorries going through Fulbourn and Great Wilbraham monitored and reported to the Parish Council each year. They also request that South Cambridgeshire District Council should enter into strategic negotiations with the rail authorities to give serious consideration to the re-opening of the sidings at Fulbourn and to allow rail transportation to be re-instated. There is extensive concern in the Parish over heavy goods vehicles using the road through the village along which the school and many listed buildings are closely situated’.

55. **Natural England** – Noted that the proposed extension lies approximately 400m from the nearest SSSI at Fulbourn Fen and concluded that as the proposal is for a relatively small extension is not likely to have an impact on any designated sites.

56. **Ecology Officer** – Commented:

“The area of the proposed development is currently close mown grass with a picnic bench.

Structural tree planting has been undertaken to provide additional cover, this has also involved some planting on the opposite side of the railway.

The former sidings are not considered to be an important habitat due to their partial covering with concrete, earth and grass. The best areas of potential habitat were further away from the proposed development area and in my view would not be impacted by the work in any way.

The current use of the site to store and package human food has resulted in a very strict pest control regime. Hence the site currently has little scope for nesting birds. I am going to suggest some opportunities for enhancing the site for swifts direct to my site contact, but am not asking for them by condition in case they cannot be delivered.

The nearby SSSIs are all largely wetland based. I cannot foresee how this site would impact upon the SSSIs in any way and therefore do not feel that we need to consider the matter in any further detail unless new information on site discharges (be it air or effluent to local watercourses) is brought to my attention.

I have no objection and do not require any conditions to be attached to any consent”.

57. **East of England Development Agency** – Has commented in relation to its role improving the East of England region’s economic performance:

‘Fulbourn Mill has seen extensive investment since 1988, including new plant, state of the art technology, and extensions and improvements to the main building. These improvements have been driven by the company’s success with this current proposal resulting from a gradual change in customer requirements since 1991. These have recently accelerated and a shortening in the supply chain has resulted in the need for extra storage capacity to be located at the site.

The RES recognises that a balance needs to be struck between space for rural businesses and issues of landscape impact in creating successful responses to rural economic development. To achieve the region’s aspirations of a living and working countryside, rural areas should accommodate appropriate scales of new development.

EEDA also supports the positive contribution this business makes to the rural economy. Agricultural infrastructure improvements remain key to ensuring that rural businesses can continue to be competitive whilst maximising their potential and ability to produce quality products’.

58. **Local Highway Authority (Cambridgeshire County Council)** – Commented in relation to traffic generation that there would be ‘no significant issues’.

59. In relation to layout it commented: 'The access to the site has been designed to accommodate the type of vehicle movements that the existing use generates and the access will not need modification in relationship to the proposal. As the proposed application does not increase the operational capacity, the number of persons employed on site or the predicted number of HGV movements, the proposals are also considered to be acceptable from a transport perspective'.
60. **Environment Agency** – Commented:
- 'The site is identified as being within Floodzone 1, low risk.
- The site is identified as being with Groundwater Source Protection Zone 3; care must be taken to protect the water environment.
- Insufficient information has been submitted to fully assess the impact of the development; it is recommended that the following conditions and informatives should be appended to any subsequent planning approval. The issues highlighted within these recommendations should also be addressed within the screening opinion'.
61. The conditions recommended require a scheme for pollution control, including surface and foul water drainage, and works are to stop until a remediation scheme is approved if during development contamination is found. Informatives area also recommended.
62. **Building Control Officer**– Noted that fire vehicle access is required in accordance with Approved Document – B5.
63. **Arts Development Officer** – Commented:
- "The development is greater than 1,000m² and comes within the scope of the Council's public art policy. Given the nature of the development, unless the developers have a plan for public art, I suggest off-site provision. Once the developers have committed a commuted sum I can support discussion with the Parish Council and the Fulbourn Arts Forum".
64. **Cambridgeshire Fire and Rescue Service** – commented that adequate provision for fire hydrants should be made. This is to be secured through either planning condition or Section 106 agreement. The number and location of fire hydrants will be determined following Risk Assessment and with reference to national guidance. It also notes that access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5, Section 16.
65. **Divisional Environmental Health Officer** – Recommended conditions to minimise the effects of the development on nearby residents including: details of the location and type of any power driven plant or equipment prior to installation, limited hours during which power operated machinery can be used during the period of construction, details of any external lighting including floodlighting to be submitted for approval before construction commences. A condition related to piled foundations was also requested and an informative relating to bonfires on site during the period of construction.

66. **Landscape Design Officer** – Commented that, as the landscape buffer is already in place, there are no objections to the proposal.
67. **Network Rail** – Responded with ‘no comment to make’.

Representations

68. Seven letters and a petition signed by eight residents objecting to the proposal have been received from occupiers at 9, 77 and 93 Station Road, 12 Wilbraham Road, 2, 7, 8, 9, 12, 14, 15 and 18 Home End, Fulbourn.
69. The representations received raise the following material planning considerations:
- (a) Nuisance and danger from HGV traffic from the Mill.
 - (b) The size of the lorries used means they cannot easily negotiate the narrow roads and sharp bends within the village, two of which are Church Lane and Station Road.
 - (c) Traffic often comes to a sudden halt to accommodate these lorries.
 - (d) Difficulty passing when lorries are backed up waiting to enter the Mill just beyond the level crossing.
 - (e) Likelihood that a serious traffic accident will happen in Fulbourn as a consequence of its traffic.
 - (f) The verge is becoming more and more damaged, the road does not drain adequately and consequently floods.
 - (g) Re-opening the adjacent railway sidings could easily solve these problems, opening up links to Ipswich and Felixstowe.
 - (h) Impact on the quality of residents’ lives and fabric of the village.
 - (i) Over three weekdays, week commencing 8th June, sixteen, eighteen and eighteen respectively lorries passed through Home End, Fulbourn. These were empty, having come off the A11 onto the Wilbrahams’ access road, through Gt. Wilbraham and into the Herba site, the empty and noisier lorries then made their way back to the A11 via the narrow lanes of Fulbourn.
 - (j) S & B Herba do have direct control of vehicle movements, as they use haulage contractors. This makes sanctions on standards of driving and routes taken difficult to enforce.
 - (k) The Herba silo when used for grain storage was serviced by tractor pulled trailers coming straight from the field. Harvest time was expected to be a busy period of the year and was used by a limited number of farms in the radial area.
 - (l) The site is now continuously busy all year around for an ongoing process of rice preparation since permitted change of use.
 - (m) Previous extensions have been allowed to accommodate the growth of the various processes.
 - (n) The last extensions encroached into the Green Belt.
 - (o) Insufficient grounds for protection of the Green Belt have been given.
 - (p) The business currently employs 127 people and it is not intended to create further employment.
 - (q) Any expansion of storage will involve the movement of materials; in turn bringing to the site additional raw materials, resulting in increased road vehicle trips through the Conservation Area on totally unsuitable roads.
 - (r) Ways to reduce the numbers of over sized lorries using the village roads should be sought.

- (s) The railway sidings should be re-opened, making use of the link to Ipswich, as a railway truck can carry 70+ tonnes of grain compared to a HGV's 30 tonnes capacity.
- (t) The railway has not been used despite suggesting that some goods would be transported by rail on previous applications.
- (u) Increased traffic and noise created by the Mill.
- (v) The unofficial agreement that loaded vehicles arrive via Wilbraham in practice often does not happen.
- (w) Vehicles approaching from the M11 come via Fulbourn.
- (x) This busy mill is in a mainly residential area.
- (y) Residents are particularly concerned with the increase in noise that is emitted from the mill itself, especially during the evenings and weekends. Further development should not be allowed until measures to reduce noise pollution are in place.
- (z) Station Road is narrow and very difficult for a lorry and car to pass easily, let alone two lorries.
- (aa) In reality most vehicles come via Home End and Manor Walk, within the Conservation Area.
- (bb) Recently a lorry hit the telegraph pole outside 77 Station Road, dislodging the wires and junction box, without stopping to see what damage had been caused. Expensive repairs had to be carried out to it.
- (cc) Station Road is long, narrow with cars parked along one side, leading into a conservation area. There are several very old properties which should be protected.
- (dd) Access to the factory is difficult. The example given is of during winter, on foggy days how vehicles were backed up on the road outside, waiting for access. This queue stretched back to almost the corner and created danger for any vehicle trying to pass or coming round the corner at Queens Farm. One letter suggests such events are caused by rain, causing ships' holds to be closed to stop rice getting wet, resulting in lorries coming in batches rather than being spaced out.
- (ee) Such queuing prevents residents from accessing their properties.
- (ff) Other commercial operators' traffic combined with the mill's take the small roads to beyond their full capacity.
- (gg) Unacceptable noise and air pollution due to traffic.
- (hh) It is questioned why storage at Queens Farm cannot be used.

Planning Comments – Key Issues

70. The key issues in determining this planning application are Green Belt, traffic and highway safety. Other matters to be considered include the impact on amenities and pollution from traffic, employment, sustainability, public art, biodiversity, access for emergency vehicles, re-opening of the railway sidings. The application is a departure and this is also to be considered.

Green Belt – Appropriate development?

71. The Green Belt boundary is tightly drawn around the rear of the existing building to the east, therefore the development proposes falls within it. This application proposes development that does not fall within that which is considered 'appropriate' as set out in paragraph 3.4 of PPG2. It is concluded therefore, that the proposal is inappropriate development for which material planning considerations amounting to 'very special circumstances' must be demonstrated sufficient to clearly outweigh the harm by way of its inappropriateness and any other harm identified. This has not been disputed.

Green Belt – Other harm?

72. It is accepted following the appeal and court challenge that the extension would result in a loss of openness. It was found that the extent to which this loss of openness would have a material impact on the wider landscape was minimal due to its not being clearly visible within views. It was acknowledged that due to planted screening, which would further mature, the building would also not be prominent from close vantage points to the north and south. It was found not to be of sufficient concern to warrant dismissing the appeal.
73. Additional information was submitted at the appeal in relation to landscape impact. The Council's Landscape Design Officer has raised no concerns in relation to the visual impact or landscaping, which has since become better established; therefore the Inspector's assessment remains a reasonable judgement to have reached.

Other Harm – Traffic impact and highway safety?

74. A number of representations have received expressing concerns relating to traffic and highway safety. These relate to the existing operations and concern that this not be exacerbated by the proposed extension.
75. The development is to serve the existing company. It is stated in the information accompanying the application that it is not intended to employ more staff as a result. In addition the number of HGV trips will also not alter, as these would be travelling to and from the site anyway. The mill will have no further capacity in terms of production. The proposal will result in reduction in miles travelled from alternative storage facilities and as such meets the Council's sustainable development policy objectives.
76. It is also noted that the previous application was not refused on traffic grounds. Without new evidence or objection from the Local Highway Authority it is considered that this would not be ground for refusal of the current proposal.
77. The Local Highway Authority is satisfied that no harm to the highway will result either in terms of increased traffic or access. Comment on the concerns raised by residents has been sought. A verbal update will be provided.

Other matters

Environmental Impact

78. The application proposal falls within Schedule 2 of the Regulations. It is considered that it will not result in significant effects on the environment. It is not of more than local importance, as it relates to a stand-alone site, the location is not particularly sensitive, although it does fall within 2000 metres of SSSIs in the area it has been confirmed that these will not be harmed, and the development is not unusually complex or potentially hazardous.
79. The extension proposed should be considered in relation to existing development. With regard to the development that would result the opinion

remains that this is not of such significance as to require an environmental impact assessment to be carried out.

Sustainability

80. The applicant has described how the building, due to its height enables gravity fed production. This is a particularly effective means of treating grains and pulses and reduces energy consumption.
81. By providing additional storage facilities on site the company will be able to minimise the need to rely on HGVs transferring products and packaging materials from alternative sites. This reduces the amount of CO₂ associated with the business' operations. This accords with policy DP/1 and PPS1 in that it increases the sustainability of the business.
82. The proposal makes use of previously developed land within the site and as such does not result in the loss of agricultural land.
83. The scheme is not of sufficient floor space to fall within the Council's policy NE/12 to require a water conservation strategy.

Employment

84. The proposal will not increase employment, however, as supported by EEDA, the development will facilitate the business meeting its customers requirements and ensure the business continues to operate competitively. This is in accordance with policy, which aims to support existing business through appropriate expansion. This includes use of previously developed land, which the site comprises.

Biodiversity

85. As part of screening the proposals to ascertain whether an Environmental Impact Assessment is required, both Natural England and the Council's own Ecologist concluded that the development is unlikely to impact biodiversity due to the nature of the site. Furthermore, it will not detrimentally impact upon designated SSSIs in the area. No planning conditions have been requested.

Noise and air pollution

86. The Environmental Health Officer has not raised concerns in relation to the impact of traffic on amenities through noise and air pollution. As no increase in trips is proposed it is considered that this will not result in harm. It has been requested that this be taken into account however and a verbal update will be given.
87. Noise or air pollution will result from the building, which is to be used for storage. Environmental Health have recommended safeguarding planning condition requiring details of any power operated machinery, which is reasonable given the potential to impact residential amenity and in accordance with policies NE/15 and NE/16.

Access for emergency vehicles

88. The applicant has been asked to confirm that the necessary access for vehicles can be obtained. A verbal update will be provided.

Re-opening of the railway sidings

89. Although it is not currently proposed to re-open the railway sidings, several options have been explored with the applicant at pre-application stage, one of which would have involved building outside of the Green Belt on the sidings. While that is not what is now proposed it supports the case for extending into the Green Belt, as the development proposed in this application will safeguard these for the future.
90. Paragraph 2.1.4 of the applicant's supporting statement refers:

'There is still the facility to use the rail sidings for the intake of bulk raw materials should the rail operators make this feasible again in the future. Unfortunately, the rail operator decided to disconnect the sidings when the line was upgraded in 2005, as it was not prepared to invest in the new signalling equipment. Despite this we still view this facility as a potentially significant advantage of the Fulbourn site, as it could appreciably reduce the lorry movements into the site for the delivery of raw materials'.

91. The possibility of re-opening the sidings is to be re-examined and will be the subject of a verbal update; however, it is not a determining factor in relation to this application, which has an acceptable impact in terms of traffic.

Public art

92. Although this application is classified as a major scheme, it does not fall within the scope of policy SF/6 as the floor area to be built is not 1,000m²gross or more. The policy does encourage Public Art on smaller schemes; therefore, the applicant's view as to whether or not they would be willing to include a scheme if approved has been sought in accordance with the policy. If agreed this could be secured through planning condition requiring a scheme to be submitted or a Section 106 legal agreement.

Green Belt – 'Very special circumstances'?

93. It is necessary for the applicant to demonstrate that material planning considerations exist that clearly outweigh the harm to the Green Belt by way of inappropriateness, loss of openness and visual harm; and any other harm identified. It has been established that no significant harm other than to the Green Belt would result as a consequence of the proposed extension. Representations indicate that the existing operation causes some problems locally, however this proposal is unlikely to add to these.
94. The applicant has put forward a number of considerations in support of the proposal (see paragraph 8, above). It is necessary to consider whether individually or cumulatively these amount to 'very special circumstances' when balanced against the harm it would cause.
95. It is accepted that there is merit in most of these other considerations. These cumulatively do amount to 'very special circumstances' that are sufficient to clearly outweigh the harm by way of inappropriateness, loss of openness and visual harm.

Departure

96. The floorspace proposed does not exceed the 1000m² threshold set out in Circular 02/2009, however; it is necessary to determine whether the proposal 'by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt'.
97. It is considered that the scale of the extension when seen against the backdrop of the existing building and with existing landscaping will not have significant impact on the openness of the Green Belt. The building is to accommodate storage and not processing operations. The location is adjacent to existing development and the village framework, thereby minimising the impact on openness.
98. It is recommended that the application does not require referral to the Secretary of State, as it will not have a significant impact on the openness of the Green Belt.

Recommendation

99. Subject to confirmation of access for emergency fire vehicles, public art, traffic impact on the village and residents, possibilities for opening the sidings, and any comments from the Environment Agency, **approve** with the following conditions:
- (a) SC1 Full Planning Permission, Time Limit (3 years)
The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
- (b) **The soft landscape works detailed on drawing numbers 06049.06C and 06049.07D shall be maintained in accordance with the proposals set out in the document 'Management Plan and Initial 2 Year Maintenance Period' approved details. If within a period of five years from the date of the decision any tree planted is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- (c) SC38 Noise
During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

- (d) SC41 Details of Power Driven Plant
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(s) but excluding office equipment and vehicles and the location of the outlet from the building(s) 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 buildings (dwellings) from the effect of odour, dust or fumes in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)
- (e) SC57 Fire Hydrants
No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.
(Reason - To ensure an adequate water supply is available for emergency use.)
- (f) SC58 Lighting
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.)
- (g) **Prior to the commencement of any development, a scheme for the provision and implementation of pollution control of the to the water environment, which shall include foul and surface water drainage, shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.**
(Reason - To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of pollution to the water environment.)
- (h) **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.**
(Reason - To prevent the increased risk of pollution to the water environment.)

Informatives

1. Should pile driven foundation be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health officer so that noise and vibration can be controlled.
2. During the period of construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health officer in accordance with best practice and existing waste management legislation.
3. The Environment Agency will be pleased to assess details submitted in respect of the above conditions.
4. All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.
5. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
6. All foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent shall be discharged to the public foul sewer.
7. Anglian Water Services Ltd. should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution or flooding. If there is not capacity in either of the sewers, the Agency must be re-consulted with alternative methods of disposal.
8. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

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

- The Planning System: General Principles
- PS1 Delivering Sustainable Development
- Planning Policy Statement 7: Sustainable Development in Rural Areas
- Planning Policy Guidance 2: Green Belts
- Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms
- Planning Policy Guidance 13: Transport
- Circular 11/1995 - The Use of Conditions in Planning Permissions
- Circular 05/2005 - Planning Obligations
- Circular 02/2009 - The Town and Country Planning (Consultation) (England) Direction 2009
- East of England Plan 2008

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Core Strategy DPD 2007
- South Cambridgeshire Development Control Policies DPD 2007
- South Cambridgeshire Site Specific Policies DPD Submission Draft 2006.
- Planning file refs. C/0058/73/, C/0675/73/F, C/1492/73/F, S/1493/73/F, S/1126/80/F, S/1884/86/F, S/0400/87/F, S/0432/89/F, S/1451/91/F, S/1692/95/F, S/1292/97/F, S/0334/98/F, S/1585/05/F and S/0662/09/F.

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