

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2<sup>nd</sup> September 2009

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

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**S/1567/08/F – BASSINGBOURN-CUM-KNEESWORTH  
Change of Use of Existing Store to Office and Land to Parking and Open Storage  
(Retrospective) at 76 Old North Road for North Herts Surfacing Ltd**

**Recommendation: Approval**

**Date for Determination: 3<sup>rd</sup> December 2008**

**Notes:**

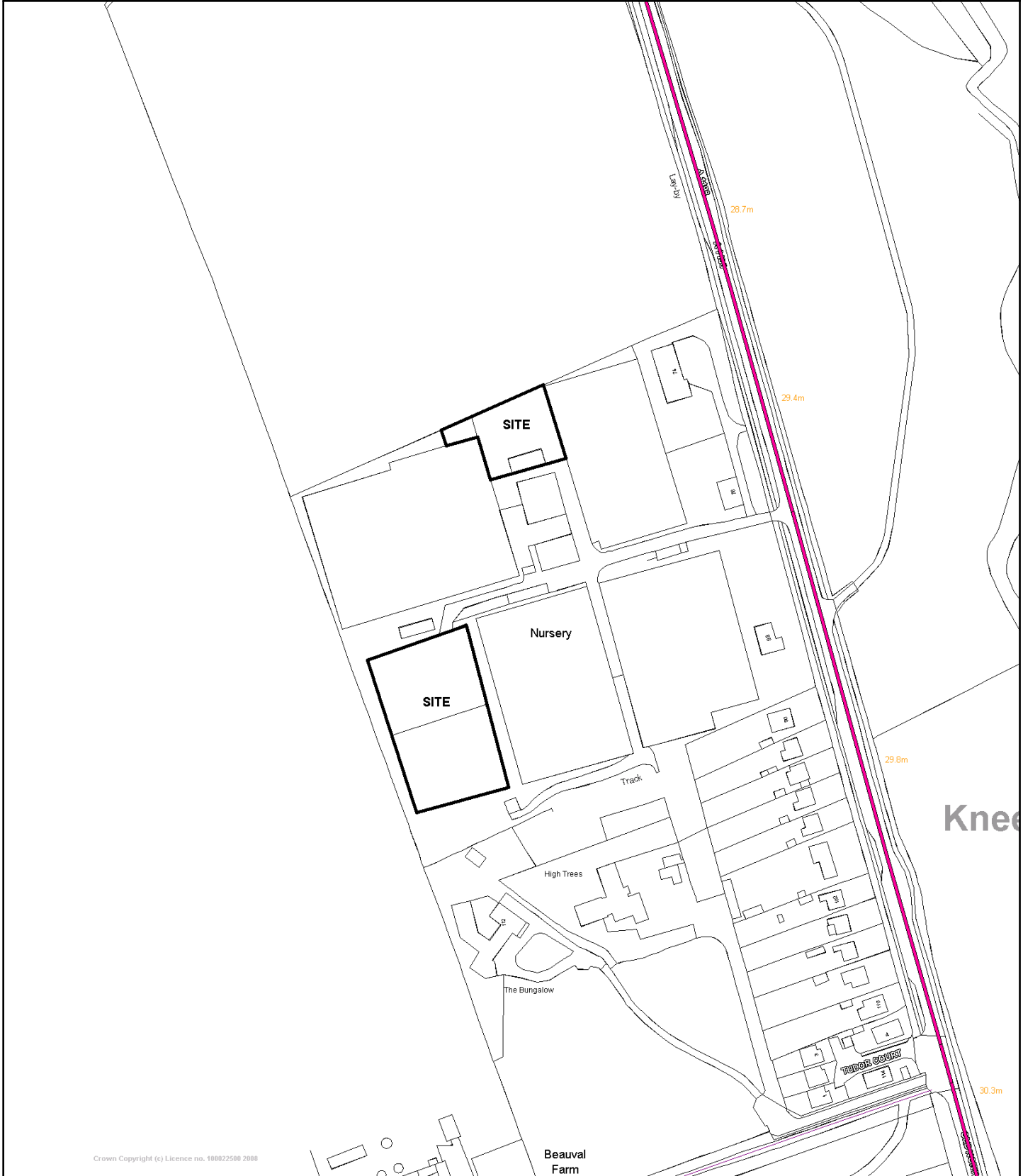
**Councillor Cathcart originally referred this Application to the Planning Committee for determination.**

**Site and Proposal**

1. Members will recall deferring this application following a site visit at the May meeting (Item 11) in order to further establish what is to be determined by the County Council and to allow more time to identify potential planning conditions.
2. The full application, received on 8<sup>th</sup> October 2008, relates to two areas of land on the site, just south of Kneesworth, west of the A1198. Access is gained directly from the A1198. There are some frontage bungalows to the site, and to the rear is a nursery with a number of greenhouses and old industrial buildings. There are also large areas of hardstanding on the site. To the north and west of the site is open agricultural land; whilst to the south are a number of dwellings.
3. The application relates to two different parts of the site. Firstly, the northern part of the site contains an existing store, which would be converted into an office. The adjacent land would be used for open storage. The area of land to the southwest of the site would be used for the parking of HGV and plant vehicles and further open storage.

**Planning History**

4. A planning application was approved for industrial development (**S/1453/91/F**) on the site, specifically related to the proposed office building. A previous application for industrial development on the site as a whole, creating 36 units and a floor area of 52,000 square metres (**S/2219/88/O**) was refused, including on grounds of disturbance to the area and highway safety.
5. An application for the change of use of part of the site to a builders store/workshop (**S/0772/87/F**) was approved, as was a generator shed and oil storage tank (**S/2575/89/F**) on the same site.
6. An application for a change of use to a mini-skip business (**S/1815/93/F**) on part of the site was refused on grounds of residential amenity and highway safety. An



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application for a change of use of part of the existing mini-skip depot into a waste transfer station (**S/0010/94/CM**) was objected to by South Cambridgeshire District Council and refused by Cambridgeshire County Council on grounds of an unsuitable access and noise and disturbance to nearby residents. There have been several other applications on the site, not relevant to the determination of this application.

### **Planning Policy**

7. South Cambridgeshire Local Development Framework Development Control Policies (LDFDCP) adopted July 2007 – **DP/1** – Sustainable Development, **DP/2** – Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks, **ET/7** – Conversion of Rural Buildings for Employment and **NE/15** – Noise Pollution.

### **Consultation**

8. **Bassingbourn Parish Council** recommends approval.
9. The **Monitoring & Control Officer at Cambridgeshire County Council** states there are concerns about some materials stored on site being crushed and screened, which is unauthorised and unlikely to be supported by the County Council. Noise levels have been monitored relating to this activity and this also appears to have been unacceptable. Also, concerns are raised regarding the access to the site. If supported, a carefully worded condition could be imposed stating that no waste materials be stored on site.
10. Following May Planning Committee, the **Monitoring & Control Officer at Cambridgeshire County Council** has provided further information regarding the site and Regulations. Waste disposal sites, including waste transfer stations and similar facilities for treating, storing, processing or disposing of refuse or waste materials are County Matters and should be submitted direct to the County Council. An application has not been made for storage of waste or crushing on the site. A pre-application response has advised that such an application is unlikely to be supported. A Planning Contravention Notice was served dated 3<sup>rd</sup> November 2008, and a full response was received and no further action taken.
11. The **Corporate Manager (Health and Environmental Services)** has considered the implications of the proposal in terms of noise and environmental pollution, and concludes there are no significant impacts from the Environmental Health stand point.
12. The **Local Highways Authority** requests conditions relating to 2.4m by 120m vehicle-to-vehicle visibility splays, 2.0m by 2.0m pedestrian visibility splays, the formalisation of the two lay-by sections along the access to increase in width, a turning radius of 10.5m to be shown, and parking spaces to be 2.5m by 5m. Also, it requests information relating to total vehicle movement figures, and tracking on site for the largest vehicles. With regard to further highway and traffic information, the LHA requests a 10.5m turning radius to be shown so that vehicles do not have to cross the centre line of the A1198. A re-examination of vehicle movements and tracking is also requested. Regarding a proposed plan for large vehicles to only turn right out of the site, there are concerns about the enforceability of such a condition.
13. The **Scientific Officer (Contaminated Land)** is satisfied there are no issues relating to contaminated land. The nearest springs are some distance and should be unaffected by the works.

## **Representations**

14. The occupiers of 90 Old North Road state that large lorries block both sides of the A1198 when accessing the site. They also have concerns about ground water pollution and black smoke emitted from bonfires.
15. The occupiers of 112 Old North Road object on grounds of noise and pollution by the activities on site. The noise issue relate to crushing activities, vehicular movements and the loading and unloading of lorries. Pollution relates to dust created by the works. They also note the A1198 is busy and have concerns about the safety of the access. They also query a conflict of interest, as South Cambridgeshire District Council is a client of the applicant.
16. The occupiers of 76 Old North Road have concerns regarding the impact of traffic on their dwelling, as it has cracks in the render. They state double-glazing has not prevented noise nuisance. There are also concerns regarding dust to the garden and the adjacent greenhouses.
17. Councillor Cathcart originally referred the application to Committee with a site visit "because of traffic considerations and also the proximity of the site to residential properties."

## **Planning Comments – Key Issues**

18. Following the deferral at the May meeting, the applicant has provided further information as to the exact nature of the works on site.
19. Of a morning, vehicles load up with precast concrete kerbs or slabs, sand or Type 1 road base, which had previously been brought into the site and stored for future construction use. These are generally purchased from local builders merchants and suppliers. Some waste materials may be brought back to the site of an evening, although given the nature of the works done by the applicant, levels of "waste" brought back appear low. Materials that have not been used are unloaded again and then taken the next time it is needed. A further informal map has been provided by the applicant showing the areas where the materials are stored. This includes pipes, concrete, kerbs, soil road base and skips. The applicant would require consent from the County Council for any crushing of waste materials, which the applicants state could be recycled after crushing for further use.
20. As part of this application, Members are only determining the storage of materials brought from suppliers, to then be used on site by the applicant. Crushing and the storage of waste materials as a result of the proposal does not form part of this consent, and the applicant will be required to apply to the County Council if they wish to crush and store waste materials on site. An informative can be added to any consent ensuring the applicant is aware of this.
21. The key issues regarding the determination of the application relate to the principle of development, the impact upon the amenity of the occupiers of adjacent dwellings and highway safety.

## ***The principle of development***

22. The site does lie outside the Kneesworth village framework. However, the history of the site, the buildings on site and the large areas of hardstanding all show that the site has been used in the past for some industrial activities. A mini-skip business has

been run from the site, and this Council has approved industrial development in some buildings. Given the nature of the site, I do not consider outdoor storage on this site would be harmful to the countryside. The proposed office is to be used for administration as well as for tea breaks and would effectively be ancillary to the use. As the building already exists and appears structurally sound, I do not consider that any harm would be caused by an office in this location. The principle of re-use of buildings for employment is supported by Policy ET/7 of the Local Development Framework adopted 2007.

### ***The impact upon the amenity of the occupiers of adjacent dwellings***

23. There are residential dwellings to the east and south of the proposed areas. Number 76 Old North Road is located by the access. No. 112 is a backland plot set to the south of the site. There is a bund with minimal planting, and a water tower between it and the proposed storage area, with a distance of approximately 10m to the rear garden. The majority of the noise concerns relate to crushing of materials on site. This crushing does not form part of this application, and an informative can ensure the applicant is aware of this. It is this crushing that the Monitoring and Control Officer at the County Council has concerns about. Such crushing would need a new application, to be determined by the County Council. Corporate Manager (Health and Environmental Services) has investigated the site a number of times, and has no concerns about the proposed storage use. When considering this application, it is important to note that such crushing is an unlawful activity on site, and this application would not change this stance.
24. I note the further comments from the occupiers of nos. 76 and 112 Old North Road relating to noise emitted from loading and unloading of lorries and general vehicle movements. The area directly to the north of no. 112 is to be a store, and there are already storage bins on site, which appear to have been on site for a number of years. I consider it necessary to condition that storage use should only be for North Herts Surfacing Ltd, as any future storage may have a more harmful impact in terms of noise pollution and also visual impact. No. 76 is set by the access road, and would certainly hear some of the trucks moving to and from the site. However, given the potential levels of activity on site, I do not consider the use would seriously harm the occupiers of this property.
25. By the nature of the existing hardstanding and the storage of concrete bases, wooden railway sleepers, equipment and road materials, dust is likely to be an issue on site. There is a bund to prevent the spread of such dust. Again the Environmental Health Officer registers no concern about environmental pollution. I also note the comments from the Scientific Officer regarding land contamination on the site.

### ***Highway Safety***

26. The access to the site exists. The Local Highways Authority has requested a number of conditions and further information regarding the site and its use. Further clarification of figures was requested regarding vehicle figures. The applicant has confirmed that daily vehicle movements are approximately 9 cars driven to the site in the morning, and five construction vehicles then sent out. Vehicle movements occur from 06.30 and 09.00am and from 15.00 to 18.30pm. A turning area has been demonstrated on site.
27. Conditions can be added regarding vehicle-to-vehicle visibility splays as demonstrated on the amended plan, pedestrian visibility splays, and the formalisation of the access width as agreed by the applicant in a letter dated 8<sup>th</sup> April 2009. In a

practical demonstration during the site visit in May an HGV turned left out of the site without hazard. A condition, which required all HGV traffic to turn right out of the site, would not be enforceable. But a condition could be imposed requiring the display of a sign to direct such a movement. The applicant is agreeable to this requirement.

28. Members requested figures for total vehicle numbers using the access. The applicant has been unable to supply this detail as he does not control the other uses and has no details regarding their intensification. The access does serve 3 dwellings, four large greenhouses and an industrial unit to the south of the proposed office. The greenhouse use is likely to be seasonal.

### ***Other Matters***

29. I do not consider there to have been a conflict of interests in the consideration of this application. It has been judged solely on its own merits. I note the comments regarding potential impacts upon natural springs, which would be unaffected by the proposal.

### **Recommendation**

Approve

### **Conditions**

1. Visibility splays shall be retained on either side of the junction of the proposed access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 120m measured along the channel line of the public highway from the centre line of the proposed access road.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
2. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 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.)
3. Within one month of the date of this Decision Notice, a notice shall be displayed on the site to direct all HGV traffic to exit the site in a southerly direction.  
(Reason –To prevent vehicles turning left crossing the white line in the road, causing potential highway dangers to vehicles travelling southbound on the A1198, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. Within one month of the date of this approval, the width of the access shall be increased to 7.3m for the first 15m from the A1198, and thereafter maintained as such.  
(Reason – To allow the safe entrance and exit from the site in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

5. The use, hereby permitted, shall be carried out only by North Herts Surfacing Ltd. (Reason - To protect the residential amenities enjoyed by the occupiers of neighbouring dwellings from other potential storage uses on site, due to the proximity of that property to the application premises in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. When the use by North Herts Surfacing Ltd ceases, all materials and equipment brought on to the premises in connection with the use shall be removed. (Reason - To protect the residential amenities enjoyed by the occupiers of neighbouring dwellings from other potential storage uses on site, due to the proximity of that property to the application premises in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

### **Informatives**

The applicant should be aware that the decision does not consent any storage of waste materials or any crushing of materials on site. A separate application would need to be made to Cambridgeshire County Council for such works.

**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 Files Ref: S/1567/08/F, S/1453/91/F, S/2219/88/O, S/0772/87/F, S/2575/89/F, S/1815/93/F and S/0010/94/CM

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