

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2nd December 2009

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/1071/09/F - MELBOURN

**Change of Use B1 (C) to B2 and Erection of Covered Cycle Stores
at Buildings 1 and 2 Whiting Way, Melbourn for Miss Clare Nicholson**

Recommendation: Delegated Approval subject to Conditions

Date for Determination: 2nd October 2009

Notes:

This Application has been reported to the Planning Committee for determination following a referral from Chairman's Delegation.

Members will visit this site on Wednesday 2nd December 2009

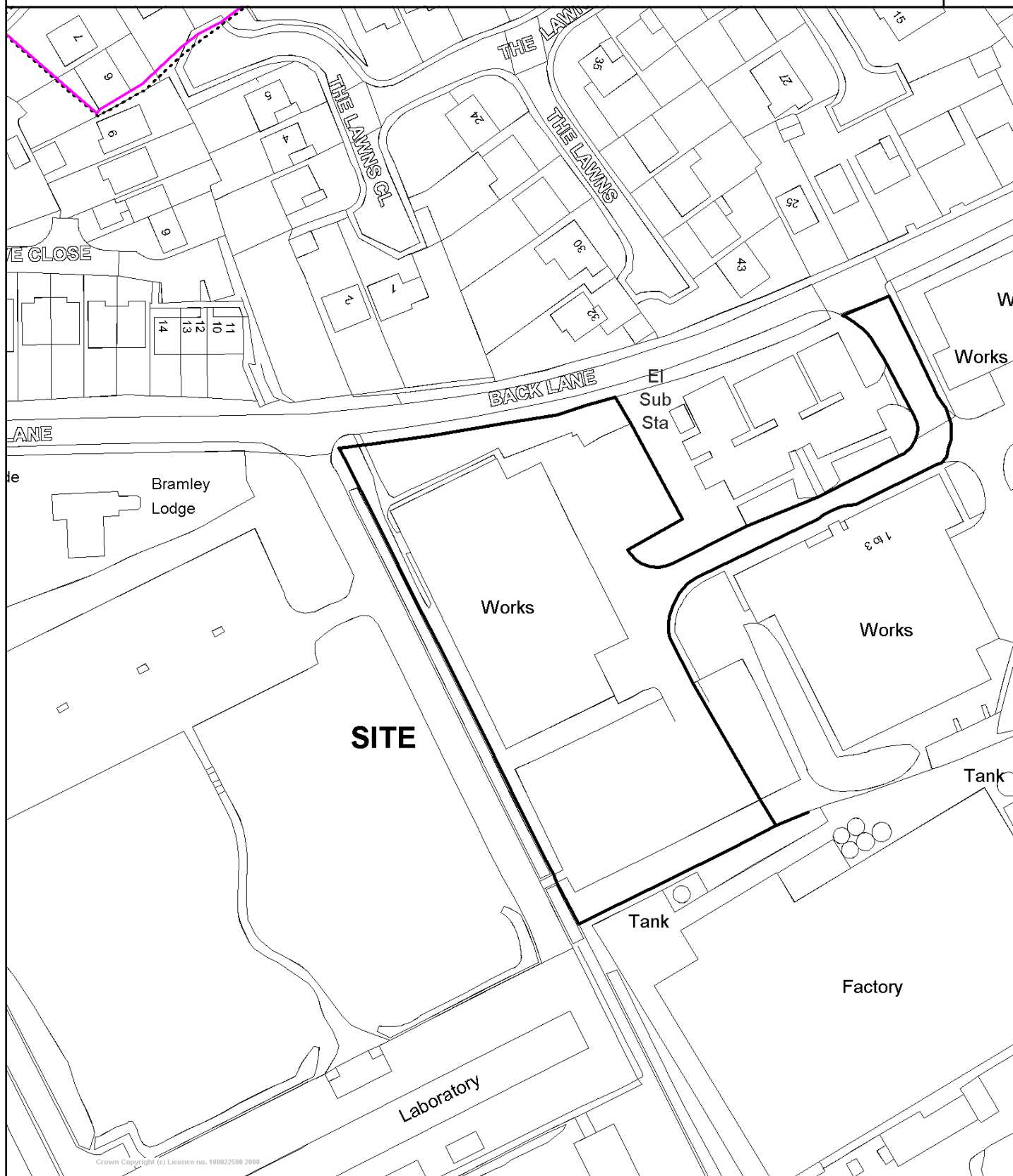
Site and Proposal

1. The application site comprises 0.7ha and is located in Melbourn on an existing employment site inside the village framework, as identified within the South Cambridgeshire Local Development Framework 2007. The site comprises an existing brick built building of 2117m² in floor area and 70 existing parking spaces. Access is achieved via an existing access off Back Lane and would be shared with other units on the same site.
2. The land to the north is an established residential area comprising modern detached dwellings in The Lawns and Lawns Close, which are cul-de-sacs. Back Lane and a band of trees and shrubs along the northern boundary divide these from the site. To the east, south and west are further industrial buildings, some currently vacant.
3. This full application, submitted on 27th July 2009, seeks consent to change the use of the site to allow for the manufacture of rotationally moulded plastic tanks and rainwater harvesting systems with ancillary storage and office use (B2) and covered cycle storage. The application contains a Design and Access Statement and a Noise Assessment.

Planning History

4. The site has a long planning history. From the first consent of the building itself the site has seen various applications, predominately and most recently for the company 'Plasmon' who occupied the site up until recently after the firm went into administration. The building has remained empty since this time (approximately 1 year). The majority of the planning history refers to temporary consents for temporary office buildings, which were renewed several times over. One occasion saw the refusal of a renewal and its permanent retention because an agreed planting scheme had partially failed and because the application was considered to be premature, after only 6 months of a two-year permission had elapsed and in advance of the establishment of the required planting.

S-1071-09-F



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Scale 1/1250 Date 16/11/2009

Centre = 538048 E 243941 N

December 2009 Planning Committee

5. An application for the redevelopment of the site was refused based on the proposed office building being visually detrimental and overbearing to neighbouring residents. This application under planning reference S/0455/00/F, was later revised and resubmitted in which the office building was completely removed and granted consent in June 2000.
6. This consent was heavily conditioned. These included a landscaping scheme to be submitted, a noise restriction of 38Db (A), details of power driven plant equipment for heating, ventilation and for the control or extraction of odour, dust or fumes, restriction on hours of construction work, drainage details, turning and parking layout, a restriction on its occupiers and exterior lighting.

Planning Policy

7. Planning Policy Statements:
 1. **PPS1** (Delivering Sustainable Development)
 2. **PPG4** (Industrial commercial development and small firms)
 3. **PPS7** (Sustainable Development in Rural Areas)
 4. **PPS 23** (Planning and Pollution Control)
 5. **PPG24** (Planning and Noise)
8. **Circular 11/95 – 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.

South Cambridgeshire Core Strategy 2007

9. **ST/5 Minor Rural Centres** includes Melbourn.

South Cambridgeshire Development Control Policies 2007

10. **DP/1 Sustainable Development** only permits development where it is demonstrated that it is consistent with the principles of sustainable development. The policy lists the main considerations in assessing whether development meets this requirement.
11. **DP/2 Design of New Development** requires all new development to be of a high quality design and indicates the specific elements to be achieved where appropriate. It also sets out the requirements for Design and Access Statements.
12. **DP/3 Development Criteria** sets out what all new development should provide, as appropriate to its nature, scale and economic viability and clearly sets out circumstances where development will not be granted on grounds of an unacceptable adverse impact e.g. residential amenity and traffic generation.
13. **ET/1 Limitations on the Occupancy of New Premises in South Cambridgeshire** sets out the development criteria for employment uses in the District and floor space restrictions.
14. **ET/6 Loss of Rural Employment to Non-Employment** states in part that the conversion, change of use or re-development of existing employment sites to non employment uses within village frameworks should be resisted unless certain criterion are met.

15. **NE/1 Energy Efficiency** requires development to demonstrate that it would achieve a high degree of measures to increase the energy efficiency of new and converted buildings. Developers are encouraged to reduce the amount of CO₂m³ / year emitted by 10%.
16. **NE/6 Biodiversity** - New developments should aim to maintain, enhance, restore or add to biodiversity.
17. **NE/15 Noise Pollution** states in part that it does not support development that would have an adverse impact on indoor and outdoor acoustics environments that cannot be adequately controlled.
18. **TR/1 Planning for More Sustainable Travel** states that planning permission will not be granted for developments likely to give rise to a material increase in travel demands unless the site has (or will attain) a sufficient standard of accessibility to offer an appropriate choice of travel by public transport or other non-car travel mode(s).
19. **TR/2 Car and Cycle Parking Standards** identifies maximum parking standards to reduce over-reliance of the car and to promote more sustainable forms of transport. Cycle parking should be provided in accordance with minimum standards.
20. **TR/4 Non Motorised Modes** states that the District Council will use its planning powers by ensuring that all new developments are designed at the outset to facilitate and encourage short distance trips between home, work, schools and leisure.
21. **Appendix 1** of the LDFDCP 2007 states that within class B2 use, there should be a maximum of one parking space per 50m² of gross floor area.

Consultation

22. **Melbourn Parish Council** recommends approval subject to SCDC enquiring as to whether the change of use will result in undue additional noise levels.
23. **Corporate Manager (Health and Environmental Services)** has no objections providing conditions are put in place to protect the neighbouring residents from potential noise and odour pollution from the new use.

Representations

24. In addition to statutory publicity and the display of a site notice, direct notification was carried out to fifteen surrounding properties.
25. There have been 5 letters of objection to this application. The concerns are as follows:
 - (a) The application proposes unrestricted hours of operation and is unacceptable.
 - (b) Noise from fork lifts, heavy-duty traffic, power generators and air conditioners.
 - (c) Noise type (background pitch) is disturbing at night/in gardens.
 - (d) General chemical abatement not adequate for the manufacturing process in a residential area.
 - (e) Chemicals from the plastic moulding operations will be unpleasant and impact on the environment and generated 24 hours a day.

- (f) Justification of generating new production working jobs in a local area is enough to justify a significant change of use and subsequent impact on the local environment.
 - (g) Objections raised on previous application that have not been addressed.
 - (h) Not suitable for anything greater than light industrial use due to proximity of neighbouring residents.
 - (i) Odour pollution from plastics.
 - (j) Inaccuracy of Design and Access Statement (existing screening/job creation number/distance of dwellings from site).
 - (k) Future use of the site and other neighbouring buildings for B2 use.
26. In addition to the letters of objection noted above an additional email was sent to Planning Committee Members 29th October from the occupier of No.37 The Lawns as a representative for residents of The Lawns, The Lawns Close and Rupert Neve Way Melbourn. In addition to the above concerns it raises the correct use of policies in determining this application, the lack of accessibility to the submitted noise assessment and discrepancies with proposed conditions if the scheme were to be granted consent.

Planning Comments – Key Issues

27. The key issues to consider in the determination of this application are whether the difference in the application floor space figure for ET/1 B2 is acceptable, the impact on neighbouring properties due to noise and odour and provision of car/cycle parking.

Floor space Provision of ET/1 for B2 use

28. ET/1 specifically refers to the change of use of buildings for employment uses. Criterion d. refers to '*other small-scale industries in use classes B1(c), B2 and B8 (up to 1850m²)*'. The proposed change of use is to an existing floor space of 2117m², a 267m² difference in floor space to that in the said policy. It is the view of officers, that given the existing B1(c) use, which is covered in the same policy, the difference in floor area is negligible and would not harm the aims of the policy. These include sustainable management of employment growth and to provide a balance of local job opportunities. It is for this reason that officers support the proposed change of use under the said policy and do not feel that it warrants a departure from the Local Development Framework Development Control Policies 2007. It has been discussed with the Policy Team that we are indeed assessing this scheme correctly and it is confirmed that ET/1 is the most relevant as it specifically refers to change of use.

Noise

29. From the correspondence received to date it is clear that there have been problems of noise in the past on this site from the previous occupiers. The objections see the proposed change of use as having more harm to neighbouring properties as it is allowing for a heavier industrial use. The hours of operation proposed show as 'unrestricted' on the planning application and this has caused concern regarding the noise implications to nearby residents.
30. The scheme is not proposing any new installations by way of ventilation, heating or extraction; however, these may be needed in the future. The Environmental Health Team have been involved in the submission of a Noise Assessment from the applicants and have worked with the appointed noise consultants to ensure the correct information, insofar as is reasonably practicable, has been submitted to enable the application can be assessed.

31. Environmental Health has included appropriately worded conditions in their comments to ensure there are no noise/odour implications in the future that cannot be adequately addressed. The monitoring of this site is also an important factor to ensure we do not fail where perhaps we have done in the past with the previous occupiers in meeting the requirements of the conditions put in place.
32. The submitted noise assessment was located on the public file to view, however it was not viewable online. This was rectified immediately and for transparency this report was withdrawn from November Committee to allow for additional comment. There have been no further representations since this assessment has been made available.

Odour

33. Odour nuisance is dealt with under Sections 79 & 80 of the Environmental Protection Act 1990. Odour from units, such as that proposed, would be investigated should Environmental Health Services receive complaints and action deemed justified.
34. It may be possible that odour from the manufacturing process could adversely impact those living in the nearby residential properties. For this reason it has been agreed that the applicant supply a scheme for the mitigation of odour.

Car/Cycle Parking Provision

35. The scheme has parking provision for up to 70 car parking spaces and the scheme proposes the construction of a covered cycle shed for 55 cycle spaces. The maximum requirement for this site under the B2 use is 42 spaces for cars and 52 spaces for cycles. The application has more than enough space for its proposed use and therefore the provision is acceptable in meeting the relevant policy requirements.
36. Noise Assessment – this was located on the public file to view, however it was not viewable online. This was rectified immediately and for transparency this report was withdrawn from November Committee to allow for additional comment. There have been no further representations since this assessment has been made available.

Recommendation

37. Approval subject to the following conditions
 1. 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.)
 2. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2, NE/6 and NE/15 of the adopted Local Development Framework 2007.)

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, 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, NE/6 and NE/15 of the adopted Local Development Framework 2007.)

4. The use, hereby permitted, shall not commence until details of the proposed covered and secure cycle parking has been submitted and agreed in writing by the Local Planning Authority. The covered and secure cycle parking area shall be provided in accordance with the details. (Reason - To ensure the provision of covered and secure cycle parking in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)

5. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or associated plant and or equipment in order to minimise the level of noise emanating from the said building(s) and/or plant/equipment shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details in perpetuity and shall not be altered without the prior written approval of the Local Planning Authority.

(Reason - To protect nearby residents from adverse levels of noise and disturbance, safeguard the amenity of nearby properties and limit any background noise increase in accordance, with policy NE/15 of the adopted Local Development Framework 2007.)

6. The use, hereby permitted, shall only operate from Monday to Saturday; the use shall not operate at any time on Sundays, Bank or Public holidays.

(Reason - To limit the impact of vehicle movements on residential amenities in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

7. No operational activities associated with the permitted use shall be undertaken externally within the site between the hours of 1900hrs and 0700hrs.

(Reason - To protect nearby residents from adverse levels of noise and disturbance and safeguard the amenity of nearby properties in accordance, with policy NE/15 of the adopted Local Development Framework 2007.)

8. Between the hours of 1900hrs and 0700hrs external doors and windows shall remain closed at all times except for immediate access/egress and in the case of an emergency.

(Reason - To protect nearby residents from adverse levels of noise and disturbance and safeguard the amenity of nearby properties in accordance, with policy NE/15 of the adopted Local Development Framework 2007.)

9. No deliveries shall be taken at or despatched from the site outside the hours of 1900 hrs and 0700 hrs or at any time on Sundays, Bank or Public holidays. (Reason - To limit the impact of vehicle movements on residential amenities in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. Before the development/use hereby permitted is commenced, a scheme to protect the nearby existing residential premises from odour, fumes or other effluvia arising from the use (to include an odour assessment as necessary and details of equipment for the purpose of extraction and/or filtration and/or abatement of fumes and or odours), shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration/abatement scheme/s shall be installed before the use hereby permitted is commenced shall be retained thereafter in perpetuity. Any approved scheme / system shall not be altered without prior approval. (Reason – To protect the nearby residential premises from loss of amenity from odour in accordance with policy NE/16 of the Local Development Framework adopted 2007.)

Informatives

1. To satisfy any noise insulation condition the noise level from the operational end use including building noise breakout, processes and all powered plant, vents and equipment, that may operate collectively and having regard to a worst case operational scenario (operating under full capacity / power / load), shall not increase / raise the existing concurrent lowest measured representative background level $\text{dB } L_{A90,1\text{hr}} (L_{90})$ during the day between 0700 to 2300 hrs and the existing lowest background level $\text{dB } L_{A90,5\text{mins}} (L_{90})$ during night time between 2300 to 0700 hrs, at the boundary of the premises subject to this application (or if not practicable at a measurement reference position / or positions in agreement with the LPA) by no more than 3dB and having particular regard to location of noise sensitive premises. Noticeable acoustic features and in particular tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional 5 dB (A) correction. This is to guard against any creeping background noise in the area and to protect the amenity of the area, preventing unreasonable noise disturbance to other premises.
2. To demonstrate this requirement it is recommended that the agent/applicant submits a noise assessment survey/report in accordance with the principles of BS4142: 1997 "Method for rating industrial noise affecting mixed residential and industrial areas" or similar. In addition, to validate / verify any measured noise rating levels, noise levels should be collectively predicted at the boundary of the site having regard to neighbouring residential premises.
3. Such a survey / report should include: a large scale plan of the site in relation to neighbouring noise sensitive premises; with noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; potential building noise breakout, details of noise mitigation measures (attenuation details of any proposed noise insulation of building envelope, enclosures, silencers or

barriers); description / details of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations (background L₉₀) and hours of operation. Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked. Any ventilation system with associated ducting should have anti vibration mountings.

4. Any approved fume filtration/extraction system installed, shall be regularly maintained in accordance with manufacturer specification to ensure its continued satisfactory operation to the satisfaction of the Local Planning Authority.

It is suggested that documentary evidence including receipts, invoices and copies of any service contracts in connection with the maintenance of the extraction equipment, is kept, preferably at the premises and is available for inspection by officers of the Local Planning Authority, to facilitate monitoring of compliance with this condition.

5. Further advice regarding the assessment and control of odour, is contained in the following guidance document:

Technical Guidance Note Integrated Pollution Prevention and Control (IPPC) H4: Horizontal Guidance for Odour (DEFRA 2002)

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

- South Cambridgeshire Local Development Framework Development Control Policies 2007
- South Cambridgeshire Core Strategy 2007
- PPS1
- PPG4
- PPS7
- PPG23
- PPG24

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