

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 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: 6th November 2009

A. Update to the report

Agenda report paragraph number 36 - Noise

This is a repetition of Paragraph 32 and should be deleted.

Agenda report paragraph number 37 - Recommendation

Condition 9 should read 'No deliveries shall be taken at or dispatched from the site BETWEEN the hours of 1900 hrs and 0700 hrs..' the word 'outside' should be omitted.

B. Further Information received after publication of the agenda report.

Noise

Since the Noise Impact Assessment has been published a 'residents response' (dated 24th November) has been received which comments as follows:

- It claims the report does not provide adequate information about the specific type of noise levels relating to each machine that will be used in the building and is therefore limited in its content.
- It claims the report is not transparent and questions its integrity.
- Readings in the report show that noise levels already exceed 38db (a noise level restriction that was put in place on a previous planning consent, see paragraph 6 of the committee report).
- Claims the noise impact assessments are based incorrectly around noise measurements taken at the applicants' current site.
- The validity and accuracy of the model used is questioned given the difference between existing and proposed building structures and no evidence of noise levels created by the existing plant
- Questions the claim that there will be a planning gain as vehicular movement would be restricted to certain hours. This will lead to an intensification of movement within the proposed restricted hours that would cause an almost constant external noise nuisance.

- There can be no noise nuisance comparison between the proposed and previous use as they are in different use classes.

The formal comments of the Environmental Protection Team Leader are awaited in relation to these comments.

Highway Safety

Representation have been received from Councillor van de Ven in relation to an email received 25th November regarding the safety of Back Lane and the potential intensification of traffic. Councillor van de Ven comments:

"My reason for objecting is that Back Lane is a public by-way and completely unsuitable for the anticipated increase and type of traffic, for the reasons set out in the attached document."

The document Cllr Van de ven is referring to is one from local residents of Melbourn with regard to Back Lane sent directly to her that states:

The County Council Highways Dept. Have confirmed that Back Lane is a Byway Open to All Traffic (BOAT) which Section 66(1) of The Wildlife and Countryside Act 1981 defines as:

'a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used'.

In addition to the above statement the document argues that Back Lane should not be subjected to an increase in traffic levels. It raises concern about vehicular intensification on Back Lane through granting approval of this application. It also refers to the combined intensification should the LPA be minded to approve the currently pending neighbouring 'change of use' under planning reference S/1356/09/F. (This planning application will be presented to January Committee).

In light of the above representations officers have consulted the LHA with regards to potential intensification of the site and the adjoining Back Lane. The LHA response is as follows:

'Clearly the status of Back Lane is a matter of record and the interpretation of any legislation associated with the same is beyond my ken. However, the planning permission for the industrial estate was granted and Back lane has obviously been the only access to the site since then.'

In terms of the more specific concerns contained within the letter the Highway Authority's response is as follows:

*S/1071/09/F: The applicant states within the Noise Assessment that a **maximum** (emphasis in the original) of 20 HGV's would visit the site per day and that normally this number will be lower. This number is not in addition to the 'existing level' that could be generated by the B1(c) use. The proposed B2 use is a lesser use in terms of parking requirements and thus of traffic generation. The proposed change of class would, in all probability, result in if not a reduction in traffic movements then at least the maintenance of the status quo. At present the units are, I have been informed, un-occupied. If they were occupied within the existing B1(c) use neither the Highway Authority nor the Planning Authority would be consulted, nor would either body have any control over the size, type or number of vehicles that could deliver to the site.*

Overall, given the existing conditions and the possible uses of the existing units on the site the Highway Authority would be unable to sustain an objection to either proposal.'

Neighbour Impact

A new letter of objection has been received from the occupier of 14 Chalkhill Barrow who objects for the following additional reasons:

- Saxon Way should remain as light industrial
- Presently no activity in the evenings or at weekends
- Back Lane is poorly lit, currently unsafe and intensifying the use would be to the detriment of highway safety

Conclusion

Officer recommendation remains as the original report. All other updates will be presented verbally.

Additional Background Papers: the following background papers (additional to those referred to in the agenda report) were used in the preparation of this update:

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