

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 3rd November 2004
AUTHOR/S: Director of Development Services

S/1961/04/F - Sawston

Variation of Condition 5 of Planning Permission S/0945/99/O to Also Allow B1(c) Use for the Period of Ten Years From the Time of First Occupation of Each New Building at Dales Manor Business Park for Dencora Ltd

Recommendation: Approval

Site and Proposal

1. The application relates to a 2.2 hectares/5.5 acres site which forms part of the Dales Manor Business Park. It was previously occupied by office, workshop and storage buildings plus a bungalow but, with the exception of Sindall House, they have now been cleared and the B1 development approved under planning references S/0945/99/O and S/1711/03/RM is under construction. The site is bounded by Babraham Road with dwellings on the opposite side of the road to the south, the Business Park to the north, Public Footpath 10, Babraham and fields beyond to the east and residential properties in Resbury Close beyond Grove Road to the west. The southern and eastern boundaries are marked by a 3-4 metre high hedge.
2. This full application, received on the 21st September 2004, proposes a variation of Condition 5 of outline planning permission S/0945/99/O to also allow light industrial (Use Class B1(c)) use for the period of ten years from the time of first occupation of each new building. Condition 5 (which is reproduced in full under the 'Planning History' heading below) as currently worded states that, for a period of ten years from the time of first occupation of each of the new buildings, they shall only be used and occupied as offices (Class B1(a)) and/or research & development units (Class B1(b)) subject to the local user limitations set out in the condition.

Planning History

3. Outline planning permission for B1 development on the site was granted in August 2000 (**S/0945/99/O**). The permission included a condition stating that development shall not exceed 8000m² gross external floor area. The reason for this condition is "To define the scale of development in relation to the traffic impact report." The site is subject to a Travel to Work Plan (a 'Green Transport Plan') dated 9th August 2000.

Condition 5 of permission S/0945/99/O states

"Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) – for a period of ten years from the time of first occupation of each new building, each and all of these Class B1 buildings (as defined by the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order) shall only be used and occupied as follows:

(a) Offices

- (i) normally to the provision of a local or sub-regional service or administrative facility principally for persons resident or organisations situated in the Cambridge area excluding national or regional headquarters offices: or
- (ii) to a maximum floorspace of normally 300 square metres (3,300 sq.ft);

and/or

(b) Research and Development

- (i) to the provision for high technology research and development firms, or organisations, which can show a special need to be closely related to the Universities, or other established facilities or associated services in the Cambridge area.

(Reason – To safeguard the policies of the Cambridgeshire Structure Plan and the South Cambridgeshire Local Plan which limit employment development in the Cambridge area to uses that need to be located close to Cambridge and to reduce the movement of HGVs on the local road network.)”

- 4. An application to vary condition 2 of planning permission S/0945/99/O to introduce separate individual phased development was approved in November 2000 (reference **S/1764/00/F**).
- 5. An application to renew permission S/0945/99/O as amended by permission S/1764/00/F is yet to be determined (reference **S/0701/03/O**).
- 6. A reserved matters application for B1 development on a large part of the site was considered at the March 2004 meeting of this Committee and approved (**S/1711/03/RM**).

Planning Policy

- 7. Structure Plan 2003 **Policy P2/2** relates to the general location of employment.
- 8. The site is within the village framework. Local Plan 2004 **Policy EM6** states that, within village frameworks, planning permission will be granted for small-scale development in classes B1-B8 provided that: there would be no adverse impact on residential amenity, traffic conditions, village character and other environmental factors; and the development would contribute to a greater range of employment opportunities, especially for the semi-skilled and unskilled, or where initial development is dependent on the use of locally-based skills and expertise.
- 9. Local Plan 2004 **Policy EM3** sets out the ‘local user’ limitations on the occupancy of new premises in the District.

Consultation

- 10. **Sawston Parish Council** recommends refusal and states “Site visit requested on the grounds of close proximity of residential area (Resbury Close) to site which may incur excessive noise regarding allowing B1(c) use due to early and late deliveries. + extra traffic along Babraham Road. Hours of operation need to be defined.”

11. A copy of the Parish Council's comments has been forwarded to the **Chief Environmental Health Officer** and any comments received prior to the meeting will be reported orally.

Representations

12. None received.

Planning Comments – Key Issues

13. The key issue in relation to this application is whether there are any significant adverse highway and/or neighbour impacts that would arise from a light industrial use (Class B1(c)) of the permitted buildings.
14. Having looked through planning file S/0945/99/O, it is clear to me that the intention of condition 5 is to ensure that any office (Class B1(a)) and research & development (Class B1(b)) occupier meets the 'local user' limitations set out in the condition rather than to specifically exclude a light industrial (B1(c)) user. However, in my opinion, the precise wording of the condition would not allow a B1(c) use of any of the units for a period of 10 years from the date each building was first occupied.
15. I do not consider that there would be any significant adverse highway or neighbour impacts arising from a B1(c) use of the buildings. At the time Members considered the reserved matters application in March, the submitted plans and my report clearly indicated that 23 of the 41 units proposed were intended to be used as light industrial units. At that time, the Chief Environmental Health Officer and the Local Highway Authority raised no objections to the proposal. Moreover, the Traffic Impact Report submitted and considered at the time of the outline application and the Green Travel Plan secured by Section 106 Agreement specifically considered and referred to B1(c) use of the buildings. In addition, light industrial uses (B1(c)) are normally considered to be acceptable within and close to residential areas. Including light industrial uses within the permitted uses would also potentially allow for a greater range of employment opportunities.
16. Approval of this application would, in my opinion, simply correct an unintentional consequence of the precise wording of condition 5 of the outline permission.

Recommendations

17. Subject to the Chief Environmental Health Officer raising no objections to the application, Approval subject to:

The conditions attached to planning permission S/0945/99/O as amended to reflect details already approved and the fact that development has commenced, and to Condition 5 being revised to read:

Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) – for a period of ten years from the time of first occupation of each new building, each and all of these Class B1 buildings (as defined by the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order) shall only be used and occupied as follows:

(a) Offices

- (j) normally to the provision of a local or sub-regional service or administrative facility principally for persons resident or organisations situated in the Cambridge area excluding national or regional headquarters offices: or
- (ii) to a maximum floorspace of normally 300 square metres;

and/or

(b) Research and Development

- (i) to the provision for high technology research and development firms, or organisations, which can show a special need to be closely related to the Universities, or other established facilities or associated services in the Cambridge area;

and/or

(c) Light Industry to a maximum planning unit size of 1,850 square metres of floorspace.

(Reason – To safeguard the policies of the Cambridgeshire Structure Plan and the and South Cambridgeshire Local Plan 2004 Policy EM3 in particular, which limit employment development in the Cambridge area to uses that need to be located close to Cambridge and to reduce the movement of HGVs on the local road network)

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:

Cambridgeshire and Peterborough Structure Plan 2003: P2/2 (General Location of Employment);

South Cambridgeshire Local Plan 2004: EM3 (Limitations on the Occupancy of New Premises in South Cambridgeshire) and **EM6** (New Employment at Rural Growth Settlements)

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:

- Residential amenity including noise disturbance; and
- Traffic along Babraham Road

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

South Cambridgeshire Local Plan 2004

Cambridgeshire and Peterborough Structure Plan 2003

Planning file Refs: S/0945/99/O, S/1764/00/F, S/0701/03/O, S/1711/03/RM and S/1961/04/F

Contact Officer: Andrew Moffat – Area Planning Officer
Telephone: (01954) 713169