

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 July 2010

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

S/1480/09/F – SAWSTON

**Erection of Industrial Building (for Processing of Skins and Hides) Following
Demolition of Existing at A Henry & Co, Portobello Lane for A Henry & Co**

Recommendation: Approval

Date for Determination: 8 December 2009

Members of Committee will visit the site on Wednesday 7 July 2010.

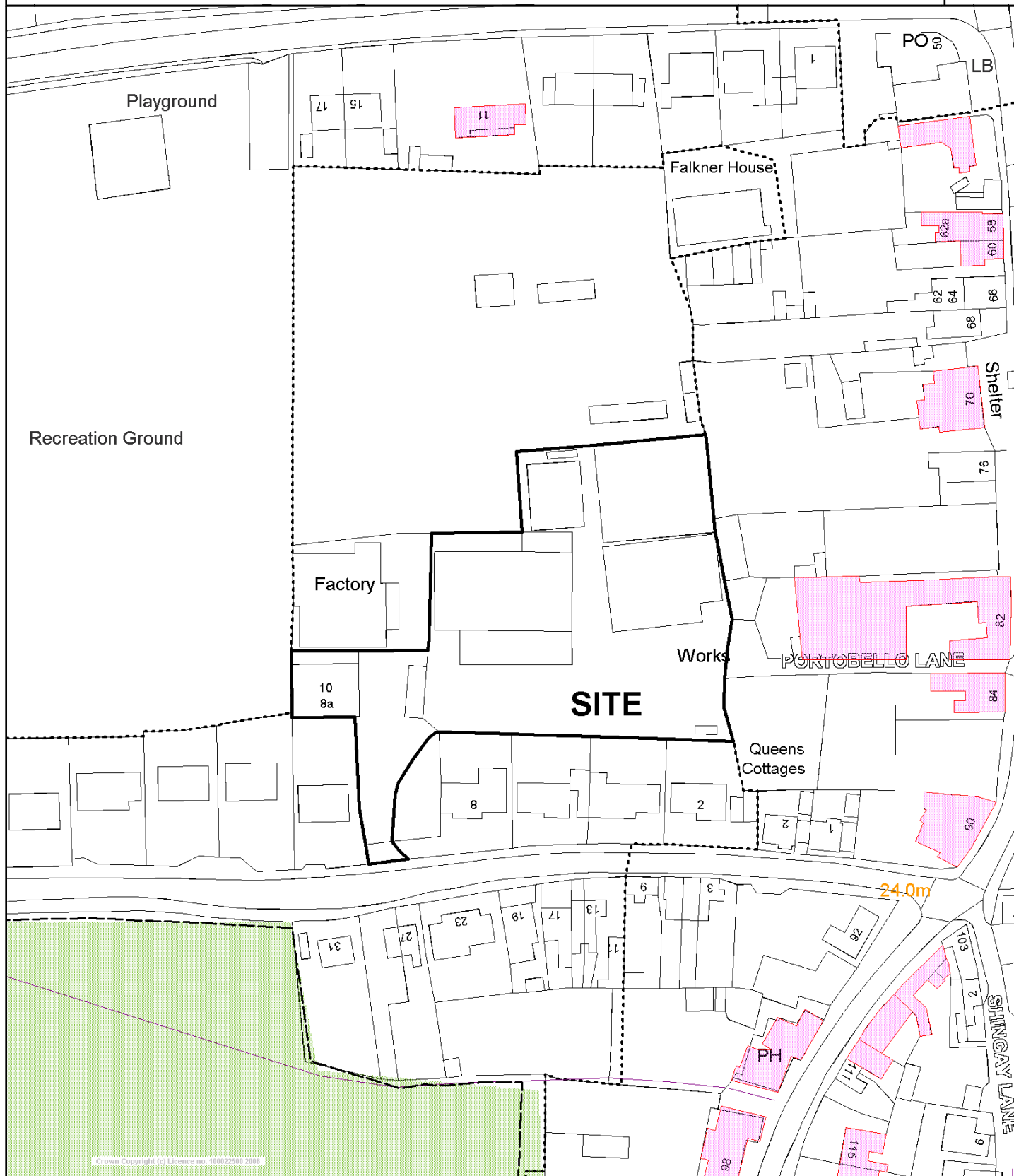
Background

1. Members may recall that the application was to be refused under officers' delegated powers at 2 December 2009 meeting subject to independent highways advice. The reason for refusal was to be based on concerns about traffic safety. Members requested that the application should be presented to the Committee should the independent highways advice not be supportive of a refusal on highways grounds.
2. Attached as Appendix 1 is the report to Planning Committee of 2 December 2009.

Update including the independent highways advice, comments from Planning Policy Manager and representations from neighbours.

Independent highways advice

3. Atkins Transport Planning has confirmed that the proposed replacement industrial building would not create an unsuitable safety situation. It is based on the following findings:
 - a. Common Lane is a cul-de-sac subject to a 30MPH speed limit. Access to Common Lane is from High Street and High Street at this point is subject to a 20MPH speed limit. Access to the application site is on the north side of Common Lane. Between the site entrance and High Street is residential development with approximately 1m wide footways on either side of the carriageway between 5m and 6m wide. At the site access, and immediately to the west, Common Lane is locally widened to about 8m, which is used for parking. The access into the site is approximately 6m wide. Accident records show an average of just under 5 accidents per year in the surrounding area, which are not considered to represent a significant accident problem. No accidents have occurred at the site access, or within proximity to the Common Lane/ High Street junction, none of the accidents have involved heavy vehicles. Based on the site characteristics and the accident records, it is considered that the site does not create an accident risk and the proposed development will not result in an increase risk of accidents;
 - b. Regarding the traffic flow around the Common Lane/ High Street junction, it is noted that visibility is slightly restricted northwards but there is good visibility



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looking southwards from the junction. Large vehicles may need to manoeuvre carefully to avoid any over running, but the layout and operation of this junction does not present an increased safety risk and this is also supported by the accident data;

- c. The proposal would lead to a small reduction in floor area of 70m². Staff levels, operation times and deliveries are not expected to change as a result of the proposal, therefore, there is not expected to be an intensification of use of the existing access or surrounding highway network;
 - d. The site access geometry has been reviewed, there is no concern for road safety or to adversely affect other road users. It is noted that visibility to the west of the access is sub-standard; however, this is not currently causing concern or resulting in accidents. The current access arrangement does not result in any road safety implications;
 - e. There are some minor improvements that could be made to the existing access if considered necessary: 1) to maintain vegetation adjacent to the access that it does not restrict visibility: this could be maintained on the east side but it may not be possible on the west side due to the ownership issue; or 2) to pull forward the give way line into the carriageway with hatched areas or build outs to deflect traffic moving past the site;
 - f. Having considered the typical construction vehicles that may be required to access the site to deliver materials and equipment, the level of construction vehicles is likely to be limited, both in number and duration and therefore the construction traffic will not have a detrimental impact upon highway safety; and
 - g. It might be considered appropriate to condition the application to provide details of on-site parking for construction vehicles to minimise any potential on-street parking in Common Lane. Where any unusual loads or deliveries are anticipated the contractor should put in place appropriate measures, such as temporary traffic management and banks men, and notify Cambridgeshire Constabulary if necessary.
4. Attached, as Appendix 2 is a draft report from Atkins Transport Planning dated May 2010. The draft report is considered sufficient to demonstrate that the proposal would not cause harm on traffic safety. A final report will be issued to address officer's comments on few typing mistakes and to include the suggested conditions in the conclusion. The final report is not expected to change the consultant's recommendations.

Planning Policy Manager gives background information why the site is not included in the South Cambridgeshire Local Development Framework Site Specific DPD - adopted in January 2010

- 5. The site was first identified as an allocation in the Consultation Draft Local Plan 2 in 1997. During the local plan examination in 2000 the Council's evidence suggested that they considered it would be redeveloped by 2006. It was therefore included in the adopted Local Plan 2004 as an allocation.
- 6. When preparing the LDF, the allocations were reviewed to identify whether they were 'available, suitable and achievable', and could contribute to housing targets. As a result, it was reported to the Council on 15th November 2005 that the site has shown little sign of coming forward for housing development since its allocation in the Local

Plan 2004. The multiple land ownership, problematic access, and location of listed buildings have proved difficult to overcome. Research in preparation of the Housing Trajectory for the submission DPD has confirmed the difficulties. It should not be relied upon to provide housing towards the 9600 dwellings total required in rural areas up to 2016. Due to the designation of Sawston as a Rural Centre, there is still the possibility of it coming forward as a windfall development over the plan period, as it is situated within the village framework. The site was therefore not included in the submission draft Site Specific Policies DPD.

Representations from neighbours

7. Subsequent to the 2 December 2009 Committee, letters have been received from the land owner, the A M Challis Trust Ltd (the Trust), of the adjoining lands to the north and west of the application site. The Trust objects on the grounds that the Trust has not been consulted by the applicant prior to the submission of the application and therefore information on section 8 of the application form is incorrect; and that the proposed building would encroach onto the Trust's land.
8. The Trust also raises the concern about the installation of air-conditioning units on the north wall of A Henry & Co's existing building.
9. The applicant's agent responded to the Trust's comments that the applicant had two meetings with members of the Trust regarding a proposed redevelopment closer to the boundary than the present building and they also discussed the issues of trees on the boundary. The agent also confirmed that the site boundary as submitted is correct and the proposed building would not encroach on the neighbouring land.

Planning comments

Highway safety

10. In view of the independent highways advice, the concern about highway safety interest is not supportive. Therefore, there is no strong reason to refuse the application on the ground of traffic safety that the proposal would lead to material harm to the traffic flow around the Common Lane/High Street junction and the residential properties at Common Lane.
11. The suggestions made by the highways consultant regarding minor improvements of visibility have been considered. Given that the proposal has not been proved to cause harm on highways safety and that the existing access arrangement does not result in road safety implications, it is therefore considered that planning conditions to control visibility and road markings on the carriageway to advance the give way point are unnecessary.
12. A condition will be added to secure temporary facilities for parking, turning, loading and unloading of all vehicles visiting the site during the period of demolition and construction. The applicant is also advised to have temporary traffic management and notify Cambridgeshire Constabulary if necessary where any unusual loads or deliveries are anticipated during this period.

Update on development plan

13. The application site was within the housing allocation site of a superseded policy: Policy Sawston 1 of the South Cambridgeshire Local Plan 2004. This policy has been replaced by Policy SP/6 Housing Allocations in Rural Areas of the South

Cambridgeshire Local Development Framework Site Specific DPD, adopted in January 2010. The proposed replacement building does not result in affecting long-term housing land supply for the district. This application is therefore no longer a departure and the proposal accords with the updated development plan.

Boundary issue

14. The information submitted by the neighbours and the applicant's agent does not appear to demonstrate that the proposed replacement building would be outside the application site boundary. As part of the application, it is the duty of applicant to give the necessary notices and to provide the appropriate certificates in order to ensure that the owners of land, and agricultural tenants, are given notice of applications relating to their land. In this application, the applicant's agent signed Certificate A and certified that, 'on the day 21 days before the date of the accompanying application nobody, except the applicant, was the owner of any part of the land to which the application relates.' Given that there was no information submitted by the applicant indicating that he does not own part of the application site, the application would be assessed based on the information received. The matter of ownership of the land edged red shown on submitted plans do not invalidate the existing application or any permission. The boundary issue is a civil matter between the applicant and the owners of the adjoining land and it is not a material planning consideration. The two parties have to establish the boundary line.

Other issue

15. The neighbours' concerns about the air-conditioning units have been dealt with by the Council's Enforcement Officer.

Recommendation

In view of the resolution at the Committee on 2nd December 2009 and the independent highways advice, the application is recommended for approval subject to the following planning conditions:

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. The development hereby permitted shall be carried out in accordance with the following approved plans: drawings numbers 0821:05 date stamped 2 December 2009 (location plan and site survey), 0821:03 (floor plan and section plan) and 0821:04 (elevations). (Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. 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 date of first occupation of the building hereby permitted, it shall only be used and occupied as B2 (General Industrial) to a maximum planning unit size of 1,850 square metres of floorspace. (Reason – To comply with Policy ET/1 of the adopted Local Development Framework 2007 which limits employment

development in the Cambridge area to uses that need to be located close to Cambridge.)

4. No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
Development shall be carried out in accordance with the approved details.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. No development approved by this permission shall be commenced until:
 - a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.
 - b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
 - c) The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
 - d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority.
(Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).
6. 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.)
7. 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 in accordance with any agreed noise restrictions. (Reason – To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

8. 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.)
9. No development shall take place until details of measures to prevent all vehicles other than private cars from using Portobello Lane to access and egress the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. No vehicular access visiting the site during the period of demolition and construction shall be made to Portobello Lane. (Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
11. Before development commences, a plan specifying the area and siting of land to be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of demolition and construction, shall be submitted to and approved in writing by the Local Planning Authority; such space shall be maintained for that purpose during the period of construction. (Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
12. The building hereby permitted, shall not be occupied until parking, loading and unloading space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
13. The existing building should be fully recorded prior to demolition and the level of recording to be agreed with the Council's Conservation Officer prior to any works taking place. (Reason – To secure the recording of the industrial building in accordance with section 4 of Planning Policy Guidance 16.)
14. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority. (Reason – To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
15. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority. (Reason – To ensure a satisfactory method of surface water drainage and to reduce the risk of pollution

to the water environment in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

Informatives

1. Should driven pile foundations 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 demolition and 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 applicant's attention is drawn to Local Highway Authority (LHA) that a practical way to address Condition 6 of the planning consent would be to install physical measures/ features within the site and not on the public highway to prevent anything other than domestic vehicles from using Portobello Lane for deliveries. LHA would also request the erection of flag type directional signs which would direct traffic to the main entrance from High Street and details to be agreed.
4. The applicant's attention is drawn to the Council's Conservation Officer that the level of recording relating to Condition 7 should take reference of English Heritage's guidance – 'Understanding Historic Buildings; A Guide to Good Recording Practice 2006'.
5. All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.
6. Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRA Report 156), and to the satisfaction of the Local Planning Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
7. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
8. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
9. The ability to agree a different trigger point for the works is to avoid the problem of unwitting non-compliance with the required stage. This can result (i) in the development being wholly unauthorised, and (ii) then being exempt from enforcement after four years, with the result that any safeguarding conditions do not apply.
10. The proposed condition regarding contamination includes information that has already been supplied. This is in order to give it formal status. This will allow the authority to require further, or revised information should that become necessary after permission has been granted. Without this, any inadequacies in the information that subsequently came to light could not be remedied. If the

information already supplied is, and remains, satisfactory, the condition will be met and no further work will be required.

11. The applicant is advised to have temporary traffic management and notify Cambridgeshire Constabulary if necessary where any unusual loads or deliveries are anticipated during the period of demolition and construction.

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

- Planning Policy Guidance 15 Planning and Historic Environment
- Planning Policy Guidance 16 Archaeology and Planning
- South Cambridgeshire Local Development Framework (LDF) 2007
- South Cambridgeshire Local Development Framework Development Affecting Conservation Areas Supplementary Planning Document 2009
- South Cambridgeshire Local Development Framework Site Specific DPD – adopted in January 2010)
- Planning application references and S/0148/02/F, S/0646/09/F and S/1480/09F

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