

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2nd December 2009

AUTHOR/S: Executive Director (Operational Services)
Corporate Manager (Planning and Sustainable 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: 8th December 2009

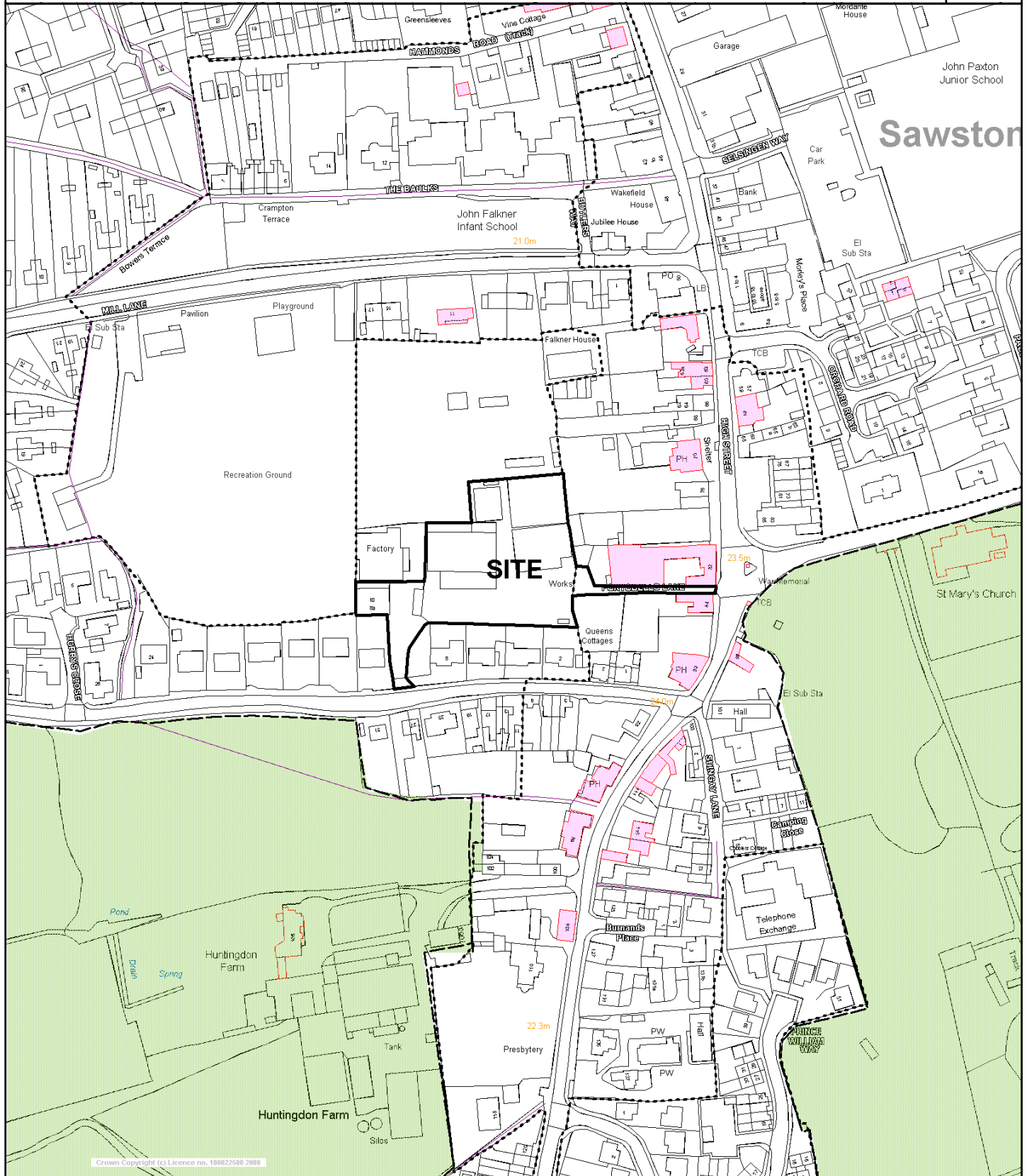
Notes:

This Application has been reported to the Planning Committee for determination as it does not accord with the development plan and there have been objections received.

Departure

Site and Proposal

1. The site is an existing industrial site set behind High Street and Common Lane and served off Portobello Lane, which varies in width from 3.5m to 4.5m over a distance of 60m and has an area of 0.53 hectares. Existing buildings on site are predominantly two storey buildings. Foundations for a replacement production and storage building located at the southeast of the site has been laid (planning permission was allowed by Planning Inspector on 7th August 2003). This application relates to a part 2 storey and part single storey situated on the site of the north-western building. The site is located adjacent to the Sawston Conservation Area. The existing industrial building is constructed of brick with a corrugated metal roof.
2. Residential properties lie between the south site boundary and Common Lane. Properties front High Street and to east of the site are restaurants, offices, shops and a bakery. The site is accessed either from Common Lane or via a gate facing Portobello Lane off High Street.
3. The full planning application, received on 13th October 2009, follows withdrawal of an earlier identical application. It proposes to replace an existing industrial building. The existing building has a floor area of 264m² and the new building would have a floor area of 217m². The ridge height of the new building would be 7.5m; the same height as the existing, while the eaves height would be increased from 3.8m to 6m. The new building would be moved closer to the north and west side boundaries. Information submitted does not specify that the level of use for the site would change with the replacement building given that the number of employees remains unchanged and floorspace is reduced.
4. The application is accompanied by an 'Environmental Desk Study' addressing possible land contamination issues.



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Scale 1/2500 Date 16/11/2009

Centre = 548549 E 249219 N

December Planning Committee 2009

Planning History

5. **S/0646/09/F** – This planning application for the erection of an industrial building (for processing of skins and hides) following demolition of existing building was withdrawn due to lack of information on ground contamination investigation.

S/0148/02/F – Planning application for replacement production and storage building was allowed by a Planning Inspector at appeal.

Planning Policy

6. **Planning Policy Guidance 15 – Planning and Historic Environment.**
7. **Planning Policy Guidance 16 – Archaeology and Planning.**
8. **Planning Policy Statement 23 - Planning and Pollution Control.**
9. **South Cambridgeshire Local Plan 2004 (saved policies):**
Policy Sawston 1: One area is allocated for residential development on the Sawston proposals map at Portobello Lane on the site of Henry & Co; the site is approximately 0.96ha in extent.
10. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**
DP/1 - Sustainable Development;
DP/2 - Design of New Development;
DP/3 – Development Criteria
DP/7 – Development Frameworks
ET/1 – Limitations on the Occupancy of New Premises in South Cambridgeshire
ET/5 – Development for the Expansion of Firms
NE/6 – Biodiversity
NE/14 – Lighting Proposals
NE/16 – Emissions
NE/15 – Noise Pollution
CH/4 – Development Within the Curtilage or Setting of a Listed Building
CH/5 – Conservation Areas
TR/1 – Planning for More Sustainable Travel
TR/2 – Car and Cycle Parking Standards
11. **South Cambridgeshire Local Development Framework Development Affecting Conservation Areas Supplementary Planning Document 2009.**
12. **South Cambridgeshire Local Development Framework Site Specific DPD Submission Draft 2006 (subject to statutory adoption in January 2010).**
Policy SP/6 – Housing Allocations in Rural Areas
13. **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.
14. **Circular 05/2005** – Planning Obligations: Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultations

15. **Sawston Parish Council** recommends approval.
16. **Conservation Manager** considers that the building to be demolished is one of the original 19th century buildings on the site and as such is of historic significance. Whilst the building is not listed, nor is directly in the Conservation Area, it is still a part of the history of the site and of the village, being one of two tanneries in Sawston. As a result, the team are willing to support the proposal to demolish it subject to a condition to be put on planning consent for the recording of the building. They advise that reference to an English Heritage guide be made in relation to the level of recording and that this should be agreed with officers prior to carrying out work.
17. **The Trees and Landscape Officer** has no objections.
18. **The Landscape Design Officer** has no objections.
19. **The Corporate Manager (Health and Environmental Services)** raises no objections in principle although concerns are expressed about potential noise disturbance to residents during the construction period. As such, it is recommended that conditions and informatives be attached to any permission. He also considers neighbours' comments and has the view that the proposal is a replacement building of similar floor area and should not necessarily attract further lorries. The Council's Environmental Health Services would be aware of any environmental health problem caused by lorry parking and could investigate if necessary. A planning condition could be added to control vehicle parking.
20. **Scientific Officer (Contaminated Land)** – has considered the submitted environmental desk study and recommends a condition relating to contaminated land issues.
21. **Local Highway Authority (LHA)** – suggests adding a condition requiring that no demolition works shall commence on site until a traffic management plan has been agreed with the Highway Authority requiring that no demolition or construction vehicles use Portobello Lane.

Comments from LHA for the previous application reference S/0646/09/F are still considered relevant: "Condition C, paragraph 30 of Inspector's report for planning application reference S/0148/02/F is noted. It is considered that a practical way forward would be to install physical measures/ features within the applicant's site and not on the public highway therefore preventing 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.

Comments from the neighbours have been considered in June 2009. LHA would not recommend any conditions that required the use of Portobello Lane as opposed to Common Lane having considered that: 1) HGV's should not be parked on the highway overnight due to licence reasons; and 2) accident records show that there have been three personal injury accidents in the vicinity of Portobello Lane over the last five years and none of them can be associated with the works within with the site, all involved a pedestrian crossing the road being struck by a car. Use of Portobello Lane for HGV's or similar is not encouraged; therefore, the use of Common Lane is inevitable to a limited extent."

22. **Environment Agency** – comments are awaited.

23. **Cambridgeshire Fire** – comments are awaited.

Representations

24. Residents at Nos. 12, 23 and 31 Common Lane object to the proposal on the following grounds:

- (a) The proposal would affect quality of life;
- (b) 40 tonne articulated lorries would arrive early in the morning or leave very late at night with drivers and lorries staying overnight;
- (c) Noise and disruption to residents at Common Lane; with heating generator of lorries causing health and safety problems, fire risk due to close proximity to residential properties;
- (d) The site appears to have less than 20 employees and the proposal to bring 20 employees would cause additional on-street parking;
- (e) The site has a long history of problems over years including recent continual trouble with trimmings from skins and hides being carried into a nearby yard in Common Lane, resulting in concerns about disease risk to Drivers Farms' fields;
- (f) Highway safety interests at Common Lane and consideration should be given to widening the entrance to Common Lane and entrance to the industrial site, losing one or both of the paths and no on-street residents' parking; and
- (g) The industry should be re-located elsewhere, away from residential properties.

25. Residents at No. 2 Common Lane have no objections to the proposal but have concerns about the increased volume of traffic that would be generated by the enlarged building, the already poor and damaged road surface of Common Lane, and noise. It is considered that Committee Members should have a site visit.

Planning Comments – Key Issues

26. The key issues to consider in the determination of this application are:

- (a) Principle of the development;
- (b) Character and appearance in the Conservation Area, and wider setting of adjacent Listed Buildings;
- (c) Highway safety interests and
- (d) Environmental pollution.

Principle of the development

27. The application site falls within the housing allocation site of a saved policy: Policy Sawston 1 of the South Cambridgeshire Local Plan 2004. The saved policy explains that the site is used as a leather skin works which has caused environmental concerns to the surrounding properties. The Council considers that the removal of this use would provide considerable environmental benefits subject to consideration to be given to contaminated land issue and access for residential development via Common Lane.

28. The saved Policy Sawston 1 will soon be replaced by Policy SP/6 Housing Allocations in Rural Areas of the South Cambridgeshire Local Development Framework Site Specific DPD, subject to statutory adoption in January 2010.

Theoretically the proposed scheme for a replacement industrial building is contrary to the saved policy, however, little weight should be given to this saved policy because Inspectors issued on 28th September 2009, their final report on the Site Specific Policies DPD. They concluded that the Site Specific Policies DPD is sound subject to a number of changes being made. The Council can now proceed to statutory adoption which is anticipated to be in January 2010. Policy SP/6 of the Site Specific DPD does not include the site of A Henry & Co. Although the proposal would be contrary to the saved Policy Sawston 1, given the progress of the LDF and that the Site Specific Policies DPD will supersede Policy Sawston 1, officers support the proposed replacement industrial building under Policy SP/6. The replacement building will not result in the housing allocation being less likely to come forward and will not prejudice the housing allocation and the long term housing land supply for the district.

Character and appearance in the Conservation Area, and wider setting of adjacent Listed Buildings

29. The site is set back from High Street and the Conservation Area boundary runs along the eastern side boundary of the application site. The site is also adjacent to listed buildings, Nos. 70, 82, 84 and 90 High Street. Given the replacement building is set off from the Conservation Area boundary and adjacent listed buildings, it is considered that the replacement building would not harm the interests of the Conservation Area or the wider setting of the adjacent listed buildings.
30. The site is outside the Conservation Area. Given that the building to be demolished is one of the original 19th century buildings on the site and of historic significance, being part of the history of the site and of the village, it is considered that a condition be put on any planning consent requiring the recording of historic building according to English Heritage's guidance. Such a condition is in accordance with paragraph 3.23 of PPG15 and section 4 of PPG16.

Highway safety interests

31. The proposal is a replacement building and there would not be an increase in floor area and number of staff. There is also no indication that the proposal would result in an intensification of use of the site to increase traffic generation or result in detriment to highway safety. The traffic from the site would remain the same as the existing building. The proposal would not lead to material harm to the traffic flow around the Portobello Lane/High Street junction, Common Lane/ High Street junction and the residential properties fronting Common Lane compared to the existing situation. Comments from a Planning Inspector on planning application reference S/0148/02/F and the Local Highway Authority have been taken into consideration. Having considered that the width of Portobello Lane that the use of this public highway for large vehicles is not encouraged, there would be a benefit in restricting the access from the site to Portobello Lane to domestic vehicles only.

Environmental pollution

32. There were complaints relating to the business operating from the site in the past but the Council has not received any major complaints against the site from an environmental health viewpoint in the last 5-6 years. The Council's Environmental Health Officer raises no objection to the proposal subject to conditions to minimise the potential environmental impacts to nearby residents or occupiers. Regarding neighbours' concerns about disturbance and fire risk from the lorries, a condition on

controlling vehicle parking will be added to ensure a scheme of parking, loading and unloading within the site.

33. Relevant conditions relating to contamination would be added to the planning consent to ensure that contaminated land issues would be addressed.
34. In light of the above, it is considered that the proposed scheme is acceptable and the application is recommended for approval. The purpose of this application is for a one-for-one replacement building due to the deteriorated condition of the existing building. Having considered that the proposal, which is within the village framework and relates to an established company in Sawston, would not consolidate a non-conforming use or cause problems with traffic, noise and pollution. It is therefore in accordance with the aims of Policies ET/1 and ET/5 subject to conditions including a condition to the occupation of development for a period of 10 years from the first date of occupation.

Other issue

35. It is noted that the application site boundary includes Portobello Lane (a public highway) which is different from previous applications. Clarification from the applicant's agent is awaited.

Recommendation

36. Approve

Conditions

1. Standard Condition 1 Full planning permission, time limit (3 years) (Reason - 1).
2. 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 each of the building hereby permitted, it shall only 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.)
3. SC 13 Materials (Reason – RC 13).
4. SC 27 Contamination (Reason – RC 27a).
5. SC 41 Details of Power Driven Plant (Reason – RC 41).
6. 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.)
7. SC58 – Lighting (Reason – RC58).

8. 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.)
9. During the period of demolition and construction no vehicular access shall be made to or from Portobello Lane. (Reason – In the interests of highway safety and residential amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. 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 and neighbour amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
11. The existing building should be fully recorded prior to demolition. The level of recording shall 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.)

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'.

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
- Planning Policy Guidance 23 Planning and Pollution Control
- South Cambridgeshire Local Plan 2004 (saved policies)
- 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 Submission Draft 2006 (subject to statutory adoption in January 2010)
- Circulars 11/95 and 05/05
- Planning application references S/0148/02/F, S/0646/09/F and S/1480/09F

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