

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 November 2010

AUTHOR/S: Executive Director (Operational Services)/
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S/0756/10/F & S/0757/10/F - FOXTON

Variations of Condition 5 of Planning Permission S/1913/79/F, and Condition 4 of Planning Permission S/0861/87/F to Allow Use of the Access onto High Street For Burlington Press 1, Station Road (Retrospective)

Recommendation: Approval

Date for Determination: 7 July 2010

This Application has been reported to the Planning Committee for determination because the Parish Council comments conflict with the officer recommendation on material planning grounds.

Site and Proposal

1. The application site of the Burlington Press lies within the Foxton village framework. Originally, there was a small track access leading to a gate adjacent to High Street, set between the original wall along High Street. Vehicle access runs through from the access around the building, linking to the main car parking area and access onto Station Road. A new access has been created onto High Street, with a section of wall replaced, the gate removed, and an area laid to tarmac and gravel.
2. The full applications, both received on 12 May 2010, seek to regularise the use of the access to allow vehicles to enter the site in this location, whilst retaining exits for emergency use only. The applications are accompanied by a planning statement and details of the proposed barrier to facilitate the access/egress arrangements.
3. Members should be aware that the newly created access onto High Street, the proposed barrier and the subsequent hardstanding laid down in the site do not require planning permission in their own right. The applications are required given the previous conditional restrictions on access to High Street.

Planning History

4. There is a long planning history for the Burlington Press site. The applications listed below are directly related to this application.
5. Planning application **S/1913/79/F** granted consent for an extension of the Burlington Press. Condition 5 restricted the use of the access onto High Street to be for emergency only. The reason for this was to minimise interference with the safety and free flow of traffic at a point where the road was narrow and close to the poor junction of High Street and Stockers Lane.
6. Planning Application **S/0861/87/F** granted consent for the extension to the printing works at the Burlington Press. Condition 4 again restricted the use of the access onto High Street to be for emergency only.

7. Planning applications **S/1210/09/F** and **S/1043/09/F** were refused dated 15th October 2009 for the variations of condition 5 of Planning Permission S/1913/79/F, and condition 4 of planning permission S/0861/87/F to allow use of the access onto High Street (retrospective). Both were refused on grounds of highway safety given the poor visibility for vehicles exiting the site.

Planning Policy

8. **Local Development Framework Development Control Policies 2007:** **DP/2** Design of New Development, and **DP/3** Development Criteria.
9. **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.

Consultation

10. **Foxton Parish Council** recommends refusal on the grounds that the applications to fail to meet the terms of the previous conditions originally imposed for highway safety reasons, and the proposals are therefore contrary to existing policy.
11. The **Local Highways Authority** originally recommended the applications be refused on highway safety grounds given poor visibility when leaving the site. Following further consultation, the Local Highways Authority are now satisfied provided a suitable worded condition is added to ensure the access shall only be used as an **entrance** and that no vehicles shall **exit**.

Representations

12. The occupiers of **33 High Street** note a lot of surrounding dwellings do not have garages and therefore park on the main road. The proposal would add to traffic in the area and cause a highway danger.
13. The occupiers of **37 High Street** object on grounds of highway safety. It is noted that traffic on the High Street increased by 28% between 1992 and 2002, and congestion has been seen around the access. The proximity to the Station Road/High Street junction is also raised. Also concerns are raised regarding the increased visibility of the iron gate and fencing on the site which is not aesthetically pleasing, the materials used for the replacement wall, and the impact upon the trees on site.

Planning Comments – Key Issues

14. The key consideration for the determination of this application is highway safety.

Highway Safety

15. The previously refused applications (S/1043/09/F and S/1210/09/F) both sought the use of the access as an entrance and an exit to the site. These were refused on highway safety grounds, given the poor vehicle to vehicle visibility splays possible when exiting the site. High Street has a 30mph speed limit, and predicted splays of 22.8m to the northeast and 12.8m to the southwest, both of which are significantly lower than the expected 90m for such a speed limit.
16. The new applications differ in that they seek the use of the access as an entrance only, with any exiting to remain for emergencies only. An extra section of wall is

proposed, leading to a barrier. A letter dated 13th August 2010 notes how this barrier would be controlled, and it details three aspects on its future use. These are:

- (a) An override key for the entrance barrier would be held only by the caretaker and in a sealed glass unit adjacent to the main fire alarm panel. The key would be used to open the barrier in exceptional circumstances only, i.e. for use in an emergency.
 - (b) The barrier will be set up to open to allow access onto the site only and close once the vehicle has passed safely through. The width of the barrier would be such that two vehicles could not pass through side by side.
 - (c) Out of normal working hours and at weekends, the barrier will be set up to remain closed so no access through onto the site will be possible.
17. The Local Highways Authority have removed their original objection to the scheme, provided it shall only be used as an entrance and a suitably worded condition is added to any approval. Visibility from the previous access was poor, hence the need for the previous restrictive conditions. It is considered the revised design does not differ significantly from the previous layout, and that it would be suitable for emergency use only. The access has increased pedestrian visibility splays, allowing visitors to be better aware of pedestrians on the frontage footpath. With the use of a planning condition, there would be no serious impact upon highway safety as a result of the proposal.
18. As such, I am satisfied that the existing conditions are no longer necessary in the interests of highway safety, and that the suggested replacement conditions meet the tests set out in Circular 11/95.

Other Matters

19. Comments have been made regarding the impact on the street scene. The new entrance measures approximately 9.5m between the frontage piers, and is significantly wider than the previous gateway that measured approximately 3.5m. Behind the access, set adjacent to the nearby Press building, is an existing metalled gate and fence, running parallel with the road. This is set back approximately 20m into the site, but would become more visible. However, the fence and gate are meshed and therefore only the frame is easily visible. The impact upon the street scene is not considered serious enough to refuse the applications.
20. An existing section of wall has been replaced along the frontage, and the bricks used do differ from the original wall that continues eastwards towards the War Memorial. The replacement wall does require consent in its own right, although if three further brick courses are added, it would become permitted development. The site is not within the Foxton Conservation Area, and whilst the loss of the original wall is regrettable, I do not consider the replacement is incongruous in its use of materials. Given that the lower wall is preferred, I do not consider that the change in materials causes any serious harm to the street scene.
21. Comments regarding protected trees on site are also noted. The frontage yew tree along High Street is protected through a Tree Protection Order. The tree remains on site and is unaffected by the works.

Recommendation

22. Recommend approval of both applications, with the following conditions below relating to both.

Conditions

1. **The development hereby permitted shall be carried out in accordance with the following approved plans: 3847/3/A, 3847 23, 3847 21 Rev A & 3847 8 Rev A date stamped 12th May 2010.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
2. **Within three months of the date of this consent, the additional section of wall and the proposed barrier shown on approved plan 3847 8 Rev A date stamped 12th May 2010, hereby approved, shall be erected and thereafter retained on the site.**
(Reason – In the interests of highway safety given the poor vehicle-to-vehicle visibility splays when leaving the site onto High Street, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
3. **The barrier shall allow entrance into the site from High Street only, and would only allow vehicles to leave the site in emergency circumstances, using an override key held in a sealed glass unit. The barrier would be set to close once a vehicle has safely passed through.**
(Reason – In the interests of highway safety given the poor vehicle-to-vehicle visibility splays when leaving the site onto High Street, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. **The barrier shall only be operational between the hours of 07.30am and 18.00pm on weekdays, and at no point on Saturdays, Sundays or Bank Holidays. Outside of these times, it shall remain closed except for use in emergency situations.**
(Reason – To prevent the site being used by through traffic in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives

The replacement wall along High Street measures 1.3m in height, and as a result, does require planning permission in its own right. An application should be submitted for this within one month of the date of this consent to regularise this section of wall.

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

- South Cambridgeshire Local Development Framework Development Control Policies adopted 2007
- Circular 11/95 – The Use of Conditions in Planning Permissions
- Planning Files Ref: S/0756/10/F, S/0757/10/F, S/1210/09/F, S/1043/09/F, S/0861/87/F and S/1913/79/F.

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