

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION
SUBJECT TO CONDITIONS

TO: Mr Gareth Hanlon
Savills (L & P) Limited
Unex House
132 - 143 Hills Road
Cambridge
CB2 8PA

The Council hereby grants permission for Extension to Camgrain APC Comprising Additional Grain Storage Facilities and Ancillary Works Including Drainage Proposals and Landscaping and Highways Improvements

at Land Adjacent to Wilbraham Chalk Pit, in the Parishes of Great Wilbraham and West Wrattling (for Camgrain Stores Ltd)

In accordance with your application dated 9th April 2009 (as amended by Highways Technical Notes 1, 2 and 3 dated 4th June 2009, and additional noise assessment information in WSP's letters dated 3rd, 8th and 10th June 2009) and the plans, drawings and documents which form part of the application, subject to conditions set out below.

- 1. The development hereby permitted shall be begun before the expiration of 5 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. No development shall take place until full details of both hard and soft landscape works, including details of: protection of existing planting; details/sections of the swale; details/cross sections of mound construction angles; heights of the spoil bunds; and how excavated material will be dealt with have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density, size of stock, planting rates, planting methods and seed mixtures.**
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- 3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any storage of grain within the flat store extension or within any of the additional storage silos and/or the bringing into use of any of the additional dryers, hereby permitted. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

TOWN AND COUNTRY PLANNING ACT 1990

**PLANNING PERMISSION
SUBJECT TO CONDITIONS**

- 4. 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 any storage of grain within the flat store extension or within any of the additional storage silos and/or the bringing into use of any of the additional dryers, hereby permitted.**
(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
- 5. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control 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 any storage of grain within the flat store extension or within any of the additional storage silos and/or the bringing into use of any of the additional dryers, hereby permitted.**
(Reason - To reduce the risk of pollution to the water environment in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)
- 6. Prior to the commencement of any development, a scheme for the provision of a pole mounted barn owl nest box on the edge of the pond/soakaway shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be brought into use until the nest box has been provided in accordance with the approved scheme.**
(Reason - To achieve biodiversity enhancement on the site in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
- 7. During the period of 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.**
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- 8. 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 dwellings from the effect of odour, dust or fumes in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)
- 9. The site shall not be constructed or operated other than in accordance with the predicted noise levels submitted with the planning application and prepared by WSP Environmental UK Reference 12103446 and dated 20th March 2009, as amended by letters from WSP dated 3/06/09, 8/06/09 and 10/06/09.**
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION
SUBJECT TO CONDITIONS

- 10. A method statement for the construction of the noise barrier shall be submitted to and agreed in writing with the Local Planning Authority and the noise barrier constructed before commencement of the development hereby permitted.**
(Reason – To ensure that the noise barrier provides mitigating effects to reduce noise and dust emissions from the site in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)
- 11. 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.)
- 12. All vehicles hauling grain shall egress the site through a single weighbridge, which shall be maintained in working order at all times.**
(Reason – To prevent haulage vehicles leaving the site in platoons, in order to ensure that the A11 Trunk Road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety on that road.)
- 13. The development, hereby permitted, shall not be brought into use (defined as the storage of grain within the flat store extension or any of the additional storage silos and/or the bringing into use of any of the additional dryers, hereby permitted), until Mill Road has been reconstructed and widened between the access to the site and the A11 over bridge in accordance with a scheme that shall previously have been 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.)
- 14. A scheme for give way marking and signage at the site entrance shall be submitted to and approved in writing by the Local Planning Authority, and the scheme implemented in accordance with the approved scheme prior to the commencement of development and thereafter maintained.**
(Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- 15. The development, hereby permitted, shall not commence until a method statement relating to the construction phase of the proposed development has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the agreed details.**
(Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- 16. No more than 210,000 tonnes of grain shall be stored on the site at any one time.**
(Reason – The application has been assessed on the basis of the number of HGV movements associated with the storage of 210,000 tonnes of grain.)

TOWN AND COUNTRY PLANNING ACT 1990

**PLANNING PERMISSION
SUBJECT TO CONDITIONS**

- 17. No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.**
(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)
- 18. For a period of 10 years from the date of first bringing into use the development, hereby permitted, if the site ceases to be used for the purposes described in the application for a continuous period of 12 months, all buildings, silos and associated works (including hardstandings and boundary structures) shall be demolished and removed from the land, and the land restored in accordance with a scheme and timescale that shall previously have been submitted to and approved in writing by the Local Planning Authority.**
(Reason – To ensure the removal of the structures if no longer required for the purposes, hereby permitted, in order to protect the character and appearance of the countryside in accordance with Policies DP/2 and NE/4 of the adopted Local Development Framework 2007.)

Reasons for approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
- (a) Planning Policy Statement:
 - PPS1 (Delivering Sustainable Development)**
 - PPS7 (Sustainable Development in Rural Areas)**
 - (b) South Cambridgeshire Local Development Framework 2007:
 - DP/1 (Sustainable Development)**
 - DP/2 (Design of New Development)**
 - DP/3 (Development Criteria)**
 - DP/4 (Infrastructure and New Developments)**
 - DP/7 (Development Frameworks)**
 - ET/5 (Development for the Expansion of Firms)**
 - NE/1 (Energy Efficiency)**
 - NE/4 (Landscape Character Areas)**
 - NE/6 (Biodiversity)**
 - NE/8 (Groundwater)**
 - NE/9 (Water and Drainage Infrastructure)**
 - NE/11 (Flood Risk)**
 - NE/14 (Lighting Proposals)**
 - NE/15 (Noise Pollution)**
 - NE/16 (Emissions)**
 - CH/2 (Archaeological Sites)**
 - TR/1 (Planning for More Sustainable Travel)**
 - TR/3 (Mitigating Travel Impact)**
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material considerations that have been raised during the consultation exercise:
- **Need for the Development**
 - **Visual Impact**
 - **Highway Safety**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION
SUBJECT TO CONDITIONS

- **Residential Amenity Issues Including Noise and Light Pollution**
 - **Flood Risk/Drainage**
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

Informatives

1. This permission is subject to a Section 106 unilateral undertaking Agreement dated 4th January 2007, and Deed of Variation dated 9th July 2009.
2. For the purposes of Conditions 2, 4, 5, 6, 10 and 14, the widening and construction of Mill Road, as required by condition 13, will not be regarded as constituting the commencement of development necessitating the approval of any matters required by those conditions.
3. With regards to condition 2 of this permission, the Council's Ecology Officer has suggested that the pond/soakaway could be landscaped to improve its habitat potential (eg – a more irregular shape, areas of bare soil/chalk on south slopes for invertebrates, chalk grassland creation).
4. The Local Highways Authority has advised that the granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the public highway, and a separate permission must be sought from the Highway Authority for such works.
5. The applicant's attention is drawn to the comments set out in the letter from the Environment Agency dated 15th May 2009 (Reference AC/2009/109003/01-L01).
6. The County Council's Countryside Services Team has commented as follows in respect of points of law relating to the adjacent Public Byway Open to all Traffic No.20 West Wrattling:
 - The development must not encroach onto the byway. Any encroachment would constitute an obstruction, which is an offence under s.137 of the Highways Act 1980. If advice is required regarding the boundaries of the right of way, please contact the Definitive Map Officer for assistance;
 - The byway must remain open and unobstructed at all times. Building materials must not be stored on it, and contractors' vehicles must not be parked on it;
 - If, during construction, there is a safety issue with the byway remaining open, the developer should seek a temporary closure order from Mr Gary Wesley, Streetworks Coordinator (0845 045 5212);
 - No alteration to the surface of the byway is permitted without our consent. It is an offence to damage the surface of a public right of way under section 1 of the Criminal Damage Act 1971;
 - The County Council as Highway Authority is only responsible for maintenance of the surface up to the standard required for the purpose of legitimate use by members of the public in relation to the status (usually considered to be bridleway standard).

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION
SUBJECT TO CONDITIONS

General

1. Circular 04/2008 (Planning Related Fees) states that where an application is made under Article 21 of the Town and Country Planning (General Development Procedure) Order 1995, a fee will be payable for any consent, agreement or approval required by condition or limitation attached to the grant of planning permission (or reserved matter consent).
2. The fee is £85 per request or £25 where the permission relates to an extension or alteration to a dwellinghouse or other development in the curtilage of a dwellinghouse. The request can be informal through the submission of a letter or plans, or formal through the completion of an application form and the submission of plans. Any number of conditions may be included on a single request. The form is available on the Council's website www.scambs.gov.uk (application forms - 1app forms-application for the approval of details - pack 25.)
3. It is important that all conditions, particularly pre-commencement conditions, are fully complied with, and where appropriate, discharged prior to the implementation of the development. Failure to discharge such conditions may invalidate the planning permission granted. The development must be carried out fully in accordance with the requirements of any details approved by condition.
4. All new buildings that are to be used by the public must, where reasonable and practicable, be accessible to disabled persons and provide facilities for them. The applicant's attention is therefore drawn to the requirements of Section 76 of the Town and Country Planning Act 1990 and the Building Regulations 2000 (as amended) with respect to access for disabled people.
5. The applicant's attention is drawn to the requirements of the Party Wall etc. Act 1996 if works are proposed to a party wall.
6. The approved plans for this application are as originally submitted unless otherwise specified in this Decision Notice. The development should be completed strictly in accordance with these plans. Any amendment to these approved plans must be first agreed in writing by the Local Planning Authority.
7. If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from Building Control Services at South Cambridgeshire District Council. Their contact details are: tel. 08450 450 500 or building.control@scambs.gov.uk or via the website www.scambs.gov.uk.



Dated: 9th July 2009

Corporate Manager - Planning and Sustainable Communities

South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA

THIS PERMISSION DOES NOT CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS AND IS NOT A LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT. IT DOES NOT CONVEY ANY APPROVAL OR CONSENT WHICH MAY BE REQUIRED UNDER ANY ENACTMENT, BYE-LAW, ORDER OR REGULATION OTHER THAN SECTION 57 OF THE TOWN AND COUNTRY PLANNING ACT 1990.

SEE NOTES OVERLEAF

TOWN AND COUNTRY PLANNING ACT 1990

**PLANNING PERMISSION
SUBJECT TO CONDITIONS**

NOTES

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so using a form which you can get from the Customer Support Unit, Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Alternatively, an online appeals service is available through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes. The Planning Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information you are happy will be made available to others in this way, including personal information belonging to you. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

Fully completed appeal forms must be received by the Planning Inspectorate within six months of the date of this decision notice.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving the notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

DATED

9TH July

2009

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (1)

and

CAMBRIDGESHIRE COUNTY COUNCIL (2)

and

JOHN LATHAM (3)

and

CAMGRAIN STORES LIMITED (4)

DEED OF VARIATION OF PLANNING OBLIGATION

Made pursuant to Section 106A of the Town and
Country Planning Act 1990 (as amended) and any
other enabling power relating to
Land adjacent to Wilbraham Chalkpit Cambridge



KESTER CUNNINGHAM JOHN

Solicitors

084866-1

THIS DEED OF VARIATION is made the 9th day of July Two thousand and Nine

Between

(1) **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL** of South Cambridgeshire Hall Cambourne Business Park Cambourne Cambridge CB23 6EA ("the Council") and (2) **CAMBRIDGESHIRE COUNTY COUNCIL** of Shire Hall Castle Hill Cambridge CB3 0AP ("the County Council") and (3) **JOHN LATHAM** of Old Wadlow Six Mile Bottom Road West Wrating CB21 5NE ("the Owner") and (4) **CAMGRAIN STORES LIMITED** (an Industrial and Provident Society Number 23885R) whose registered office is at Cambridge Road Linton Cambridgeshire CB1 6LN ("the Applicant")

RECITALS

WHEREAS

- (1) The Council is the Local Planning Authority for the purposes of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act") for the area within which the Land is situated and is a planning authority by whom this Deed shall be enforceable
- (2) The County Council is a Local Planning Authority for the purposes of the 1990 Act for the area within which the Land is situated and is a planning authority by whom this Deed shall be enforceable and the local highway authority for the purposes of the Highways Act 1980



KESTER CUNNINGHAM JOHN

Solicitors

084866-1

- (3) This Deed is supplemental to a Unilateral Undertaking pursuant to section 106 of the 1990 Act dated 4th January 2007 (hereinafter referred to as "the Undertaking") entered into by the Owner and the Applicant and enforceable by the Council and the County Council and varies the terms of the Undertaking relating to the Land
- (4) The Owner is the freehold owner of part of the Land registered at HM Land Registry under Title Number CB268602
- (5) The Applicant is the freehold owner of part of the Land registered at HM Land Registry under Title Number CB 342098 and has an option to acquire part of the land currently held by the Owner

NOW THIS DEED WITNESSETH as follows:-

1. GENERAL

- 1.1 This Deed is made pursuant to Section 106A of the Act Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000
- 1.2 This Deed is a local land charge and shall be registered by the Council as such
- 1.3 In this Deed save for the definitions referred to herein and unless the context otherwise requires the words as defined in the Undertaking shall have the same meanings for the purposes of this Deed
- 1.4 The expression "the Land" in this Deed means the land shown edged red on Plan 1 attached to the Undertaking



KESTER CUNNINGHAM JOHN

Solicitors

084866-1

2. OPERATIVE CLAUSES

- 2.1 The Parties have agreed that the terms of the Undertaking shall be varied in accordance with this Deed and save where otherwise stated in this Deed the Undertaking shall remain in full force and effect
- 2.2 Clause 1.2 of the Undertaking shall be replaced with the following clause
"the Application" means the written application registered on the 9th December 2004 and numbered S/2494/04F applying to the Council for planning permission in respect of the Land and the written application registered on 9th April 2009 and numbered S/0506/09/F applying to the Council for further planning permission in respect of the Land
- 2.3 Clause 1.10 of the Unilateral shall be replaced with the following clause
"1.10 "the Planning Permission" means all planning permissions granted by the Council in respect of the Application"
- 2.4 Paragraph 4 of the Second Schedule of the Undertaking shall be replaced with the following clause:
"4 Not to cause or permit in connection with the construction of the Development or the operation of the Development more than two hundred and fifty (250) HGV movements or five hundred (500) Two Way HGV Movements in any day which shall be taken as encompassing the period from midnight to midnight in any 24 hour period"



KESTER CUNNINGHAM JOHN

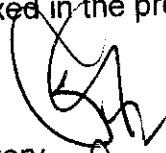
Solicitors

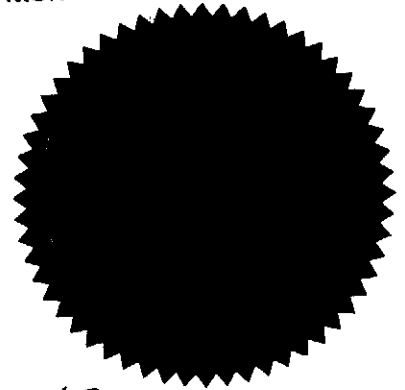
084866-1

IN WITNESS whereof this Deed has been executed by the parties as a Deed and is intended to be and is hereby delivered on the day first before written

THE COMMON SEAL of)
SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL)
was hereunto affixed in the presence of)


Authorised Signatory

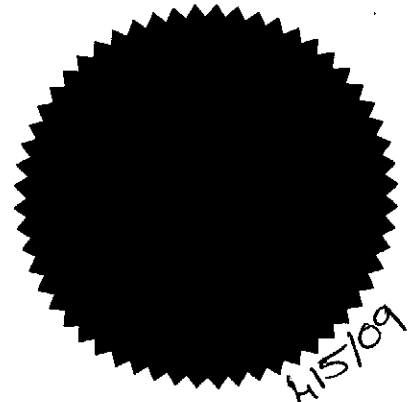

Chief Executive



L22991

THE COMMON SEAL of)
CAMBRIDGESHIRE COUNTY COUNCIL)
was hereunto affixed in the presence of)


Clerk



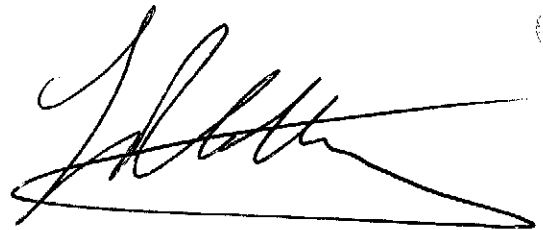
415/09

EXECUTED AS A DEED by)
JOHN LATHAM)
In the presence of)

Witness



MARK SLATER
15 TOWER VIEW
LINTON, CAMBS.







KESTER CUNNINGHAM JOHN

Solicitors

084866-1

EXECUTED AS A DEED by)
CAMGRAIN STORES LIMITED)
Acting by)

Director 

Director/Secretary 



KESTER CUNNINGHAM JOHN

Solicitors

084866-1

