

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

---

**REPORT TO:** Planning Committee

9 January 2013

**AUTHOR/S:** Planning and New Communities Director

---

### **S/0840/12/FL – SAWSTON**

**Proposed 6 no. small business units with associated car parking and cycle parking at  
Sawston Storage Depot, Mill Lane  
for Mr Paul O'Keefe, Conrad Bay Ltd**

**Recommendation: Refusal**

**Date for Determination: 13 June 2012**

**Members of Committee will visit the site on 8 January 2013**

**Notes: Departure Application**

**This application has been reported to the Planning Committee for determination at the discretion of the Head of Planning and Economic Development**

**To be presented to the Committee by Kate Wood**

### **Site and Proposal**

1. The site extends to 0.33 hectares and lies within the countryside and Cambridge Green Belt approximately 1 kilometre to the west of the village of Sawston. It consists of a narrow triangular shaped parcel of vacant and disused land located at the junction of Mill Lane to the north with the Sawston bypass (A1301) to the east. To the west, beyond a drainage ditch, lies the Cambridge-London railway line and level crossing, whilst the northern and eastern boundaries are defined by an approximately 1.8 metre high bund, with mature trees and shrubbery along the boundary with the bypass. There is a large drainage pipe and ditch (an awarded watercourse) to the south. Beyond the level crossing to the north-west is the Spicers commercial site. Vehicular access to the application site is obtained to the north via Mill Lane. The site is identified within the Local Development Framework as lying within Flood Zone 2 (medium probability of flooding).
2. The application proposes the erection of 6 no. small business support units on the site. The buildings would provide a total floor space of 504m<sup>2</sup> (84m<sup>2</sup> per unit) for B1 business purposes, and would be arranged as 3 no. semi-detached single-storey buildings comprising timber-clad walls under green sedum roofs, with solar panels on the south-west facing roof slopes. The structures would be located adjacent to the western boundary of the site, backing onto the railway line. A gabion wall and landscaped bund would be provided along the eastern boundary, on the inner side of which it is proposed to provide car parking (for 20 cars) and a secure cycle store (for 18 cycles). Vehicular access would be obtained off Mill Lane to the north, with the existing access being modified to increase its width from 5 metres to 7.3 metres, to provide 2 metre footways to either side, and to increase the eastern kerb radius. Hard

surfaced areas within the site would consist of permeable paving, and foul drainage would be routed to a reed bed filtration system.

3. The supporting documentation explains that the proposed business units are specifically intended to provide low-cost accommodation for small starter businesses taking their first steps from home working to more formal commercial premises, possibly taking on their first employees. The units are designed so that occupants would benefit from low servicing and running costs, in order to encourage sustainable growth and business longevity.

### **History of the site**

4. This section outlines the planning history of the site, and also refers to information and photographic evidence provided by the applicant's agent relating to the historical usage of the land prior to planning records.
5. Historical maps indicate that there were buildings on the site before the construction of the bypass in the late 1960's. An 1886 map indicates the presence of structures near to the level crossing, whilst maps dating from 1903 and an undated pre-1960 plan show the presence of dwellings/structures on the site (these are believed to relate to the operation of the railway and to include a signalman's cottage). The supporting information advises that the site was occupied as a residential property until 1968, when it was conveyed along with adjacent land to the County Council. The site was then stripped and the land used by the County Council for the storage of machinery and storage/filling of materials associated with the construction of the bypass. An aerial photograph dating from 1974 indicates that the site was being used to store construction materials at this time.
6. Surveys carried out on the site indicate that the materials dumped on the land have raised the ground levels by 1.5 – 2 metres above the original level in places.
7. In 1987, an application by the County Council to use the site as a household waste disposal site was refused deemed consent (Reference S/0058/87/F). It appears that NTL used the site in around 1991-2, when they were providing services in the Sawston area, but no formal planning application was ever made and the County Council has no record of entering into a formal agreement with NTL for their use of the land. The current application states that a significant amount of their waste material has been uncovered on the site.
8. According to the Council's records, a local resident, Mr Dockerill, began using the site for storage purposes in March 2005. Following investigations by the Council into complaints received at the time, a retrospective application was submitted in June 2005 for the storage of plant and materials on the site (Reference: S/1649/05/F). This application was refused for the following reasons (summarised):
  - The site is located in the countryside and Green Belt. The use of land for the storage of plant and materials represents inappropriate development in the Green Belt by definition and alters the rural character of the site, to the detriment of the character of the countryside and the openness of the Green Belt.
  - In the absence of a Flood Risk Assessment, insufficient evidence has been provided to demonstrate that the use of the land would not represent a flood risk.
9. Following this decision, an enforcement notice was served by the Council requiring the removal of all plant and machinery, storage containers, vehicles not associated

with agricultural use, and hardcore from the land within 3 months of the date of the notice. The applicant appealed this notice and, following a hearing, the appeal was dismissed and the enforcement notice upheld (in part). In coming to this decision, the Inspector concluded that the use of land for storage purposes had no particular need to be located in a rural area, and he therefore considered the use of the land for such purposes to be unacceptable in principle. In addition, he considered the storage use had a harmful visual impact on the character of the area and openness of the Green Belt. In the decision, he stated that the use of the land for storage of plant and materials constituted inappropriate development in the Green Belt, which by definition is harmful, and explored whether there were any very special circumstances to justify granting permission. The applicant argued that the land had not been open agricultural land in the past, that the areas of hardstanding were proven to be of some age, that the land could not be used for agricultural purposes, and that the cessation of the use would affect up to 8 people dependent on the land for employment. Save for the last issue, the Inspector did not dispute the points made, but did not consider these amounted to the very special circumstances required to clearly outweigh the harm to the Green Belt. The notice was upheld. The requirement to remove hardcore from the land was deleted, as the Council accepted the hardcore areas dated from well before the applicant's occupation of the site, and the compliance period was extended to 6 months in order to provide the applicant with sufficient time to find suitable alternative premises.

10. Following the refusal of the enforcement notice, Mr Dockerill handed back possession of the site to the County Council in April 2007. The property has been vacant and disused since this time, but, according to the supporting information provided with the application, the site has continued to be beset by problems of unauthorised dumping of waste material and fly tipping.
11. The current applicant purchased the site from the County Council at an auction in May 2011.

### **Planning Policy**

12. National Planning Policy Framework 2012
13. South Cambridgeshire Local Development Framework Development Control Core Strategy 2007:  
ST/1: Green Belt
14. 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/4: Infrastructure and New Developments  
DP/7: Development Frameworks  
GB/1: Development in the Green Belt  
GB/2: Mitigating the Impact of Development in the Green Belt  
ET/1: Limitations on the Occupancy of New Premises in South Cambridgeshire  
ET/4: New Employment Development in Villages  
NE/1: Energy Efficiency  
NE/6: Biodiversity  
NE/10: Foul Drainage – Alternative Drainage Systems  
NE/11: Flood Risk

NE/15: Noise Pollution  
TR/1: Planning for More Sustainable Travel  
TR/2: Car and Cycle Parking Standards

15. South Cambridgeshire LDF Supplementary Planning Documents (SPD):  
Trees and Development Sites – Adopted January 2009  
Biodiversity – Adopted July 2009  
Landscape in New Developments – Adopted March 2010  
District Design Guide – Adopted March 2010
16. 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 by South Cambridgeshire District Council as Local Planning Authority**

17. **Sawston Parish Council** – Initially recommended approval, stating:

“We support the application.”

Following the receipt of the Transport Assessment, the Parish Council changed its recommendation to one of refusal, stating:

“Do not support due to dangerous access and also concerned over train movements. They don't appear to have taken into account the freight trains in relation to the traffic building up (only passenger trains).”

Following the submission of additional site history information, the Parish Council has reiterated its objection, stating:

“Object for same reasons before. This is a dangerous access, traffic build up with train movements etc. onto the bypass.”

18. **The Trees and Landscape Officer** – Raises no objections, stating that the trees along the frontage of the site with the A1301 are important for screening and have been shown for retention. The trees should be protected in accordance with the details set out in the submitted arboricultural impact assessment.
19. **The Landscape Design Officer** – States that the opportunity should be taken to provide some sitting-out spaces between the buildings. Landscape conditions should be added to any consent. Details of the reed bed water treatment plant would also be required.
20. **The Economic Development Officer** – Supports the application, stating that the Council's Economic Development Strategy 2010-2015 and Economic Assessment and Strategy (dated July 2010) identify the need for affordable business space for small businesses. One of the key ways to support business is to enable access to the support and infrastructure needed. In this case, using planning to achieve small business space that the market does not easily supply in a good location and at a favourable rate should be welcomed.
21. **The Environmental Health Officer** – Raises no objections, subject to conditions being added to any consent requiring details of power-driven plant or equipment,

restricted hours of use of power-operated machinery during the construction period, and details of any external lighting.

22. **The Environmental Health Officer (Contaminated Land)** – States that the submitted desk-study identifies an area of the site with raised levels from tipping from activities on the adjacent site. A condition should therefore be added to any consent requiring the submission of a remediation strategy for any previously unidentified contamination being found on the site during the course of development.
23. **The Drainage Manager** – Objects to the application, stating that the location of the pond is in breach of Land Drainage byelaws as it prevents future access to the award drain. There is a lack of information regarding proposed levels for the pond. The existence of large quantities of waste material close to the watercourse means that maintenance is not possible. The use of the pond for disposal of both surface water and foul sewage will make routine maintenance very difficult and result in a risk of polluted water entering the award drain.
24. **The Local Highways Authority** – Recommends refusal, stating that the use of the access would be detrimental to highway safety, due to the location and speed that vehicles would be approaching the entrance to the development and the proximity to the level crossing on the adjacent Cambridge-London line, which carries a large number of trains. The visibility splays indicated on the drawings also appear unachievable leaving vehicles entering from the A1301 significantly obscured to vehicles exiting the site. No empirical data in the form of a Transport Statement has been provided to support the development.
25. **The Environment Agency** initially objected to the application, stating that the submitted Flood Risk Assessment (FRA) used strategic information, instead of survey data, to assess the flood risk for the site, and did not therefore provide a suitable basis for flood risk assessment.

Following the submission of further details relating to the site levels, the Environment Agency has advised that its concerns relate to the reed bed pond system, rather than to the development itself. The discussions that have taken place in relation to flood risk are set out in paragraphs 43-47 of this report.

26. **The Cambridgeshire Fire and Rescue Service** – Raises no objections subject to a condition being added to any permission to require adequate provision to be made for fire hydrants.

#### **Representations by members of the public**

27. None

#### **Material Planning Considerations**

##### ***Principle of development***

28. The site lies outside the defined village framework for Sawston and within the countryside and Green Belt.
29. Policy DP/7 of the 2007 Local Development Framework states that, outside village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside will be permitted. LDF Policy GB/1 contains a presumption against inappropriate development in the

Green Belt, as defined within PPG2, which has since been superseded by the National Planning Policy Framework 2012 (NPPF). Paragraph 89 of the NPPF states that planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, with exceptions to this being:

- Buildings for agriculture and forestry;
  - Provision of appropriate facilities for outdoor sport, outdoor recreation and cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
  - The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - The replacement of a building, providing it does not result in disproportionate additions over and above the size of the original building, and providing the new building is in the same use and not materially larger than the one it replaces;
  - Limited infilling in villages and limited affordable housing to meet defined local needs;
  - Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
30. The erection of new commercial buildings on the site would be contrary to LDF Policy DP/7, as the proposal has no particular link to the countryside and does not relate to a use that requires a rural location. In addition, the development would not fall within the aforementioned list of exceptions to the general presumption against the construction of new buildings in the Green Belt. The NPPF does allow for development of previously developed land if it would not have a greater impact on the openness of the Green Belt or the purpose of including land within it. In this instance, the site is not considered by Officers to fall within the definition of previously developed land. Whilst this definition does include land that was previously occupied by permanent structures, and there is evidence from historical maps that there were permanent structures on the site, it specifically excludes land that was previously developed but where the remains of the permanent structure have blended into the landscape in the process of time. Evidence suggests that the original permanent buildings were demolished in the late 1960's, with a series of ad-hoc and unauthorised uses taking place after that in association with the construction of the bypass and provision of services in the area. In view of these circumstances, it is considered that the site cannot be classified as previously developed (brownfield) land. In addition, the erection of buildings on the site would clearly have a greater impact on the openness of the Green Belt than the existing use. It would also conflict with the purpose of designating the land as Green Belt, namely to prevent urban sprawl by keeping land open, to safeguard the countryside and to aid urban regeneration by encouraging the recycling of urban land. As a result, the proposal would constitute inappropriate development in the Green Belt and has therefore been advertised as a Departure from the Development Plan. The guidance in the NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted. 'Very special circumstances'

will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other material considerations.

31. It is therefore next necessary to consider whether the development results in any additional harm.

#### ***Visual impact and openness of the Green Belt***

32. The site forms part of an open swathe of countryside between the Sawston bypass and railway line. In the enforcement appeal relating to the use of the site for the storage of plant and materials (see paragraph 9), the Inspector stated that, although there are commercial buildings and an electricity sub-station on the other side of the railway line, this part of the District is essentially an area of open countryside. He referred to the site being visible from the north and east, and concluded that the use had materially affected the openness of the area. Whilst there has been some infilling of material on the site in the past, which has raised the site levels up beyond the surrounding ground level, this is only evident from the site entrance and is not discernible in wider views. The site therefore reads as open land that is part of the rural landscape. The proposed buildings would be visible in wider views of the site from all directions, including above the bund that forms part of the boundary with the bypass, and the development would therefore harm the openness of the Green Belt and have an adverse visual impact upon the rural character of the area.
33. Notwithstanding concerns regarding the impact of any development on the openness of the Green Belt, the buildings would be single-storey structures, with construction materials comprising larch or sweet chestnut timber-clad walls, sedum roofs, and zinc cladding. They would be set back along the western boundary and partially screened by trees along the eastern boundary with the Sawston bypass. The proposed buildings are considered to be attractive structures in their own right, incorporating a palette of materials that would normally be deemed appropriate within more rural location. As such, Officers do not have any additional concerns regarding the design of the development.

#### ***Highway safety, car parking and cycle parking***

34. The site would be accessed via Mill Lane to the north, a short stretch of road located between the A1301/Sawston bypass to the east and the level crossing over the Cambridge-London railway line to the west (the latter leading to the Spicers commercial site). Beyond the bypass to the east, Mill Lane continues into the centre of Sawston. The A1301 is a single carriageway with a speed limit of 60mph. Access to Mill Lane from the south is provided by a decelerating lane for vehicles turning left, whilst there is a segregated turn facility for vehicles approaching from the north or east. The application proposes to increase the width of the existing entrance off Mill Lane to 7.3 metres, and to provide a visibility splay of 2.4 metres x 28.5 metres in the eastern direction. To improve accessibility by other modes, it is proposed to provide 2 metre wide footways on both sides of the entrance along the southern edge of Mill Lane, and to renew the existing crossing facilities at the A1301/Mill Lane junction.
35. The Local Highways Authority has recommended refusal of the proposal on the grounds that the intensification in the use of the access would be detrimental to highway safety. This is due to the location and speed that vehicles would be approaching the entrance to the development and the proximity to the level crossing on the adjacent Cambridge-London line, which carries a large number of trains. The LHA has also advised that the visibility splays indicated on the drawings do not appear to be achievable, resulting in vehicles entering from the A1301 being

significantly obscured to vehicles exiting the site, and has commented that no empirical data in the form of a Transport Statement has been provided to support the development.

36. The applicant's agent has disputed the validity of the highway safety objection to the proposal, pointing out that the LHA raised no objections to the 2005 application (for the use of the land for the storage of plant and materials), subject to the access being improved to set its centre line a minimum of 19 metres from the north-western corner of the site, to increase its width to 7.3 metres and to ensure any gates would be at least 10 metres away from the channel line of Mill Lane. In response to this, the LHA has advised that the current proposed development would result in a greater volume and frequency of vehicle movements than associated with the use of the site for the storage of plant and materials, and the comments made in respect of the previous application are not therefore applicable in this instance.
37. Following the LHA's response to the application, the applicant has appointed transport consultants who have carried out and submitted a Transport Statement (TS). The TS states that surveys carried out in the vicinity of the site show an 85<sup>th</sup> percentile wet weather speed of 23.6mph for left turning vehicles from the A1301, and visibility splays of 2.4m x 28.5m are therefore proposed in an easterly direction from the site access (this is between the 25m required for a 20mph road and 43m required for a 30mph road). In order to achieve this splay and improve visibility for drivers exiting the site, the alignment of the proposed entrance to the site would be modified, and existing vegetation within the splay area would need to be removed. The proposed access arrangement would also improve visibility of the level crossing for vehicles turning left into Mill Lane from the A1301 by 23 metres. The statement predicts that the site would generate approximately 70 two-way trips on an average weekday, with a maximum of 7 two-way movements in the AM peak. Accident data shows that there have been 5 accidents in the vicinity of the junction in the last 5 years, but none of these have been attributed to the left slip lane from the A1301 northbound or to the site access point. The TS states that there have been no recorded accidents associated with the level crossing junction over the last five years, thereby showing that no recorded conflicts have arisen between traffic queuing at the crossing and traffic turning into Mill Lane. The level crossing is closed anywhere between 5 and 9 times per hour, with the development peak flows coinciding with 8 closures in the morning and 7 in the afternoon (an average of 1 every 7-8 minutes). The TA states that the predicted traffic generation equates to 1 additional vehicle per closure period in peak hours.
38. Following consideration of the TA, the LHA expressed concern that the speed data upon which the visibility splay is based is skewed, and that there is an absence of any supporting evidence that data was collected during free-flow conditions. In response to this, the applicant's consultant has confirmed that the results of the submitted survey are representative of free-flow conditions, and also expresses the view that, if the level crossing was to have an impact on 'free flow' speeds, a greater range of speeds would have been recorded (contrary to the findings of the survey). The consultant contends that the following site characteristics dictate actual free flow conditions:
  - The radius at the end of the deceleration lane results in a significant slowing of vehicles before turning left into Mill Lane.
  - Traffic travelling from the east or north has to give way to northbound traffic and approaches the site from a standing start, resulting in lower vehicle speeds.
  - Forward visibility of the crossing is restricted by vegetation along the site boundary, and drivers adjust their behaviour to compensate for this.



- The section of Mill Lane beyond the crossing is not a through route, and drivers using the road would therefore be familiar with the operation of the level crossing.
39. The LHA has maintained its objection to the application, stating that the raw data upon which the TS is based was collected in a series of 'bins' (ie – vehicles travelling at a range of speeds and grouped together), rather than based on individual vehicle speeds. As a result, and due to the small sample size taken, the LHA considers the data collection method has resulted in the 'average speed' referred to in the TS being artificially lowered. It also expresses concern that increasing visibility of the level crossing for vehicles turning left into Mill Lane from the A1301 would enable vehicles to clearly see if the level crossing is open, and may therefore increase approach speeds. The LHA also remains of the view that visibility from the site entrance would be inadequate – whilst visibility along Mill Lane itself would be acceptable, it is considered that visibility of the deceleration lane off the A1301 and the start of the splay line would be obscured.
40. Discussions between the LHA and the applicant's consultants are presently on-going, and Members will be advised of any progress in an update prior to the Committee meeting. As it stands, and based upon the guidance provided by the LHA, the application is considered to result in an unacceptable impact upon highway safety.
41. For a B1 business use, the Council's parking standards require the provision of car parking at a maximum ratio of 1 space per 25m<sup>2</sup> of gross floor area. The proposed buildings have a total floor space of 504m<sup>2</sup>, resulting in the need for 20 parking spaces. The scheme includes 20 spaces located adjacent to the eastern boundary of the site and therefore complies with the requirements of this policy.
42. The Council's standards require the provision of 1 secure cycle space per 30m<sup>2</sup> of gross floor area, resulting in the need for 17 spaces for the scale of development proposed. The scheme includes covered, secure storage for 18 cycles and is therefore in accordance with the requirements of this policy.

### ***Flood risk***

43. The site is identified within the Local Development Framework plans and also within the Environment Agency's records as falling within an area of medium flood risk (Flood Zone 2). Contrary to this, the SCDC Strategic Flood Risk Assessment (SFRA), based on detailed modelling, identifies the site as falling within an area of low flood risk (Flood Zone 1). The application has been accompanied by a Flood Risk Assessment (FRA), which concludes that the site is at a low risk of flooding, being protected from flooding by a railway embankment to the west and A1301 to the east, and being raised relative to the boundaries.
44. The Environment Agency (EA) initially objected to the application, stating that the submitted FRA uses strategic information, instead of survey data, to assess the flood risk for the site, and does not therefore provide a suitable basis for flood risk assessment.
45. Following this objection, there have been on-going discussions between the applicant's consultants and the EA, as a result of which further topographical survey information relating to the site (verifying its levels relative to ground levels) has been provided. In response to this, the EA has advised that it is likely that high flows would not remain in channel at this location and that the development itself would be located outside a flood risk area. However, the proposed reed bed foul water treatment area would be located at the lower end of the site (ie – within Flood Zone 2) and would

therefore be at risk of inundation during a flood event, resulting in pollution issues for the site and the adjacent awarded watercourse. The EA has advised that, if the reed bed can be placed above the highest recorded flood contour (of 20.15m ODN), it may be prepared to remove its objection to the proposal. These concerns have been echoed by the Council's Drainage Manager.

46. In response to the above, the applicant's consultant has proposed to relocate the pond 100 metres to the north in an area that would be located on the higher part of the site and that would not obstruct access to the awarded watercourse, and suggests that a planning condition could be added to any consent in order to agree a maintenance regime for the pond and all drainage infrastructure.
47. The response of the Environment Agency and Drainage Manager to this proposed revision will be reported to Members in an update prior to the Committee meeting.

### ***Sustainability***

48. The proposed buildings are designed to be as self-sufficient as possible. In accordance with the requirements of LDF Policy NE/1, the development would be constructed using natural, sustainable materials. The sedum roofing would be low maintenance and provide added insulation and rainwater attenuation; PV solar cells would be used to generate electricity and provide power for lighting; and heating would be provided by bio-mass boilers, ground source heat pumps and solar collectors.

### ***Impact on trees***

49. A tree survey has been carried out. 25 trees on the site were surveyed and found to be semi-mature to mature in age range, and all in acceptable or good condition. Existing trees on the site would be retained, and landscaping reinforced. The Trees and Landscape Design Officers have been consulted and have raised no objections to the proposed development.

### ***Ecology***

50. A Phase 1 Habitat Survey has been carried out. This concludes that the site is not of biodiversity value, and that ecological enhancements could be secured through an appropriately worded condition.

### ***Very special circumstances***

51. In addition to the harm by reason of inappropriateness, the development is also considered to result in harm to the rural character of the area, to the openness of the Green Belt, and to highway safety interests. In addition, unless the Environment Agency and Drainage Manager's concerns regarding the reed bed pond system can be resolved, the development would also cause unacceptable risk of pollution as a result of inundation of the treatment area during a flood event.
52. It is next necessary to consider the justification and 'very special circumstances' that have been put forward by the applicant's agent in support of the proposal. This justification is set out and considered below:
  - It is argued that the development would provide new employment and would fill a gap in the market for low cost, low energy units that are specifically focussed on small businesses in the south Cambridge area. At present, with increasing

energy prices, no new premises are being provided to cater for small-medium enterprises in a sustainable way. Larger units are being constructed locally, but these are of sizes not suited for starter enterprises. The development would also act as a catalyst for the creation of new business.

- The applicant's agent states that there is significant local support, demand and need for the proposal. A petition giving details of the proposed development was made available to a wide selection of the local business community and local residents. Over 100 signed letters of support have been received. In addition, numerous genuine enquiries to lease and purchase the units have been received from local companies that have been searching for some time for small premises like those being proposed in the application. One example is from a company called Coffee Solutions, a small firm currently based in Babraham – the company states it has been looking for over 12 months for a base to support the growth and development of the company, but there is a lack of modern, small commercial property in the south Cambridge area. A letter has also been received from Cheffins, expressing the view that there would be demand for this type of unit south of Cambridge. It states that a scheme at Waterbeach containing units of a similar small size is progressing well with lettings and sales, and Cheffins consider there is a need for this type of facility south of Cambridge.
- The NPPF 2012 actively encourages sustainable development that provides for local needs, with its core principles promoting empowerment of local people to shape their surroundings and the use of land of lesser environmental value. The site is of low environmental quality, due to the nature of its previous uses, and the proposal is considered by the applicant's agent to be in compliance with the objectives of the NPPF.
- The proposed development is considered by the applicant's agent to be supported by LDF Policy ET/4. This states that permission will be granted for new small-scale employment in the B1 to B8 use classes on previously developed sites adjoining or very close to the frameworks of Rural Centres or Minor Rural Centres. The policy goes on to say that sensitive small-scale employment development can: help sustain the rural economy, and achieve a wider range of local employment opportunities; and provide the opportunity to make best use of a previously developed site, including vacant, derelict or under used land, by redeveloping land adjoining or near to the more sustainable villages. The proposal seeks to provide a small-scale employment development that will cater for small local businesses on a site on the outskirts of Sawston.
- The applicant's agent considers that the site has an established commercial use. It is listed on the Council's commercial rates register as a storage compound with a rateable value of £12000, and business rates of around £6,000 per annum have been charged on the site since April 2005.
- The development would generate income for SCDC in the form of business rates.
- The site has been allowed to deteriorate over the years, creating an area that has no intrinsic rural aesthetic qualities, and that will be likely to become more dilapidated over time through activities such as fly tipping. It is argued that the proposed development would make good use of a poor quality site, prevent further dilapidation of the land, and would enhance the landscape and character of the area.

- The site is in a good, sustainable location that is accessible by bus, on a cycle route and within walking distance of the centre of Sawston.
- The development would be designed to high standards of design and sustainability and would have a low impact on the environment.

***Officer assessment of the ‘very special circumstances’***

53. In summary, the above justification argues that the site offers an opportunity to make the best use of poor quality land, and to fulfil an unmet need and demand for low-energy low-cost commercial premises for small starter businesses in the south Cambridge area. The likely demand for the type of accommodation proposed within the application is set out within Cheffins’ letter. In addition, the letter to the applicant from Coffee Solutions highlights the difficulties small local companies are facing in trying to find suitable premises to support their development, with the inevitable outcome that their growth will be stifled.
54. The NPPF states that planning policies should support economic growth in rural areas by taking a positive approach to sustainable new development. In addition, the need for affordable business space is identified within the Council’s Economic Development Strategy (EDS) 2010 - 2015. The EDS states that one of its key aims is to ensure South Cambridgeshire continues to underpin its economic role in the area, and states that key sectors underpinning the local economy should be enhanced. It identifies existing problems as including a shortage of very small units at a lower cost, and states that small-medium enterprises have identified premises as a constraint due to the inadequate quality, accessibility, parking, transport access and planning policies that are perceived to be inflexible. The EDS states that greater stimulation and start-up support for small businesses should be provided and that, along with other measures such as business rate relief and training, this can be achieved by increasing the supply of premises in the villages. The Council’s Economic Development Officer (EDO) is strongly in favour of the proposal, stating that there is a need and demand for small business space, and that accommodation such as that being proposed within this application is not available and is not coming forward in new schemes. The EDO has commented that one of the key ways to support business is to enable access to the support and infrastructure needed, and that in this case, using planning to achieve small business space that the market does not easily supply in a good location and at a favourable rate should be welcomed.
55. Since the EDS was published, an Employment Land Review Update has been undertaken and was completed in July 2012. South Cambridgeshire District Council and Cambridge City Council jointly commissioned a study to carry out employment research to inform an on-going review of planning policies, focussing on the period from 2011 - 2031. This study observed that there is currently sufficient overall provision of employment land across the City and South Cambs to meet existing demand. However, it states that forecasts suggest there is likely to be a shortage of office space in the future, particularly focussed on the city centre and northern fringe. The review states that market signals are clear that increasing provision elsewhere will not solve this problem and that supply has to be increased in the locations where firms want to be (ie – the city and northern fringe). In considering the availability of existing employment sites, the review refers to the Spicers site that is vacant and for sale, stating that it has a mix of industrial buildings and could potentially be extended along with a mix of smaller, commercial office buildings.
56. Taking into consideration the EDS, comments made by the EDO and the content of the Employment Land Review, Officers consider that the need in the South

Cambridgeshire area for low-cost business units that are specifically designed for very small start-up businesses cannot be disputed. However, the recent Employment Land Review suggests that there is sufficient supply of employment land in the area to cater for existing demand. In addition, whilst both documents refer to the need to introduce more flexibility into employment related planning policies, neither document gives any indication that this flexibility should extend to the creation and development of new sites in the countryside and Green Belt.

57. It should be stressed that this proposal relates to speculative development on land located outside any defined village framework and within the Green Belt. The NPPF sets out clear criteria for instances where new buildings in the Green Belt are deemed acceptable in principle, whilst the adopted LDF policies are very clear in dictating that new employment development should be sited within village frameworks, or on previously developed sites adjacent to the more sustainable villages. As set out elsewhere in this report, the site is not considered to fall within the classification of previously developed land, and it is also too isolated from the services and facilities within the centre of Sawston to be classed as adjacent to the village, so Officers do not concur that the proposal is in compliance with Policy ET/4. Outside village frameworks, policies generally support the principle of new employment proposals through the conversion of existing buildings, or within established employment areas in the countryside. Spicers, which is vacant and lies in close proximity to the site, is one example of the latter. There is therefore available employment land in close proximity to the site that could potentially meet any demand in the area for small, low-cost units, either through the conversion of existing buildings or potentially through the erection of new buildings on that site.
58. In this case, the proposed site is not one that has been put forward after going through a standard sequential process of, for example, trying to find suitable premises for an existing local company, including a thorough investigation of existing buildings or brownfield land. Conversely, the applicant has firstly acquired the site and then has sought to put forward arguments justifying its development. Whilst the proposed development would help to satisfy an unmet demand for small business accommodation and would undoubtedly bring forward economic benefits to the area, the presumption against such development in the Green Belt is very clear. On balance, Officers consider that there is no compelling argument to justify why this development must be located on this particular site, and the economic benefits of the development are not therefore considered to clearly outweigh the harm to the Green Belt, by reason of inappropriateness, as well as the other harm referred to elsewhere within this report.
59. In the justification for the development, reference has been made to the historic use of the land, and the likelihood that the site would become further dilapidated over time. These arguments were also put forward in connection with the 2005 enforcement appeal against the enforcement notice relating to the use of the site for the storage of plant and materials. The Inspector did not dispute that the land had not been used as open, agricultural land in the past, but reiterated that the main objection related to the impact on the openness of the Green Belt. He concluded that these reasons did not constitute very special circumstances to outweigh the harm to the Green Belt. Reference has also been made to the fact that this Council is charging business rates for the land, and has been doing so since April 2005. Based on the timings set out in the history section of this report, these charges coincide with the date on which Mr Dockerill began using the site for storage purposes. It can only be assumed that he then failed to notify this Authority once the use had ceased (further to the enforcement notice appeal), and certainly does not constitute sufficient grounds or reason to justify the development.

## Recommendation

60. Refusal, for the following reasons:

1. The site lies outside the defined village framework for Sawston, and within the countryside and Cambridge Green Belt. The proposed development of the site for small B1 business units would constitute inappropriate development in the Green Belt, as defined within the National Planning Policy Framework 2012 ('the NPPF 2012'), and would therefore be contrary to Policy GB/1 of the South Cambridgeshire Local Development Framework 2007 ('the LDF'), and to LDF Policy DP/7 which state that there is a presumption against inappropriate development in the Green Belt and resist the erection of new buildings unless required for a use that needs to be located in the countryside.
2. Notwithstanding the harm by reason of inappropriateness, the development would result in additional harm to the rural character of the area and to the openness of the Green Belt as a result of the construction of buildings. Consequently, the proposal would be contrary to Policy DP/3 (m) of the adopted Local Development Framework 2007, which states that development will not be permitted if it would have an unacceptable adverse impact on the countryside and landscape character.
3. Notwithstanding the harm by reason of inappropriateness, the use of the access would be detrimental to highway safety due to the location and speed that vehicles would be approaching the entrance to the development, the proximity to the level crossing on the adjacent Cambridge-London line, and inadequate eastbound visibility in an eastbound direction for vehicles exiting the site. Consequently, the proposal would be contrary to Policy DP/3 (k) of the adopted Local Development Framework 2007, which states that development will not be permitted if it would have an unacceptable adverse impact on highway safety.
4. Notwithstanding the harm by reason of inappropriateness, the application has failed to demonstrate that foul water and surface water flows can be accommodated such that the proposed reed bed treatment plant would not become inundated in a major flood event. Consequently, the proposal would be contrary to Policy DP/3 (p & r) of the adopted Local Development Framework 2007, which states that development will not be permitted if it would have an unacceptable adverse impact on flood risk and on the quality of ground or surface water.
5. Insufficient very special circumstances have been put forward to demonstrate why the harm, by reason of inappropriateness in the Green Belt and other harm identified above, is clearly outweighed by these considerations. The application therefore fails to satisfy the requirements of paragraph 88 of the NPPF 2012.

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

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007

- Supplementary Planning Documents: Trees and Development Sites, Landscape in New Developments, Biodiversity, District Design Guide
- National Planning Policy Framework 2012
- Circular 11/95
- Planning File References: S/0840/12/FL, S/1649/05/F and S/0058/87/F

**Case Officer:** Lorraine Casey – Senior Planning Officer  
Telephone: (01954) 713251