

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 July 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/0767/13?FL
Parish(es):	Cottenham
Proposal:	Retention of commercial building for Offices Class B1(a) and storage Class B8 use and extension to existing storage building (retrospective application)
Site address:	The Maltings, Millfield, Cottenham
Applicant(s):	Paul Ursell on behalf of HC Moss Ltd
Recommendation:	Refusal
Key material considerations:	Residential Amenity, Highway Safety. Loss of Employment
Committee Site Visit:	None
Departure Application:	No
Presenting Officer:	Julie Ayre
Application brought to Committee because:	This application was reported to committee in October 2013 when Members resolved to defer the application for further highway monitoring.
Date by which decision due:	19 August 2013

Executive Summary

1. The application requests the regularisation of the use of 10 industrial buildings which were constructed in officers legal opinion without the benefit of planning permission as the planning permission relevant to the development had expired and the applicant could not prove beyond reasonable doubt that the permission had commenced within the statutory time limit of 3 years. This permission also had a personal condition attached to it preventing use by other companies and was for storage only. An Enforcement Notice was issued in April 14, on the grounds that the development seriously impacts on the residential amenity of nearby dwellings. The applicant has since appealed that notice and it will be considered by the Planning Inspectorate in October 2014 by informal hearing. The application before Members but was deferred requesting further highway monitoring, that monitoring as now been completed by Atkins and forms part of the later assessment. The main issues are the

impact on the development on nearby residents in terms of noise, disturbance and highway safety. This is a finely balanced decision as it impacts on 5 businesses which are currently operating from the site without the benefit of planning permission.

Planning History

2. To fully understand this application it is important to be aware of the complex history associated with the site. In 1975 a change of use application was allowed from a former coal yard to a commercial repair depot subject to a personal condition.
3. Later in 1975 an application for use of the site for a builders yard was refused, but later allowed on appeal. Within that consent the Secretary of State declined to attach a personal consent restricting occupation of the site to the appellant company HC Moss (Builders) Ltd, because he did not consider that an over intensive use of the site would be created. The Inspectorate considered the suitability of Millfield to serve the development. He noted that no accident record at the junction with Rooks Street and that 'the traffic expected use the site.... Would not cause serious difficulties on Millfield or at the junction with Rooks Street and ... the traffic flow would be much less than when the site and premises were used as a coal yard and coal packing depot.
4. Several other applications have been since refused planning permission where the issue of sustainability of Millfield to accept the additional traffic generated by the proposed developments has been considered unacceptable. The proposal in 1980, (S/0204/80/FL) to erect a building of 880 square metres for a store, joinery and workshop was dismissed at appeal for this reason. The Secretary of State stated: 'the width and the junctions of the approach road to the appeal site would not provide adequate and safe access. The new building would have the potential to create more business which could exacerbate the existing traffic problems.' (Decision 30 September 1981)
5. Planning permission was granted for the construction of a storage building and extension to existing storage building for the sole use of H.C. Moss on 14 February 2007 (S/1867/06/FL). At the time it was considered that the expansion would help assist the expansion of a local firm. However, it was restricted to a personal consent as there were concerns regarding potential increases in traffic and as such a condition was considered appropriate which helped to minimise additional traffic movement which may have been generated by another occupier. In addition condition no. 5 limited the use of the building to Class B8 (Storage). The reason for approval stated that the development was not considered to be significantly detrimental to the material planning considerations of traffic, parking, overdevelopment and road safety.
6. The enforcement officer was called to the site on 11 April 2011 as the authority had received complaints regarding the site. The enforcement officer noted the activity and took photographic evidence of the site and concluded that the applicant's previous approval (S/1867/06/FL) may not have been started within the time within 3 years of the granting of the application, therefore the previous application had expired and a new application was required. Discussion with the applicant then continued over the next year and the building work continued with the applicant aware of the consequences.
7. On 12 April 2012 the applicant submitted an application to vary condition no 4 associated with the original S/1878/06/FL application requesting that the personal condition restricting single occupancy be removed. During the consideration of that

application the applicant was requested to submit evidence of the commencement of development within 3 years, but failed to provide enough evidence to satisfy the Council's legal officers and was informed on the 14 March 2013. Consequently the application was withdrawn.

8. Then on 23 June 2013 the applicant submitted a the retrospective application being considered today Members may recall they considered this application in October 2013 and resolved to defer the application subject to a transport assessment. That assessment report was received on the 30 April 2014 and is reported later.
9. In April 2014 the Council served an Enforcement Notice on the occupiers and the applicant of all the Millfield units as the planning situation had not been resolved within the statutory 4 years. The application has subsequently appealed that enforcement notice and there has been a hearing date set for the 21 October 2014. Within that appeal the applicant has asked the Secretary of State to consider this application.

Planning History not included in the Background.

10. This site has a very complex history of planning applications. The applications most relevant in addition to the ones outlined above are:

S/2366/00/FL - Storage building retrospective application - Approved 2003

S/0921/86 - Use of workshop for wine storage and beewax packing. – Approved 1986

Enforcement Notice - Storage of a tower crane to cease - March 1983

S/1374/F - Storage of tower crane - Refused 1982

S/0927/82/F- Warehouse and joinery workshop - Refused 1982

S/0204/80/F - Builders store and joiners workshop - Refused 1980, Appeal dismissed following public enquiry 1981.

S/2090/78/F - Workshop with offices - Refused 1979

S/1834/77/F - Conversion to offices - Approved 1978

S/1200/74/F - Change of use to winter quarters and headquarters of circus - Approved 1975 for a temporary period of 3 years.

C/0542/63 - Covered area for the storage of bulk coal and washing of coal.

C/0011/63 Parking one caravan - Approved 1963, temporary consent for 2 years

RC/0201/60- Use for storage and packing - Approved 1960 and 1962

RC/0059/59 - Use as warehouse or repository - approved 1959

Planning Policies

National Planning Policy Framework

11. National Planning Policy Framework (2012) - Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
12. Circular 11/95 - The use of conditions in Planning Permissions : Advises that condition should be necessary relevant to planning , relevant to the development, enforceable, precise and reasonable in all other respects. The Circular advises that 'a personal condition to a company is inappropriate because it shares can be transferred to other persons without affecting the legal personality of the company. This condition will scarcely ever be justified in the case of a permission for the erection of a permanent building (paragraph 93)

Local Development Framework

13. South Cambridgeshire Core Strategy Development Plan (2007)
ST/5 (minor rural centres)
14. South Cambridgeshire Development Control Policies Development Plan (2007)

DP/1 - Sustainable development
DP/3 - Development Criteria
DP/7 - Development Frameworks
ET/1 - Limitations on the Occupancy of New Premises in South Cambridgeshire
ET/4 - New Employment Development within Villages
ET/5 - Development for the Expansion of Firms
NE/1 - Energy Efficiency
NE/14 - Lighting proposals
NE/15 - Noise pollution

Draft Local Plan

15. South Cambridgeshire Local Plan Proposed Submission

S/8 Rural Centres
HQ/1 Design Principles
E/12 New Employment Development in Villages
SC/10 Lighting Proposals
SC/11 Noise Pollution
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision

Consultations

16. Cottenham Parish Council – Recommendation of refusal of the application as originally submitted on the grounds that:
 - a) it would be a significant over intensification of the site and the excessive traffic movements generated.
 - b) The mezzanine windows shown on the plans directly encroach on the privacy of neighbouring residential properties, despite the application stating that they are specifically for privacy.
 - c) The design and access statement states that the site has been extensively improved with a new entrance; however the removal of gates and a wall has directly impacted on the privacy of residents. Additionally the Parish Council considers there to be a number of inaccuracies in the application:

- d) The units aren't currently being used as described in the application (the proposed storage extension states it's to an existing block of storage; however the units are being rented out as business properties). The Parish Council are of the opinion that should permission be granted for this extension then a further application for change of use would follow, resulting in further traffic generation.
- e) The opening hours mentioned in the traffic report differ from those on the application form. Indeed the businesses on the site operate 7 days a week and traffic is generated from before 7am and after 9pm at night. This causes disruption and noise which affects neighbouring residential properties.
- f) Traffic movements on the site are considerably more than stated on the traffic report and are above Government guidelines. Emergency access is very poor, as highlighted during a large fire in the vicinity in 2006. The road is highly unsuitable for large vehicles, with very narrow access both on and to the site. There are a significant number of vans and lorries now using the site and, since this is an unadopted road with no pavement, this has significantly impacted on the safety of residents. Any increase in vehicle movements, be it either vans or cars, would drastically affect residents. Given these factors it would be fitting for a full traffic assessment to be carried out.
- g) Section 3.1 of the design and access statement says that there is a footpath running parallel to the carriageway on both sides. This is wholly untrue.
- h) The planning history report submitted has omitted 3 rejections for planning on this site, all based on over development.
- i) The application form states that there has been no pre-application advice however there has been constant consultation with yourself over a prolonged period.
- j) Section 6.4 of the design and access statement states that prior to the construction of the units various businesses operated from the site but following the economic downturn only HC Moss remain and this has had an impact on the amount of traffic leaving/entering the site. This statement is wholly untrue and there are numerous businesses operating from the site.

17. The Parish Council has summarised its concerns as follows:

- k) Although it can be argued there is a need for small business units this particular location is far from ideal. The site has increased well beyond the capacity of the narrow access road and is now unsustainable. Given the over development, excessive traffic movements, loss of privacy for residents and noise/nuisance it would be completely inappropriate to grant planning permission in this instance. Conditions made to previous applications for this site have been flagrantly ignored and the applicant has shown a blatant disregard for the planning process on numerous occasions.
- l) It strikes the Parish Council that the reasons stated for rejection of an application in Ivatt Street, Cottenham (S/1209/13/VC) relating to a commercial property would also be wholly applicable to the Millfield application. Ivatt Street is a narrow, privately owned road exactly the same as Millfield. The reasons for rejection were stated as (relevant extracts):
 - I. 'noise/disturbance from vehicles accessing the site and, due to the lack of on-site turning provision and narrow width of Ivatt Street, manoeuvring within Ivatt Street in close proximity neighbouring residential properties. As a result, the proposal would result in an unacceptable level of noise and disturbance to surrounding residents, contrary to Policy DP/3 of the adopted LDF, which states that planning permission will not be granted where proposed development would have an unacceptable adverse impact on residential amenity.
 - II. 'The application has not been supported by sufficient transport information to demonstrate that the proposed development would not prejudice the satisfactory functioning of the highway. Consequently, the proposal is contrary to Policy DP/3 of the adopted LDF, which states that planning permission

will not be granted where proposed development would have an unacceptable adverse impact from traffic generated.'

m) With reference to point 2 in the Ivatt Street refusal notice, the Parish Council notes that HC Moss have actually supplied a traffic assessment which states that there would be an adverse impact from traffic generated. With such a precedent in place it would therefore be desirable to see a consistency in the planning decision regarding the Millfield application.

Council's Environmental Health Officer

18. No objection.

Local Highway Authority

19. Originally stated that : the LHA does not oppose the proposal, stating that: 'Given that Millfield is a private road and that the proposed removal of Condition 4 of S/1867/06/F is unlikely to significantly change the nature and or the level of vehicular movements to and from the site, no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of planning permission'. This advice was given on the understanding that the 2006 permission had been implemented.
20. Following the submission of information from Atkins (30 April 2014), further additional information submitted by the applicant (17 June 14) and information submitted by residents on the (17 June 14) a further assessment has been made taking all the evidence as presented and while the use of Rooks street and Millfield may not be unusual in terms of traffic numbers (all modes), the access to Millfield is so constrained that in my opinion any increase in motor vehicle movements through this access (as predicted by the Atkins Study) would be a hazard above and beyond the normally meet within the highway both adopted and unadopted. It is clear that the local residents have some quite serious concerns in relationship to the use of Millfield. Whereas, this street is not an adopted public highway, it is in all probability a highway within the meaning of the Highways Act 1980, so I have considered its use along with that of Rook Street.
21. Under the circumstances the Highway Authority requests that the application be refused on the grounds of highway safety.

Cambridgeshire Fire and Rescue

22. No objection. Recommendation for a condition to be attached to any planning permission issued for adequate provision to be made for fire hydrants.

Police Architectural Liaison Officer:

23. No objection on the grounds of crime and disorder or community safety.

Environment Agency:

24. No objection.

Representations

Representations by members of the public

25. Ten letters of objection have been received from Millfield, Corbett Street and Rooks Street. Together with one e-mail providing further transport monitoring carried out by a local resident. The grounds of objection are:

Principle of development

- a) This is an undesirable form of commercial over-development of the site.
- b) It does not make sense to say that more businesses will have a negligible effect on traffic from the site.
- c) Contrary to planning policy.
- d) Further development of the site is not suitable in a residential area.
- e) There are under-used units elsewhere in the village which would be better suited for this type of development.

Millfield Road

- f) Millfield is a single unadopted track that is in poor condition. It is unsuitable to accept any more traffic, or heavy traffic. It is used by pedestrians, including children, the elderly and infirm.
- g) The road surface on Millfield is bumpy- HC Moss should maintain it.
- h) Parking takes place in the visibility splays.
- i) Lorries visiting the site reverse into Millfield and even Rook Street
- j) Traffic entering and leaving The Maltings already travels too quickly, causing many near misses on Millfield.
- k) The junction with Rooks Street and Corbett Street has poor visibility, and is dangerous for pedestrians and playing children. Emergency vehicles would have difficulties using it.
- l) The 'No Access for HGVs' signs are not completely effective, as HGVs use the road to visit the site
- m) The Council does not let its own refuse vehicles to use Millfield but sends smaller wagons instead.
- n) Damage to the barn and fence at 67 Rooks Street.

Rooks Street and Corbett Street

- o) Rooks Street and Corbett Street are unsuitable to take an ever increasing volume of commercial traffic.
- p) On street parking on adjacent roads has increased since the 1950s making it more important that only appropriately-sized vehicles attempt to access the site.
- q) Rooks Street does not have footpaths on both sides down its entire length
- r) Large vehicles reverse in Corbett Street to access Millfield.

Site and development

- s) The business units already operate at weekends and between 7am to 7pm.
- t) Limit hours of use to 7am- 7pm.
- u) The proposal has too many parking spaces.
- v) No area for the storage and collection of waste is shown on the plans.
- w) The application form does not indicate the external materials used.
- x) No consent for foul drainage has been granted.
- y) The ground is likely to be contaminated.
- z) Removal of boundary fence on northern boundary.
- aa) No screen fencing on the south western boundary.
- bb) Removal of screen wall from the frontage.
- cc) Removal of trees on the site.
- dd) Visually damaging in the landscape.

Residential amenity

- ee) Overlooking of adjoining properties.
- ff) Noise and disturbance every day.
- gg) Existing units operate unsociable hours in the early morning and late into the evening.
- hh) External lighting stays on overnight.

Transport Statement

- ii) The Transport Statement is wrong because it assumes that planning permission for the building already exists and does not take into account the existing 17 businesses on the site. If approved there would be 28 businesses operating from The Maltings.
- jj) The use of Passenger Car Units in the Transport Statement is misleading as most additional movements will not be passenger cars.
The additional transport study carried out in June 2014 shows that the increase in traffic is causing considerable harm to highway safety due to the increase in vehicles using the access.
- kk) Photographs included show a recent accident at the junction (March 14)
The condition of the road is poor and further damage to residents properties is being caused by heavy goods vehicles using the site and again photographic evidence is provided.

Planning History

- ll) At least six previous applications were made retrospectively.
- mm) Refusals of planning permission are not shown on the Design and Access Statement.
- nn) An Inspector at appeal has stated that further development of the site would be unsuitable.
- oo) There is no reason for the Council to reverse its decision in 2007 to limit the occupation of these units to H C Moss Ltd.
- pp) Concern about lack of planning enforcement at the site.
- qq) Two residents have provided a series of photographs showing Millfield being accessed by HGVs, and alleged damage to property fronting Millfield.

Cottenham Village Design Group

- 26. No objection. The buildings, although functional, are suitable for the proposed uses and in this location are acceptable. The Design Group supports the creation of local employment opportunities but in all cases these should be designed and sites with sensitivity to the location, including design of the highways infrastructure leading to them.

Representations from the applicant and Transport Consultant

- 27. The applicant has stated in response to third-party representations received:
“The objections to our planning application appear to relate mainly to the whole site and in particular to the existing units to the rear of the yard which can be used lawfully at weekends and evenings and not to the units which are the subject of the planning application. In particular in the existing units to the rear of the yard one business stores mobile pizza ovens and another houses an ice sculpture business both of which regularly operate weekends and evenings.

28. 'It must also be taken into account that the whole site is open and we have been advised on a number of occasions that vehicles have been seen in the yard over weekends which have no connection with any businesses that operate from the yard. In addition vehicles do park outside the new units which are the subject of the planning application without our consent. In the context of the wider picture it must be borne in mind that the lapsed planning consent to build the units for our sole use as offices and storage would have generated movements of large and heavy vehicles delivering building materials in bulk and moving pieces of heavy plant such telescopic folk lifts, scaffolding and cement mixers. The proposed new use would generate traffic movements with mainly lighter vehicles.
29. 'It must also be borne in mind that given the fact that there has been no material adverse change in planning policy since the lapsed planning consent was granted a new identical planning application could not reasonably be refused. Therefore, in my opinion, the principle of the development and use has been established.
30. The crux of the issue is who should use the units, us who would generate larger vehicle usage or other businesses which generate light to medium size vehicle usage.
31. I am unable to identify the destinations of the vehicles photographed other than to observe that the vehicles are photographed entering or exiting Millfield which, although likely, does not prove that the destination is the Maltings. These photographs only demonstrate that Millfield is used by HGV's which is not disputed. They do not however demonstrate the number of vehicle movements in any given period or the times of deliveries'.
32. The applicant does not accept that vehicles visiting the site have caused damage to an adjacent property (see paragraph 33 above).
33. The applicant's Transport Consultant has stated:
It is quite clear that most of the objectors do not understand the planning process. They are making objections to the development as a whole, wishing to treat the application as if the whole site was 'greenfield' rather than considering the planning application for units that form a small part of the development and generate little traffic, which is considered in the Transport Statement. No doubt the Planning Authority will realise this and weight the objections accordingly along with the consultation of the County Council as Highway Authority who I understand have raised no objections to the development.

Material Planning Considerations

33. The application relates both to the building that has been erected and to the use and occupation of the building. Retrospective building on site as operational development
34. The application is retrospective. It should be noted that planning permission for the erection of the building substantially to which the application relates was granted on 17 February 2007 with a condition that development should commence within three years (S/1867/06/F). Development was still being carried out in April 2012 at the date of the submission of planning application S/0693/12/VC, and upon further investigation planning officers considered that insufficient evidence had been provided by the applicant to show that building work had commenced prior to the required date.

35. The current application is intended to regularise the situation by seeking retrospective planning permission for the development as built. The building that has been erected accords with the 2007 planning permission in terms of height, scale and siting, but differs in other respects:

- a) Mezzanine floors have been inserted in five units.
- b) Roller shutter doors have been replaced by windows in four units.
- c) Rooflights have been added to all units.
- d) Parking, turning and access to the rear (north western) part of the site layout has been revised and the above items have been included together with details of:
- e) Cycle parking has been included.
- f) A proposed extension to the existing building the south has been omitted.
- g) Walls and a gate have been removed from the frontage.

Principal of Development

36. The site has been used for the purposes of non-residential for a period in excess of 30 years, and has operated as a builder premises for over 20. The current application seeks to intensify that use by sub-dividing the units to allow additional business to trade from those premises.
37. The retrospective application proposes the facility to allow the occupation of each of the new units by independent businesses either as Class B1(a) offices or for Class B8 storage. All but two units have already been let to independent occupiers. This differs from the 2007 planning permission which limited occupation to the applicant company, for the reason 'to assist the expansion of this local firm and to minimise additional traffic movements which may be generated by another occupier' (Condition 4 of S/1867/06/F).

Existing Businesses

38. The units operating on site are all small independent business, the applicant has continued to advertise and rent the units in full knowledge of the current planning situation.
39. South Cambridgeshire promotes small businesses and the presumption is in favour of the expansion of business under policies ET/4 and ET/5 of the South Cambridgeshire Development Control Policies 2007, therefore the principle of the development is considered acceptable.

Residential Amenity

40. The Parish Council and one objector have expressed concern about overlooking from rooflights in the premises. This concern is not supported by officers as the roof lights have been erected above eye level and do not give rise to overlooking of adjoining dwellings to the south.
41. The Parish Council and some objectors have concern about the removal of the frontage wall, which has given rise to issues of amenity to occupiers of nearby dwellings. In the event that Members are minded to grant planning permission it is recommended that a condition is attached to require the reinstatement of a suitable frontage enclosure and landscaping to improve the visual amenity of the site.
42. Details of external lighting on the new units and parking area can be controlled by condition in consultation with the Environmental Health service. This would minimise

harm to the amenity of adjoining residents. The applicant has stated he will install movement sensitive lighting to resolve the issue of lighting causing a nuisance to nearby residential properties and this could be secured by a condition.

43. The issue of noise and disturbance caused by vehicles delivering to the site has been raised in several complaints received by the Enforcement Officer. These highlight deliveries to the site as early as 02:00 in the morning to one of the businesses known as the 'Sausage Company'. On investigation deliveries to this business are necessary early in the morning as the business operates from before 07:00 when the vans are taken to site. The applicant has indicated that he would be willing to accept conditions associated with deliveries to and from the site. However, It is important to note that the rear business units have also traded for the site for many years and are not controlled by planning conditions associated with deliveries. Therefore the inclusion of a control on deliveries to these premises would be difficult to monitor and almost impossible to enforce as it would not be clear which vehicles are visiting which premises.
44. Concerns about traffic entering and leaving the site outside these hours have been expressed by the Parish Council and local residents. The applicant has insisted that any vehicles operating at these hours are by occupiers of the existing units at the rear of the site. This issue is being investigated separately by officers, having regard to the restrictions imposed by the Secretary of State in 1976. It is not considered to be a material consideration in the current application because this relates to different units on a different part of the site.
45. The noise and disturbance associated with this site, is difficult to control due to the uncontrolled nature of the rear site. It is difficult to assess which vehicles are attending the application premises and which are visiting the rear of the site. The provision of a further consent would simple exacerbate the problems of noise to nearby residents by virtue of additional vehicles. On balance the noise created by this use has a serious impact on the residential amenities of nearby residents and is therefore considered contrary to DP/1, DP/3 and NE/15 of the adopted South Cambridgeshire Development Control policies 2007.

Highway Safety

46. Member may recall that this application was deferred in October 2013, subject to an additional monitoring report the original submitted Transport Statement indicates that the additional element that would be generated by the occupation of the units by independent firms would amount to 8 Passenger Car Units (PCUs) a day.
47. Whilst the transport movements alone show an increase, the independent assessment carried out by Atkins also revealed that there would be an increase in vehicle movements. It concluded that comparing this analysis with analysis submitted by the applicant, as part of the 2013 planning application, the total number of Passenger Car Units (PCUs) more or less matches that predicted within the revised transport assessment (9 PCU increase). However, quoting the number of PCUs does not provide a full assessment of the anticipated impact as, whilst there is an anticipated decrease in HGV movements, there is a larger anticipated increase in car movements.
48. Taking into account total vehicle numbers the new revised application is anticipated to generate between 15 – 21 additional two-way daily vehicle trips. Copy of the findings of the report are attached Appendix 1.

49. Following the Atkins report the applicant was encouraged to submit a further monitoring report on Rooks Street, to provide additional evidence to support the application this report shows that a: the capacity of the road has not been exceeded by the uses operating from the site and additional capacity also exists, b) volumes are below the national average of a residential street of this size, c) the vast majority 94% are motor vehicles, d) speeds below the speed limit, e) little use of the footways by pedestrians and f) excellent accident record over the last 5 years. Copy of the findings of the report are attached Appendix 2.
50. In addition the local residents submitted a report which provides detailed evidence of issues associated with road safety, damage to private property and highlight the issues of noise and disturbance. Copy of the findings of the report are attached Appendix 3.
51. In practice the vehicles associated with the proposed use are for smaller vehicles in comparison to the large vehicles association with H C Moss (Builders) Ltd storage use.
52. The Local Highway Authority has accepted the assessments above and have concluded that, it considers the net increase in traffic arising from the proposed independent occupation of these units based on the revised transport assessments submitted would be unacceptable, as the increase in traffic flows would have a serious impact on the public safety. Therefore on balance the application is recommended for refusal.
53. The Parish Council and local residents have drawn attention to the shortcomings of the road network serving the site, including the limited width of Millfield. This issue has been considered in previous planning applications at the site, including two public inquiries. The most recent of these appeals, S/0204/80/F, was dismissed in September 1981 on highway safety grounds, but this was for a significantly larger joinery and workshop building which could have been expected to generate larger vehicles and whilst this was previously considered in the report in October 2013 that this decision could not provide a precedent for the consideration of the current proposal the significant data submitted within this application concludes that the access should be refused on highway safety grounds.
54. The amended proposal is shown to be provided with 24 vehicle parking spaces including 2 spaces for vans and a turning head which has not yet been implemented. This exceeds the maximum parking requirement as set out in the standards of the current LDF of 21 vehicle spaces, but not by a significant number, and is not considered to amount to a reasonable ground to refuse planning permission. It should be noted that in the emerging Local Plan Policy TI/3 maximum parking standards have been replaced by design-led indicative standards.
55. The applicant has agreed to post signage to discourage unauthorised parking by third parties in the visibility splays at the entrance in order to safeguard visibility at the entrance and to discourage reversing into Millfield. However, by the time these will be visible to drivers they will already have navigated a difficult road and therefore may cause an issue with reversing down a small street such as Rook Street, causing a danger to other road users.
56. The applicant has set out his intentions to continue to maintain that stretch of the road surface of Millfield in use by vehicles from The Maltings, as a voluntary measure. It is not considered practicable to impose any requirement to this end as part of any planning permission granted, as the applicant does not own this length of road nor

has been shown to be fully responsible for the wear on the road's surface. Therefore no assumption on an improvement to the road surface can be made. It is currently in a significant poor state of repair which is causing an issue of safety to road users contrary to policies DP/1, DP/3 and TR/3 of the South Cambridgeshire Local Development Control Policies 2007.

57. On balance taking all the information as submitted into account the application is considered unacceptable and therefore contrary to policy DP/1, DP/2 and TR/3 of the adopted South Cambridgeshire Development Control policies 2007

Other matters.

58. The Parish Council has drawn attention to a recent refusal of planning permission for increased numbers of children to attend at an existing playgroup at 14 Ivatt Street, Cottenham- S/1209/13/VC. This was an application at premises located on a private drive in a backland position which was refused on the grounds of disturbance to nearby residents from noise from additional children playing and traffic accessing the site, and insufficient transport information. The circumstances of the proposals were significantly different. The lack of a Transport Assessment, the concentration of traffic movements at certain times of the day, the presence of noise from playing children, and the cramped facilities on the site are all differences compared to the current proposal, and which drew recommendations of refusal from Environmental Health and the Local Highway Authority. Applications are required to be assessed on their merits in each instance, and application S/1209/13/VC is sufficiently different in its impact as not to amount to a precedent for the consideration of the current proposal.
59. Building Regulations consent has been granted for the development. This included approval for means of surface water and foul drainage.

Conclusions

60. The site lies with the development framework of the village
61. The expired planning permission for the development of this part of the site (S/1867/06/F) permitted a building of the same scale and similar appearance to that which has been erected.
62. The concerns raised by the Parish Council and local residents relating to the appearance of the development and overlooking are either not supported by officers or could be resolved by the imposition of suitable conditions on any planning permission granted.
63. The occupation of the building by independent operators within Classes B1(a) and B8 is predicted to give rise to an increase in trips generated which is clear from the transport assessments carried out, This is likely to give rise to a significant highway safety issue and this assessment is supported by the Local Highway Authority.
64. The amenity of local residents can not be safeguarded by the imposition of suitable conditions to any planning permission issued, as these are difficult to monitor and enforce due to the nature of the rear of the site.

Reasons for refusal

1. The site has an existing use as storage the building was authorised in February 2007 but the building works did not commence within 3 years and therefore that

building has not been lawfully erected. The use permitted within that application was a personal consent necessary to ensure the applicant could expand his business operation and was for Class B8. The applicant subsequently, built the unit and sub-divided it into 10 independent units which are now a mixture of Classes B1 and B8. By virtue of the intensification of the existing use from Class B8 use to Classes B8/B1 and the sub-division of the building it considered that the development would be detrimental to the amenities of nearby residents due to noise and disturbance as such the proposal is contrary to policies DP/1, DP/3 and NE/15 of the South Cambridgeshire LDF adopted 2007.

2. The development by virtue of the net increase in traffic arising from the proposed independent occupation of the units would result in an unacceptable increase in traffic flows which would seriously impact on public safety as such the proposal is contrary to policy TR/3 of the South Cambridgeshire LDF adopted 2007.
3. The use of the premises by independent companies is not supported by any details to assess how the applicant will seek to reduce car dependency and is as such contrary to DP/2 of the South Cambridgeshire LDF adopted 2007.

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Core Strategy Development Plan (2007)
- South Cambridgeshire District Council Development Control Policies adopted 2007.
- Planning File Ref: S/0767/13/FL

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