



Appeal Decision

Hearing Held on 30 April 2019

Site visits made on 29 & 30 April 2019

by D J Board BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2019

Appeal Ref: APP/W0530/W/18/3198003

Sawston Joinery, London Road, Pampisford, Cambs, CB22 4EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Sawston Joinery Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref S/2844/14/FL, dated 24 November 2014, was refused by notice dated 11 September 2017.
 - The development proposed is demolition of small industrial units and replacement with a 2 storey workshop & office building for Sawston Joinery.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of small industrial units and replacement with a 2 storey workshop & office building for Sawston Joinery at Sawston Joinery, London Road, Pampisford, Cambs, CB22 4EE in accordance with the terms of the application, S/2844/14/FL, dated 24 November 2014, subject to the conditions in Annex A.

Application for costs

2. At the hearing an application for costs was made by Sawston Joinery Ltd against South Cambridgeshire District Council. This application will be the subject of a separate Decision. At the Hearing the Council confirmed that it had withdrawn its application for costs.

Background and Main Issue

3. At the hearing the Council advised that since its decision was issued it has adopted the South Cambridgeshire Local Plan (LP). I was provided with the relevant policies and the appeal is considered on that basis.
4. The Statement of Common Ground (SoCG), November 2018, confirmed that the Council would not be defending the reason for refusal. There were no other third parties who made representations or that attending the hearing. The Council's position was based on the need for conditions to be imposed should I allow the appeal.
5. The SOCG confirms that the land is not designated as contaminated land rather it is classed as land potentially affected by contamination due to the presence of an underground fuel storage tank. There is no dispute that the chalk aquifer is of importance and the development should not pose and unacceptable risk to watercourses or groundwater.

6. Accordingly, the main issue is the effect of the proposal on groundwater pollution and contamination monitoring.

Reasons

7. The appeal site is located within an area described as an 'existing industrial area' at Langford Mill in Sawston. The appeal scheme would remove the existing buildings and reconstruct an office and workshop. The joinery business is described as '...general joinery work, particularly for the building trade...fitting out of commercial premises... work on churches...'. At the hearing and within the written representations two potential sources of pollution are identified. These are chlorinated solvents and hydrocarbons. I consider each of these in turn.
8. The Environment Agency (EA) initially raised an objection to the scheme and were seeking further survey work and remediation. This was based on its view that there was known groundwater pollution within the vicinity of the site. In particular that there are chlorinated solvents that could potentially impact on local springs and the Sawston south stream. This concern was based upon the fact that there was thought to be a historical association with the tannery site, which is located to the south of the appeal site. It was submitted that the tannery has not been operational since the mid 1990s. A historical loss of solvents in the 1960s is referred to. This resulted in a plume of contamination. Nonetheless the information before me indicates that the appeal site was in use as a vehicle lock up in the 1960s associated with Roy Mandeville Transport.
9. The appellants have undertaken a Phase I desk study which identified possible contamination risks and a conceptual model. Phase II intrusive investigations have also been carried out along with boreholes and monitoring wells to allow a period of soil gas and groundwater monitoring. From desk study and subsequent investigations, a remedial strategy was proposed for the safe development of the site. In addition to this it was confirmed that, even though it has been in the same ownership in the past, that the appeal site has never been part of the operational part of the tannery.
10. The appellants advise that a report undertaken in 2014 was clear that the appeal site was not a source of tannery chemicals. The ground conditions are a concrete internal floor and tarmac/hardcore externally. Therefore, testing for solvents was done on a purely precautionary basis. The testing was of soils up to 4m in depth. No contamination has been identified that would pose a risk to future users of the site. Furthermore, the appellants are clear that there is no evidence that would link the appeal site to the plume as it is not being contributed to by shallow soils or groundwater near the site. Therefore, the information provided by the appellants has satisfied the Council that it is unlikely that the site was or is a source of contamination contributing to the pollution of controlled waters. Based on the submitted evidence and what I heard at the hearing I have no reason to disagree.
11. On the matter of hydrocarbons, the appellants study work identified that there is a disused underground fuel tank within the site boundary. It sets out that fuel derived contamination was not encountered within groundwater in the areas directly downgradient of the tank. Furthermore, the remedial strategy for the development includes the removal of the tank along with surrounding soils. The EA confirmed it had no objection to this course of action subject to the imposition of conditions on the planning permission.

12. I therefore conclude that the proposal would not have a harmful effect on groundwater pollution and contamination monitoring. Therefore, it would not be in conflict with LP policy CC/7 which amongst other things requires development proposals to demonstrate that the quality of ground, surface or water bodies will not be harmed.

Conditions

13. At the hearing an updated list of agreed conditions was submitted for discussion. I have considered these conditions against the tests in the National Planning Policy Framework and the Planning Practice Guidance.
14. In the interests of the character and appearance of the locality conditions are imposed in relation to commencement, securing the approved plans and details of landscaping.
15. To protect local living conditions, it is necessary and reasonable to impose conditions that would secure the management of construction traffic, obscure glazing to the high-level windows that would face the dwelling Sunnyside and to control the use of power operated machinery on the site.
16. To protect groundwater quality a condition would be necessary to secure an appropriate method of surface water disposal. In addition to protect and prevent the pollution of controlled waters two further conditions are required to secure the remediation strategy and make provisions for dealing with any further contamination if it is found during the construction of the new building.

Conclusion

17. For the above reasons and having regard to all other matters raised the appeal is allowed.

D J Board

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Meyric Lewis	Counsel for the appellants
Robert McGeady	Ashtons Legal
Marcus Bell	EP Strategies
David Easthope	Easthope Associates
Hugh Byrne	Sawston Joinery

FOR THE LOCAL PLANNING AUTHORITY:

Ruchi Parekh	Cornerstone Barristers
Rebecca Whitney	South Cambridgeshire District Council
Chris Swain	Environment Agency
Wojtek Koryczan	Environment Agency
Stephen Reid	South Cambridgeshire District Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Updated list of agreed conditions dated 13 March 2019
- 2 Plan 1403.01 A
- 3 South Cambridgeshire Local Plan 2018 policies HQ/1; SC/10; CC/7

DOCUMENTS SUBMITTED AFTER THE HEARING

- 1 Appellants' agreement to pre commencement conditions

Annex A – Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1403:01 Rev A, 1403:02 Rev A, 1403:04 dated 23.3.14
3. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Local Planning Authority. The principle areas of concern that should be addressed are:
 - i) Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
 - ii) Contractor parking, for both phases all such parking should be within the curtilage of the site.
 - iii) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
 - iv) Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.The development shall be carried out in accordance with the approved details.
4. Prior to the first occupation of the building hereby permitted full details of soft landscape works along the eastern boundary shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include a plan showing the location, specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. The soft landscape works shall be carried out in accordance with the approved details prior to the occupation of the building or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place.
5. Apart from any top hung vent measuring 1.7m high from the internal floor level to the bottom of the cill, the proposed first floor windows in the north western elevation of the building, hereby permitted, shall be fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 in obscurity) and shall be permanently fixed shut. The development shall be retained as such thereafter.
6. During the period of demolition and construction, no power operated machinery shall be operated on the site, and there shall be no demolition or construction related deliveries taken at or dispatched from the site, before 0800 hours and after 1800 hours on weekdays and before 0800 hours and after 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays.

7. Notwithstanding the submitted planning application form, surface water disposal shall be via the existing surface water system as stated in paragraph 4.3 of the flood risk assessment Ref MTC 1065-FRA dated April 2013, unless otherwise confirmed in writing by the Local Planning Authority following discharge of Condition 8 with prior verification that the soakaway location has been remediated to a sufficient standard for use as a soakaway.
8. The development hereby permitted shall be carried out in accordance with the actions and measures proposed in the submitted remediation strategy (Supplementary Geo-Environmental Assessment, EPS ref: UK16.2390, Issue 2, dated 08 February 2017). Prior to the occupation of any part of the development a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.