The Planning Inspectorate

Appeal Decision

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date:03 July 2020

Appeal Ref: APP/W0530/W/19/3244700
Tomlinson Steel Ltd, Unit 32 Eastern Counties Leather Industrial Estate, London Road, Pampisford, Cambridge, Cambridgeshire CB22 3FX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by ECL Pension Fund against South Cambridgeshire District Council.
- The application Ref S/2692/19/FL, is dated 29 July 2019.
- The development proposed is the demolition of existing unit 32 and its replacement.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing unit 32 and its replacement at Tomlinson Steel Ltd, Unit 32 Eastern Counties Leather Industrial Estate, London Road, Pampisford, Cambridge, Cambridgeshire CB22 3FX in accordance with the terms of the application, Ref S/2692/19/FL, dated 29 July 2019, subject to the conditions in the schedule to this decision letter.

Application for costs

2. An application for costs was made by ECL Pension Fund against South Cambridgeshire District Council. This application is the subject of a separate Decision.

Procedural Matters

3. In response to travel restrictions currently in place due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available, images from google streetview, and also supplementary evidence supplied by the Appellant and confirmed as being accurate by the Council. Both the Appellant and the Council have agreed to the appeal proceeding on this basis.

Main Issue

4. The appeal results from the failure of the Council to determine the above application. However, as part of their appeal submissions, the Council has confirmed that had they determined the application they would have permitted it subject to conditions.

5. With that in mind, I consider the main issue is the effect of the development on the living conditions of the occupiers of the nearby residential properties.

Reasons

6. The appeal site is located on the western side of London Road and is of an irregular shape. The part of the site where the new building is proposed is within the main part of the industrial estate and is largely where the existing building is located. In addition to the above, there is an area of land to the rear of Sunnyside (a residential property) which is shown to be a parking area.

7. Whilst the description of the development is not clear as to the use of the building, the application form states that the existing and proposed uses are light industrial (Class B1(c) of the Town and Country Planning (Use Classes) Order 1987).

8. Given that the location of the part of the appeal development where the replacement building is located is within the main part of the industrial estate (and is a replacement of an existing building in the same Use Class) I consider that this element is unlikely to have any material difference on the living conditions of the occupiers of any of the nearby residential properties. In coming to that view, I acknowledge that the height of the proposed building is higher than the existing buildings.

9. The representations received raise issues such as light impact, privacy matters, together with noise and dusts concerns. However, from the representations received it is clear that some of these concerns relate to activities on land not within the appeal site and therefore I can give this element of the concerns raised little weight in my decision.

10. Notwithstanding that, part of the appeal site is located to the rear of Sunnyside. However, the layout plan shows this area would be used for the parking of motor vehicles. To my mind, given the proposed use of this area of land as a car parking area it would not give rise to any significant amenity issues to the occupiers of Sunnyside or the occupiers of other nearby residential properties.

11. For the above reasons the proposal would not unacceptably harm the living conditions of the occupiers of nearby residential properties and would therefore accord with Policies HQ/1 and SC/10 of the South Cambridgeshire Local Plan (2018) which amongst other matters seek to ensure that proposals protect the health and amenity of the occupiers of nearby properties from development and that there would not be an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing development. It would also accord with the overarching aims of the National Planning Policy Framework.

Other matters

12. As noted above, the Council has set out that they would have permitted the application as it considered the overall development acceptable. Having considered the living conditions issue above, I have no reason to disagree with any of the Councils assessment of the proposal, including that relating to potential contaminated land issues.

Conditions

13. The Council has suggested a number of conditions that it considers would be appropriate and I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have

amended some of the Council's suggested wording, including combining some of the suggested conditions to avoid duplication.

14. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.

15. In the interests of highway safety and in order to protect the amenity of the occupiers of nearby residential properties during the construction process a construction management plan (CMP) condition (including hours of construction works) is necessary.

16. For environmental reasons, including the historical use of the site, conditions relating to drainage, foundations and investigation boreholes and contaminated land matters are also necessary.

17. With the exception of the conditions relating to the CMP, drainage and contaminated land matters, it is not necessary for any of these to be pre-commencement conditions. It is however necessary for these matters to be agreed prior to any works commencing as they involve matters which relate to the period of construction works or could affect the initial site works.

Conclusion

18. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Plan 1905:02A; Plan 1905:03; Plan 1905:04; and Plan 19:05:05.

3) No development shall take place (including demolition works) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of :

   i. the hours of construction (including delivery times);

   ii. movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted highway);

   iii. contractor parking (which shall be not be on the public highway); and the

iv. control of dust, mud and debris, in relationship to the functioning of the adopted public highway and the neighbouring properties within the immediate area.

The construction works shall only be carried out in accordance with the requirements of the CMP.

4) Prior to any construction works, a scheme for surface water disposal shall be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approval drainage details.

5) Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

6) No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

i. The results of a site investigation based on the eps Phase 1 Geo-environmental Desk Study (including its conceptual model and preliminary risk assessment and Conceptual Site Model).

ii. Based on the risk assessment, an options appraisal and remediation strategy (the Remediation method statement) giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long-term monitoring and maintenance plan as necessary.

iii. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (ii). The long-term monitoring and maintenance plan in (ii) shall be updated and be implemented as approved.

7) 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.