

Agenda Item Number: 3

Section 73 application, as amended, for continued extraction and processing of sand and gravel with construction of an agricultural reservoir with variation of condition 3 of planning permission S/01283/10/CM to extend time for completion of reservoir to 31 December 2016, and without compliance with Schedule 2 of the second S106 agreement requiring the stopping up of part of Dernford Lane Sawston (resulting from the proposed removal of the temporary access as previously approved under planning permission S/01669/02/CM)

LAND AT: Dernford Farm, Cambridge Road, Sawston
FOR: Russell Smith Farms
LPA REF: S/00468/13/CM

To: Planning Committee

Date: 12 November 2015

From: Acting Head of Growth and Economy

Electoral division(s): Sawston

Purpose: To consider the above planning application

Recommendation: It is recommended that condition 3 is amended as set out in paragraph 10.1 and that permission is granted subject to the reinstatement of condition 13 of S/01669/02/CM; subject to the conditions of S/01669/02/CM and S/01283/10/CM that remain relevant; and a variation of the S106 agreement attached to the original planning permission to cover:

- (i) Agreements from landowners, British Rail, drainage bodies, Highways Agency, Local Highway Authority to carry out and maintain the irrigation infrastructure
- (ii) HCV routing scheme
- (iii) Habitat creation and management plan
- (iv) Groundwater and surface water monitoring
- (v) Public access strategy
- (vi) Scheme for re-use/disposal of soil and excavated material other than sand and gravel

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1.0 BACKGROUND

- 1.1 Planning permission, reference S/01669/02/CM, was granted in November 2005 for the extraction and processing of approximately 500,000 tonnes of sand and gravel from approximately 15 hectares of a 22.4 hectare site. This would create an agricultural reservoir that would store up to 75 – 80 million gallons of water (to be taken from the River Cam during periods of high flow when there is a surplus). The development of the reservoir was in response to Government support for diversification of cropping regimes, and the applicant's wish to expand the area to be cropped in order to produce organically grown potatoes for which summer irrigation was required. The remaining 7 hectares of the site were required for operational purposes during the construction period. These are to be restored to farmland, grassland, scrub and woodland upon completion of the development.
- 1.2 The planning permission that was granted in 2005 was granted subject to conditions including a requirement that the development (including the commissioning of the reservoir) be completed within 4 years of commencement of development. Development commenced in September 2006 with a detailed archaeological investigation followed by construction of the access road and commencement of mineral extraction. Therefore under the terms of the original permission development should have been completed by September 2010. An application reference S/01283/10/CM was submitted in July 2010 to extend the duration of the planning permission by a little over 3 years to 31 December 2013 and approved by the Development Control Committee in October 2010.
- 1.3 The planning permission granted in 2005 was supported by a S106 agreement which, amongst other things, required that HCV traffic serving the site uses the A1301 Sawston Bypass to the south and avoids the villages of Stapleford, Great Shelford and Sawston.
- 1.4 In 2010 permission was also granted to retain the temporary access road which under the terms of condition 13 of the original permission had been required to be removed within 3 months of the reservoir being commissioned. Permission reference S/01283/10/CM was also granted subject to a S106 agreement which required Dernford Lane to be stopped up and the new road made up to adoptable standard. It is not acceptable in highway safety terms to have two accesses onto the A1301.
- 1.5 The sand and gravel extraction was completed in early 2013. The processing plant has been removed. There is a small stockpile of processed sand which is being removed. The void has been shaped ready for placing a clay liner, which is necessary to provide hydraulic separation between the water in the reservoir and the groundwater in the underlying chalk. Clay is being brought to the site to create the clay liner.

2.0 THE PROPOSAL

- 2.1 Condition 3 of planning permission S/01283/10/CM states:-

“The development hereby permitted shall expire on 31 December 2013 by which time all fixed plant, structures and equipment shall have been removed and the landscaping and commissioning of the reservoir shall have been completed.”

- 2.2 The current application, reference S/00468/13/CM, was submitted in December 2013. In February 2014, the Planning Committee resolved to grant planning permission to extend the period for completing the development by 2 years i.e. until 31 December 2015, subject to a (further) S106 agreement. In the course of negotiating this agreement, it became apparent that it would be very costly to make the new access road to adoptable standard. The agreement has not been completed. Therefore planning permission could not be issued.
- 2.3 It became apparent that the development would not be completed by 31 December 2015. In the interim, the applicant has amended the planning application reference S/00468/13/CM, to seek permission for an additional 12 months i.e. until 31 December 2016. Also the applicant now proposes to remove the access road, which was required by condition 13 of the original planning permission.

3.0 APPLICANT'S CASE

- 3.1 The applicant has identified a number of factors that have delayed completion of the reservoir:
- 3.2 Firstly, the construction work (mineral removal and processing) started in 2007/08. This coincided with the downturn in the economy, which was severely felt in the construction sector and resulted in a noticeable reduction in the demand for minerals. Secondly, the clay-like chalk, which underlies the sand and gravel, is not a suitable engineering material for lining the site. It is, therefore, necessary to import dense engineering clay.
- 3.3 Such material is generated by the construction industry and is generally available and can be delivered at competitive rates. When the original application was submitted, it was anticipated that engineering clay would be sourced from the development sites in the north of Cambridge. Compliance with the HCV routing agreement was not a problem for despatch of the sand and gravel as the market for the mineral was largely to the south of Cambridge. This has, however, in the applicant's opinion severely restricted the ability to obtain sufficient quantities of suitable clay.
- 3.4 In June 2012, the County Council's Development Control Committee refused the developer's request to vary the terms of the second S106 agreement so as to allow vehicles bringing engineering clay to the site to use the A1301 via Great Shelford and Stapleford. This took the form of a separate application not connected to a concurrent planning application (see section 7.0 below).
- 3.5 The reservoir cannot be completed without suitable impervious materials. Some 100,000 to 120,000 cubic metres of engineering clay is estimated

to be required. Approximately 40% is on site. This engineering operation involves waste recovery and needs an environmental permit from the Environment Agency. It took the developer around 6 months to acquire the necessary permit. The permit places very stringent chemical/quality parameters on the project because the site is located above Chalk which is a Principal Aquifer. Only Boulder clay is suitable. The “blue” clay from the Cambridge area fails the permit specification. This reduces the potential sources of material that may be used.

4.0 THE SITE

- 4.1 The site lies immediately south of the village of Stapleford in the parish of Sawston, between the A1301 and the main railway line. The south-eastern boundary of the site is Dernford Lane, an unclassified road leading from the A1301 to the railway line approximately 700m to the south west. Beyond the railway line, via a level crossing, the route becomes a public footpath and private road to two residential properties, River Cottage and Dernford Mill House. Dernford Lane also serves (immediately east of the railway line) Dernford House and the former Dernford Farm buildings which have been converted to an agricultural workers’ hostel. The Bungalow is the warden’s house and Dernford Barn is the office.
- 4.2 There are a number dwellings close to the site: Bridge End Cottage abuts the eastern corner at the junction of Dernford Lane and the A1301; Dernford House and the hostel complex are located along the southern boundary of the site; and Stapleford Grange lies on the eastern side of the A1301 opposite the access road. To the north of the site is the residential area of Aylesford Way, Stapleford.
- 4.3 Dernford Farm Grassland County Wildlife Site is located approximately 125m south of the site and Dernford Fen SSSI approximately 290m to the southeast. The site is within the Cambridge Green Belt.
- 4.4 Small areas along the northern and western boundaries of the site lie in Flood Zone 2. The River Cam flows to the west of the railway line, with its tributary, the River Granta, flowing through the strip of land separating Stapleford from the field of which the site forms part.

5.0 CONSULTATIONS

- 5.1 South Cambridgeshire District Council – No comments received.
- 5.2 Sawston Parish Council – No objection.
- 5.3 Stapleford Parish Council – recommend approval but are concerned about the removal of the HGV access road. This road is in a safer position than the old road allowing visibility both for joining the A1301 and for cyclists and pedestrians using the cycle path crossing the access road. This access should be retained and improved to meet current highway standards and it could also serve as the entrance to Bridge End Cottage. The old entrance road is in desperate need of major repair and

presents a further danger to vehicles on the highway plus to cyclists and pedestrians using the cycle track/footpath from Stapleford to Sawston.

The County Council and the applicants are reminded of the condition in the original planning application that the area around the reservoir is to be restored and become an area of open space for local residents to be able to access.

Any associated HGV movement should not come through the villages of Stapleford or Shelford.

- 5.4 Great Shelford Parish Council – No objections to the extension of the permission for a further year provided the existing conditions still apply. It is disappointing that the new access has not been built to the required specifications as it is considered to be much safer than the existing access and the parish council would prefer to see it retained and built so it can be adopted.
- 5.5 Little Shelford Parish Council – In principle there is no objection to extending the completion date to 31 December 2016. However, this is only with the proviso that the existing restrictions on using the primary road network through Stapleford (A1301) remain in place.
- 5.6 Highways Development Control – The proposed increase in timescale to complete the works will have no significant impact on the operation of the adopted public highway for, as the applicant states, no additional vehicle movements will be required. Therefore, from the Highway Authority's perspective the proposed extension of time would be acceptable.
- 5.7 Environment Agency – No objection in principle but the applicant should ensure that all related permits and consents are valid at least until 31 December 2016.
- 5.8 Individual representations – Two local residents object to the current proposal because the developers have already been granted an extension of time and a landscaped reservoir which should have been in place by 2011. The occupiers of the house nearest to the site believe that they have been affected by the development for too long and suggest that in order to expedite completion of the reservoir the lorry routing restriction be lifted. The lorries delivering the clay would be not be a significant increase on the hundreds that use the A1301 daily.
- 5.9 A representation has been received which considers that the new access road should be retained because it is safer for cyclists to cross it than the old Dernford Road which has poor visibility splays. The cycle path is well used by school children. It is stated that there is much increased traffic on Dernford Road because of an enlarged agricultural workers' hostel and campsite and that the proposed car park for people using the path around the reservoir will further increase motor traffic.

6.0 PLANNING POLICIES

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant policies from the development plan are set out in paragraphs 6.3 and 6.4 below.

6.2 The National Planning Policy Framework (2012) is also a material planning consideration.

6.3 Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011) (the MWCS)

CS42 - Agricultural Reservoirs, Potable Water Reservoirs and Incidental Mineral Extraction

CS34 – Protecting Surrounding Uses

CS32 – Traffic and Highways

6.4 South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document (adopted July 2007) (SCDPD)

GB/2 – Mitigating the impact of development in the Green Belt

DP/3 – Development Criteria

7.0 PLANNING HISTORY

7.1 S/01669/02/CM - Extraction and processing of sand & gravel in connection with construction of an agricultural reservoir granted 13 November 2005

7.2 S/01283/10/CM – Development without compliance with condition 3 (extension of time to 31 December 2013) and condition 13 (retention of temporary access) of planning permission S/01669/02/CM granted 26 October 2011

7.3 Application to vary terms of S106 planning obligation to allow relaxation of HCV routing agreement refused 27 June 2012

7.4 S/1952/14/OL – Outline application for recreational development (refused by South Cambridgeshire District Council 22 January 2015)

8.0 PLANNING CONSIDERATIONS

8.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At its heart is a presumption in favour of sustainable development (para 14). It states that:

- Proposed development that accords with the development plan should be approved without delay;
 - Where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted; and
 - Proposed development that conflicts with an up-to-date development plan should be refused unless other material considerations indicate otherwise.
- 8.2 Along with a presumption in favour of sustainable development the NPPF (para 28) seeks to promote a strong rural economy by the development and diversification of agricultural and other land-based rural businesses. The proposed development which will enable the capture and storage of water in times of surplus and its reuse in times of deficit to grow food is consistent with the Government's objectives.
- 8.3 The NPPF also wishes to see land worked for minerals reclaimed at the earliest opportunity (para 33 Technical Guidance). MWCS policy CS42 deals with agricultural reservoirs and clause (e) states that the phasing and duration of the development should adequately reflect the importance of the early delivery of water resources. The original planning application was submitted in August 2002 and when in January 2004 the Council's Development Control Committee resolved to grant permission for a period of 4 years there must have been an expectation by the developer and within the local community that the mineral extraction and resulting irrigation reservoir would be completed by about 2009. For the reasons set out in paragraph 1.2 and section 3.0 this has not happened.
- 8.4 The developer, for economic reasons, finds the supply of clay limited by the Environment Agency's specification and the requirement for HCVs to use the Sawston bypass and approach the site from the south so as to avoid travelling through the villages. It could be argued that the developer should instead find and buy clay from sources other than construction waste and/or bear the cost of delivery in accordance with the routing agreement. It is understood that clay quarried at Waterbeach does not meet the environmental permit criteria as it is not Boulder clay (see paragraph 3.5).
- 8.5 The consultation responses show that there is generally a desire for the lorry routing restriction to remain in place but that the development has gone on for too long. The current application follows the Council's refusal to relax the terms of the S106 planning obligation in 2012. The proposal to revert to the removal of the access road and the old Dernford Road is not supported by Stapleford and Great Shelford Parish Councils and an individual.
- 8.6 The local community clearly believe that clay-bearing lorries will have an unacceptable impact on residential amenity and road safety if they are

allowed to use the A1301 through the villages. Retaining the existing routing agreement which requires HCVs serving the site to only use the A1301 from the Sawston bypass to the south will ensure that the residential amenity of residents in Stapleford and Great Shelford will not be worsened by the importation of clay until December 2016. MWCS policy CS32 states that minerals and waste development will only be permitted where any associated increase in traffic would not cause unacceptable harm to the environment, road safety or residential amenity. MWCS policy CS34 also seeks to protect residential amenity. SCDPD policy DP/3 has a similar aim to protect residential amenity from, amongst other things, traffic. The applicant's proposal to extend the duration of the development in order to comply with the routing agreement is, therefore, in accordance with these development plan policies.

- 8.7 The clay is essential to create the reservoir and it considered that if the extension of time for completing the development is not granted, the agricultural justification for the reservoir as well as the associated beneficial after-uses of the surrounding land could be compromised. Furthermore, the reservoir will be left in a half-finished state which would be inconsistent with its Green Belt location. SCDPD policy GB/2 requires that any development considered appropriate within the Green Belt is designed so that it does not have an adverse effect on the rural character and openness.

Access road

- 8.8 Planning permission S/01669/02/CM has already been granted in 2005 for proposals including the removal of the temporary access road subject to the following condition:

13. Within 3 months of the completion and commissioning of the agricultural reservoir hereby permitted, the temporary access shown on plan R1057/2a and any warning signs required by the above condition 12 shall be removed, and the Cambridge Road cycleway/highway verge reinstated with a scheme which shall have been submitted to and approved in writing by the Mineral Planning Authority within three months of the cessation of gravel extraction. The submitted scheme shall also include details of the reinstatement/repair of the carriageway or verge of Dernford Lane at the point of the vehicle crossing.

In 2011 planning permission S/01283/10/CM was granted without the above condition 13, enabling the access road to be retained. This resulted in the additional requirements contained within the second S106 agreement requiring part of Dernford Road to be stopped up and the access to be made available for adoption by the highway authority as an alternative to Dernford Road in the interests of highway safety because at that time the developer wished to retain the access road and it was not considered acceptable to keep both roads, as referred to above in paragraph 1.4.

- 8.9 It is acknowledged that there is a desire within the local community for the access road to be retained after the reservoir has been completed. The

reasons given are that it will be safer for cyclists to cross the access road than the old Dernford Road which has poorer visibility for motorists turning into and out of it from and to the A1301. However, what needs to be considered, in the context of this application, is whether the traffic generated by the reservoir when it has been completed will be enough in highway safety terms to justify requiring the developer to retain and or carry out improvements to the access road.

- 8.10 The reservoir once commissioned will generate very little traffic itself. The proposed car park will provide 15 spaces for people to use the new footpath. No formal leisure facilities are proposed so the site is unlikely to attract large numbers of visitors. It is contended by representors that there has been an increase in the amount of traffic using Dernford Lane (see paragraph 5.9). However this is not borne out by the planning history of premises at the western end of Dernford Lane.
- 8.11 Dernford Lane serves the properties listed in paragraph 4.1. It is the agricultural workers' hostel complex that generates traffic over and above that of a single dwelling. Planning permission was granted in 2006 and is subject to a S106 agreement that requires the occupiers of the property to use their best endeavours to limit the use of motor vehicle movements to and from the site. They are also required to take steps to discourage occupiers of the site from using motor vehicles during the morning and afternoon school travel periods.
- 8.12 An application has recently been submitted to South Cambridgeshire District Council for change of use and alterations to existing former agricultural buildings [the hostel complex] to provide 21 self-contained holiday accommodation units & 20 camping pitches, 10 serviced caravan pitches and ancillary parking, reception, wc/washing facilities, manager's accommodation (existing). The application is invalid so has not been registered.
- 8.13 The agricultural workers' hostel received planning permission in 2006 when it was assumed that the reservoir access road would only be temporary and would be removed by the end of 2010. At that time it was considered that in the long term Dernford Lane would be adequate for traffic generated by the hostel. The new application for holiday accommodation will, when valid and registered, be assessed on its own merits. The highway authority will consider whether or not the traffic it would generate could be safely accommodated by Dernford Lane.
- 8.14 It is considered that the traffic that will be generated by the reservoir and associated low key leisure use is not enough to compromise highway safety to such a degree that the mineral planning authority is justified in requiring the temporary access to be retained.

9.0 CONCLUSION

- 9.1 For the reasons set out in section 8.0 it is considered that the proposed extension of time until 31st December 2016 is in accordance with the Government's aspirations to promote sustainable development and

support the development of agricultural businesses. The proposal to no longer retain the access road is also in accordance with the relevant development plan policies concerning the impact of traffic provided that condition 13 is reinstated. It is not considered that the material change in circumstances since the planning permission for the reservoir was granted in 2005 justify a different recommendation in relation to the access road.

10.0 RECOMMENDATION

10.1 It is recommended that planning permission is granted subject to conditions including, amongst others, an amendment to condition 3 of planning permission S/01283/10/CM; subject to the reinstatement of condition 13 of S/01669/02/CM; subject to the conditions of S/01669/02/CM and S/01283/10/CM that remain relevant and a variation of the S106 agreement attached to the original planning permission to cover:

(i) Agreements from landowners, British Rail, drainage bodies, Highways Agency, Local Highway Authority to carry out and maintain the irrigation infrastructure

(ii) HCV routing scheme

(iii) Habitat creation and management plan

(iv) Groundwater and surface water monitoring

(v) Public access strategy

(vi) Scheme for re-use/disposal of soil and excavated material other than sand and gravel

Condition 3

The development hereby permitted shall be limited to a period expiring on 31 December 2016 by which time all fixed plant, structures and equipment shall have been removed and the landscaping and the commissioning of the reservoir shall have been completed.

Reason: *To ensure that the working and restoration of the mineral site to its proposed use of an agricultural irrigation reservoir takes place in a definitive timescale, in the interests of residential amenity in accordance with the NPPF and policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) and policy GD/2 of the South Cambridgeshire Local Development Framework Development Control Policies DPD (July 2007)*

Condition 13

Within 3 months of the completion and commissioning of the agricultural reservoir hereby permitted, the temporary access shown on plan R1057/2a and any warning signs required by the above condition 12 shall

be removed, and the Cambridge Road cycleway/highway verge reinstated in accordance with a scheme which shall have been submitted to and approved in writing by the Mineral Planning Authority within 3 months of the date of this permission. The submitted scheme shall also include details of the reinstatement/repair of the carriageway or verge of Dernford Lane at the point of the vehicle crossing.

Reason: *In the interests of highway safety in accordance with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011)*

Source Documents	Location
Planning permission S/01669/02/CM Planning permission S/01283/10/CM Report to DCC 27 June 2012 Report to Planning Committee February 2014	Shire Hall, Cambridge