

**RETROSPECTIVE APPLICATION FOR THE ERECTION OF DOUBLE STOREY
REPLACEMENT OFFICE BUILDING WITH EXTERNAL ACCESS STAIRCASE**

AT: BARRINGTON QUARRY, HASLINGFIELD ROAD, BARRINGTON, CB22 7RQ

APPLICANT: CEMEX UK OPERATIONS LTD

APPLICATION NO: S/0106/18/CW

To: **Planning Committee**

Date: **03 October 2019**

From: **Joint Interim Assistant Director, Environment and
Commercial**

Electoral division(s): **Gamlingay**

Purpose: **To consider the above planning application.**

Recommendation: **That planning permission is granted subject to the
conditions set out in paragraph 10.1**

<i>Officer contact:</i>	
Name:	Rachel Jones
Post:	Development Management Officer
Email:	Rachels.jones@cambridgeshire.gov.uk
Tel:	01223 706774

1.0 INTRODUCTION/BACKGROUND

- 1.1 In August 2011 planning permission reference S/01080/10/CW (the 2011 permission) was granted by Cambridgeshire County Council (CCC) for the importation by rail of inert and non-hazardous restoration material to partially infill an existing void at Barrington Quarry to provide for the restoration of the western part of the former Barrington Quarry to a combination of agriculture and nature conservation. The permission also allowed the refurbishment of the Barrington Light Railway (BLR). The development was to be completed within 5 years and the planning permission expired on 31 December 2018.
- 1.2 In October 2018 CCC resolved to grant planning permission reference S/0204/16/CW for the importation by rail and deposit of inert waste to restore the former quarry (the 2019 permission). The decision notice was issued on 27 June 2019 following the amendment of the application area to allow condition to apply to the whole of the BLR. The 2019 permission includes most of the 43 hectare area that was included in the 2011 permission but omits the water body known as North Pit and the land around it which amounts to about 7.7 hectares.
- 1.3 In October 2016 South Cambridgeshire District Council (SCDC) granted outline planning permission reference S/2365/14/OL for the demolition of the cement plant and buildings at Barrington Quarry and the redevelopment of the cement works site to provide up to 220 residential units and associated works including a cycle and pedestrian link alongside the BLR to Foxton Station. The permission relates to the construction of residential development on both sides of the railway line within the former cement works area. An Application for the approval of reserved matters was submitted to SCDC on 10 September 2018 under reference S/3485/18/RM. An appeal has been made to the Planning Inspectorate against non-determination of this application and an informal hearing is due to take place on 26 November 2019. In addition a duplicate application reference S/1427/19/RM was submitted to SCDC on 10 April 2019 and is currently under consideration.
- 1.4 In February 2019 planning permission reference S/0107/18/CW was granted by CCC to permit the development of land without complying with condition 2 of planning permission S/01080/10/CW granted in August 2011 (see paragraph 1.1 above) to allow restoration of land bordering North Pit to continue for a further 12 months until 31 December 2019.

2.0 THE SITE AND SURROUNDINGS

- 2.1 The village of Barrington is 10 kilometres (6.21 miles) southwest of Cambridge between the A603 and the A10. The eastern edge of the village forms part of the outer boundary of the Cambridge Green Belt. The village is within the East Anglian Chalk Countryside Character

Area. The quarry is located to the north of the village. The quarry site is large with the area that was covered by the planning permissions for mineral extraction being 135 hectares (334 acres). The former cement works is situated at the south east of the site but the northernmost quarry faces are closer to the villages of Harlton and Haslingfield than Barrington. The cement works and quarry void are surrounded by agricultural land. There are public footpaths along the northern and western perimeters of the quarry.

- 2.2 Access to the site is from the C class Haslingfield Road. The village of Barrington is served by C class roads from the A603 at Orwell and the A10 at Shepreth and Foxton. The quarry and cement works have been served by the BLR, which has linked the site to the main line at Foxton since 1927. For part of its 2 kilometre (1.24 mile) length the BLR is bordered by the houses on Bendyshe Way, Heslerton Way and Glebe Road. There are level crossings at Haslingfield Road, Glebe Road and Foxton Road and a viaduct carries the railway over the river Rhee which is the boundary between the parishes of Barrington and Foxton.
- 2.3 The closest existing residential properties to the proposed office compound area are located at Wilsmere Down Farm approximately 250 metres (approximately 273 yards) to the west. The houses on Haslingfield Road north of the church are approximately 850 metres (approximately 930 yards) from the southernmost elevation of the proposed office building.
- 2.4 The northern part of the quarry and adjacent land to the west and east is designated as the Barrington Chalk SSSI. At its closest it lies directly adjacent to the northern side of the boundary of the existing leachate area in which the office building is to be located. The northernmost part of the Barrington Conservation Area is around the church and Barrington hall some 850 metres (930 yards) from the proposed restoration area. There are 8 listed buildings in this part of the conservation area including Barrington Hall, the church and the war memorial. The closest scheduled monuments are in Haslingfield, north of Harlton and between Foxton and Harston.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 Planning permission S/02365/14/OL was granted by South Cambridgeshire District Council on 27 October 2016 for the erection of 220 residential units on the part of the site which contained the disused cement plant and offices. An element of this development is the demolition of the former administration block for the cement works which had been repurposed as a site office for the restoration of the wider quarry.
- 3.2 Given the imminent proposed demolition of the current office facility the applicant erected a replacement facility on the site and is now seeking

retrospective planning permission for the siting of this replacement facility which comprises a two storey modular building located within the existing leachate management compound within the site. The unit comprises 2 modular buildings each 12.2 metres in length and 3 metres wide, which measure approximately 5 metres in height. The units are painted grey. The units are located within the existing leachate management compound and are not visible from anywhere outside of the quarry site.

4.0 PLANNING HISTORY

- 4.1 The principal historical permissions are set out below. There are many others for ancillary buildings etc.

1948	Winning and working of chalk marls and clay	
SC/50/104	The working of minerals	
SC/57/36	Excavation of chalk marls for the purposes of cement manufacture	
SC/55/25	Erection of new kiln and chimney	
SC/57/174	Erection of 1756 foot replacement chimney	
SC/62/118	Extension of cement works	
S/0245/75	Disposal of domestic refuse and restoration to amenity use	Granted 27 November 1975 but not implemented
S/0696/87	Landfilling with controlled waste and restoration to agricultural use	Granted 02 December 1987 but not implemented
S/00445/92	New conditions on 1948 permission	Granted 17 September 1993
S/01240/97	New conditions on 1950 and 1957 permission	Granted 06 November 1997
S/01080/10/CW	Importation by rail of suitable restoration material over a period of 5 years to partially fill an existing quarry void to provide for the restoration of the western and north western areas and all associated works including railway refurbishment and the retention and continued use of existing weighbridge, office and workshop	Granted 05 August 2011.
S/2365/14/AOL	Demolition of all existing buildings and structures and redevelopment to provide up to	Outline permission granted by

	220 residential units, formal and informal open space including allotments, car parking for Barrington Primary School, new pedestrian and cycle links to Barrington Village and Foxton Station, and associated works.	SCDC on 27 October 2016. The reserved matters are currently being considered by SCDC.
S/0204/16/CW	Importation by rail and deposit of inert restoration material to restore former clay and chalk quarry.	Granted 27 June 2019

5.0 CONSULTATION RESPONSES (SUMMARISED) AND PUBLICITY:-

- 5.1 South Cambridgeshire District Council Planning Department has objected to the application. In the opinion of the District Council due to the nature of these structures they would recommend that these buildings are time limited to the end of the remediation works or 2 years whichever is sooner (temporary) and that no permanent permission is given. The adjacent site was [at the time of writing] currently the subject of a reserved matters application which was due to be determined in February 2019.
- 5.2 Barrington Parish Council – No objection.
- 5.3 Foxton Parish Council – No comments to make
- 5.4 Environment Agency – No response received. A chase up request for comments was sent on 27 February 2019 but no response was received.
- 5.5 Natural England – No objection based on the plans submitted, NE considers that the proposed development will not have significant adverse impacts on statutorily protected species or landscapes.
- 5.6 Bendyshe Residents Association – No comments received.

6.0 REPRESENTATIONS (SUMMARISED):-

- 6.1 No letters of representation have been received in respect of this application.

7.0 PLANNING POLICY

- 7.1 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 development plan policies are set out in paragraphs 7.5 to 7.6 below.

7.2 The National Planning Policy Framework (NPPF) Feb 2019 sets out the Government's planning policies and how it expects them to be applied. It is a material consideration in planning decisions and at its heart is a presumption in favour of sustainable development (Paragraph 11). It states that for decision-taking this means:

- *Approving development proposals that accord with an up to date development plan without delay; or*
- *Where there are no relevant development plan policies, or the policies which are most relevant for determining the application area out of date, granting permission unless:*
 - i) *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii) *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.*

7.3 Paragraph 38 requires local planning authorities to approach decisions on proposed development in a positive and creative way and that they should work pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

7.4 Planning Practice Guidance (PPG) is also a material planning consideration.

7.5 Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011) (M&WCS)

CS2: Strategic Vision and Objectives for Sustainable Waste Management Development;

CS33: Protection of Landscape Character;

CS34: Protecting Surrounding Areas; and

CS41: Ancillary Development.

7.6 South Cambridgeshire Local Plan (adopted September 2018) (the SCLP)

NH/2: Protecting and Enhancing Landscape Character;

HQ/1: Design Principles; and

SC/10: Noise Pollution

Emerging planning policy

- 7.7 Cambridgeshire County Council and Peterborough City Council are in the process of reviewing their Joint Minerals and Waste Development Plan. The current Core Strategy Development Plan Document (DPD) was adopted in 2011 and the Site Specific Proposals DPD was adopted in 2012. These two plans are being reviewed and a single Joint Minerals and Waste Local Plan (MWLP) covering the two Authority areas is being produced. The consultation on the further draft Cambridgeshire and Peterborough Minerals and Waste Plan ran from 15 March to 09 May 2019. All comments received will be considered by the councils, and, where appropriate, incorporated into the Proposed Submission Local Plan, which is due to be published for consultation in November/December 2019. It is not expected that the process will be completed until late 2020.

8.0 PLANNING CONSIDERATIONS

Principle of Development

- 8.1 This is an established quarry which has an extensive history for cement production. The restoration of the site is ongoing and planning permission has recently been granted under reference S/0204/16/CW for the importation of inert restoration material to restore former clay and chalk quarry to complete this with an end date of 31 December 2035. In order to manage the importation of material by rail and the restoration works on the site it is imperative that the site operator has a suitably located site office. The approval of outline planning permission for the erection of 220 residential dwellings which encompasses the site of the existing site office has necessitated the provision of an alternative facility by the Operator. It is therefore considered that the principle of the development has been established for the siting and retention of this ancillary modular site office building within the existing leachate compound for the duration of the restoration works.

Effect on neighbouring SSSI

- 8.2 Natural England has no objection to the proposal and considers that the proposed development would have no significant adverse impact on statutorily protected species or landscapes. It is therefore considered that the erection of the proposed office building within the existing leachate compound will not damage or destroy the interest features for which the neighbouring Barrington Chalk Pit SSSI has been notified. It is considered that the proposed development will not adversely affect the SSSI and that the proposal would therefore comply with MWCS policies CS2 and CS34.

Visual Impact

- 8.3 The siting of the proposed office building is necessitated by the imminent demolition of the former cement plant offices as part of the site clearance works in advance of the erection of 220 residential units approved by SCDC under planning permission ref S/2365/14/OL for which a reserved matters application has now been submitted for consideration to SCDC. The two storey office building has been sited within the existing leachate compound which is not visible from any point outside of the site and surrounded by existing plant related to the existing site operations. It is considered that the proposed development is required as ancillary development that would comply with MWCS policies CS33 and CS41, and SCLP policy NH/2.
- 8.4 The proposal is for a modular building painted light grey (RAL9010). This is entirely in keeping with other existing plant, machinery and other structures already located in this part of the Cement plant site. The building cannot be seen from beyond the immediate application site and will have no adverse impact on the character or appearance of the local area and therefore its design and visual appearance is considered to comply with the requirements of MWCS policies CS2, CS33 and CS34 and SCLP policies NH/2 and HQ/1.

Noise Disturbance

- 8.5 The proposed office building would be utilised during the existing site operation hours. It is not considered that the siting of an administrative office block within the existing leachate compound would have any adverse impact on the occupants of Wilsmere Down Farm in terms of noise disturbance. Planning permission reference S/0204/16/CW which was granted consent on 27 June 2019 specifies the permitted hours of operation for the unloading of trains, transport of waste to the receptor areas, land levelling, soiling and initial cultivation as being between 0600 and 2200 Monday to Friday and between 0600 and 1300 on Saturdays with no working on Sundays or public or bank holidays. The applicant has requested that the same working hours be conditioned for the use of site office associated with those works and an appropriate hours of operation condition reflecting the existing consented hours is proposed (see draft condition 3). It is considered that due to the siting of the offices within the site, well screened from any neighbouring developments that no loss of amenity will result for any neighbouring occupiers as a result of the proposed hours of use. The proposed siting of the offices in this location would therefore comply with MWCS policy CS34 in this respect.

Duration of Development

- 8.6 It is acknowledged that the applicant has erected this new modular 2 storey building to serve as the site offices for the duration of the importation and deposit of inert restoration material to restore the

former clay and chalk quarry for which planning permission has been granted under reference S/0204/16/CW on 27 June 2019. The end date on this permission is conditioned to 31 December 2035. South Cambridgeshire District Council has objected to this application on the basis that as the proposed building is of a modular construction and considered temporary, that therefore temporary planning consent should be granted for a period of 2 years and that an application to retain the building for a further period should be submitted on the expiration of each consent for such time as is necessary.

- 8.7 Whilst it is acknowledged that the proposed office building is of modular form, the building itself is new, and has an anticipated useful life well in excess of 16 years. The building is not visible from outside of the leachate compound area and has been painted to match the existing plant and machinery located in this part of the site. It is not therefore considered that the appearance of this building, if retained on site in its current form until the expiration of planning permission S/0204/16/CW on 31 December 2035 to provide the necessary office accommodation for the implementation of the approved restoration works, will detract from the character or appearance of the site.
- 8.8 The office building is not therefore visible from any part of the neighbouring Conservation Area and is not therefore considered to have any impact on the character of the Conservation Area, nor is the office building due to its location considered to have any impact on the setting or appearance of any of the nearby grade II listed buildings. Both section 66 and section 77 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 193 of the NPPF have been considered in this respect and subsequently discounted due to the siting of the building, the distance from the Conservation Area and the listed buildings in question and due to the fact to the building is screened by existing features and buildings on the site.
- 8.9 SCDC planning officers were asked to provide further detail on why a temporary timescale to match the restoration of the site was inappropriate in their view, but no evidence was provided. Guidance and case law was also sought to establish if a temporary permission would need to be for a shorter time period. However, no case law was found to exclude the Council looking to tie the life of this structure to the restoration timescale for the site under planning permission S/0204/16/CW. In particular it is noted that section 70(1) of the Town and Country Planning Act 1990 provides that *'where an application made to a local planning authority for planning permission..... they may grant planning permission, either unconditionally or subject to such conditions as they think fit ...'* This section of the Act is supplemented by section 72(1)(b) which provides: *'Without prejudice to the generality of section 70(1), conditions may be imposed on the grant of planning permission under that section for requiring the removal of any building or works authorised by the permission, or the discontinuance of any use of the land so authorised, at the end of a specified period, and the*

carrying out of any works required for the reinstatement of land at the end of that period.'

- 8.10 It is recognised that whilst these provisions are widely drafted, the power to impose conditions is not limitless, and that the conditions must still meet the tests set out in the NPPF paragraph 55, being that they must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. In this instance, it is considered that the retention of a site office for the duration of the ongoing restoration works to Barrington Quarry which is time limited to the completion of those restoration works, at which time it would be removed from the site and the site office area restored meets all of the requirements of these tests.
- 8.11 It is therefore considered that should members be minded to grant consent for this development conditions should be added including requiring the removal of the office building and the restoration of the site no later than 31 December 2035 or at such time as the importation and deposit of inert restoration material to restore the former clay and chalk quarry is completed, whichever is the sooner, in compliance with the end date attached to planning permission S/0204/16/CW and for the submission of a restoration plan for the site office area to avoid the office building remaining on the site in perpetuity after the completion of the approved restoration works and to ensure that the site office area is fully restored.

9.0 CONCLUSION

- 9.1 For the reasons set out in this report it is considered that the siting of a two storey modular office building for the duration of the approved importation and deposit of inert restoration material to restore the former clay and chalk quarry to 31 December 2035 is considered acceptable and that subject to the recommended conditions, the proposal is compliant with national and local planning policy and guidance and should be supported.

10.0 RECOMMENDATION

- 10.1 It is recommended that planning permission be granted, subject to the following conditions:

Approved plans and documents

1. The retrospective development hereby permitted shall not proceed except in accordance with the details set out in the submitted application dated 06 November 2018 and the following approved plans

and documents (received 20 November 2018 unless otherwise stated), except as otherwise required by any of the following conditions set out in this planning permission:

- Drawing number 18_C041_BARR_001 – Site Location Plan
- Drawing number 18_C041_BARR_002 – Site Plan
- Drawing number 18_C041_BARR_003 – Site Cabins

Reason: To define the site and to protect the character and appearance of the locality in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).

Duration of permission

2. This permission shall be for a limited period only expiring on 31 December 2035 or on the completion to the satisfaction of the Waste Planning Authority of the importation and deposit of inert restoration material to restore the former clay and chalk quarry approved under planning permission reference S/0204/16/CW whichever is the sooner. On or before this date, the development carried out in pursuance of this permission shall be demolished/removed from the site and the land restored to its former condition in accordance with a scheme which shall have been previously submitted to and been approved in writing by the Local Planning Authority.

Reason: The use is not considered suitable as a permanent form of development and to protect the amenities of adjacent land users in accordance with policies CS2, CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011) and policy NH/2 of the South Cambridgeshire District Local Plan (2018).

Hours of operation

3. The site office building hereby approved shall not be occupied for use except between the hours of 0600 and 2200 hours Monday to Friday and between 0600 and 1300 on Saturdays. There shall be no Sunday or bank or public holiday working.

Reason: To protect the amenities of adjacent land users in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011) and policy SC/10 of the South Cambridgeshire Local Plan (2018).

Lighting

4. No additional external lighting shall be erected or installed unless full details have been submitted to and approved in writing by the Waste Planning Authority. The external lighting shall be erected or installed and maintained in accordance with the approved details.

Reason: *To protect the amenities of nearby residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

Compliance with paragraph 38 of the National Planning Policy Framework (February 2019)

The Waste Planning Authority has worked proactively with the applicant to ensure that the proposed development is acceptable in planning terms. All land use planning matters have been given full consideration relating to the retention of a two storey site office with external access staircase. Consultation took place with statutory consultees and other consultees, including local residents, which have been taken into account in the decision making process.

Source Documents	Location
<p>Link to the National Planning Policy Framework (July 2018) https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>Link to the Cambridgeshire and Peterborough Minerals and Waste Core Strategy: https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/adopted-minerals-and-waste-plan/</p> <p>Link to the South Cambridgeshire Local Plan 2018 https://www.scambs.gov.uk/media/12740/south-cambridgeshire-adopted-local-plan-270918_sml.pdf</p>	